

By: Denny

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 5

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI
 2 CONSTITUTION OF 1890 BY AMENDING SECTION 140 AND REPEALING
 3 SECTIONS 141 AND 142 TO PROVIDE THAT THE PERSON RECEIVING THE
 4 MAJORITY OF VOTES FOR THE OFFICE OF GOVERNOR AT THE GENERAL
 5 ELECTION SHALL BE DECLARED ELECTED; TO PROVIDE FOR A RUN-OFF
 6 ELECTION THREE WEEKS LATER BETWEEN THE TWO CANDIDATES RECEIVING
 7 THE HIGHEST NUMBER OF VOTES IF NO CANDIDATE RECEIVES A MAJORITY OF
 8 THE VOTES FOR THE OFFICE IN THE GENERAL ELECTION; TO ABOLISH THE
 9 REQUIREMENT THAT THE GOVERNOR BE ELECTED BY VOTE OF THE HOUSE OF
 10 REPRESENTATIVES IF NO CANDIDATE RECEIVES BOTH A MAJORITY OF THE
 11 POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; AND FOR
 12 RELATED PURPOSES.

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

17 I.

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

20 "Section 140. The Governor of the state shall be elected by
 21 the people in a general election to be held on the first Tuesday
 22 after the first Monday of November of A.D. 2003, and on the first
 23 Tuesday after the first Monday of November in every fourth year
 24 thereafter. * * * The person receiving a majority of the number
 25 of votes cast in the election for the office shall be declared
 26 elected * * *.

27 If no candidate receives a majority of the votes cast in the
28 general election for the office, then a run-off election shall be
29 held between the two (2) candidates who received the highest
30 number of votes three (3) weeks after the general election. The
31 election shall be held in the same manner and in accordance with
32 the same procedure, as nearly as practicable, as provided by law
33 for a general election. The candidate who receives the highest
34 number of votes in the run-off election shall be declared elected.
35 If both candidates receive an equal number of votes, then the
36 election shall be decided immediately between the candidates by
37 lot, fairly and publicly drawn under the direction of the State
38 Board of Election Commissioners."

39 II.

40 Amend the Mississippi Constitution of 1890 by repealing
41 Section 141 which reads as follows:

42 "Section 141. If no person shall receive such majorities,
43 then the House of Representatives shall proceed to choose a
44 Governor from the two (2) persons who shall have received the
45 highest number of popular votes. The election shall be by viva
46 voce vote, which shall be recorded in the journal, in such manner
47 as to show for whom each member voted."

48 III.

49 Amend the Mississippi Constitution of 1890 by repealing
50 Section 142 which reads as follows:

51 "Section 142. In case of an election of Governor or any
52 state officer by the House of Representatives, no member of that
53 House shall be eligible to receive any appointment from the
54 Governor or other state officer so elected, during the term for
55 which he shall be elected."

56 BE IT FURTHER RESOLVED, That these proposed amendments shall
57 be submitted by the Secretary of State to the qualified electors

58 at an election to be held on the first Tuesday after the first
59 Monday of November 2000, as provided by Section 273 of the
60 Constitution and by general law, with the amendments in this
61 resolution being voted on as one (1) amendment since the proposed
62 amendments pertain to one (1) subject.

63 BE IT FURTHER RESOLVED, That the explanation of this proposed
64 amendment for the ballot shall read as follows: "This proposed
65 constitutional amendment provides that the person who receives a
66 majority of the popular vote for Governor at the general election
67 shall be declared elected. If no candidate receives a majority,
68 then a run-off election between the two persons receiving the
69 highest number of votes is to be held three weeks later. The
70 amendment abolishes the requirement that the Governor be elected
71 by vote of the House of Representatives if no candidate receives
72 both a majority of the popular vote and a majority of the
73 electoral votes."

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