

**Lost  
AMENDMENT NO 2 PROPOSED TO**

**Cmte Sub for Senate Resolution No. 3**

**BY: Senator(s) Bryan**

1       **AMEND line 56 by changing the colon to a semicolon and by**  
2       **inserting the word "and" thereafter.**

3       **FURTHER AMEND by striking lines 57 through 70 and insert in**  
4       **lieu thereof the following:**

5       WHEREAS, 565 un-initialed ballots were cast at the General  
6       Election in Precinct 94 of Senate District 29, and of these votes,  
7       487 were cast for Thomas, 66 were cast for White and 12 contained  
8       no votes for candidates in Senate District 29; and

9       WHEREAS, 102 un-initialed ballots were cast at the General  
10      Election for Senate District 29 in Precincts 8, 9, 91, 92, 93, B2,  
11      C2 and TE, and of these votes, 58 were cast for Thomas, 42 were  
12      cast for White and 2 contained no votes for candidates in Senate  
13      District 29; and

14      WHEREAS, because the number of un-initialed ballots cast at  
15      these precincts is not great and the election was conducted at  
16      these precincts without any significant problems, the Senate can  
17      remove the un-initialed ballots from the vote totals in the  
18      precincts; and

19      WHEREAS, 151 voters in Precinct 93B of Senate District 28  
20      were allowed to vote at the General Election in Senate District 29  
21      because a voting device was improperly programmed, and of these  
22      votes, 83 were cast for Thomas and 68 were cast for White; and

23           WHEREAS, the removal from the certified General Election  
24 results for Senate District 29 of all the votes cast at the  
25 General Election in Precinct 94, of the un-initialed ballots cast  
26 in Precincts 8, 9, 91, 92, 93, B2, C2 and TE and of the votes cast  
27 by voters from Precinct 93B, results in 7,920 votes for Thomas and  
28 8,545 for White; and

29           WHEREAS, a special election should be called in Precinct 94  
30 and the results of the special election in Precinct 94 of Senate  
31 District 29 should be added to the revised results of the election  
32 to determine who should be seated in Senate District 29:

33           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF  
34 MISSISSIPPI, That the Senate finds that the Honorable Dwayne  
35 Thomas cannot be seated and hereby orders that a special election  
36 shall be held in Precinct 94 by the Hinds County Election  
37 Commission for the office of State Senator for District 29 on  
38 Tuesday, February 10, 2004, between the Honorable Dwayne Thomas  
39 and the Honorable Richard White.

40           BE IT FURTHER RESOLVED, That the Hinds County Election  
41 Commission shall revise the final General Election vote totals in  
42 District 29 Senate race by:

43                   (a) Removing the votes cast in Precinct 94;

44                   (b) By removing the votes cast by un-initialed ballots  
45 in Precincts 8, 9, 91, 92, 93, B2, C2 and TE;

46                   (c) By removing the votes cast by electors from  
47 Precinct 93B; and

48                   (d) By including the results from the Tuesday, February  
49 10, 2004, special election in Precinct 94 ordered by this  
50 resolution.

51           BE IT FURTHER RESOLVED, That the Hinds County Election  
52 Commission shall be responsible for conducting the special  
53 election in accordance with the terms of this resolution and all

54 applicable state laws not in conflict with the terms of this  
55 resolution.