

By: Representative Moore

To: Constitution; Education

## HOUSE CONCURRENT RESOLUTION NO. 38

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION  
2 202, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE FOR THE ELECTION  
3 OF THE STATE SUPERINTENDENT OF PUBLIC EDUCATION BEGINNING AT THE  
4 GENERAL STATE ELECTION IN 2007.

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

9 Amend Section 202, Mississippi Constitution of 1890, to read  
10 as follows:

11 "Section 202. (1) Until the commencement of the term of  
12 office of the State Superintendent of Public Education elected at  
13 the general election in 2007, there shall be a State  
14 Superintendent of Public Education who shall be appointed by the  
15 State Board of Education, with the advice and consent of the  
16 Senate, and serve at the board's will and pleasure.

17 (2) Beginning at the general election in 2007, there shall  
18 be a State Superintendent of Public Education elected at the same  
19 time and manner as the Governor, who shall hold the office for a  
20 term of four (4) years, and until a successor is elected and  
21 qualified. The first term of office of the elected State  
22 Superintendent of Public Education shall commence in January 2008.

23 (3) The State Superintendent of Public Education shall  
24 possess such qualifications as may be prescribed by law. The  
25 State Superintendent shall be the chief administrative officer for  
26 the State Department of Education and shall administer the  
27 department in accordance with the policies established by the  
28 State Board of Education. The State Superintendent shall perform

29 such other duties and receive such compensation as shall be  
30 prescribed by law."

31 BE IT FURTHER RESOLVED, That this proposed amendment shall be  
32 submitted by the Secretary of State to the qualified electors at  
33 an election to be held on the first Tuesday after the first Monday  
34 of November 2006, as provided by Section 273 of the Constitution  
35 and by general law.

36 BE IT FURTHER RESOLVED, That the explanation of this proposed  
37 amendment for the ballot shall read as follows: "This proposed  
38 constitutional amendment changes the manner in which the State  
39 Superintendent of Public Education is selected. The proposed  
40 amendment provides that the State Superintendent of Public  
41 Education shall be elected at the general state election held  
42 every four years, beginning in 2007, rather than appointed by the  
43 State Board of Education."

44 BE IT FURTHER RESOLVED, That the Attorney General of the  
45 State of Mississippi shall submit this resolution, immediately  
46 upon adoption by the Legislature, to the Attorney General of the  
47 United States or to the United States District Court for the  
48 District of Columbia in accordance with the provisions of the  
49 Voting Rights Act of 1965, as amended and extended.