

By: Representative Fleming

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 12

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTIONS 34,
2 35, 116, 133, 134, 140, 135, 168, 171, 173, 174 AND 252,
3 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT ELECTIONS FOR
4 STATEWIDE, LEGISLATIVE AND COUNTY ELECTIVE OFFICES SHALL OCCUR IN
5 THE SAME YEARS AS THE PRESIDENTIAL ELECTION; TO BRING FORWARD
6 SECTIONS 128 AND 143, MISSISSIPPI CONSTITUTION OF 1890; AND FOR
7 RELATED PURPOSES.

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

12 I.

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

15 "Section 34. The House of Representatives shall consist of
16 members chosen every four (4) years by the qualified electors of
17 the several counties and representative districts except that
18 representatives elected in 2003 shall hold office for a term of
19 five (5) years."

20 II.

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

23 "Section 35. The Senate shall consist of members chosen
24 every four (4) years by the qualified electors of the several
25 districts except that senators elected in 2003 shall hold office
26 for a term of five (5) years."

27 III.

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

94 next ensuing session of the Legislature. The Governor elected in
95 2003 shall hold office for a term of five (5) years.

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

110 VII.

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

113 "Section 135. (1) Effective January 1, 1964, there shall be
114 a sheriff, coroner, assessor, tax collector and surveyor for each
115 county to be selected as elsewhere provided herein, who, except as
116 provided in subsection (2) of this section, shall hold their
117 office for four (4) years and who shall be eligible to immediately
118 succeed themselves in office, provided, however, if the offices of
119 sheriff and tax collector are combined the holder thereof shall
120 not be eligible to immediately succeed himself in office. The
121 Legislature may combine any one or more of said offices in any
122 county or counties and shall fix their compensation. The duties
123 heretofore imposed on the county treasurer shall be discharged by
124 some person or persons selected as required by law.

157 justice of the peace in November 1975 shall take office in January
158 1976 as justice court judges.

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

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

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

177 X.

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

180 "Section 173. (1) There shall be an Attorney General
181 elected at the same time and in the same manner as the Governor is
182 elected, whose term of office shall be four (4) years, except as
183 provided in subsection (2) of this section, and whose compensation
184 shall be fixed by law. The qualifications for the Attorney
185 General shall be the same as herein prescribed for judges of the
186 circuit and chancery courts.

187 (2) The Attorney General elected in 2003 shall hold office
188 for a term of five (5) years."

189 XI.

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

192 "Section 174. (1) A district attorney for each circuit
193 court district shall be selected in the manner provided by law,
194 whose term of office shall be four (4) years, except as provided
195 in subsection (2) of this section, whose duties shall be
196 prescribed by law, and whose compensation shall be a fixed salary.
197 (2) The district attorney elected in 2003 shall hold office
198 for a term of five (5) years."

199 XII.

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

202 "Section 252. The term of office of all elective officers
203 under this Constitution shall be four (4) years, except as
204 otherwise provided in this Constitution. A general election for
205 all elective officers shall be held on the Tuesday next after the
206 first Monday of November, A.D. 2008, and every four (4) years
207 thereafter; provided, the Legislature may change the day and date
208 of general elections to any day and date in October, November or
209 December."

210 XIII.

211 Section 128, Mississippi Constitution of 1890, is brought
212 forward as follows:

213 "Section 128. There shall be a Lieutenant Governor who shall
214 be elected at the same time, in the same manner, and for the same
215 term, and who shall possess the same qualifications as required of
216 the Governor. Any person elected to the Office of Lieutenant
217 Governor shall be eligible to succeed himself in office, but no
218 person who has been elected to the Office of Lieutenant Governor
219 for two (2) successive terms shall be eligible to hold that office
220 until one (1) term has intervened."

221 XIV.

222 Section 143, Mississippi Constitution of 1890, is brought
223 forward as follows:

224 "Section 143. All other state officers shall be elected at
225 the same time, and in the same manner as provided for election of
226 Governor."

227 BE IT FURTHER RESOLVED, That these proposed amendments shall
228 be submitted by the Secretary of State to the qualified electors
229 at an election to be held on the first Tuesday after the first
230 Monday of November 2004, as provided by Section 273 of the
231 Constitution and by general law, with the amendments in this
232 resolution being voted on as one (1) amendment since the proposed
233 amendments pertain to one (1) subject.

234 BE IT FURTHER RESOLVED, That the explanation of this proposed
235 amendment for the ballot shall read as follows: "This proposed
236 constitutional amendment will provide that elections of statewide,
237 legislative and county public officials shall occur in the same
238 years as the presidential election."

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