

By: Representative Snowden

To: Constitution

## HOUSE CONCURRENT RESOLUTION NO. 35

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 \* \* \*  
20 elected by the people in a general election to be held on the  
21 first Tuesday after the first Monday of November of A.D. \* \* \*  
22 2019, 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





48 house shall be eligible to receive any appointment from the  
49 Governor or other state officer so elected, during the term for  
50 which he shall be elected."

51 BE IT FURTHER RESOLVED, That these proposed amendments shall  
52 be submitted by the Secretary of State to the qualified electors  
53 at an election to be held on the first Tuesday after the first  
54 Monday of November 2018, as provided by Section 273 of the  
55 Constitution and by general law, with the proposed amendments in  
56 this resolution being voted on as one amendment since they pertain  
57 to one subject.

58 BE IT FURTHER RESOLVED, That the explanation of this proposed  
59 amendment for the ballot shall read as follows: "This amendment  
60 abolishes the requirement that the Governor be elected by vote of  
61 the House of Representatives if no candidate receives a majority  
62 of both the popular vote and the electoral votes at the general  
63 election; the person who receives a majority of the vote at the  
64 general election shall be elected; if no person receives a  
65 majority, then a runoff election between the two persons receiving  
66 the highest number of votes must be held."

