

By: Representative Snowden

To: Constitution;
Apportionment and Elections

HOUSE CONCURRENT RESOLUTION NO. 38

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTION 140
2 AND SECTION 252, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT
3 ELECTIONS FOR STATEWIDE ELECTIVE OFFICES HELD AFTER THE ELECTION
4 IN 2007 SHALL OCCUR IN 2010 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 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. 2007, on the first Tuesday after the first
15 Monday of November, A.D. 2010, and on the first Tuesday after the
16 first Monday of November in every fourth year thereafter, until
17 the day shall be changed by law, an election shall be held in the
18 several counties and districts created for the election of members
19 of the House of Representatives in this state, for Governor, and
20 the person receiving in any county or such legislative district
21 the highest number of votes cast therein, for said office, shall
22 be holden to have received as many votes as such county or
23 district is entitled to members in the House of Representatives,
24 which last named votes are hereby designated "electoral votes."
25 In all cases where a representative is apportioned to two (2) or
26 more counties or districts, the electoral vote based on such
27 representative, shall be equally divided among such counties or
28 districts. The returns of said election shall be certified by the

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

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

48 II.

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

51 "Section 252. The term of office of all elective officers
52 under this Constitution shall be four (4) years, except as
53 otherwise provided herein. The term of office for officers
54 elected under this Constitution in the year 2007 shall be three
55 (3) years. A general election for all elective officers shall be
56 held on the Tuesday next after the first Monday of November, A.D.
57 2007, on the first Tuesday next after the first Monday of
58 November, A.D. 2010, and on the first Tuesday next after the first
59 Monday of November in every four (4) years thereafter; provided,
60 the Legislature may change the day and date of general elections
61 to any day and date in October, November or December."

62 BE IT FURTHER RESOLVED, That these proposed amendments shall
63 be submitted by the Secretary of State to the qualified electors
64 at an election to be held on the first Tuesday after the first
65 Monday of November 2006, as provided by Section 273 of the
66 Constitution and by general law, with the amendments in this
67 resolution being voted on as one amendment since the proposed
68 amendments pertain to one subject.

69 BE IT FURTHER RESOLVED, That the explanation of this proposed
70 amendment for the ballot shall read as follows: "This proposed
71 constitutional amendment provides that after the election held for
72 statewide public officials in 2007, future elections for statewide
73 public officials shall occur in 2010 and every four years
74 thereafter."