

By: Representative Snowden

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 38

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

32 receives a majority of the votes in the runoff election shall be
33 declared elected."

34 II.

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

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

43 III.

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

46 "Section 142. In case of an election of Governor or any
47 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 2004, as provided by Section 273 of the
55 Constitution and by general law, with the amendments in this
56 resolution being voted on as one (1) amendment since the proposed
57 amendments pertain to one (1) subject.

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

65 abolishes the requirement that the Governor be elected by vote of
66 the House of Representatives if no candidate receives both a
67 majority of the popular vote and a majority of the electoral
68 votes."

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