

By: Representative Denny

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 28

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO LOWER THE MINIMUM NUMBER
3 OF SIGNATURES REQUIRED ON AN INITIATIVE PETITION PROPOSING TO
4 AMEND THE CONSTITUTION IN ORDER TO QUALIFY THE INITIATIVE MEASURE
5 FOR PLACEMENT ON THE ELECTION BALLOT; AND FOR RELATED PURPOSES.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
7 MISSISSIPPI, That the following amendment to the Mississippi
8 Constitution of 1890 is proposed to the qualified electors of the
9 state:

10 Amend Section 273, Mississippi Constitution of 1890, to read
11 as follows:

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

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

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

40 (3) The people reserve unto themselves the power to propose
41 and enact constitutional amendments by initiative. An initiative
42 to amend the Constitution may be proposed by a petition signed
43 over a twelve-month period by qualified electors equal in number
44 to at least six percent (6%) of the votes for all candidates for
45 Governor in the last gubernatorial election. The signatures of
46 the qualified electors from any congressional district shall not
47 exceed one-fifth (1/5) of the total number of signatures required
48 to qualify an initiative petition for placement upon the ballot.
49 If an initiative petition contains signatures from a single
50 congressional district which exceed one-fifth (1/5) of the total
51 number of required signatures, the excess number of signatures
52 from that congressional district shall not be considered by the
53 Secretary of State in determining whether the petition qualifies
54 for placement on the ballot.

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

64 (5) The initiative process shall not be used:

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

67 (b) To amend or repeal any law or any provision of the
68 Constitution relating to the Mississippi Public Employees'
69 Retirement System;

70 (c) To amend or repeal the constitutional guarantee
71 that the right of any person to work shall not be denied or
72 abridged on account of membership or nonmembership in any labor
73 union or organization; or

74 (d) To modify the initiative process for proposing
75 amendments to this Constitution.

76 (6) The Secretary of State shall file with the Clerk of the
77 House and the Secretary of the Senate the complete text of the
78 certified initiative on the first day of the regular session. A
79 constitutional initiative may be adopted by a majority vote of
80 each house of the Legislature. If the initiative is adopted,
81 amended or rejected by the Legislature; or if no action is taken
82 within four (4) months of the date that the initiative is filed
83 with the Legislature, the Secretary of State shall place the
84 initiative on the ballot for the next statewide general election.

85 The chief legislative budget officer shall prepare a fiscal
86 analysis of each initiative and each legislative alternative. A
87 summary of each fiscal analysis shall appear on the ballot.

88 (7) If the Legislature amends an initiative, the amended
89 version and the original initiative shall be submitted to the
90 electors. An initiative or legislative alternative must receive a
91 majority of the votes thereon and not less than forty percent
92 (40%) of the total votes cast at the election at which the measure
93 was submitted to be approved. If conflicting initiatives or
94 legislative alternatives are approved at the same election, the
95 initiative or legislative alternative receiving the highest number
96 of affirmative votes shall prevail.

97 (8) If an initiative measure proposed to the Legislature has

98 been rejected by the Legislature and an alternative measure is
99 passed by the Legislature in lieu thereof, the ballot titles of
100 both such measures shall be so printed on the official ballots
101 that a voter can express separately two (2) preferences: First,
102 by voting for the approval of either measure or against both
103 measures, and, secondly, by voting for one measure or the other
104 measure. If the majority of those voting on the first issue is
105 against both measures, then both measures fail, but in that case
106 the votes on the second issue nevertheless shall be carefully
107 counted and made public. If a majority voting on the first issue
108 is for the approval of either measure, then the measure receiving
109 a majority of the votes on the second issue and also receiving not
110 less than forty percent (40%) of the total votes cast at the
111 election at which the measure was submitted for approval shall be
112 law. Any person who votes for the ratification of either measure
113 on the first issue must vote for one (1) of the measures on the
114 second issue in order for the ballot to be valid. Any person who
115 votes against both measures on the first issue may vote but shall
116 not be required to vote for any of the measures on the second
117 issue in order for the ballot to be valid. Substantially the
118 following form shall be a compliance with this subsection:

119 INITIATED BY PETITION AND ALTERNATIVE
120 BY LEGISLATURE
121 Initiative Measure No. _____, entitled (here insert the
122 ballot title of the initiative measure).
123 Alternative Measure No. _____A, entitled (here insert the
124 ballot title of the alternative measure).
125 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:
126 FOR APPROVAL OF EITHER Initiative No. _____
127 OR Alternative No. _____A ()
128 AGAINST Both Initiative No. _____
129 AND Alternative No. _____A ()
130 AND VOTE FOR ONE:

131 FOR Initiative Measure No. _____ ()

132 FOR Alternative Measure No. _____A ()

133 (9) No more than five (5) initiative proposals shall be
134 submitted to the voters on a single ballot, and the first five (5)
135 initiative proposals submitted to the Secretary of State with
136 sufficient petitions shall be the proposals which are submitted to
137 the voters. The sufficiency of petitions shall be decided in the
138 first instance by the Secretary of State, subject to review by the
139 Supreme Court of the state, which shall have original and
140 exclusive jurisdiction over all such cases.

141 (10) An initiative approved by the electors shall take
142 effect thirty (30) days from the date of the official declaration
143 of the vote by the Secretary of State, unless the measure provides
144 otherwise.

145 (11) If any amendment to the Constitution proposed by
146 initiative petition is rejected by a majority of the qualified
147 electors voting thereon, no initiative petition proposing the
148 same, or substantially the same, amendment shall be submitted to
149 the electors for at least two (2) years after the date of the
150 election on such amendment.

151 (12) The Legislature shall provide by law the manner in
152 which initiative petitions shall be circulated, presented and
153 certified. To prevent signature fraud and to maintain the
154 integrity of the initiative process the state has a compelling
155 interest in insuring that no person shall circulate an initiative
156 petition or obtain signatures on an initiative petition unless the
157 person is a resident of this state at the time of circulation.
158 For the purposes of this subsection the term "resident" means a
159 person who is domiciled in Mississippi as evidenced by an intent
160 to maintain a principal dwelling place in Mississippi indefinitely
161 and to return to Mississippi if temporarily absent, coupled with
162 an act or acts consistent with that intent. Every person who
163 circulates an initiative petition shall print and sign his name on

each page of an initiative petition, or on a separate page attached to each page, certifying that he was a resident of this state at the time of circulating the petition. The Secretary of State shall refuse to accept for filing any page of an initiative petition upon which the signatures appearing thereon were obtained by a person who was not a resident of this state at the time of circulating the petition, and an initiative measure shall not be placed on the ballot if the Secretary of State determines that without such signatures the petition clearly bears an insufficient number of signatures. The provisions of this subsection (12) shall be applicable to all initiative measures that have not been placed on the ballot at the time this proposed amendment is ratified by the electorate.

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

BE IT FURTHER RESOLVED, That this proposed amendment shall be submitted by the Secretary of State to the qualified electors at an election to be held on the first Tuesday after the first Monday of November 1999, as provided by Section 273 of the Constitution and by general law.

BE IT FURTHER RESOLVED, That the explanation of this proposed amendment for the ballot shall read as follows: "This proposed constitutional amendment lowers the minimum number of signatures required on an initiative petition proposing to amend the Mississippi Constitution in order to qualify the initiative measure for placement on the election ballot. Currently, an initiative petition requires a minimum of twelve percent of the votes cast for all candidates for Governor at the last gubernatorial election. This amendment would lower that percentage to six percent."