

By: Representatives Reynolds, Bounds,
Markham, Mayo, Miles, Moak

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 48

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 HIGHEST NUMBER OF VOTES FOR THE OFFICE OF GOVERNOR AT THE GENERAL
5 ELECTION SHALL BE DECLARED ELECTED; TO ABOLISH THE REQUIREMENT
6 THAT THE GOVERNOR BE ELECTED BY VOTE OF THE HOUSE OF
7 REPRESENTATIVES IF NO CANDIDATE RECEIVES BOTH A MAJORITY OF THE
8 POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; AND FOR
9 RELATED PURPOSES.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
11 MISSISSIPPI, That the following amendments to the Mississippi
12 Constitution of 1890 are proposed to the qualified electors of the
13 state:

14 I.

15 Amend Section 140, Mississippi Constitution of 1890, to read
16 as follows:

17 "Section 140. The Governor of the state shall be elected by
18 the people in a general election to be held on the first Tuesday
19 after the first Monday of November of A.D. 2007, and on the first
20 Tuesday after the first Monday of November in every fourth year
21 thereafter. The person receiving * * * the highest number of
22 votes cast in the election for the office shall be declared
23 elected.

24 If two (2) or more of the candidates for the office receiving
25 the greatest number of votes have an equal number of votes, then
26 the election shall be decided immediately between the candidates
27 having an equal number of votes by lot, fairly and publicly drawn
28 under the direction of the State Board of Election Commissioners."

29 II.

30 Amend the Mississippi Constitution of 1890 by repealing
31 Section 141 which reads as follows:

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

38 III.

39 Amend the Mississippi Constitution of 1890 by repealing
40 Section 142 which reads as follows:

41 "Section 142. In case of an election of Governor or any
42 state officer by the House of Representatives, no member of that
43 House shall be eligible to receive any appointment from the
44 Governor or other state officer so elected, during the term for
45 which he shall be elected."

46 BE IT FURTHER RESOLVED, That these proposed amendments shall
47 be submitted by the Secretary of State to the qualified electors
48 at an election to be held on the first Tuesday after the first
49 Monday of November 2004, as provided by Section 273 of the
50 Constitution and by general law, with the amendments in this
51 resolution being voted on as one (1) amendment since the proposed
52 amendments pertain to one (1) subject.

53 BE IT FURTHER RESOLVED, That the explanation of this proposed
54 amendment for the ballot shall read as follows: "This proposed
55 constitutional amendment amends one section of the Constitution
56 and repeals two other sections to provide that the person who
57 receives the highest number of popular votes for Governor at the
58 general election shall be declared elected. The amendment
59 abolishes the requirement that the Governor be elected by vote of
60 the House of Representatives if no candidate receives both a
61 majority of the popular vote and a majority of the electoral
62 votes."

63 BE IT FURTHER RESOLVED, That the Attorney General of the
64 State of Mississippi shall submit this resolution, immediately
65 upon adoption by the Legislature, to the Attorney General of the
66 United States or to the United States District Court for the
67 District of Columbia, in accordance with the provisions of the
68 Voting Rights Act of 1965, as amended and extended.