

By: Senator(s) Johnson, Branning

To: Constitution; Elections

SENATE CONCURRENT RESOLUTION NO. 548

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI
 2 CONSTITUTION OF 1890 BY AMENDING SECTION 140 AND REPEALING
 3 SECTIONS 141, 142 AND 143 TO PROVIDE THAT THE PERSON RECEIVING THE
 4 MAJORITY OF VOTES FOR THE OFFICE OF GOVERNOR AND ALL STATE ELECTED
 5 OFFICIALS AT THE GENERAL ELECTION SHALL BE DECLARED ELECTED; TO
 6 PROVIDE THAT IF NO PERSON RECEIVES A MAJORITY OF THE VOTES, THEN A
 7 RUNOFF ELECTION SHALL BE HELD BETWEEN THE TWO PERSONS RECEIVING
 8 THE HIGHEST NUMBER OF VOTES AND TO PROVIDE FOR A TIEBREAKER VOTE
 9 BY THE LEGISLATURE; TO ABOLISH THE REQUIREMENT THAT THE GOVERNOR
 10 AND ALL STATE ELECTED OFFICIALS BE ELECTED BY VOTE OF THE HOUSE OF
 11 REPRESENTATIVES IF NO PERSON RECEIVES BOTH A MAJORITY OF THE
 12 POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; AND FOR
 13 RELATED PURPOSES.

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

18 I.

19 Amend Section 140, Mississippi Constitution of 1890, to read
 20 as follows:

21 Section 140. The Governor of the state and all state elected
 22 officials shall be * * * elected by the people in a general
 23 election to be held on the first Tuesday after the first Monday of



24 November * * * 2023, and on the first Tuesday after the first
25 Monday of November in every fourth year thereafter * * *. The
26 person receiving * * * a majority of the number of votes
27 cast * * * in the election for * * * these offices * * * shall be
28 declared elected.

29 If no person receives a majority of the votes, then a runoff
30 election shall be held three (3) weeks after the general election
31 between the two (2) persons who received the highest number of
32 votes. The election shall be held in the same manner and in
33 accordance with the same procedure, as nearly as practicable, as
34 provided by law for a general election. The candidate who
35 receives a majority of the votes in the runoff election shall be
36 declared elected. If the two (2) candidates in the runoff
37 election have an equal number of votes, the tie shall be broken by
38 a vote of the Legislature taken at a Joint Session held on the
39 first day of the Regular Session following the election, with each
40 Senator having two (2) votes and each House member having one (1)
41 vote.

42 II.

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

45 Section 141. If no person shall receive such majorities,
46 then the House of Representatives shall proceed to choose a
47 Governor from the two (2) persons who shall have received the
48 highest number of popular votes. The election shall be by viva



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

51 III.

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 state
55 officer by the House of Representatives, no member of that house
56 shall be eligible to receive any appointment from the Governor or
57 other state officer so elected, during the term for which he shall
58 be elected.

59 IV.

60 Amend the Mississippi Constitution of 1890 by repealing
61 Section 143, which reads as follows:

62 Section 143. All other state officers shall be elected at
63 the same time, and in the same manner as provided for election of
64 Governor.

65 BE IT FURTHER RESOLVED, That these proposed amendments shall
66 be submitted by the Secretary of State to the qualified electors
67 at an election to be held on the first Tuesday after the first
68 Monday of November 2020, as provided by Section 273 of the
69 Constitution and by general law, with the proposed amendments in
70 this resolution being voted on as one amendment since they pertain
71 to one subject.

72 BE IT FURTHER RESOLVED, That the explanation of this proposed
73 amendment for the ballot shall read as follows: "This amendment



74 abolishes the requirement that the Governor and all state elected
75 officials be elected by vote of the House of Representatives if no
76 candidate receives a majority of both the popular vote and the
77 electoral votes at the general election. The person who receives
78 a majority of the vote at the general election shall be elected;
79 if no person receives a majority, then a runoff election between
80 the two persons receiving the highest number of votes must be
81 held."

