

By: Representative Martinson

To: Constitution;
Apportionment and Elections

HOUSE CONCURRENT RESOLUTION NO. 23

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; TO PROVIDE THAT IF NO PERSON
6 RECEIVES A MAJORITY OF THE VOTES, THEN A RUNOFF ELECTION SHALL BE
7 HELD BETWEEN THE TWO PERSONS RECEIVING THE HIGHEST NUMBER OF
8 VOTES; TO ABOLISH THE REQUIREMENT THAT THE GOVERNOR BE ELECTED BY
9 VOTE OF THE HOUSE OF REPRESENTATIVES IF NO PERSON RECEIVES BOTH A
10 MAJORITY OF THE POPULAR VOTE AND A MAJORITY OF THE ELECTORAL
11 VOTES; AND FOR 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 a majority of the number
24 of votes cast in the election for the office shall be declared
25 elected.

26 * * *

27 If no person receives a majority of the votes, then a runoff
28 election shall be held three (3) weeks after the general election
29 between the two (2) persons who received the highest number of
30 votes. The election shall be held in the same manner and in
31 accordance with the same procedure, as nearly as practicable, as

32 provided by law for a general election. The candidate who
33 receives a majority of the votes in the runoff election shall be
34 declared elected."

35 II.

36 Amend the Mississippi Constitution of 1890 by repealing
37 Section 141 which reads as follows:

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

44 III.

45 Amend the Mississippi Constitution of 1890 by repealing
46 Section 142 which reads as follows:

47 "Section 142. In case of an election of Governor or any
48 state officer by the House of Representatives, no member of that
49 House shall be eligible to receive any appointment from the
50 Governor or other state officer so elected, during the term for
51 which he shall be elected."

52 BE IT FURTHER RESOLVED, That these proposed amendments shall
53 be submitted by the Secretary of State to the qualified electors
54 at an election to be held on the first Tuesday after the first
55 Monday of November 2006, as provided by Section 273 of the
56 Constitution and by general law, with the amendments in this
57 resolution being voted on as one (1) amendment since the proposed
58 amendments pertain to one (1) subject.

59 BE IT FURTHER RESOLVED, That the explanation of this proposed
60 amendment for the ballot shall read as follows: "This proposed
61 constitutional amendment provides that the person who receives a
62 majority of the popular vote for Governor at the general election
63 shall be declared elected. If no person receives a majority, then
64 a runoff election between the two persons receiving the highest

65 number of votes must be held three weeks later. The amendment
66 abolishes the requirement that the Governor be elected by vote of
67 the House of Representatives if no candidate receives both a
68 majority of the popular vote and a majority of the electoral
69 votes."

70 BE IT FURTHER RESOLVED, That the Attorney General of the
71 State of Mississippi shall submit this resolution, immediately
72 upon adoption by the Legislature, to the Attorney General of the
73 United States or to the United States District Court for the
74 District of Columbia, in accordance with the provisions of the
75 Voting Rights Act of 1965, as amended and extended.