

By: Senator(s) Nunnelee

To: Elections; Constitution

SENATE CONCURRENT RESOLUTION NO. 515

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 2010, THE
4 YEARS IN WHICH STATEWIDE GENERAL ELECTIONS ARE HELD TO EVEN
5 NUMBERED YEARS; TO REDUCE THE TERM OF OFFICE FOR OFFICERS ELECTED
6 IN 2007 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 2008 shall be three (3) years. A
19 general election for all elective officers shall be held on the
20 Tuesday next after the first Monday of November 2007, thereafter a
21 general election shall be held on the first Tuesday after the
22 first Monday of November 2010, and every four (4) years
23 thereafter. * * * The Legislature may change the day and date of
24 general elections to any day and date in October, November or
25 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 2007, and on the first Tuesday after the first Monday
93 of November 2010, and every four (4) years thereafter, until the
94 day shall be changed by law, an election shall be held in the
95 several counties and districts created for the election of members
96 of the House of Representatives in this state, for Governor, and

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

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

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

127 Section 168. The Clerk of the Supreme Court shall be
128 appointed by the Supreme Court in the manner and for a term as
129 shall be provided by the Legislature, and the clerk of the circuit

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

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

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

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

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

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

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

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

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

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

178 BE IT FURTHER RESOLVED, That the amendments in this
179 resolution shall be submitted to the qualified electors as one
180 amendment since the proposed amendments pertain to one subject, at
181 an election to be held on the first Tuesday after the first Monday
182 of November 2004, as provided by Section 273 of the Constitution
183 and by law.

184 BE IT FURTHER RESOLVED, That the explanation of the amendment
185 for the ballot shall read as follows: "This amendment provides
186 that the general election shall be held in an even year beginning
187 in 2010. The term of office of elective offices beginning in 2008
188 is reduced to three years for one term only to carry out this
189 change. Legislative session lengths are adjusted to conform."

190 BE IT FURTHER RESOLVED, That the Attorney General of the
191 State of Mississippi shall submit this resolution, immediately
192 upon adoption by the Legislature of the State of Mississippi, to
193 the Attorney General of the United States or to the United States
194 District Court for the District of Columbia in accordance with the

195 provisions of the Voting Rights Act of 1965, as amended and
196 extended.