

By: Senator(s) Farris

To: Constitution

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:

I.

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

23           Section 140. The Governor of the state shall be elected by  
24       the people in a general election to be held on the first Tuesday  
25       after the first Monday of November of A.D. 2003, and on the first  
26       Tuesday after the first Monday of November in every fourth year  
27       thereafter. \* \* \* The person receiving a majority of the number  
28       of votes cast in the election for the office shall be declared  
29       elected. \* \* \*

If no person receives a majority of the votes, then the person who receives the highest number of votes and at least forty-five percent (45%) of the total votes cast in the election 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.

47 Amend the Mississippi Constitution of 1890 by repealing  
48 Section 141 which reads as follows:

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

III.

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

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

63                  BE IT FURTHER RESOLVED, That these proposed amendments shall  
64 be submitted by the Secretary of State to the qualified electors  
65 at an election to be held on the first Tuesday after the first  
66 Monday of November 2002, as provided by Section 273 of the



67 Constitution and by general law, with the amendments in this  
68 resolution being voted on as one (1) amendment since the proposed  
69 amendments pertain to one (1) subject.

70 BE IT FURTHER RESOLVED, That the explanation of this proposed  
71 amendment for the ballot shall read as follows: "This proposed  
72 constitutional amendment provides that the person who receives a  
73 majority of the popular vote for Governor at the general election  
74 shall be declared elected. If no person receives a majority, then  
75 the person receiving the highest number of votes and at least 45%  
76 of the total vote shall be elected. If no person receives the  
77 votes required to be elected, then a run-off election between the  
78 two persons receiving the highest number of votes is to be held  
79 three weeks later. The amendment abolishes the requirement that  
80 the Governor be elected by vote of the House of Representatives if  
81 no candidate receives both a majority of the popular vote and a  
82 majority of the electoral votes."

83 BE IT FURTHER RESOLVED, That the Attorney General of the  
84 State of Mississippi shall submit this resolution, immediately  
85 upon adoption by the Legislature, to the Attorney General of the  
86 United States or to the United States District Court for the  
87 District of Columbia, in accordance with the provisions of the  
88 Voting Rights Act of 1965, as amended and extended.

