

By: Representative Brown

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 21

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTION 102,  
2 SECTION 140 AND SECTION 252, MISSISSIPPI CONSTITUTION OF 1890, TO  
3 PROVIDE THAT ELECTIONS FOR STATEWIDE OFFICES SHALL OCCUR IN 2007  
4 AND EVERY FOUR YEARS THEREAFTER.

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 102, Mississippi Constitution of 1890, to read  
11 as follows:

12 "Section 102. All general elections for \* \* \* county  
13 officers shall commence and be holden every four (4) years, on the  
14 first Tuesday after the first Monday in November, until altered by  
15 the law; and the electors, in all cases except in cases of  
16 treason, felony, and breach of peace, shall be privileged from  
17 arrest during their attendance at elections and in going to and  
18 returning therefrom."

19 II.

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

22 "Section 140. The Governor of the state shall be chosen in  
23 the following manner: On the first Saturday after the first  
24 Monday of November of 2007, and on the first Saturday after the  
25 first Monday of November in 2007 and in every fourth year  
26 thereafter, until the day shall be changed by law, an election  
27 shall be held in the several counties and districts created for  
28 the election of members of the House of Representatives in this

29 state, for Governor, and the person receiving in any county or  
30 such legislative district the highest number of votes cast  
31 therein, for said office, shall be holden to have received as many  
32 votes as such county or district is entitled to members in the  
33 House of Representatives, which last named votes are hereby  
34 designated "electoral votes." In all cases where a representative  
35 is apportioned to two (2) or more counties or districts, the  
36 electoral vote based on such representative, shall be equally  
37 divided among such counties or districts. The returns of said  
38 election shall be certified by the election commissioners, or the  
39 majority of them, of the several counties and transmitted, sealed,  
40 to the seat of government, directed to the Secretary of State, and  
41 shall be by him safely kept and delivered to the Speaker of the  
42 House of Representatives on the first day of the next ensuing  
43 session of the Legislature.

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

58 III.

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

61           "Section 252. The term of office of all elective officers  
62 under this Constitution shall be four (4) years, except as  
63 otherwise provided herein. A general election for all state  
64 elective officers shall be held on the Saturday next after the  
65 first Monday of November 2007, and every four (4) years  
66 thereafter; provided, the Legislature may change the day and date  
67 of general elections to any day and date in October, November or  
68 December."

69           BE IT FURTHER RESOLVED, That these proposed amendments shall  
70 be submitted by the Secretary of State to the qualified electors  
71 at an election to be held on the first Tuesday after the first  
72 Monday of November 2006, as provided by Section 273 of the  
73 Constitution and by general law, with the amendments in this  
74 resolution being voted on as one (1) amendment since the proposed  
75 amendments pertain to one (1) subject.

76           BE IT FURTHER RESOLVED, That the explanation of this proposed  
77 amendment for the ballot shall read as follows: "This proposed  
78 constitutional amendment provides that elections of statewide  
79 public officials will occur in 2007 and every four years  
80 thereafter."