

Analysis: Lawsuit pushed Mississippi to simplify elections

Associated Press

By a wide margin, Mississippi voters have eliminated a remnant of the state's racist history by repealing a complicated, multistep process for electing statewide officials.

Going forward, candidates for eight offices — governor, lieutenant governor, attorney general, secretary of state, treasurer, auditor, insurance commissioner and agriculture commissioner — will only have to win a majority of the popular vote.

They will no longer have to win the most votes in a majority of the 122 state House districts. That was roughly the state-level equivalent of winning a majority of the national electoral vote in the presidential race.

The presidential race is decided only by the electoral vote, though. Winning any of the eight statewide offices in Mississippi required both the popular vote and the electoral vote.

The question of simplifying Mississippi's election process might never have landed on the ballot without a strong shove provided by a federal lawsuit.

The suit was filed in 2019 on behalf of Black plaintiffs. It was backed by the National Democratic Redistricting Committee, led by former U.S. Attorney General Eric Holder, who served under President Barack Obama.

"This is all about fairness — about electoral fairness," Holder told The Associated Press when the suit was filed. "The election system in Mississippi has really kind

of perpetuated a history of racial discrimination that finally has to come to an end."

The Mississippi Constitution was adopted in 1890, and it set up the two-part process for statewide elections.

If no candidate won both the popular vote and the electoral vote, the race was decided by the state House. Because representatives were not obligated to vote as their districts did, an election could be decided by deal-making or even by the whim of a lawmaker who disagreed with the majority of voters in his or her own district.

Mississippi was the only state in the U.S. with this multistep process for electing statewide officials.

The process was written when white politicians across the South were enacting laws to erase Black political power gained during Reconstruction. The separate House vote was promoted as a way for the white ruling class have the final say in who holds office.

Currently, about 38% of Mississippi's residents are Black. The lawsuit argued that Mississippi's election system violated the principle of one-person, one-vote.

Plaintiffs said Mississippi's history of racially polarized voting meant that candidates preferred by Black voters needed a higher share of the statewide vote to win a majority of House districts.

Days before the 2019 governor's race, U.S. District Judge Daniel P. Jordan III wrote that he had "grave concern" about the constitutionality of the electoral

vote provision. Jordan wrote that the plaintiffs' argument about violation of one person, one vote is "arguably ... their strongest claim."

Jordan put the lawsuit on hold in December and gave legislators a chance to remedy the system by putting a proposed constitutional amendment on the ballot.

About 78% of people who cast ballots in last week's general election agreed to repeal the electoral provision, according to uncertified results.

Mississippi has not yet elected a Black candidate to statewide office. Although the complicated election process was designed to suppress Black political power, it was rarely used because most candidates have fulfilled both parts of the checklist.

The last time a governor's race was thrown to the Mississippi House was in January 2000. Nobody received the required majorities in a four-person governor's race in 1999. The top two candidates were white, and each won in 61 House districts.

In January 2000, House members chose Democrat Ronnie Musgrove, a one-term lieutenant governor who led the popular vote for governor, over Republican former U.S. Rep. Mike Parker. At the time, the House was controlled by Democrats. It is now controlled by Republicans.

In future races with more than two candidates, Mississippi will have runoffs if no candidate receives a simple majority in the first round of voting.



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