HOUSE CONCURRENT RESOLUTION NO. 43

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 273, MISSISSIPPI CONSTITUTION OF 1890, TO REDUCE THE NUMBER OF SIGNATURES REQUIRED TO QUALIFY AN INITIATIVE MEASURE FOR PLACEMENT ON THE BALLOT; TO DELETE THE REQUIREMENT THAT AT LEAST ONE-FIFTH OF THE MINIMUM NUMBER OF SIGNATURES ON AN INITIATIVE PETITION BE OBTAINED FROM EACH OF THE STATE'S CONGRESSIONAL DISTRICTS; TO DELETE THE REQUIREMENT THAT IN ORDER TO BE RATIFIED AN INITIATIVE MUST RECEIVE AT LEAST FORTY PERCENT OF THE VOTES CAST AT THE ELECTION AT WHICH THE MEASURE WAS SUBMITTED FOR APPROVAL; AND FOR RELATED PURPOSES.

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

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

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

(2) Whenever two-thirds (2/3) of each house of the Legislature, which two-thirds (2/3) shall consist of not less than a majority of the members elected to each house, shall deem any change, alteration or amendment necessary to this Constitution, such proposed amendment, change or alteration shall be read and passed by two-thirds (2/3) vote of each house, as herein provided; public notice shall then be given by the Secretary of State at least thirty (30) days preceding an election, at which the qualified electors shall vote directly for or against such change, alteration or amendment, and if more than one (1) amendment shall be submitted at one (1) time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately; and, notwithstanding the division of the
Constitution into sections, the Legislature may provide in its resolution for one or more amendments pertaining and relating to the same subject or subject matter, and may provide for one or more amendments to an article of the Constitution pertaining and relating to the same subject or subject matter, which may be included in and voted on as one (1) amendment; and if it shall appear that a majority of the qualified electors voting directly for or against the same shall have voted for the proposed change, alteration or amendment, then it shall be inserted as a part of the Constitution by proclamation of the Secretary of State certifying that it received the majority vote required by the Constitution; and the resolution may fix the date and direct the calling of elections for the purposes hereof.

(3) The people reserve unto themselves the power to propose and enact constitutional amendments by initiative. An initiative to amend the Constitution may be proposed by a petition signed over a twelve-month period by qualified electors equal in number to at least ten percent (10%) of the votes for all candidates for Governor in the last gubernatorial election.

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

(5) 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.

(6) 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.

(7) If the Legislature amends an initiative, the amended version and the original initiative shall be submitted to the electors. In order for an initiative or legislative alternative to be ratified, an initiative or legislative alternative must receive a majority of the total number of votes cast at the election for the initiative and the legislative alternative. 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.

(8) 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
ballot title of the initiative measure).

Alternative Measure No. _____A, entitled (here insert the
ballot title of the alternative measure).

VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

FOR APPROVAL OF EITHER Initiative No._____

OR Alternative No. ____A .......................... ( )

AGAINST Both Initiative No. ____

AND Alternative No. ____A .......................... ( )

AND VOTE FOR ONE:

FOR Initiative Measure No. ____ ...................... ( )

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

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

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

(12) The Legislature shall provide by law the manner in which initiative petitions shall be circulated, presented and certified. To prevent signature fraud and to maintain the integrity of the initiative process the state has a compelling interest in insuring that no person shall circulate an initiative petition or obtain signatures on an initiative petition unless the person is a resident of this state at the time of circulation. For the purposes of this subsection the term "resident" means a person who is domiciled in Mississippi as evidenced by an intent to maintain a principal dwelling place in Mississippi indefinitely and to return to Mississippi if temporarily absent, coupled with an act or acts consistent with that intent. Every person who 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.
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 2002, 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 reduces from twelve percent to ten percent the number of signatures required on initiative petitions proposing to amend the Constitution. The amendment also deletes the requirement that one-fifth of the signatures on an initiative petition be obtained from each congressional district and the requirement that initiatives may be ratified only upon receiving, in addition to a majority of the votes on the initiative, but also at least forty percent of all votes cast at the election."

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