

By: Representative Janus

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 30

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 CONSTITUTION
5 OF 1890; TO PROVIDE THAT A PROPOSED INITIATIVE THAT WOULD RESULT
6 DURING THE NEXT FULL STATE FISCAL YEAR IN A LOSS OF STATE REVENUES
7 OF MORE THAN ONE PERCENT OF THE STATE GENERAL FUND SHALL BE
8 INVALID; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

(5) The chief legislative budget officer shall prepare and submit to the Secretary of State a fiscal analysis of each proposed initiative. If the fiscal analysis indicates that the proposed initiative would result during the next full state fiscal year in a loss of state revenues of more than one percent (1%) of the State General Fund, then the proposed initiative shall be invalid and the Secretary of State shall return the initiative and a copy of the fiscal analysis to the sponsor.

(6) The initiative process shall not be used:

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

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

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

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

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

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

(8) If the Legislature amends an initiative, the amended

version and the original initiative shall be submitted to the electors. An initiative or legislative alternative must receive a majority of the votes thereon and not less than forty percent (40%) of the total votes cast at the election at which the measure was submitted to be approved. If conflicting initiatives or legislative alternatives are approved at the same election, the initiative or legislative alternative receiving the highest number of affirmative votes shall prevail.

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

INITIATED BY PETITION AND ALTERNATIVE

BY LEGISLATURE

Initiative Measure No. _____, entitled (here insert the

133 ballot title of the initiative measure).

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

135 ballot title of the alternative measure).

136 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

137 FOR APPROVAL OF EITHER Initiative No. _____

138 OR Alternative No. _____A ()

139 AGAINST Both Initiative No. _____

140 AND Alternative No. _____A ()

141 AND VOTE FOR ONE:

142 FOR Initiative Measure No. _____ ()

143 FOR Alternative Measure No. _____A ()

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

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

146 initiative proposals submitted to the Secretary of State with

147 sufficient petitions shall be the proposals which are submitted to

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

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

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

151 exclusive jurisdiction over all such cases.

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

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

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

155 otherwise.

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

157 initiative petition is rejected by a majority of the qualified

158 electors voting thereon, no initiative petition proposing the

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

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

161 election on such amendment.

162 (13) The Legislature shall provide by law the manner in

163 which initiative petitions shall be circulated, presented and

164 certified. To prevent signature fraud and to maintain the

165 integrity of the initiative process the state has a compelling

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

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

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

197 BE IT FURTHER RESOLVED, That the explanation of this proposed
198 amendment for the ballot shall read as follows: "This proposed

199 constitutional amendment requires the chief legislative budget
200 officer to prepare a fiscal analysis of each initiative measure
201 proposing to amend the Mississippi Constitution. A proposed
202 initiative is invalid if it would result during the next full
203 state fiscal year in a loss of state revenues of more than one
204 percent of the State General Fund."