To:  Constitution
By:  Representative Stringer

HOUSE CONCURRENT RESOLUTION NO.  47

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 GOVERNOR SHALL BE ELECTED BY THE PEOPLE, IN SUCH MANNER AS THE LEGISLATURE SHALL PRESCRIBE BY GENERAL LAW, IN A GENERAL ELECTION TO BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF A.D. 2003, AND ON THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN EVERY FOURTH YEAR THEREAFTER; 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 such manner as the Legislature shall prescribe by general law, 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 * * *."  

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 provides that the Governor shall be
elected by the people, in the manner prescribed by general law, in
a general election held in November 2003, and every fourth year
thereafter. The amendment abolishes the requirement for election
of the Governor 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.