

By: Representatives Brown, Mayo

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 23

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTION 102,
2 SECTION 140 AND SECTION 252, MISSISSIPPI CONSTITUTION OF 1890, TO
3 PROVIDE THAT ELECTIONS FOR STATEWIDE OFFICES SHALL OCCUR IN 2007
4 AND EVERY FOUR YEARS THEREAFTER.

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 102, Mississippi Constitution of 1890, to read
11 as follows:

12 "Section 102. All general elections for * * * county
13 officers shall commence and be holden every four (4) years, on the
14 first Tuesday after the first Monday in November, until altered by
15 the law; and the electors, in all cases except in cases of
16 treason, felony, and breach of peace, shall be privileged from
17 arrest during their attendance at elections and in going to and
18 returning therefrom."

19 II.

20 Amend Section 140, Mississippi Constitution of 1890, to read
21 as follows:

22 "Section 140. The Governor of the state shall be chosen in
23 the following manner: On the first Saturday after the first
24 Monday of November of 2011, and on the first Saturday after the
25 first Monday of November in 2011 and in every fourth year
26 thereafter, until the day shall be changed by law, an election
27 shall be held in the several counties and districts created for
28 the election of members of the House of Representatives in this

29 state, for Governor, and the person receiving in any county or
30 such legislative district the highest number of votes cast
31 therein, for said office, shall be holden to have received as many
32 votes as such county or district is entitled to members in the
33 House of Representatives, which last named votes are hereby
34 designated "electoral votes." In all cases where a representative
35 is apportioned to two (2) or more counties or districts, the
36 electoral vote based on such representative, shall be equally
37 divided among such counties or districts. The returns of said
38 election shall be certified by the election commissioners, or the
39 majority of them, of the several counties and transmitted, sealed,
40 to the seat of government, directed to the Secretary of State, and
41 shall be by him safely kept and delivered to the Speaker of the
42 House of Representatives on the first day of the next ensuing
43 session of the Legislature.

44 The Speaker shall, on the same day he shall have received
45 said returns, open and publish them in the presence of the House
46 of Representatives, and said House shall ascertain and count the
47 vote of each county and legislative district and decide any
48 contest that may be made concerning the same, and said decision
49 shall be made by a majority of the whole number of members of the
50 House of Representatives concurring therein by a viva voce vote,
51 which shall be recorded in its journal; provided, in case the two
52 (2) highest candidates have an equal number of votes in any county
53 or legislative district, the electoral vote of such county or
54 legislative district shall be considered as equally divided
55 between them. The person found to have received a majority of all
56 the electoral votes, and also a majority of the popular vote,
57 shall be declared elected."

58 III.

59 Amend Section 252, Mississippi Constitution of 1890, to read
60 as follows:

61 "Section 252. The term of office of all elective officers
62 under this Constitution shall be four (4) years, except as
63 otherwise provided herein. A general election for all state
64 elective officers shall be held on the Saturday next after the
65 first Monday of November 2011, and every four (4) years
66 thereafter; provided, the Legislature may change the day and date
67 of general elections to any day and date in October, November or
68 December."

69 BE IT FURTHER RESOLVED, That these proposed amendments shall
70 be submitted by the Secretary of State to the qualified electors
71 at an election to be held on the first Tuesday after the first
72 Monday of November 2007, as provided by Section 273 of the
73 Constitution and by general law, with the amendments in this
74 resolution being voted on as one (1) amendment since the proposed
75 amendments pertain to one (1) subject.

76 BE IT FURTHER RESOLVED, That the explanation of this proposed
77 amendment for the ballot shall read as follows: "This proposed
78 constitutional amendment provides that elections of statewide
79 public officials will occur in 2011 and every four years
80 thereafter."