By: Representative Reynolds

To: Apportionment and Elections; Constitution

HOUSE CONCURRENT RESOLUTION NO. 6

A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI CONSTITUTION OF 1890 BY CREATING A NEW SECTION 102A TO PROVIDE THAT ALL ELECTIONS FOR STATEWIDE OFFICE, STATE DISTRICT OFFICE, MEMBER OF THE LEGISLATURE OR LOCAL OFFICE, EXCEPT ELECTIONS TO FILL VACANCIES AND REFERENDA ON CERTAIN MATTERS, SHALL BE HELD AT THE SAME TIME AS THE PRESIDENTIAL ELECTION; BY PROVIDING THAT ELECTIONS FOR JUSTICES OF THE SUPREME COURT SHALL BE CONDUCTED AT THE TIME OF THE GENERAL ELECTION FOR MEMBERS OF THE UNITED STATES CONGRESS; BY AMENDING SECTIONS 34, 35, 102, 116, 133, 134, 135, 140, 149, 153, 168, 171, 173, 174, 231 AND 252 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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 the Mississippi Constitution of 1890 by creating a new Section 102A to read as follows:

"Section 102A. (1) With the exception of referenda on the passage of bonds or some other issue as authorized by statute or elections called to fill a vacancy in a particular office between regular elections, beginning in the year 2028, all elections in

the State of Mississippi shall be conducted in even-numbered years.

(2) Except as otherwise provided in this subsection, positions in any elected statewide office, state district office, member of the Legislature or local office shall be filled by elections conducted at the time of the general election for President of the United States. However, elections for justices of the Supreme Court shall be conducted at the time of the general election for members of the United States Congress.

(3) Provisions of this section shall not apply to municipal elections.

(4) Before adjourning the 2023 Regular Session of the Legislature, the Legislature shall enact such laws as may be necessary for the implementation of this section, including statutes that will provide for extending the term of office as necessary so there will not be a vacancy in that office until the beginning of the new term for that office as provided for in this section."

Amend Section 34, Mississippi Constitution of 1890, to read as follows:

"Section 34. The House of Representatives shall consist of members chosen every four (4) years, except as otherwise provided in Section 102A of this Constitution, by the qualified electors of the several counties and representative districts."

Amend Section 35, Mississippi Constitution of 1890, to read as follows:

"Section 35. The Senate shall consist of members chosen every four (4) years, except as otherwise provided in Section 102A of this Constitution, by the qualified electors of the several districts."

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

"Section 102. All general elections for state and county officers shall commence and be holden every four (4) years, except as otherwise provided in Section 102A of this Constitution, 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."

Amend Section 116, Mississippi Constitution of 1890, to read as follows:

"Section 116. The chief executive power of this state shall be vested in a Governor, who shall hold his office for four (4) years, except as otherwise provided in Section 102A of this Constitution. Any person elected to the office of Governor shall be eligible to succeed himself in office. However, no person shall be elected to the office of Governor more than twice, and no person who has held the office of Governor or has acted as

Governor for more than two (2) years of a term to which another person was elected shall be elected to the office of Governor more than once."

Amend Section 133, Mississippi Constitution of 1890, to read as follows:

"Section 133. There shall be a Secretary of State, who shall be elected as herein provided. He shall be at least twenty-five (25) years of age, a citizen of the state five (5) years next preceding the day of his election, and he shall continue in office during the term of four (4) years, except as otherwise provided in Section 102A of this Constitution, and shall be keeper of the capitol; he shall keep a correct register of all official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the Legislature, and he shall perform such other duties as may be required of him by law. He shall receive such compensation as shall be prescribed."

Amend Section 134, Mississippi Constitution of 1890, to read as follows:

"Section 134. A State Treasurer and an Auditor of Public Accounts shall be elected as herein provided, who shall hold their office for the term of four (4) years, except as otherwise provided in Section 102A of this Constitution, and shall possess the same qualifications as required for the Secretary of State. They shall receive such compensation as may be provided by law."

Amend Section 135, Mississippi Constitution of 1890, to read as follows:

"Section 135. Effective January 1, 1964, there shall be a sheriff, coroner, assessor, tax collector and surveyor for each county to be selected as elsewhere provided herein, who shall hold their office for four (4) years, except as otherwise provided in Section 102A of this Constitution, and who shall be eligible to immediately succeed themselves in office, provided, however, if the offices of sheriff and tax collector are combined the holder thereof shall not be eligible to immediately succeed himself in office. The Legislature may combine any one or more of said offices in any county or counties and shall fix their compensation. The duties heretofore imposed on the county treasurer shall be discharged by some person or persons selected as required by law."

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

"Section 140. The Governor of the state and all statewide elected officials shall be elected by the people in a general election to be held on the first Tuesday after the first Monday of November 2023, and on the first Tuesday after the first Monday of November in every fourth year thereafter, except as provided in Section 102A of this Constitution. The person receiving a majority of the number of votes cast in the election for these offices shall be declared elected. If no person receives a

majority of the votes, then a runoff election shall be held under procedures prescribed by the Legislature in general law."

Amend Section 149, Mississippi Constitution of 1890, to read as follows:

"Section 149. The term of office of the judges of the Supreme Court shall be eight (8) years, except as otherwise provided in Section 102A of this Constitution,. The Legislature shall provide as near as can be conveniently done that the offices of not more than a majority of the judges of said court shall become vacant at any one time; and if necessary for the accomplishment of that purpose, it shall have power to provide that the terms of office of some of the judges first to be elected shall expire in less than eight (8) years. The adoption of this amendment shall not abridge the terms of any of the present incumbents of the Office of Judge of the Supreme Court; but they shall continue to hold their respective offices until the expiration of the terms for which they were respectively appointed."

Amend Section 153, Mississippi Constitution of 1890, to read as follows:

"Section 153. The judges of the circuit and chancery courts shall be elected by the people in a manner and at a time to be provided by the Legislature and the judges shall hold their office for a term of four (4) years, except as otherwise provided in Section 102A of this Constitution."

Amend Section 168, Mississippi Constitution of 1890, to read as follows:

"Section 168. The clerk of the Supreme Court shall be appointed by the Supreme Court in the manner and for a term as shall be provided by the Legislature, and the clerk of the circuit court and the clerk of the chancery court shall be selected in each county in the manner provided by law, and shall hold office for the term of four (4) years, except as otherwise provided in Section 102A of this Constitution, and the Legislature shall provide by law what duties shall be performed during vacation by the clerks of the circuit and chancery courts, subject to the approval of the court."

Amend Section 171, Mississippi Constitution of 1890, to read as follows:

"Section 171. A competent number of justice court judges and constables shall be chosen in each county in the manner provided by law, but not less than two (2) such judges in any county, who shall hold their office for the term of four (4) years, except as otherwise provided in Section 102A of this Constitution. Each justice court judge shall have resided two (2) years in the county next preceding his selection and shall be high school graduate or have a general equivalency diploma unless he shall have served as a justice of the peace or been elected to the office of justice of the peace prior to January 1, 1976. All persons elected to the

office of justice of the peace in November, 1975, shall take office in January, 1976, as justice court judges.

The maximum civil jurisdiction of the justice court shall extend to causes in which the principal amount in controversy is Five Hundred Dollars ($500.00) or such higher amount as may be prescribed by law. The justice court shall have jurisdiction concurrent with the circuit court over all crimes whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail; but the Legislature may confer on the justice court exclusive jurisdiction in such petty misdemeanors as the Legislature shall see proper.

In all causes tried in justice court, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law, and no justice court judge shall preside at the trial of any cause where he may be interested, or the parties or either of them shall be connected with him by affinity or consanguinity, except by the consent of the justice court judge and of the parties.

All reference in the Mississippi Code to justice of the peace shall mean justice court judge."

Amend Section 173, Mississippi Constitution of 1890, to read as follows:

"Section 173. There shall be an Attorney General elected at the same time and in the same manner as the Governor is elected, whose term of office shall be four (4) years, except as otherwise

provided in Section 102A of this Constitution, and whose compensation shall be fixed by law. The qualifications for the Attorney General shall be the same as herein prescribed for judges of the circuit and chancery courts."

Amend Section 174, Mississippi Constitution of 1890, to read as follows:

"Section 174. A district attorney for each circuit court district shall be selected in the manner provided by law, whose term of office shall be four (4) years, except as otherwise provided in Section 102A of this Constitution, whose duties shall be prescribed by law, and whose compensation shall be a fixed salary."

Amend Section 231, Mississippi Constitution of 1890, to read as follows:

"Section 231. The levee commissioners shall be elected by the qualified electors of the respective counties, or parts of counties, from which they may be chosen, said election to be held in the manner and at the time as may be prescribed by law.

The term of office of said commissioners shall be four (4) years, except as otherwise provided in Section 102A of this Constitution."

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 elective officers shall be held on the Tuesday next after the first Monday of November, A.D. 1895, and every four (4) years thereafter, except as otherwise provided in Section 102A of this Constitution; provided, 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 2022, as provided by Section 273 of the Constitution and by general law, with the amendments in this resolution being voted on as one (1) amendment since the proposed amendments pertain to one (1) subject.

BE IT FURTHER RESOLVED, That the explanation of this proposed amendment for the ballot shall read as follows: "This proposed constitutional amendment provides that, beginning in the year 2028, all elections for public officials in this state, except elections to fill vacancies, shall be held at the same time as the presidential election. The amendment directs the Legislature to enact such laws as may be necessary to implement the provisions of this amendment."

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.