

By: Representative Fleming

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 12

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTION 140
2 AND SECTION 252, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT
3 ELECTIONS FOR STATEWIDE, LEGISLATIVE AND COUNTY ELECTIVE OFFICES
4 SHALL OCCUR IN THE SAME YEARS AS THE PRESIDENTIAL ELECTION.

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

9 I.

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

12 "Section 140. The Governor of the state shall be chosen in
13 the following manner: On the first Tuesday after the first Monday
14 of November of A.D. 2004, and on the first Tuesday after the first
15 Monday of November in every fourth year thereafter, until the day
16 shall be changed by law, an election shall be held in the several
17 counties and districts created for the election of members of the
18 House of Representatives in this state, for Governor, and the
19 person receiving in any county or such legislative district the
20 highest number of votes cast therein, for said office, shall be
21 holden to have received as many votes as such county or district
22 is entitled to members in the House of Representatives, which last
23 named votes are hereby designated "electoral votes." In all cases
24 where a representative is apportioned to two (2) or more counties
25 or districts, the electoral vote based on such representative,
26 shall be equally divided among such counties or districts. The
27 returns of said election shall be certified by the election
28 commissioners, or the majority of them, of the several counties



29 and transmitted, sealed, to the seat of government, directed to
30 the Secretary of State, and shall be by him safely kept and
31 delivered to the Speaker of the House of Representatives on the
32 first day of the next ensuing session of the Legislature.

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

47 II.

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

50 "Section 252. The term of office of all elective officers
51 under this Constitution shall be four years, except as otherwise
52 provided herein. A general election for all elective officers
53 shall be held on the Tuesday next after the first Monday of
54 November, A.D. 2004, and every four (4) years thereafter;
55 provided, the Legislature may change the day and date of general
56 elections to any day and date in October, November or December."

57 BE IT FURTHER RESOLVED, That these proposed amendments shall
58 be submitted by the Secretary of State to the qualified electors
59 at an election to be held on the first Tuesday after the first
60 Monday of November 2003, as provided by Section 273 of the
61 Constitution and by general law, with the amendments in this



62 resolution being voted on as one (1) amendment since the proposed
63 amendments pertain to one (1) subject.

64 BE IT FURTHER RESOLVED, That the explanation of this proposed
65 amendment for the ballot shall read as follows: "This proposed
66 constitutional amendment will provide that elections of statewide,
67 legislative and county public officials shall occur in the same
68 years as the presidential election."

