

By: Senator(s) Bryan

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 554  
(As Adopted by the Senate)

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI  
2 CONSTITUTION OF 1890 BY AMENDING SECTION 140 TO PROVIDE THAT THE  
3 GOVERNOR SHALL BE ELECTED AT A GENERAL ELECTION AND THE PERSON  
4 RECEIVING THE HIGHEST NUMBER OF POPULAR VOTES AND AT LEAST 40% OF  
5 THE TOTAL VOTES CAST SHALL BE ELECTED; TO REQUIRE A RUNOFF  
6 ELECTION IF NO PERSON RECEIVES THE REQUIRED VOTES; TO REPEAL  
7 SECTION 141 MISSISSIPPI CONSTITUTION OF 1890, TO ABOLISH THE  
8 REQUIREMENT THAT THE GOVERNOR BE ELECTED BY VOTE OF THE HOUSE OF  
9 REPRESENTATIVES IF NO PERSON RECEIVES BOTH A MAJORITY OF THE  
10 POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; AND FOR  
11 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 the highest number of  
24 votes and at least forty percent (40%) of the total votes cast in  
25 the election for the office shall be declared elected.

26 If no person receives the required number of votes to be  
27 elected, then a runoff election shall be held between the two (2)  
28 persons who received the highest number of votes as provided by  
29 law.

30 \* \* \*

31 II.

32 Amend the Mississippi Constitution of 1890 by repealing  
33 Section 141 which reads as follows:

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

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

47 BE IT FURTHER RESOLVED, That the explanation of this proposed  
48 amendment for the ballot shall read as follows: "This proposed  
49 constitutional amendment provides that the Governor shall be  
50 elected at the general election and the person receiving the  
51 highest number of popular votes and at least forty percent (40%)  
52 of the total votes cast for that office shall be declared elected  
53 Governor. If no person receives the vote required to be elected,  
54 then a runoff election shall be held between the two (2) persons  
55 receiving the highest number of votes."

56 BE IT FURTHER RESOLVED, That the Attorney General of the  
57 State of Mississippi shall submit this resolution, immediately  
58 upon adoption by the Legislature, to the Attorney General of the  
59 United States or to the United States District Court for the  
60 District of Columbia, in accordance with the provisions of the  
61 Voting Rights Act of 1965, as amended and extended.