

By: Representative Wilson

To: Constitution;
Apportionment and Elections

HOUSE CONCURRENT RESOLUTION NO. 5

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTIONS 34,
2 35, 116, 133, 134, 135, 168, 171, 173 AND 174, MISSISSIPPI
3 CONSTITUTION OF 1890, TO PROVIDE THAT THE STATE OFFICERS ELECTED
4 AT THE ELECTION HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY
5 IN NOVEMBER 2023 SHALL HOLD OFFICE FOR ONLY THREE YEARS IN ORDER
6 TO MOVE STATE AND COUNTY GENERAL ELECTIONS TO THE SAME TIME AS
7 CONGRESSIONAL ELECTIONS, STARTING WITH THE 2026 ELECTION.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
9 MISSISSIPPI, That the following amendment to the Mississippi
10 Constitution of 1890 is proposed to the qualified electors of the
11 state:

12 Amend Section 34, Mississippi Constitution of 1890, to read
13 as follows:

14 "Section 34. (1) Until January 1, 2024, the House of
15 Representatives shall consist of members chosen * * * at the
16 election held on the first Tuesday after the first Monday in
17 November 2019, by the qualified electors of the several * * *
18 districts.

19 (2) From January 1, 2024, until January 1, 2027, the House
20 of Representatives shall consist of members chosen for three (3)



21 years at the election held on the first Tuesday after the first
22 Monday in November 2023, by the qualified electors of the several
23 districts.

24 (3) From and after January 1, 2027, the House of
25 Representatives shall consist of members chosen at the election
26 held on the first Tuesday after the first Monday in November 2026,
27 and every four (4) years thereafter, by the qualified electors of
28 the several districts."

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

31 "Section 35. (1) Until January 1, 2024, the Senate shall
32 consist of members chosen * * * at the election held on the first
33 Tuesday after the first Monday in November 2019, by the qualified
34 electors of the several districts.

35 (2) From January 1, 2024, until January 1, 2027, the Senate
36 shall consist of members chosen for three (3) years at the
37 election held on the first Tuesday after the first Monday in
38 November 2023, by the qualified electors of the several districts.

39 (3) From and after January 1, 2027, the Senate shall consist
40 of members chosen at the election held on the first Tuesday after
41 the first Monday in November 2026, and every four (4) years
42 thereafter, by the qualified electors of the several districts."

43 Amend Section 116, Mississippi Constitution of 1890, to read
44 as follows:



45 "Section 116. (1) Until January 1, 2024, the Chief
46 Executive Power of this state shall be vested in a Governor, who
47 shall hold his office for four (4) years and shall be elected at
48 the election held on the first Tuesday after the first Monday in
49 November 2019. Any person elected to the office of Governor shall
50 be eligible to succeed himself in office. However, no person
51 shall be elected to the office of Governor more than twice, and no
52 person who has held the office of Governor or has acted as
53 Governor for more than two (2) years of a term to which another
54 person was elected shall be elected to the office of Governor more
55 than once.

56 (2) From January 1, 2024, until January 1, 2027, the Chief
57 Executive Power of this state shall be vested in a Governor, who
58 shall be elected at the election held on the first Tuesday after
59 the first Monday in November 2023 and shall hold his office for
60 three (3) years. Any person elected to the office of Governor
61 shall be eligible to succeed himself in office. However, no
62 person shall be elected to the office of Governor more than twice,
63 and no person who has held the office of Governor or has acted as
64 Governor for more than two (2) years of a term to which another
65 person was elected shall be elected to the office of Governor more
66 than once.

67 (3) From and after January 1, 2027, the Chief Executive
68 Power of this state shall be vested in a Governor, who shall be
69 elected at the election held on the first Tuesday after the first



70 Monday in November 2026, and every four (4) years thereafter, and
71 shall hold his office for four (4) years. Any person elected to
72 the office of Governor shall be eligible to succeed himself in
73 office. However, no person shall be elected to the office of
74 Governor more than twice, and no person who has held the office of
75 Governor or has acted as Governor for more than two (2) years of a
76 term to which another person was elected shall be elected to the
77 office of Governor more than once."

78 Amend Section 133, Mississippi Constitution of 1890, to read
79 as follows:

80 "Section 133. (1) Until January 1, 2024, there shall be a
81 Secretary of State, who shall be elected as herein provided at the
82 election held on the first Tuesday after the first Monday in
83 November 2019. He shall be at least twenty-five (25) years of
84 age, a citizen of the state five (5) years next preceding the day
85 of his election, and he shall continue in office during the term
86 of four (4) years, and shall be keeper of the Capitol; he shall
87 keep a correct register of all official acts and proceedings of
88 the Governor; and shall, when required, lay the same, and all
89 papers, minutes, and vouchers relative thereto, before the
90 Legislature, and he shall perform such other duties as may be
91 required of him by law. He shall receive such compensation as
92 shall be prescribed.

93 (2) From January 1, 2024, until January 1, 2027, there shall
94 be a Secretary of State, who shall be elected as herein provided



95 at the election held on the first Tuesday after the first Monday
96 in November 2023 and he shall continue in office during the term
97 of three (3) years. He shall be at least twenty-five (25) years
98 of age, a citizen of the state five (5) years next preceding the
99 day of his election, and shall be keeper of the Capitol; he shall
100 keep a correct register of all official acts and proceedings of
101 the Governor; and shall, when required, lay the same, and all
102 papers, minutes, and vouchers relative thereto, before the
103 Legislature, and he shall perform such other duties as may be
104 required of him by law. He shall receive such compensation as
105 shall be prescribed.

106 (3) From and after January 1, 2027, there shall be a
107 Secretary of State, who shall be elected as herein provided at the
108 election held on the first Tuesday after the first Monday in
109 November 2026, and every four (4) years thereafter, and he shall
110 continue in office during the term of four (4) years. He shall be
111 at least twenty-five (25) years of age, a citizen of the state
112 five (5) years next preceding the day of his election, and shall
113 be keeper of the Capitol; he shall keep a correct register of all
114 official acts and proceedings of the Governor; and shall, when
115 required, lay the same, and all papers, minutes, and vouchers
116 relative thereto, before the Legislature, and he shall perform
117 such other duties as may be required of him by law. He shall
118 receive such compensation as shall be prescribed."



119 Amend Section 134, Mississippi Constitution of 1890, to read
120 as follows:

121 "Section 134. (1) Until January 1, 2024, a State Treasurer
122 and an Auditor of Public Accounts shall be elected as herein
123 provided, at the election held on the first Tuesday after the
124 first Monday in November 2019, who shall hold their office for the
125 term of four (4) years, and shall possess the same qualifications
126 as required for the Secretary of State. They shall receive such
127 compensation as may be provided by law.

128 (2) From January 1, 2024, until January 1, 2027, a State
129 Treasurer and an Auditor of Public Accounts shall be elected as
130 herein provided at the election held on the first Tuesday after
131 the first Monday in November 2023, who shall hold their office for
132 the term of three (3) years, and shall possess the same
133 qualifications as required for the Secretary of State. They shall
134 receive such compensation as may be provided by law.

135 (3) From and after January 1, 2027, a State Treasurer and an
136 Auditor of Public Accounts shall be elected as herein provided at
137 the election held on the first Tuesday after the first Monday in
138 November 2026, and every four (4) years thereafter, who shall hold
139 their office for the term of four (4) years, and shall possess the
140 same qualifications as required for the Secretary of State. They
141 shall receive such compensation as may be provided by law."

142 Amend Section 135, Mississippi Constitution of 1890, to read
143 as follows:



144 "Section 135. * * * (1) Until January 1, 2024, there shall
145 be a sheriff, coroner, assessor, tax collector and surveyor for
146 each county to be selected as elsewhere provided herein, at the
147 election held on the first Tuesday after the first Monday in
148 November 2019, who shall hold their office for four (4) years and
149 who shall be eligible to immediately succeed themselves in office,
150 provided, however, if the offices of sheriff and tax collector are
151 combined the holder thereof shall not be eligible to immediately
152 succeed himself in office. The Legislature may combine any one or
153 more of said offices in any county or counties and shall fix their
154 compensation. The duties heretofore imposed on the county
155 treasurer shall be discharged by some person or persons selected
156 as required by law.

157 (2) From January 1, 2024, until January 1, 2027, there shall
158 be a sheriff, coroner, assessor, tax collector and surveyor for
159 each county to be selected as elsewhere provided herein at the
160 election held on the first Tuesday after the first Monday in
161 November 2023, who shall hold their office for three (3) years and
162 who shall be eligible to immediately succeed themselves in office;
163 provided, however, if the offices of sheriff and tax collector are
164 combined the holder thereof shall not be eligible to immediately
165 succeed himself in office. The Legislature may combine any one or
166 more of said offices in any county or counties and shall fix their
167 compensation. The duties heretofore imposed on the county



168 treasurer shall be discharged by some person or persons selected
169 as required by law.

170 (3) From and after January 1, 2027, there shall be a
171 sheriff, coroner, assessor, tax collector and surveyor for each
172 county to be selected as elsewhere provided herein at the election
173 held on the first Tuesday after the first Monday in November 2026,
174 and every four (4) years thereafter, who shall hold their office
175 for four (4) years and who shall be eligible to immediately
176 succeed themselves in office, provided, however, if the offices of
177 sheriff and tax collector are combined the holder thereof shall
178 not be eligible to immediately succeed himself in office. The
179 Legislature may combine any one or more of said offices in any
180 county or counties and shall fix their compensation. The duties
181 heretofore imposed on the county treasurer shall be discharged by
182 some person or persons selected as required by law."

183 Amend Section 168, Mississippi Constitution of 1890, to read
184 as follows:

185 "Section 168. (1) Until January 1, 2024, the clerk of the
186 Supreme Court shall be appointed by the Supreme Court in the
187 manner and for a term as shall be provided by the Legislature, and
188 the clerk of the circuit court and the clerk of the chancery court
189 shall be selected in each county in the manner provided by law at
190 the election held on the first Tuesday after the first Monday in
191 November 2019, and shall hold office for the term of four (4)
192 years, and the Legislature shall provide by law what duties shall



193 be performed during vacation by the clerks of the circuit and
194 chancery courts, subject to the approval of the court.

195 (2) From January 1, 2024, until January 1, 2027, the clerk
196 of the Supreme Court shall be appointed by the Supreme Court in
197 the manner and for a term as shall be provided by the Legislature,
198 and the clerk of the circuit court and the clerk of the chancery
199 court shall be selected in each county in the manner provided by
200 law at the election held on the first Tuesday after the first
201 Monday in November 2023, and shall hold office for the term of
202 three (3) years, and the Legislature shall provide by law what
203 duties shall be performed during vacation by the clerks of the
204 circuit and chancery courts, subject to the approval of the court.

205 (3) From and after January 1, 2027, the clerk of the Supreme
206 Court shall be appointed by the Supreme Court in the manner and
207 for a term as shall be provided by the Legislature, and the clerk
208 of the circuit court and the clerk of the chancery court shall be
209 selected in each county in the manner provided by law at the
210 election held on the first Tuesday after the first Monday in
211 November 2026, and every four (4) years thereafter, and shall hold
212 office for the term of four (4) years, and the Legislature shall
213 provide by law what duties shall be performed during vacation by
214 the clerks of the circuit and chancery courts, subject to the
215 approval of the court."

216 Amend Section 171, Mississippi Constitution of 1890, to read
217 as follows:



218 "Section 171. (1) Until January 1, 2024, a competent number
219 of justice court judges and constables shall be chosen in each
220 county in the manner provided by law at the election held on the
221 first Tuesday after the first Monday in November 2019, but not
222 less than two (2) such judges in any county, who shall hold their
223 office for the term of four (4) years. Each justice court judge
224 shall have resided two (2) years in the county next preceding his
225 selection and shall be high school graduate or have a general
226 equivalency diploma unless he shall have served as a justice of
227 the peace or been elected to the office of justice of the peace
228 prior to January 1, 1976. All persons elected to the office of
229 justice of the peace in November * * * 1975, shall take office in
230 January * * * 1976, as justice court judges.

231 The maximum civil jurisdiction of the justice court shall
232 extend to causes in which the principal amount in controversy is
233 Five Hundred Dollars (\$500.00) or such higher amount as may be
234 prescribed by law. The justice court shall have jurisdiction
235 concurrent with the circuit court over all crimes whereof the
236 punishment prescribed does not extend beyond a fine and
237 imprisonment in the county jail; but the Legislature may confer on
238 the justice court exclusive jurisdiction in such petty
239 misdemeanors as the Legislature shall see proper.

240 In all causes tried in justice court, the right of appeal
241 shall be secured under such rules and regulations as shall be
242 prescribed by law, and no justice court judge shall preside at the



243 trial of any cause where he may be interested, or the parties or
244 either of them shall be connected with him by affinity or
245 consanguinity, except by the consent of the justice court judge
246 and of the parties.

247 All reference in the Mississippi Code to justice of the peace
248 shall mean justice court judge.

249 (2) From January 1, 2024, until January 1, 2027, a competent
250 number of justice court judges and constables shall be chosen in
251 each county in the manner provided by law at the election held on
252 the first Tuesday after the first Monday in November 2023, but not
253 less than two (2) such judges in any county, who shall hold their
254 office for the term of three (3) years. Each justice court judge
255 shall have resided two (2) years in the county next preceding his
256 selection and shall be high school graduate or have a general
257 equivalency diploma unless he shall have served as a justice of
258 the peace or been elected to the office of justice of the peace
259 prior to January 1, 1976. All persons elected to the office of
260 justice of the peace in November 1975, shall take office in
261 January 1976, as justice court judges.

262 The maximum civil jurisdiction of the justice court shall
263 extend to causes in which the principal amount in controversy is
264 Five Hundred Dollars (\$500.00) or such higher amount as may be
265 prescribed by law. The justice court shall have jurisdiction
266 concurrent with the circuit court over all crimes whereof the
267 punishment prescribed does not extend beyond a fine and



268 imprisonment in the county jail; but the Legislature may confer on
269 the justice court exclusive jurisdiction in such petty
270 misdemeanors as the Legislature shall see proper.

271 In all causes tried in justice court, the right of appeal
272 shall be secured under such rules and regulations as shall be
273 prescribed by law, and no justice court judge shall preside at the
274 trial of any cause where he may be interested, or the parties or
275 either of them shall be connected with him by affinity or
276 consanguinity, except by the consent of the justice court judge
277 and of the parties.

278 All reference in the Mississippi Code to justice of the peace
279 shall mean justice court judge.

280 (3) From and after January 1, 2027, a competent number of
281 justice court judges and constables shall be chosen in each county
282 in the manner provided by law at the election held on the first
283 Tuesday after the first Monday in November 2026, and every four
284 (4) years thereafter, but not less than two (2) such judges in any
285 county, who shall hold their office for the term of four (4)
286 years. Each justice court judge shall have resided two (2) years
287 in the county next preceding his selection and shall be high
288 school graduate or have a general equivalency diploma unless he
289 shall have served as a justice of the peace or been elected to the
290 office of justice of the peace prior to January 1, 1976. All
291 persons elected to the office of justice of the peace in November
292 1975, shall take office in January 1976, as justice court judges.



293 The maximum civil jurisdiction of the justice court shall
294 extend to causes in which the principal amount in controversy is
295 Five Hundred Dollars (\$500.00) or such higher amount as may be
296 prescribed by law. The justice court shall have jurisdiction
297 concurrent with the circuit court over all crimes whereof the
298 punishment prescribed does not extend beyond a fine and
299 imprisonment in the county jail; but the Legislature may confer on
300 the justice court exclusive jurisdiction in such petty
301 misdemeanors as the Legislature shall see proper.

302 In all causes tried in justice court, the right of appeal
303 shall be secured under such rules and regulations as shall be
304 prescribed by law, and no justice court judge shall preside at the
305 trial of any cause where he may be interested, or the parties or
306 either of them shall be connected with him by affinity or
307 consanguinity, except by the consent of the justice court judge
308 and of the parties.

309 All reference in the Mississippi Code to justice of the peace
310 shall mean justice court judge."

311 Amend Section 173, Mississippi Constitution of 1890, to read
312 as follows:

313 "Section 173. (1) Until January 1, 2024, there shall be an
314 Attorney General elected at the * * * election held on the first
315 Tuesday after the first Monday in November 2019, and in the same
316 manner as the Governor is elected, whose term of office shall be
317 four (4) years and whose compensation shall be fixed by law. The



318 qualifications for the Attorney General shall be the same as
319 herein prescribed for judges of the circuit and chancery courts.

320 (2) From January 1, 2024, until January 1, 2027, there shall
321 be an Attorney General elected at the election held on the first
322 Tuesday after the first Monday in November 2023 and in the same
323 manner as the Governor is elected, whose term of office shall be
324 three (3) years and whose compensation shall be fixed by law. The
325 qualifications for the Attorney General shall be the same as
326 herein prescribed for judges of the circuit and chancery courts.

327 (3) From and after January 1, 2027, there shall be an
328 Attorney General elected at the election held on the first Tuesday
329 after the first Monday in November 2026, and every four (4) years
330 thereafter, and in the same manner as the Governor is elected,
331 whose term of office shall be four (4) years and whose
332 compensation shall be fixed by law. The qualifications for the
333 Attorney General shall be the same as herein prescribed for judges
334 of the circuit and chancery courts."

335 Amend Section 174, Mississippi Constitution of 1890, to read
336 as follows:

337 "Section 174. (1) Until January 1, 2024, a district
338 attorney for each circuit court district shall be selected in the
339 manner provided by law, at the election held on the first Tuesday
340 after the first Monday in November 2019, whose term of office
341 shall be four (4) years whose duties shall be prescribed by law,
342 and whose compensation shall be a fixed salary.



343 (2) From January 1, 2024, until January 1, 2027, a district
344 attorney for each circuit court district shall be selected in the
345 manner provided by law at the election held on the first Tuesday
346 after the first Monday in November 2023, whose term of office
347 shall be three (3) years, whose duties shall be prescribed by law,
348 and whose compensation shall be a fixed salary.

349 (3) From and after January 1, 2027, a district attorney for
350 each circuit court district shall be selected in the manner
351 provided by law at the election held on the first Tuesday after
352 the first Monday in November 2026, and every four (4) years
353 thereafter, whose term of office shall be four (4) years, whose
354 duties shall be prescribed by law, and whose compensation shall be
355 a fixed salary."

356 BE IT FURTHER RESOLVED, That these proposed amendments shall
357 be submitted by the Secretary of State to the qualified electors
358 at an election to be held on the first Tuesday after the first
359 Monday of November 2018, as provided by Section 273 of the
360 Constitution and by general law, with the amendments in this
361 resolution being voted on as one amendment since the proposed
362 amendments pertain to one subject.

363 BE IT FURTHER RESOLVED, That the explanation of this proposed
364 amendment for the ballot shall read as follows: "This proposed
365 constitutional amendment provides that the state officers elected
366 at the general election on the first Tuesday after the first
367 Monday in November 2023 shall hold office for only three years in



368 order to move state and county general elections to the same time
369 as congressional elections, starting with the 2026 election."

