By: Representative Brown

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 13

A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTION 102, SECTION 140 AND SECTION 252, MISSISSIPPI CONSTITUTION OF 1890, TO CHANGE THE DAY ON WHICH THE ELECTION OF STATEWIDE OFFICERS OCCURS FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER TO THE FIRST SATURDAY AFTER THE FIRST MONDAY IN NOVEMBER, BEGINNING IN 2015.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That the following amendments to the Mississippi Constitution of 1890 are proposed to the qualified electors of the state:

I.

Amend Section 102, Mississippi Constitution of 1890, to read as follows:

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

II.

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

"Section 140. The Governor of the state shall be chosen in the following manner: On the first Saturday after the first Monday of November 2015, and on the first Saturday after the first Monday of November in every fourth year thereafter, until the day shall be changed by law, an election shall be held in the several

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

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

III.

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

"Section 252. The term of office of all elective officers under this Constitution shall be four (4) years, except as otherwise provided herein. A general election for all state officers shall be held on the Saturday next after the first Monday of November 2015, and every four (4) years thereafter; however, the Legislature may change the day and date of general elections to any day and date in October, November or December."

BE IT FURTHER RESOLVED, That these proposed amendments shall be submitted by the Secretary of State to the qualified electors at an election to be held on the first Tuesday after the first Monday of November 2011, as provided by Section 273 of the Constitution and by general law, with the amendments in this resolution being voted on as one amendment since the proposed amendments pertain to one subject.

BE IT FURTHER RESOLVED, That the explanation of this proposed amendment for the ballot shall read as follows: "This proposed constitutional amendment changes the day on which elections of statewide public officials occur from the first Tuesday after the first Monday in November to the first Saturday after the first Monday in November, beginning in 2015 and every four years thereafter."

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