

By: Senator(s) Bryan

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 554
(As Adopted by the Senate)

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI
2 CONSTITUTION OF 1890 BY AMENDING SECTION 140 TO PROVIDE THAT THE
3 GOVERNOR SHALL BE ELECTED AT A GENERAL ELECTION AND THE PERSON
4 RECEIVING THE HIGHEST NUMBER OF POPULAR VOTES AND AT LEAST 40% OF
5 THE TOTAL VOTES CAST SHALL BE ELECTED; TO REQUIRE A RUNOFF
6 ELECTION IF NO PERSON RECEIVES THE REQUIRED VOTES; TO REPEAL
7 SECTION 141 MISSISSIPPI CONSTITUTION OF 1890, TO ABOLISH THE
8 REQUIREMENT THAT THE GOVERNOR BE ELECTED BY VOTE OF THE HOUSE OF
9 REPRESENTATIVES IF NO PERSON RECEIVES BOTH A MAJORITY OF THE
10 POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; AND FOR
11 RELATED PURPOSES.

12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
13 MISSISSIPPI, That the following amendments to the Mississippi
14 Constitution of 1890 are proposed to the qualified electors of the
15 state:

16 I.

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

19 Section 140. The Governor of the state shall be elected by
20 the people in a general election to be held on the first Tuesday
21 after the first Monday of November of A.D. 2007, and on the first
22 Tuesday after the first Monday of November in every fourth year
23 thereafter. * * * The person receiving the highest number of
24 votes and at least forty percent (40%) of the total votes cast in
25 the election for the office shall be declared elected.

26 If no person receives the required number of votes to be
27 elected, then a runoff election shall be held between the two (2)
28 persons who received the highest number of votes as provided by
29 law.

30 * * *

31 II.

32 Amend the Mississippi Constitution of 1890 by repealing
33 Section 141 which reads as follows:

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

40 BE IT FURTHER RESOLVED, That these proposed amendments shall
41 be submitted by the Secretary of State to the qualified electors
42 at an election to be held on the first Tuesday after the first
43 Monday of November 2004, as provided by Section 273 of the
44 Constitution and by general law, with the amendments in this
45 resolution being voted on as one (1) amendment since the proposed
46 amendments pertain to one (1) subject.

47 BE IT FURTHER RESOLVED, That the explanation of this proposed
48 amendment for the ballot shall read as follows: "This proposed
49 constitutional amendment provides that the Governor shall be
50 elected at the general election and the person receiving the
51 highest number of popular votes and at least forty percent (40%)
52 of the total votes cast for that office shall be declared elected
53 Governor. If no person receives the vote required to be elected,
54 then a runoff election shall be held between the two (2) persons
55 receiving the highest number of votes."

56 BE IT FURTHER RESOLVED, That the Attorney General of the
57 State of Mississippi shall submit this resolution, immediately
58 upon adoption by the Legislature, to the Attorney General of the
59 United States or to the United States District Court for the
60 District of Columbia, in accordance with the provisions of the
61 Voting Rights Act of 1965, as amended and extended.