To: Constitution

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2001

By: Representative Robinson (84th)

HOUSE CONCURRENT RESOLUTION NO. 41

A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI
CONSTITUTION OF 1890 BY AMENDING SECTION 140 AND REPEALING
SECTIONS 141 AND 142 TO PROVIDE THAT THE PERSON RECEIVING THE
HIGHEST NUMBER OF VOTES FOR THE OFFICE OF GOVERNOR AT THE GENERAL
ELECTION SHALL BE DECLARED ELECTED; TO ABOLISH THE REQUIREMENT
THAT THE GOVERNOR BE ELECTED BY VOTE OF THE HOUSE OF
REPRESENTATIVES IF NO CANDIDATE RECEIVES BOTH A MAJORITY OF THE
POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; 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 Section 140, Mississippi Constitution of 1890, to read
as follows:

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

If two (2) or more of the candidates for the office receiving
the greatest number of votes have an equal number of votes, then
the election shall be decided immediately between the candidates
having an equal number of votes by lot, fairly and publicly drawn
under the direction of the State Board of Election Commissioners."

II.
Amend the Mississippi Constitution of 1890 by repealing Section 141 which reads as follows:

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

III.

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

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

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 2002, 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 amends one section of the Constitution and repeals two other sections to provide that the person who receives the highest number of popular votes for Governor at the general election shall be declared elected. The amendment abolishes the requirement that the Governor be elected by vote of the House of Representatives if no candidate receives both a majority of the popular vote and a majority of the electoral votes."
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.