

By: Stringer, Compretta, Evans, McCoy,
Reynolds, Warren

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 28

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 GOVERNOR SHALL BE ELECTED
4 BY THE PEOPLE, IN SUCH MANNER AS THE LEGISLATURE SHALL PRESCRIBE
5 BY GENERAL LAW, IN A GENERAL ELECTION TO BE HELD ON THE FIRST
6 TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF A.D. 2003, AND ON
7 THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN EVERY
8 FOURTH YEAR THEREAFTER; TO ABOLISH THE REQUIREMENT THAT THE
9 GOVERNOR BE ELECTED BY VOTE OF THE HOUSE OF REPRESENTATIVES IF NO
10 CANDIDATE RECEIVES BOTH A MAJORITY OF THE POPULAR VOTE AND A
11 MAJORITY OF THE ELECTORAL VOTES; AND FOR RELATED PURPOSES.

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

16 I.

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

19 "Section 140. The Governor of the state shall be elected by
20 the people, in such manner as the Legislature shall prescribe by
21 general law, 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 * * *."

25 II.

26 Amend the Mississippi Constitution of 1890 by repealing
27 Section 141 which reads as follows:

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

34 III.

35 Amend the Mississippi Constitution of 1890 by repealing
36 Section 142 which reads as follows:

37 "Section 142. In case of an election of Governor or any
38 state officer by the House of Representatives, no member of that
39 House shall be eligible to receive any appointment from the
40 Governor or other state officer so elected, during the term for
41 which he shall be elected."

42 BE IT FURTHER RESOLVED, That these proposed amendments shall
43 be submitted by the Secretary of State to the qualified electors
44 at an election to be held on the first Tuesday after the first
45 Monday of November 2000, as provided by Section 273 of the
46 Constitution and by general law, with the amendments in this
47 resolution being voted on as one (1) amendment since the proposed
48 amendments pertain to one (1) subject.

49 BE IT FURTHER RESOLVED, That the explanation of this proposed
50 amendment for the ballot shall read as follows: "This proposed
51 constitutional amendment provides that the Governor shall be
52 elected by the people, in the manner prescribed by general law, in
53 a general election held in November 2003, and every fourth year
54 thereafter. The amendment abolishes the requirement for election
55 of the Governor by vote of the House of Representatives if no
56 candidate receives both a majority of the popular vote and a

57 majority of the electoral votes."

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