

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled RESOLUTION:

H. C. No. 47: Constitution; remove the electoral vote requirement for the Governor.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the resolving clause and inserting in lieu thereof the following:

14 That the following amendments to the Mississippi Constitution of
15 1890 are proposed to the qualified electors of the state:

16 I.

17 Amend Section 140, Mississippi Constitution of 1890, to read
18 as follows:

19 Section 140. The Governor of the state and all statewide
20 electd officials shall be * * * ~~chosen in the following manner~~
21 electd by the people in a general election to be held on the
22 first Tuesday after the first Monday of November * * * ~~of A.D. 1895~~
23 2023, and on the first Tuesday after the first Monday of November
24 in every fourth year thereafter * * * ~~,until the day shall be~~
25 ~~changed by law, on election shall be held in the several counties~~
26 ~~and districts created for the election of members of the House of~~
27 ~~Representatives in this state, or Governor, and.~~ The person



28 receiving * * * ~~in any county or such legislative district the~~
29 ~~highest~~ a majority of the number of votes cast * * * ~~therein in~~
30 the election for * * * ~~said~~ these offices * * * ~~,~~ shall be * * *
31 ~~holden to have received as many votes as such county or district~~
32 ~~is entitled to members in the House of Representatives, which last~~
33 ~~named votes are hereby designated "electoral votes". In all cases~~
34 ~~where a representative is apportioned to two (2) or more counties~~
35 ~~or districts, the electoral vote based on such representative,~~
36 ~~shall be equally divided among such counties or districts. The~~
37 ~~returns of said election shall be certified by the election~~
38 ~~commissioners, or the majority of them, of the several counties~~
39 ~~and transmitted, sealed, to the seat of government, directed to~~
40 ~~the Secretary of State, and shall be by him safely kept and~~
41 ~~delivered to the Speaker of the House of Representatives on the~~
42 ~~first day of the next ensuing session of the Legislature~~ declared
43 elected. If no person receives a majority of the votes, then a
44 runoff election shall be held under procedures prescribed by the
45 Legislature in general law.

46 * * * ~~The Speaker shall, on the same day he shall have~~
47 ~~received said returns, open and publish them in the presence of~~
48 ~~the House of Representatives, and said House shall ascertain and~~
49 ~~count the vote of each county and legislative district and decide~~
50 ~~any contest that may be made concerning the same, and said~~
51 ~~decision shall be made by a majority of the whole number of~~
52 ~~members of the House of Representatives concurring therein by a~~



53 ~~viva voce vote, which shall be recorded in its journal; provided,~~
54 ~~in case the two (2) highest candidates have an equal number of~~
55 ~~votes in any county or legislative district, the electoral vote of~~
56 ~~such county or legislative district shall be considered as equally~~
57 ~~divided between them. The person found to have received a~~
58 ~~majority of all the electoral votes, and also a majority of the~~
59 ~~popular vote, shall be declared elected.~~

60 II.

61 Amend the Mississippi Constitution of 1890 by repealing
62 Section 141, which reads as follows:

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

69 III.

70 Amend the Mississippi Constitution of 1890 by repealing
71 Section 142, which reads as follows:

72 Section 142. In case of an election of Governor or any state
73 officer by the House of Representatives, no member of that house
74 shall be eligible to receive any appointment from the Governor or
75 other state officer so elected, during the term for which he shall
76 be elected.

77 IV.



78 Amend the Mississippi Constitution of 1890 by repealing
79 Section 143, which reads as follows:

80 Section 143. All other state officers shall be elected at
81 the same time, and in the same manner as provided for election of
82 Governor.

83 BE IT FURTHER RESOLVED, That these proposed amendments shall
84 be submitted by the Secretary of State to the qualified electors
85 at an election to be held on the first Tuesday after the first
86 Monday of November 2020, as provided by Section 273 of the
87 Constitution and by general law, with the proposed amendments in
88 this resolution being voted on as one amendment since they pertain
89 to one subject.

90 BE IT FURTHER RESOLVED, That the explanation of this proposed
91 amendment for the ballot shall read as follows: "This amendment
92 provides that to be elected Governor, or to any other statewide
93 office, a candidate must receive a majority of the votes in the
94 general election. If no candidate receives a majority of the
95 votes, then a runoff election shall be held as provided by general
96 law. The requirement of receiving the most votes in a majority of
97 Mississippi House of Representative's districts is removed."

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI
2 CONSTITUTION OF 1890 BY AMENDING SECTION 140 AND REPEALING
3 SECTIONS 141, 142 AND 143 TO PROVIDE THAT THE PERSON RECEIVING A
4 MAJORITY OF THE VOTES FOR THE OFFICE OF GOVERNOR AND ALL STATEWIDE



5 ELECTED OFFICIALS AT THE GENERAL ELECTION SHALL BE DECLARED
6 ELECTED; TO PROVIDE THAT IF NO PERSON RECEIVES A MAJORITY OF THE
7 VOTES, THEN A RUNOFF ELECTION SHALL BE HELD AS PROVIDED BY GENERAL
8 LAW; TO ABOLISH THE REQUIREMENT THAT THE GOVERNOR AND ALL
9 STATEWIDE ELECTED OFFICIALS BE ELECTED BY VOTE OF THE HOUSE OF
10 REPRESENTATIVES IF NO PERSON RECEIVES BOTH A MAJORITY OF THE
11 POPULAR VOTE AND A MAJORITY OF THE ELECTORAL VOTES; AND FOR
12 RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Shanks

(NOT SIGNED)
Eubanks

X (SIGNED)
Beckett

CONFEREES FOR THE SENATE

X (SIGNED)
Johnson

X (SIGNED)
Branning

(NOT SIGNED)
Bryan

