

By: Representative Fleming

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 51

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTION 140  
2 AND SECTION 252, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT  
3 ELECTIONS FOR STATEWIDE, LEGISLATIVE AND COUNTY ELECTIVE OFFICES  
4 SHALL OCCUR IN THE SAME YEARS AS THE PRESIDENTIAL ELECTION.

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. 2004, and on the first Tuesday after the first  
15 Monday of November in every fourth year thereafter, until the day  
16 shall be changed by law, an election shall be held in the several  
17 counties and districts created for the election of members of the  
18 House of Representatives in this state, for Governor, and the  
19 person receiving in any county or such legislative district the  
20 highest number of votes cast therein, for said office, shall be  
21 holden to have received as many votes as such county or district  
22 is entitled to members in the House of Representatives, which last  
23 named votes are hereby designated "electoral votes." In all cases  
24 where a representative is apportioned to two (2) or more counties  
25 or districts, the electoral vote based on such representative,  
26 shall be equally divided among such counties or districts. The  
27 returns of said election shall be certified by the election  
28 commissioners, or the majority of them, of the several counties



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

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

47 II.

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

50 "Section 252. The term of office of all elective officers  
51 under this Constitution shall be four years, except as otherwise  
52 provided herein. A general election for all elective officers  
53 shall be held on the Tuesday next after the first Monday of  
54 November, A.D. 2004, and every four (4) years thereafter;  
55 provided, the Legislature may change the day and date of general  
56 elections to any day and date in October, November or December."

57 BE IT FURTHER RESOLVED, That these proposed amendments shall  
58 be submitted by the Secretary of State to the qualified electors  
59 at an election to be held on the first Tuesday after the first  
60 Monday of November 2002, as provided by Section 273 of the  
61 Constitution and by general law, with the amendments in this



62 resolution being voted on as one (1) amendment since the proposed  
63 amendments pertain to one (1) subject.

64 BE IT FURTHER RESOLVED, That the explanation of this proposed  
65 amendment for the ballot shall read as follows: "This proposed  
66 constitutional amendment will provide that elections of statewide,  
67 legislative and county public officials shall occur in the same  
68 years as the presidential election."

