To: Constitution

MISSISSIPPI LEGISLATURE REGULAR SESSION 2001
By: Senator(s) Nunnelee To: Constitution

SENATE CONCURRENT RESOLUTION NO. 505

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

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

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

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

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

Section 34. The House of Representatives shall consist of members chosen by the qualified electors of the several representative districts.
Amend Section 35, Mississippi Constitution of 1890, to read as follows:

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

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

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

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

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

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

Section 133. There shall be a Secretary of State who shall be elected. He shall be at least twenty-five (25) years of age and a citizen of the state five (5) years next preceding the day of his election. He shall be keeper of the Capitol; he shall keep a correct register of all official acts and proceedings.
of the Governor; and shall, when required, lay the same, and all
papers, minutes and vouchers relative thereto, before the
Legislature, and he shall perform such other duties as may be
required of him by law. He shall receive such compensation as
shall be prescribed.

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

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

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

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

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

Section 140. The Governor of the state shall be chosen in
the following manner: On the first Tuesday after the first Monday
of November of A.D. 2003, and on the first Tuesday after the first
Monday of November of A.D. 2006, and every four (4) years
thereafter, until the day shall be changed by law, an election
shall be held in the several counties and districts created for
the election of members of the House of Representatives in this
state, for Governor, and the person receiving in any county or such legislative district the highest number of votes cast therein, for said office, shall be holden to have received as many votes as such county or district is entitled to members in the House of Representatives, which last named votes are hereby designated "electoral votes." In all cases where a Representative is apportioned to two (2) or more counties or districts, the electoral vote based on such Representative shall be equally divided among such counties or districts. The returns of said election shall be certified by the election commissioners, or the majority of them, of the several counties and transmitted, sealed, to the seat of government, directed to the Secretary of State, and shall be by him safely kept and delivered to the Speaker of the House of Representatives on the first day of the next ensuing session of the Legislature.

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

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

Section 168. The Clerk of the Supreme Court shall be appointed by the Supreme Court in the manner and for a term as
shall be provided by the Legislature, and the clerk of the circuit
court and the clerk of the chancery court shall be selected in
each county in the manner provided by law. * * * The Legislature
shall provide by law what duties shall be performed during
vacation by the clerks of the circuit and chancery courts, subject
to the approval of the court.

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, That the Attorney General of the State of Mississippi shall submit this resolution, immediately upon adoption by the Legislature of the State of Mississippi, to
the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.