

By: Representative Guice

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 16

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO REQUIRE THE CHIEF
3 LEGISLATIVE BUDGET OFFICER TO PREPARE A FISCAL ANALYSIS OF EACH
4 INITIATIVE MEASURE PROPOSING TO AMEND THE MISSISSIPPI
5 CONSTITUTION; TO PROVIDE THAT A FISCAL ANALYSIS WHICH INDICATES
6 THAT ADOPTION OF THE PROPOSED INITIATIVE WOULD RESULT IN A LOSS OF
7 STATE REVENUES OF MORE THAN \$100,000,000.00 MAY BE ADOPTED ONLY
8 UPON AN AFFIRMATIVE VOTE OF NOT LESS THAN 60% OF THE VOTERS; AND
9 FOR RELATED PURPOSES.

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

14 Amend Section 273, Mississippi Constitution of 1890, to read
15 as follows:

16 "Section 273. (1) Amendments to this Constitution may be
17 proposed by the Legislature or by initiative of the people.

18 (2) Whenever two-thirds (2/3) of each house of the
19 Legislature, which two-thirds (2/3) shall consist of not less than
20 a majority of the members elected to each house, shall deem any
21 change, alteration or amendment necessary to this Constitution,
22 such proposed amendment, change or alteration shall be read and
23 passed by two-thirds (2/3) vote of each house, as herein provided;
24 public notice shall then be given by the Secretary of State at
25 least thirty (30) days preceding an election, at which the
26 qualified electors shall vote directly for or against such change,
27 alteration or amendment, and if more than one (1) amendment shall
28 be submitted at one (1) time, they shall be submitted in such
29 manner and form that the people may vote for or against each

30 amendment separately; and, notwithstanding the division of the
31 Constitution into sections, the Legislature may provide in its
32 resolution for one or more amendments pertaining and relating to
33 the same subject or subject matter, and may provide for one or
34 more amendments to an article of the Constitution pertaining and
35 relating to the same subject or subject matter, which may be
36 included in and voted on as one (1) amendment; and if it shall
37 appear that a majority of the qualified electors voting directly
38 for or against the same shall have voted for the proposed change,
39 alteration or amendment, then it shall be inserted as a part of
40 the Constitution by proclamation of the Secretary of State
41 certifying that it received the majority vote required by the
42 Constitution; and the resolution may fix the date and direct the
43 calling of elections for the purposes hereof.

44 (3) The people reserve unto themselves the power to propose
45 and enact constitutional amendments by initiative. An initiative
46 to amend the Constitution may be proposed by a petition signed
47 over a twelve-month period by qualified electors equal in number
48 to at least twelve percent (12%) of the votes for all candidates
49 for Governor in the last gubernatorial election. The signatures
50 of the qualified electors from any congressional district shall
51 not exceed one-fifth (1/5) of the total number of signatures
52 required to qualify an initiative petition for placement upon the
53 ballot. If an initiative petition contains signatures from a
54 single congressional district which exceed one-fifth (1/5) of the
55 total number of required signatures, the excess number of
56 signatures from that congressional district shall not be
57 considered by the Secretary of State in determining whether the
58 petition qualifies for placement on the ballot.

59 (4) The sponsor of an initiative shall identify in the text
60 of the initiative the amount and source of revenue required to
61 implement the initiative. If the initiative requires a reduction
62 in any source of government revenue, or a reallocation of funding
63 from currently funded programs, the sponsor shall identify in the
64 text of the initiative the program or programs whose funding must
65 be reduced or eliminated to implement the initiative. Compliance
66 with this requirement shall not be a violation of the subject

67 matter requirements of this section of the Constitution.

68 (5) The chief legislative budget officer shall prepare and
69 submit to the Secretary of State a fiscal analysis of each
70 proposed initiative. Notwithstanding any other provisions of
71 subsections (3) through (14) of this section of the Constitution
72 to the contrary, if the fiscal analysis indicates that adoption of
73 the proposed initiative would result during the next full state
74 fiscal year in a loss of state revenues of more than One Hundred
75 Million Dollars (\$100,000,000.00), then the proposed initiative
76 may be adopted only upon an affirmative vote of not less than
77 sixty percent (60%) of the qualified electors voting directly for
78 and against the initiative.

79 (6) The initiative process shall not be used:

80 (a) For the proposal, modification or repeal of any
81 portion of the Bill of Rights of this Constitution;

82 (b) To amend or repeal any law or any provision of the
83 Constitution relating to the Mississippi Public Employees'
84 Retirement System;

85 (c) To amend or repeal the constitutional guarantee
86 that the right of any person to work shall not be denied or
87 abridged on account of membership or nonmembership in any labor
88 union or organization; or

89 (d) To modify the initiative process for proposing
90 amendments to this Constitution.

91 (7) The Secretary of State shall file with the Clerk of the
92 House and the Secretary of the Senate the complete text of the
93 certified initiative on the first day of the regular session. A
94 constitutional initiative may be adopted by a majority vote of
95 each house of the Legislature. If the initiative is adopted,
96 amended or rejected by the Legislature; or if no action is taken
97 within four (4) months of the date that the initiative is filed
98 with the Legislature, the Secretary of State shall place the
99 initiative on the ballot for the next statewide general election.

100 The chief legislative budget officer shall prepare a fiscal
101 analysis of each initiative and each legislative alternative. A
102 summary of each fiscal analysis shall appear on the ballot.

103 (8) If the Legislature amends an initiative, the amended
104 version and the original initiative shall be submitted to the
105 electors. An initiative or legislative alternative must receive a
106 majority of the votes thereon and not less than forty percent
107 (40%) of the total votes cast at the election at which the measure
108 was submitted to be approved. If conflicting initiatives or
109 legislative alternatives are approved at the same election, the
110 initiative or legislative alternative receiving the highest number
111 of affirmative votes shall prevail.

112 (9) If an initiative measure proposed to the Legislature has
113 been rejected by the Legislature and an alternative measure is
114 passed by the Legislature in lieu thereof, the ballot titles of
115 both such measures shall be so printed on the official ballots
116 that a voter can express separately two (2) preferences: First,
117 by voting for the approval of either measure or against both
118 measures, and, secondly, by voting for one measure or the other
119 measure. If the majority of those voting on the first issue is
120 against both measures, then both measures fail, but in that case
121 the votes on the second issue nevertheless shall be carefully
122 counted and made public. If a majority voting on the first issue
123 is for the approval of either measure, then the measure receiving
124 a majority of the votes on the second issue and also receiving not
125 less than forty percent (40%) of the total votes cast at the
126 election at which the measure was submitted for approval shall be
127 law. Any person who votes for the ratification of either measure
128 on the first issue must vote for one (1) of the measures on the
129 second issue in order for the ballot to be valid. Any person who
130 votes against both measures on the first issue may vote but shall
131 not be required to vote for any of the measures on the second
132 issue in order for the ballot to be valid. Substantially the

133 following form shall be a compliance with this subsection:

134 INITIATED BY PETITION AND ALTERNATIVE

135 BY LEGISLATURE

136 Initiative Measure No. _____, entitled (here insert the

137 ballot title of the initiative measure).

138 Alternative Measure No. _____A, entitled (here insert the

139 ballot title of the alternative measure).

140 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

141 FOR APPROVAL OF EITHER Initiative No. _____

142 OR Alternative No. _____A ()

143 AGAINST Both Initiative No. _____

144 AND Alternative No. _____A ()

145 AND VOTE FOR ONE:

146 FOR Initiative Measure No. _____ ()

147 FOR Alternative Measure No. _____A ()

148 (10) No more than five (5) initiative proposals shall be

149 submitted to the voters on a single ballot, and the first five (5)

150 initiative proposals submitted to the Secretary of State with

151 sufficient petitions shall be the proposals which are submitted to

152 the voters. The sufficiency of petitions shall be decided in the

153 first instance by the Secretary of State, subject to review by the

154 Supreme Court of the state, which shall have original and

155 exclusive jurisdiction over all such cases.

156 (11) An initiative approved by the electors shall take

157 effect thirty (30) days from the date of the official declaration

158 of the vote by the Secretary of State, unless the measure provides

159 otherwise.

160 (12) If any amendment to the Constitution proposed by

161 initiative petition is rejected by a majority of the qualified

162 electors voting thereon, no initiative petition proposing the

163 same, or substantially the same, amendment shall be submitted to

164 the electors for at least two (2) years after the date of the

165 election on such amendment.

166 (13) The Legislature shall provide by law the manner in
167 which initiative petitions shall be circulated, presented and
168 certified. To prevent signature fraud and to maintain the
169 integrity of the initiative process the state has a compelling
170 interest in insuring that no person shall circulate an initiative
171 petition or obtain signatures on an initiative petition unless the
172 person is a resident of this state at the time of circulation.
173 For the purposes of this subsection the term "resident" means a
174 person who is domiciled in Mississippi as evidenced by an intent
175 to maintain a principal dwelling place in Mississippi indefinitely
176 and to return to Mississippi if temporarily absent, coupled with
177 an act or acts consistent with that intent. Every person who
178 circulates an initiative petition shall print and sign his name on
179 each page of an initiative petition, or on a separate page
180 attached to each page, certifying that he was a resident of this
181 state at the time of circulating the petition. The Secretary of
182 State shall refuse to accept for filing any page of an initiative
183 petition upon which the signatures appearing thereon were obtained
184 by a person who was not a resident of this state at the time of
185 circulating the petition, and an initiative measure shall not be
186 placed on the ballot if the Secretary of State determines that
187 without such signatures the petition clearly bears an insufficient
188 number of signatures. The provisions of this subsection (12)
189 shall be applicable to all initiative measures that have not been
190 placed on the ballot at the time this proposed amendment is
191 ratified by the electorate.

192 (14) The Legislature may enact laws to carry out the
193 provisions of this section but shall in no way restrict or impair
194 the provisions of this section or the powers herein reserved to
195 the people."

196 BE IT FURTHER RESOLVED, That this proposed amendment shall be
197 submitted by the Secretary of State to the qualified electors at
198 an election to be held on the first Tuesday after the first Monday

199 of November 1999, as provided by Section 273 of the Constitution
200 and by general law.

201 BE IT FURTHER RESOLVED, That the explanation of this proposed
202 amendment for the ballot shall read as follows: "This proposed
203 constitutional amendment requires the chief legislative budget
204 officer to prepare a fiscal analysis of each initiative measure
205 proposing to amend the Mississippi Constitution. A fiscal
206 analysis that indicates that adoption of the proposed initiative
207 would result in a loss of state revenues of more than
208 \$100,000,000.00 could be adopted only upon an affirmative vote of
209 not less than 60% of the voters."