SENATE CONCURRENT RESOLUTION NO. 515

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; IF NO PERSON RECEIVES A
6 MAJORITY OF THE VOTES, TO PROVIDE THAT THE PERSON RECEIVING THE
7 HIGHEST NUMBER OF VOTES AND AT LEAST 45% OF THE TOTAL VOTES CAST
8 SHALL BE DECLARED ELECTED; TO PROVIDE FOR A RUN-OFF ELECTION THREE
9 WEEKS LATER BETWEEN THE TWO CANDIDATES RECEIVING THE HIGHEST
10 NUMBER OF VOTES IF NO CANDIDATE RECEIVES THE REQUIRED VOTES FOR
11 THE OFFICE IN THE GENERAL ELECTION; TO ABOLISH THE REQUIREMENT
12 THAT THE GOVERNOR BE ELECTED BY VOTE OF THE HOUSE OF
13 REPRESENTATIVES IF NO CANDIDATE RECEIVES BOTH A MAJORITY OF THE
14 POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; AND FOR
15 RELATED PURPOSES.

16 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
17 MISSISSIPPI, That the following amendments to the Mississippi
18 Constitution of 1890 are proposed to the qualified electors of the
19 state:
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21 I.
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23 Amend Section 140, Mississippi Constitution of 1890, to read
24 as follows:
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26 Section 140. The Governor of the state shall be elected by
27 the people in a general election to be held on the first Tuesday
28 after the first Monday of November of A.D. 2003, and on the first
29 Tuesday after the first Monday of November in every fourth year
30 thereafter. * * * The person receiving a majority of the number
31 of votes cast in the election for the office shall be declared
32 elected. * * *
33
34 If no person receives a majority of the votes, then the
35 person who receives the highest number of votes and at least
36 forty-five percent (45%) of the total votes cast in the election
37 for the office shall be declared elected.
If no person receives the required number of votes to be elected, then a run-off election shall be held three (3) weeks after the general election between the two (2) persons who received the highest number of votes. The election shall be held in the same manner and in accordance with the same procedure, as nearly as practicable, as provided by law for a general election. The candidate who receives a majority of the votes in the run-off election shall be declared elected. If both candidates receive an equal number of votes, then the election shall be decided immediately between the candidates 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 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 person who receives a
majority of the popular vote for Governor at the general election
shall be declared elected. If no person receives a majority, then
the person receiving the highest number of votes and at least 45% of
the total vote shall be elected. If no person receives the
votes required to be elected, then a run-off election between the
two persons receiving the highest number of votes is to be held
three weeks later. 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.