

By: Senator(s) Nunnelee

To: Elections; Constitution

SENATE CONCURRENT RESOLUTION NO. 545

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 2010, and every
21 four (4) years thereafter. * * * The Legislature may change the
22 day and date of general elections to any day and date in October,
23 November or December.

24 Amend Section 34, Mississippi Constitution of 1890, to read
25 as follows:

26 Section 34. The House of Representatives shall consist of
27 members chosen * * * by the qualified electors of the
28 several * * * representative districts.

29 Amend Section 35, Mississippi Constitution of 1890, to read
30 as follows:

31 Section 35. The Senate shall consist of members chosen * * *
32 by the qualified electors of the several districts.

33 Amend Section 36, Mississippi Constitution of 1890, to read
34 as follows:

35 Section 36. The Legislature shall meet at the seat of
36 government in regular session on the Tuesday after the first
37 Monday of January. A regular session is limited to ninety (90)
38 calendar days, but the regular session following the state general
39 election is limited to * * * one hundred twenty-five (125)
40 calendar days. * * * The House of Representatives, by resolution
41 with the Senate concurring therein, and by a two-thirds (2/3) vote
42 of those present and voting in each house, may extend a regular
43 session for a period of thirty (30) days with no limit on the
44 number of extensions to each session.

45 Amend Section 116, Mississippi Constitution of 1890, to read
46 as follows:

47 Section 116. The chief executive power of this state shall
48 be vested in a Governor * * *. Any person elected to the Office
49 of Governor shall be eligible to succeed himself in office.
50 However, no person shall be elected to the Office of Governor more
51 than twice, and no person who has held the Office of Governor or
52 has acted as Governor for more than two (2) years of a term to
53 which another person was elected shall be elected to the Office of
54 Governor more than once.

55 Amend Section 133, Mississippi Constitution of 1890, to read
56 as follows:

57 Section 133. There shall be a Secretary of State who shall
58 be elected * * *. He shall be at least twenty-five (25) years of
59 age and a citizen of the state five (5) years next preceding the
60 day of his election. * * * He shall be keeper of the Capitol; he
61 shall keep a correct register of all official acts and proceedings
62 of the Governor; and shall, when required, lay the same, and all
63 papers, minutes and vouchers relative thereto, before the

64 Legislature, and he shall perform such other duties as may be
65 required of him by law. He shall receive such compensation as
66 shall be prescribed.

67 Amend Section 134, Mississippi Constitution of 1890, to read
68 as follows:

69 Section 134. A State Treasurer and an Auditor of Public
70 Accounts shall be elected * * * and shall possess the same
71 qualifications as required for the Secretary of State. They shall
72 receive such compensation as may be provided by law.

73 Amend Section 135, Mississippi Constitution of 1890, to read
74 as follows:

75 Section 135. * * * There shall be a sheriff, coroner,
76 assessor, tax collector and surveyor for each county to be
77 selected as elsewhere provided herein, * * * and who shall be
78 eligible to immediately succeed themselves in office. * * * If
79 the offices of sheriff and tax collector are combined, the holder
80 thereof shall not be eligible to immediately succeed himself in
81 office. The Legislature may combine any one or more of these
82 offices in any county or counties and shall fix their
83 compensation. The duties heretofore imposed on the county
84 treasurer shall be discharged by some person or persons selected
85 as required by law.

86 Amend Section 140, Mississippi Constitution of 1890, to read
87 as follows:

88 Section 140. The Governor of the state shall be chosen in
89 the following manner: On the first Tuesday after the first Monday
90 of November 2010, and * * * every four (4) years thereafter, until
91 the day shall be changed by law, an election shall be held in the
92 several counties and districts created for the election of members
93 of the House of Representatives in this state, for Governor, and
94 the person receiving in any county or such legislative district
95 the highest number of votes cast therein, for said office, shall
96 beholden to have received as many votes as such county or district

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

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

122 Amend Section 168, Mississippi Constitution of 1890, to read
123 as follows:

124 Section 168. The Clerk of the Supreme Court shall be
125 appointed by the Supreme Court in the manner and for a term as
126 shall be provided by the Legislature, and the clerk of the circuit
127 court and the clerk of the chancery court shall be selected in
128 each county in the manner provided by law. * * * The Legislature
129 shall provide by law what duties shall be performed during

130 vacation by the clerks of the circuit and chancery courts, subject
131 to the approval of the court.

132 Amend Section 171, Mississippi Constitution of 1890, to read
133 as follows:

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

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

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

160 All reference in the Mississippi Code to justice of the peace
161 shall mean justice court judge.

162 Amend Section 173, Mississippi Constitution of 1890, to read
163 as follows:

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

169 Amend Section 174, Mississippi Constitution of 1890, to read
170 as follows:

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

175 BE IT FURTHER RESOLVED, That the amendments in this
176 resolution shall be submitted to the qualified electors as one
177 amendment since the proposed amendments pertain to one subject, at
178 an election to be held on the first Tuesday after the first Monday
179 of November 2007, as provided by Section 273 of the Constitution
180 and by law.

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

187 BE IT FURTHER RESOLVED, That the Attorney General of the
188 State of Mississippi shall submit this resolution, immediately
189 upon adoption by the Legislature of the State of Mississippi, to
190 the Attorney General of the United States or to the United States
191 District Court for the District of Columbia in accordance with the
192 provisions of the Voting Rights Act of 1965, as amended and
193 extended.