

By: Tollison, Turner, Gordon

To: Constitution

COMMITTEE SUBSTITUTE  
FOR  
SENATE CONCURRENT RESOLUTION NO. 556

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 HIGHEST NUMBER OF VOTES FOR THE OFFICE OF GOVERNOR AT THE GENERAL  
5 ELECTION SHALL BE DECLARED ELECTED; TO PROVIDE THAT IF THERE IS A  
6 TIE VOTE, THE LEGISLATURE SHALL ELECT THE GOVERNOR; TO ABOLISH THE  
7 REQUIREMENT THAT THE GOVERNOR BE ELECTED BY VOTE OF THE HOUSE OF  
8 REPRESENTATIVES IF NO PERSON RECEIVES BOTH A MAJORITY OF THE  
9 POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; AND FOR  
10 RELATED PURPOSES.

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

15 I.

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

18 Section 140. The Governor of the state shall be elected by  
19 the people in a general election to be held on the first Tuesday  
20 after the first Monday of November of A.D. 2003, and on the first  
21 Tuesday after the first Monday of November in every fourth year  
22 thereafter. \* \* \* The person receiving \* \* \* the highest number  
23 of votes cast in the election for the office shall be declared  
24 elected \* \* \*. If two (2) or more persons receive an equal and  
25 highest number of votes, the Legislature by joint vote, shall  
26 elect one (1) of those persons Governor.

27 \* \* \*

28 II.

29 Amend the Mississippi Constitution of 1890 by repealing  
30 Section 141 which reads as follows:

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

37 III.

38 Amend the Mississippi Constitution of 1890 by repealing  
39 Section 142 which reads as follows:

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

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

52 BE IT FURTHER RESOLVED, That the explanation of this proposed  
53 amendment for the ballot shall read as follows: "This proposed  
54 constitutional amendment provides that the person who receives a  
55 highest number of popular votes for Governor at the general  
56 election shall be declared elected. The amendment abolishes the  
57 requirement that the Governor be elected by vote of the House of  
58 Representatives if no candidate receives both a majority of the  
59 popular vote and a majority of the electoral votes."

60 BE IT FURTHER RESOLVED, That the Attorney General of the  
61 State of Mississippi shall submit this resolution, immediately  
62 upon adoption by the Legislature, to the Attorney General of the  
63 United States or to the United States District Court for the

64 District of Columbia, in accordance with the provisions of the  
65 Voting Rights Act of 1965, as amended and extended.