

By: Representative McInnis

To: Constitution

## HOUSE CONCURRENT RESOLUTION NO. 36

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION  
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO REVISE THE MINIMUM  
3 NUMBER OF SIGNATURES REQUIRED ON AN INITIATIVE PETITION IN ORDER  
4 TO QUALIFY AN INITIATIVE MEASURE FOR PLACEMENT ON THE BALLOT; AND  
5 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 fifteen percent (15%) of the  
44 qualified electors in each county of the state.

45 (4) The sponsor of an initiative shall identify in the text  
46 of the initiative the amount and source of revenue required to  
47 implement the initiative. If the initiative requires a reduction  
48 in any source of government revenue, or a reallocation of funding  
49 from currently funded programs, the sponsor shall identify in the  
50 text of the initiative the program or programs whose funding must  
51 be reduced or eliminated to implement the initiative. Compliance  
52 with this requirement shall not be a violation of the subject  
53 matter requirements of this section of the Constitution.

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

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

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

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

64 (d) To modify the initiative process for proposing

65 amendments to this Constitution.

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

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

78 (7) If the Legislature amends an initiative, the amended  
79 version and the original initiative shall be submitted to the  
80 electors. An initiative or legislative alternative must receive a  
81 majority of the votes thereon and not less than forty percent  
82 (40%) of the total votes cast at the election at which the measure  
83 was submitted to be approved. If conflicting initiatives or  
84 legislative alternatives are approved at the same election, the  
85 initiative or legislative alternative receiving the highest number  
86 of affirmative votes shall prevail.

87 (8) If an initiative measure proposed to the Legislature has  
88 been rejected by the Legislature and an alternative measure is  
89 passed by the Legislature in lieu thereof, the ballot titles of  
90 both such measures shall be so printed on the official ballots  
91 that a voter can express separately two (2) preferences: First,  
92 by voting for the approval of either measure or against both  
93 measures, and, secondly, by voting for one measure or the other  
94 measure. If the majority of those voting on the first issue is  
95 against both measures, then both measures fail, but in that case  
96 the votes on the second issue nevertheless shall be carefully  
97 counted and made public. If a majority voting on the first issue

98 is for the approval of either measure, then the measure receiving  
99 a majority of the votes on the second issue and also receiving not  
100 less than forty percent (40%) of the total votes cast at the  
101 election at which the measure was submitted for approval shall be  
102 law. Any person who votes for the ratification of either measure  
103 on the first issue must vote for one (1) of the measures on the  
104 second issue in order for the ballot to be valid. Any person who  
105 votes against both measures on the first issue may vote but shall  
106 not be required to vote for any of the measures on the second  
107 issue in order for the ballot to be valid. Substantially the  
108 following form shall be a compliance with this subsection:

109 INITIATED BY PETITION AND ALTERNATIVE

110 BY LEGISLATURE

111 Initiative Measure No. \_\_\_\_\_, entitled (here insert the  
112 ballot title of the initiative measure).

113 Alternative Measure No. \_\_\_\_\_A, entitled (here insert the  
114 ballot title of the alternative measure).

115 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

116 FOR APPROVAL OF EITHER Initiative No. \_\_\_\_\_

117 OR Alternative No. \_\_\_\_\_A . . . . . ( )

118 AGAINST Both Initiative No. \_\_\_\_\_

119 AND Alternative No. \_\_\_\_\_A . . . . . ( )

120 AND VOTE FOR ONE:

121 FOR Initiative Measure No. \_\_\_\_\_ . . . . . ( )

122 FOR Alternative Measure No. \_\_\_\_\_A . . . . . ( )

123 (9) No more than five (5) initiative proposals shall be  
124 submitted to the voters on a single ballot, and the first five (5)  
125 initiative proposals submitted to the Secretary of State with  
126 sufficient petitions shall be the proposals which are submitted to  
127 the voters. The sufficiency of petitions shall be decided in the  
128 first instance by the Secretary of State, subject to review by the  
129 Supreme Court of the state, which shall have original and  
130 exclusive jurisdiction over all such cases.

131           (10) An initiative approved by the electors shall take  
132 effect thirty (30) days from the date of the official declaration  
133 of the vote by the Secretary of State, unless the measure provides  
134 otherwise.

135           (11) If any amendment to the Constitution proposed by  
136 initiative petition is rejected by a majority of the qualified  
137 electors voting thereon, no initiative petition proposing the  
138 same, or substantially the same, amendment shall be submitted to  
139 the electors for at least two (2) years after the date of the  
140 election on such amendment.

141           (12) The Legislature shall provide by law the manner in  
142 which initiative petitions shall be circulated, presented and  
143 certified. To prevent signature fraud and to maintain the  
144 integrity of the initiative process the state has a compelling  
145 interest in insuring that no person shall circulate an initiative  
146 petition or obtain signatures on an initiative petition unless the  
147 person is a resident of this state at the time of circulation.  
148 For the purposes of this subsection the term "resident" means a  
149 person who is domiciled in Mississippi as evidenced by an intent  
150 to maintain a principal dwelling place in Mississippi indefinitely  
151 and to return to Mississippi if temporarily absent, coupled with  
152 an act or acts consistent with that intent. Every person who  
153 circulates an initiative petition shall print and sign his name on  
154 each page of an initiative petition, or on a separate page  
155 attached to each page, certifying that he was a resident of this  
156 state at the time of circulating the petition. The Secretary of  
157 State shall refuse to accept for filing any page of an initiative  
158 petition upon which the signatures appearing thereon were obtained  
159 by a person who was not a resident of this state at the time of  
160 circulating the petition, and an initiative measure shall not be  
161 placed on the ballot if the Secretary of State determines that  
162 without such signatures the petition clearly bears an insufficient  
163 number of signatures. The provisions of this subsection (12)

164 shall be applicable to all initiative measures that have not been  
165 placed on the ballot at the time this proposed amendment is  
166 ratified by the electorate.

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

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

176 BE IT FURTHER RESOLVED, That the explanation of this proposed  
177 amendment for the ballot shall read as follows: "This proposed  
178 constitutional amendment changes the minimum number of signatures  
179 that must appear on an initiative petition proposing an amendment  
180 to the Constitution. This proposed amendment provides that in  
181 order to qualify an initiative measure for placement on the  
182 ballot, the petition must contain the signatures of at least  
183 fifteen percent of the qualified electors in each county of the  
184 state."

185 BE IT FURTHER RESOLVED, That the Attorney General of the  
186 State of Mississippi shall submit this resolution, immediately  
187 upon adoption by the Legislature, to the Attorney General of the  
188 United States or to the United States District Court for the  
189 District of Columbia, in accordance with the provisions of the  
190 Voting Rights Act of 1965, as amended and extended.