

By: Representative Beckett

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 47

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 140, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THE
3 GOVERNOR SHALL BE ELECTED BY A MAJORITY OF THE PEOPLE IN A GENERAL
4 ELECTION AND NOT BY THE ELECTORAL VOTE OF THE MISSISSIPPI HOUSE OF
5 REPRESENTATIVES, AND IF NO CANDIDATE RECEIVES A MAJORITY VOTE AT
6 THE GENERAL ELECTION, THEN A RUNOFF ELECTION SHALL BE HELD TWO (2)
7 WEEKS LATER, AND THE CANDIDATE WHO RECEIVES A MAJORITY VOTE IN THE
8 RUNOFF ELECTION SHALL BE ELECTED AS GOVERNOR; AND PROPOSING THE
9 REPEAL OF SECTION 141, MISSISSIPPI CONSTITUTION OF 1890, WHICH
10 PROVIDES THAT THE HOUSE OF REPRESENTATIVES SHALL CHOOSE A GOVERNOR
11 FROM THE TWO PERSONS WHO SHALL HAVE RECEIVED THE HIGHEST NUMBER OF
12 POPULAR VOTES; AND PROPOSING THE REPEAL OF SECTION 142,
13 MISSISSIPPI CONSTITUTION OF 1890, WHICH PROVIDES THAT, IN CASE OF
14 AN ELECTION OF THE GOVERNOR BY THE HOUSE OF REPRESENTATIVES, NO
15 MEMBER OF THE HOUSE OF REPRESENTATIVES SHALL RECEIVE AN
16 APPOINTMENT FROM THE GOVERNOR.

17 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
18 MISSISSIPPI, That the following amendments to the Mississippi
19 Constitution of 1890 are proposed to the qualified electors of the
20 state:

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

23 "Section 140. The Governor of the state shall be chosen in
24 the following manner: The Governor shall be elected by a majority
25 of the people in a general election on the first Tuesday after the



26 first Monday of November * * * 2023, and on the first Tuesday
27 after the first Monday of November in every fourth year
28 thereafter * * *. The candidate who receives the majority number
29 of votes cast for the office of Governor at the general election
30 shall be elected as Governor. If no candidate receives a majority
31 number of votes cast at the election, then the two (2) candidates
32 who receive the highest number of votes cast shall have their
33 names placed on the ballot for the runoff election to be held two
34 (2) weeks later. The candidate who receives a majority of the
35 votes cast in the runoff election shall be elected as Governor.
36 However, if no candidate receives a majority votes cast at the
37 election, and there is a tie in the election of those receiving
38 the next highest vote, then those candidates receiving the next
39 highest vote and the candidate receiving the highest number of
40 votes cast shall have their names placed on the ballot for the
41 runoff election to be held two (2) weeks later, and whoever
42 receives the majority of votes cast in the runoff election shall
43 be elected as Governor."

44 Amend the Mississippi Constitution of 1890 by repealing
45 Section 141, which reads as follows:

46 "Section 141. If no person shall receive such majorities,
47 then the house of representatives shall proceed to choose a
48 governor from the two persons who shall have received the highest
49 number of popular votes. The election shall be by viva voce vote,



50 which shall be recorded in the journal, in such manner as to show
51 for whom each member voted."

52 Amend the Mississippi Constitution of 1890 by repealing
53 Section 142, which reads as follows:

54 "Section 142. In case of an election of governor or any
55 state officer by the house of representatives, no member of that
56 house shall be eligible to receive any appointment from the
57 governor or other state officer so elected, during the term for
58 which he shall be elected."

59 BE IT FURTHER RESOLVED, That these proposed amendments shall
60 be submitted by the Secretary of State to the qualified electors
61 at an election to be held on the first Tuesday after the first
62 Monday of November 2020, as provided by Section 273 of the
63 Constitution and by general law, with the amendments in this
64 resolution being voted on as one (1) amendment since the proposed
65 amendments pertain to one (1) subject.

66 BE IT FURTHER RESOLVED, That the explanation of this proposed
67 amendment for the ballot shall read as follows: "This proposed
68 constitutional amendment provides that the Governor shall be
69 elected by a majority of the people in a general election and not
70 by the electoral vote of the Mississippi House of Representatives,
71 and if no candidate receives a majority vote at the general
72 election, then a runoff election shall be held two (2) weeks
73 later, and the candidate who receives a majority vote in the
74 runoff election shall be elected as Governor."

