

By: Senator(s) Farris

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 546

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; IF NO PERSON RECEIVES A
6 MAJORITY OF THE VOTES, TO PROVIDE THAT THE PERSON RECEIVING THE
7 HIGHEST NUMBER OF VOTES AND AT LEAST 45% OF THE TOTAL VOTES CAST
8 SHALL BE DECLARED ELECTED; TO PROVIDE FOR A RUN-OFF ELECTION THREE
9 WEEKS LATER BETWEEN THE TWO CANDIDATES RECEIVING THE HIGHEST
10 NUMBER OF VOTES IF NO CANDIDATE RECEIVES THE REQUIRED VOTES FOR
11 THE OFFICE IN THE GENERAL ELECTION; TO ABOLISH THE REQUIREMENT
12 THAT THE GOVERNOR BE ELECTED BY VOTE OF THE HOUSE OF
13 REPRESENTATIVES IF NO CANDIDATE RECEIVES BOTH A MAJORITY OF THE
14 POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; AND FOR
15 RELATED PURPOSES.

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

20 I.

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

23 Section 140. The Governor of the state shall be elected by
24 the people in a general election to be held on the first Tuesday
25 after the first Monday of November of A.D. 2003, and on the first
26 Tuesday after the first Monday of November in every fourth year
27 thereafter. * * * The person receiving a majority of the number
28 of votes cast in the election for the office shall be declared
29 elected. * * *

30 If no person receives a majority of the votes, then the
31 person who receives the highest number of votes and at least
32 forty-five percent (45%) of the total votes cast in the election
33 for the office shall be declared elected.



34 If no person receives the required number of votes to be
35 elected, then a run-off election shall be held three (3) weeks
36 after the general election between the two (2) persons who
37 received the highest number of votes. The election shall be held
38 in the same manner and in accordance with the same procedure, as
39 nearly as practicable, as provided by law for a general election.
40 The candidate who receives a majority of the votes in the run-off
41 election shall be declared elected. If both candidates receive an
42 equal number of votes, then the election shall be decided
43 immediately between the candidates by lot, fairly and publicly
44 drawn under the direction of the State Board of Election
45 Commissioners.

46 II.

47 Amend the Mississippi Constitution of 1890 by repealing
48 Section 141 which reads as follows:

49 Section 141. If no person shall receive such majorities,
50 then the House of Representatives shall proceed to choose a
51 Governor from the two persons who shall have received the highest
52 number of popular votes. The election shall be by viva voce vote,
53 which shall be recorded in the journal, in such manner as to show
54 for whom each member voted.

55 III.

56 Amend the Mississippi Constitution of 1890 by repealing
57 Section 142 which reads as follows:

58 Section 142. In case of an election of Governor or any state
59 officer by the House of Representatives, no member of that House
60 shall be eligible to receive any appointment from the Governor or
61 other state officer so elected, during the term for which he shall
62 be elected.

63 BE IT FURTHER RESOLVED, That these proposed amendments shall
64 be submitted by the Secretary of State to the qualified electors
65 at an election to be held on the first Tuesday after the first
66 Monday of November 2002, as provided by Section 273 of the



67 Constitution and by general law, with the amendments in this
68 resolution being voted on as one (1) amendment since the proposed
69 amendments pertain to one (1) subject.

70 BE IT FURTHER RESOLVED, That the explanation of this proposed
71 amendment for the ballot shall read as follows: "This proposed
72 constitutional amendment provides that the person who receives a
73 majority of the popular vote for Governor at the general election
74 shall be declared elected. If no person receives a majority, then
75 the person receiving the highest number of votes and at least 45%
76 of the total vote shall be elected. If no person receives the
77 votes required to be elected, then a run-off election between the
78 two persons receiving the highest number of votes is to be held
79 three weeks later. The amendment abolishes the requirement that
80 the Governor be elected by vote of the House of Representatives if
81 no candidate receives both a majority of the popular vote and a
82 majority of the electoral votes."

83 BE IT FURTHER RESOLVED, That the Attorney General of the
84 State of Mississippi shall submit this resolution, immediately
85 upon adoption by the Legislature, to the Attorney General of the
86 United States or to the United States District Court for the
87 District of Columbia, in accordance with the provisions of the
88 Voting Rights Act of 1965, as amended and extended.

