

By: Senator(s) Flowers

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 517

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 26,
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT A CANDIDATE
3 CHARGED WITH A VIOLATION OF CAMPAIGN FINANCE LAW SHALL BE TRIED IN
4 THE COUNTY WHERE THE CAMPAIGN FINANCE REPORT WAS PREPARED OR THE
5 COUNTY OF RESIDENCE OF THE CANDIDATE; AND FOR RELATED PURPOSES.

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

10 Amend Section 26, Mississippi Constitution of 1890, to read
11 as follows:

12 Section 26. In all criminal prosecutions the accused shall
13 have a right to be heard by himself or counsel, or both, to demand
14 the nature and cause of the accusation, to be confronted by the
15 witnesses against him, to have compulsory process for obtaining
16 witnesses in his favor, and, in all prosecutions by indictment or
17 information, a speedy and public trial by an impartial jury of the
18 county where the offense was committed, except that a candidate
19 for public office charged a violation of campaign finance law
20 shall be tried in the county in which the campaign finance report
21 was prepared or the county of residence of the candidate; and he
22 shall not be compelled to give evidence against himself; but in
23 prosecutions for rape, adultery, fornication, sodomy or crime
24 against nature the court may, in its discretion, exclude from the
25 courtroom all persons except such as are necessary in the conduct
26 of the trial. Notwithstanding any other provisions of this
27 Constitution, the Legislature may enact laws establishing a state
28 grand jury with the authority to return indictments regardless of

29 the county where the crime was committed. The subject matter
30 jurisdiction of a state grand jury is limited to criminal
31 violations of the Mississippi Uniform Controlled Substances Law or
32 any other crime involving narcotics, dangerous drugs or controlled
33 substances, or any crime arising out of or in connection with a
34 violation of the Mississippi Uniform Controlled Substances Law or
35 a crime involving narcotics, dangerous drugs or controlled
36 substances if the crime occurs within more than one (1) circuit
37 court district of the state or transpires or has significance in
38 more than one (1) circuit court district of the state. The venue
39 for the trial of indictments returned by a state grand jury shall
40 be as prescribed by general law.

41 BE IT FURTHER RESOLVED, That the amendments in this
42 resolution shall be submitted to the qualified electors at an
43 election to be held on the first Tuesday after the first Monday of
44 November 2006 as provided by Section 273 of the Constitution and
45 by general law.

46 BE IT FURTHER RESOLVED, That the explanation of the amendment
47 for the ballot shall read as follows: "This proposed
48 constitutional amendment provides that a candidate for public
49 office charged a violation of campaign finance law shall be tried
50 in the county where the campaign finance report was prepared or in
51 the county of residence of the candidate."

52 BE IT FURTHER RESOLVED, That the Attorney General of the
53 State of Mississippi shall submit this resolution, immediately
54 upon adoption by the Legislature, to the Attorney General of the
55 United States or to the United States District Court for the
56 District of Columbia, in accordance with the provisions of the
57 Voting Rights Act of 1965, as amended and extended.