

By: Senator(s) Dawkins

To: Elections; Constitution

SENATE CONCURRENT RESOLUTION NO. 516

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI  
 2 CONSTITUTION OF 1890 CREATING A NEW SECTION 255 TO REQUIRE THE  
 3 GOVERNOR TO CALL A SPECIAL SESSION IN THE FIRST YEAR FOLLOWING THE  
 4 2010 DECENNIAL CENSUS AND EVERY TEN YEARS THEREAFTER FOR THE  
 5 PURPOSE OF REDISTRICTING THE CONGRESSIONAL DISTRICTS OF THIS  
 6 STATE; TO PROVIDE THAT SUCH REDISTRICTING SHALL BE ACCOMPLISHED BY  
 7 PASSAGE OF A JOINT RESOLUTION; TO PROVIDE THAT IF THE LEGISLATURE  
 8 SHALL FAIL TO ADOPT SUCH JOINT RESOLUTION, A FIVE-MEMBER  
 9 COMMISSION COMPOSED OF THE CHIEF JUSTICE OF THE SUPREME COURT AS  
 10 CHAIRMAN, THE ATTORNEY GENERAL, SECRETARY OF STATE, THE SPEAKER OF  
 11 THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE  
 12 SENATE SHALL CONVENE AND WITHIN THIRTY DAYS OF THE ADJOURNMENT OF  
 13 SUCH SPECIAL SESSION REDISTRICT THE CONGRESSIONAL DISTRICTS OF  
 14 THIS STATE; AND FOR RELATED PURPOSES.

15 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
 16 MISSISSIPPI, That the following amendment to the Mississippi  
 17 Constitution of 1890 is proposed to the qualified electors of the  
 18 state:

19 Section 255. Not later than October 31 in the first year  
 20 following the 2010 decennial census and every ten (10) years  
 21 thereafter, the Governor shall call a special session to  
 22 redistrict by joint resolution the congressional districts of this  
 23 state in accordance with all applicable constitutional and  
 24 statutory law. Such special session shall not exceed thirty (30)  
 25 consecutive days, during which no other business shall be  
 26 conducted and it shall be the mandatory duty of the Legislature to  
 27 adopt a joint resolution redistricting the congressional districts  
 28 of this state. Should such special session not adopt the joint  
 29 resolution as required by this section, a five-member commission  
 30 consisting of the Chief Justice of the Supreme Court as chairman,  
 31 the Attorney General, the Secretary of State, the Speaker of the  
 32 House of Representatives and the President Pro Tempore of the  
 33 Senate shall immediately convene and within thirty (30) days of

34 the adjournment of such special session redistrict the  
35 congressional districts of this state. Such redistricting shall  
36 be final upon filing with the Office of the Secretary of State.

37 BE IT FURTHER RESOLVED, That this proposed amendment shall be  
38 submitted by the Secretary of State to the qualified electors at  
39 an election to be held on the first Tuesday after the First Monday  
40 of November 2004, as provided by Section 273 of the Constitution  
41 and by general law.

42 BE IT FURTHER RESOLVED, That the explanation of this proposed  
43 amendment for the ballot shall read as follows: "This proposed  
44 constitutional amendment requires the Governor to call a special  
45 session for the purpose of redistricting the state's congressional  
46 districts in the year following a decennial census. If the  
47 special session adjourns without adopting a joint resolution  
48 redistricting the congressional districts, a commission composed  
49 of the Chief Justice of the Supreme Court, the Attorney General,  
50 the Secretary of State, the Speaker of the House of  
51 Representatives and the President Pro Tempore of the Mississippi  
52 Senate is required to convene and redistrict the congressional  
53 districts."

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