To: Constitution

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002
By: Representative Snowden
To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 49

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
MAJORITY OF VOTES FOR THE OFFICE OF GOVERNOR AT THE GENERAL
ELECTION SHALL BE DECLARED ELECTED; TO PROVIDE THAT IF NO PERSON
RECEIVES A MAJORITY OF THE VOTES, THEN A RUNOFF ELECTION SHALL BE
HELD BETWEEN THE TWO PERSONS RECEIVING THE HIGHEST NUMBER OF
VOTES; TO ABOLISH THE REQUIREMENT THAT THE GOVERNOR BE ELECTED BY
VOTE OF THE HOUSE OF REPRESENTATIVES IF NO PERSON 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 a majority of the number
of votes cast in the election for the office shall be declared
elected * * *.

If no person receives a majority of the votes, then a runoff
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 runoff election shall be declared elected."

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 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 a runoff election between the two persons receiving the highest number of votes will 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.