

By: Senator(s) Nunnelee

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 505

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTIONS
2 252, 34, 35, 36, 116, 133, 134, 135, 140, 168, 171, 173 AND 174,
3 MISSISSIPPI CONSTITUTION OF 1890, TO CHANGE, EFFECTIVE 2006, THE
4 YEARS IN WHICH STATEWIDE GENERAL ELECTIONS ARE HELD TO EVEN
5 NUMBERED YEARS; TO LOWER THE TERM OF OFFICE FOR OFFICERS ELECTED
6 IN 2003 TO THREE YEARS FOR ONE TERM ONLY TO EFFECTUATE SUCH
7 CHANGE; AND TO ADJUST THE LENGTH OF REGULAR LEGISLATIVE SESSIONS
8 TO CONFORM TO THE CHANGE TO ELECTIONS IN EVEN NUMBERED YEARS.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
10 MISSISSIPPI, That the following amendments to the Mississippi
11 Constitution of 1890 are proposed to the qualified electors of the
12 state.

13 Amend Section 252, Mississippi Constitution of 1890, to read
14 as follows:

15 Section 252. The term of office of all elective officers
16 under this Constitution shall be four (4) years, except as
17 otherwise provided in this Constitution. The term of office for
18 elective officers that begins in A.D. 2004 shall be three (3)
19 years. A general election for all elective officers shall be held
20 on the Tuesday next after the first Monday of November, A.D. 2003,
21 thereafter a general election shall be held on the first Tuesday
22 after the first Monday of November, A.D. 2006, and every four (4)
23 years thereafter. * * * The Legislature may change the day and
24 date of general elections to any day and date in October, November
25 or December.

26 Amend Section 34, Mississippi Constitution of 1890, to read
27 as follows:

28 Section 34. The House of Representatives shall consist of
29 members chosen * * * by the qualified electors of the
30 several * * * representative districts.



31 Amend Section 35, Mississippi Constitution of 1890, to read
32 as follows:

33 Section 35. The Senate shall consist of members chosen * * *
34 by the qualified electors of the several districts.

35 Amend Section 36, Mississippi Constitution of 1890, to read
36 as follows:

37 Section 36. The Legislature shall meet at the seat of
38 government in regular session on the Tuesday after the first
39 Monday of January. A regular session is limited to ninety (90)
40 calendar days, but the regular session following the state general
41 election is limited to * * * one hundred twenty-five (125)
42 calendar days. * * * The House of Representatives, by resolution
43 with the Senate concurring therein, and by a two-thirds (2/3) vote
44 of those present and voting in each house, may extend a regular
45 session for a period of thirty (30) days with no limit on the
46 number of extensions to each session.

47 Amend Section 116, Mississippi Constitution of 1890, to read
48 as follows:

49 Section 116. The chief executive power of this state shall
50 be vested in a Governor * * *. Any person elected to the Office
51 of Governor shall be eligible to succeed himself in office.
52 However, no person shall be elected to the Office of Governor more
53 than twice, and no person who has held the Office of Governor or
54 has acted as Governor for more than two (2) years of a term to
55 which another person was elected shall be elected to the Office of
56 Governor more than once.

57 Amend Section 133, Mississippi Constitution of 1890, to read
58 as follows:

59 Section 133. There shall be a Secretary of State who shall
60 be elected * * *. He shall be at least twenty-five (25) years of
61 age and a citizen of the state five (5) years next preceding the
62 day of his election. * * * He shall be keeper of the Capitol; he
63 shall keep a correct register of all official acts and proceedings



64 of the Governor; and shall, when required, lay the same, and all
65 papers, minutes and vouchers relative thereto, before the
66 Legislature, and he shall perform such other duties as may be
67 required of him by law. He shall receive such compensation as
68 shall be prescribed.

69 Amend Section 134, Mississippi Constitution of 1890, to read
70 as follows:

71 Section 134. A State Treasurer and an Auditor of Public
72 Accounts shall be elected * * * and shall possess the same
73 qualifications as required for the Secretary of State. They shall
74 receive such compensation as may be provided by law.

75 Amend Section 135, Mississippi Constitution of 1890, to read
76 as follows:

77 Section 135. * * * There shall be a sheriff, coroner,
78 assessor, tax collector and surveyor for each county to be
79 selected as elsewhere provided herein, * * * and who shall be
80 eligible to immediately succeed themselves in office. * * * If
81 the offices of sheriff and tax collector are combined, the holder
82 thereof shall not be eligible to immediately succeed himself in
83 office. The Legislature may combine any one or more of these
84 offices in any county or counties and shall fix their
85 compensation. The duties heretofore imposed on the county
86 treasurer shall be discharged by some person or persons selected
87 as required by law.

88 Amend Section 140, Mississippi Constitution of 1890, to read
89 as follows:

90 Section 140. The Governor of the state shall be chosen in
91 the following manner: On the first Tuesday after the first Monday
92 of November of A.D. 2003, and on the first Tuesday after the first
93 Monday of November of A.D. 2006, and every four (4) years
94 thereafter, until the day shall be changed by law, an election
95 shall be held in the several counties and districts created for
96 the election of members of the House of Representatives in this



97 state, for Governor, and the person receiving in any county or
98 such legislative district the highest number of votes cast
99 therein, for said office, shall be holden to have received as many
100 votes as such county or district is entitled to members in the
101 House of Representatives, which last named votes are hereby
102 designated "electoral votes." In all cases where a Representative
103 is apportioned to two (2) or more counties or districts, the
104 electoral vote based on such Representative shall be equally
105 divided among such counties or districts. The returns of said
106 election shall be certified by the election commissioners, or the
107 majority of them, of the several counties and transmitted, sealed,
108 to the seat of government, directed to the Secretary of State, and
109 shall be by him safely kept and delivered to the Speaker of the
110 House of Representatives on the first day of the next ensuing
111 session of the Legislature.

112 The Speaker shall, on the same day he shall have received
113 said returns, open and publish them in the presence of the House
114 of Representatives, and said House shall ascertain and count the
115 vote of each county and legislative district and decide any
116 contest that may be made concerning the same, and said decision
117 shall be made by a majority of the whole number of members of the
118 House of Representatives concurring therein by a viva voce vote,
119 which shall be recorded in its journal; provided, in case the two
120 (2) highest candidates have an equal number of votes in any county
121 or legislative district, the electoral vote of such county or
122 legislative district shall be considered as equally divided
123 between them. The person found to have received a majority of all
124 the electoral votes, and also a majority of the popular vote,
125 shall be declared elected.

126 Amend Section 168, Mississippi Constitution of 1890, to read
127 as follows:

128 Section 168. The Clerk of the Supreme Court shall be
129 appointed by the Supreme Court in the manner and for a term as



130 shall be provided by the Legislature, and the clerk of the circuit
131 court and the clerk of the chancery court shall be selected in
132 each county in the manner provided by law. * * * The Legislature
133 shall provide by law what duties shall be performed during
134 vacation by the clerks of the circuit and chancery courts, subject
135 to the approval of the court.

136 Amend Section 171, Mississippi Constitution of 1890, to read
137 as follows:

138 Section 171. A competent number of justice court judges and
139 constables shall be chosen in each county in the manner provided
140 by law, but not less than two (2) such judges in any county * * *.
141 Each justice court judge shall have resided two (2) years in the
142 county next preceding his selection and shall be a high school
143 graduate or have a general equivalency diploma unless he shall
144 have served as a justice of the peace or been elected to the
145 office of justice of the peace prior to January 1, 1976. All
146 persons elected to the office of justice of the peace in November
147 1975, shall take office in January 1976, as justice court judges.

148 The maximum civil jurisdiction of the justice court shall
149 extend to causes in which the principal amount in controversy is
150 Five Hundred Dollars (\$500.00) or such higher amount as may be
151 prescribed by law. The justice court shall have jurisdiction
152 concurrent with the circuit court over all crimes whereof the
153 punishment prescribed does not extend beyond a fine and
154 imprisonment in the county jail; but the Legislature may confer on
155 the justice court exclusive jurisdiction in such petty
156 misdemeanors as the Legislature shall see proper.

157 In all causes tried in justice court, the right of appeal
158 shall be secured under such rules and regulations as shall be
159 prescribed by law, and no justice court judge shall preside at the
160 trial of any cause where he may be interested, or the parties or
161 either of them shall be connected with him by affinity or



162 consanguinity, except by the consent of the justice court judge
163 and of the parties.

164 All reference in the Mississippi Code to justice of the peace
165 shall mean justice court judge.

166 Amend Section 173, Mississippi Constitution of 1890, to read
167 as follows:

168 Section 173. There shall be an Attorney General elected at
169 the same time and in the same manner as the Governor is
170 elected, * * * and whose compensation shall be fixed by law. The
171 qualifications for the Attorney General shall be the same as
172 * * * prescribed for judges of the circuit and chancery courts.

173 Amend Section 174, Mississippi Constitution of 1890, to read
174 as follows:

175 Section 174. A district attorney for each circuit court
176 district shall be selected in the manner provided by law. * * *
177 The duties shall be prescribed by law, and * * * compensation
178 shall be a fixed salary.

179 BE IT FURTHER RESOLVED, That the amendments in this
180 resolution shall be submitted to the qualified electors as one (1)
181 amendment since the proposed amendments pertain to one (1)
182 subject, at an election to be held on the first Tuesday after the
183 first Monday of November 2002, as provided by Section 273 of the
184 Constitution and by law.

185 BE IT FURTHER RESOLVED, That the explanation of the amendment
186 for the ballot shall read as follows: "This amendment provides
187 that the general election shall be held in an even year beginning
188 in 2006. The term of office of elective offices beginning in 2004
189 is reduced to three (3) years for one (1) term only to carry out
190 this change. Legislative session lengths are adjusted to
191 conform."

192 BE IT FURTHER RESOLVED, That the Attorney General of the
193 State of Mississippi shall submit this resolution, immediately
194 upon adoption by the Legislature of the State of Mississippi, to



195 the Attorney General of the United States or to the United States
196 District Court for the District of Columbia in accordance with the
197 provisions of the Voting Rights Act of 1965, as amended and
198 extended.

