

By: Representative Fillingane

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 43

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO REDUCE THE NUMBER OF
3 SIGNATURES REQUIRED TO QUALIFY AN INITIATIVE MEASURE FOR PLACEMENT
4 ON THE BALLOT; TO DELETE THE REQUIREMENT THAT AT LEAST ONE-FIFTH
5 OF THE MINIMUM NUMBER OF SIGNATURES ON AN INITIATIVE PETITION BE
6 OBTAINED FROM EACH OF THE STATE'S CONGRESSIONAL DISTRICTS; TO
7 DELETE THE REQUIREMENT THAT IN ORDER TO BE RATIFIED AN INITIATIVE
8 MUST RECEIVE AT LEAST FORTY PERCENT OF THE VOTES CAST AT THE
9 ELECTION AT WHICH THE MEASURE WAS SUBMITTED FOR APPROVAL; AND FOR
10 RELATED PURPOSES.

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

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

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

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



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

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

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

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

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



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

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

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

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

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

84 (7) If the Legislature amends an initiative, the amended
85 version and the original initiative shall be submitted to the
86 electors. In order for an initiative or legislative alternative
87 to be ratified, an initiative or legislative alternative must
88 receive a majority of the total number of votes * * * cast at the
89 election for the initiative and the legislative alternative. If
90 conflicting initiatives or legislative alternatives are approved
91 at the same election, the initiative or legislative alternative
92 receiving the highest number of affirmative votes shall prevail.

93 (8) If an initiative measure proposed to the Legislature has
94 been rejected by the Legislature and an alternative measure is
95 passed by the Legislature in lieu thereof, the ballot titles of



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

115 INITIATED BY PETITION AND ALTERNATIVE

116 BY LEGISLATURE

117 Initiative Measure No. _____, entitled (here insert the
118 ballot title of the initiative measure).

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

121 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

122 FOR APPROVAL OF EITHER Initiative No. _____

123 OR Alternative No. _____A ()

124 AGAINST Both Initiative No. _____

125 AND Alternative No. _____A ()

126 AND VOTE FOR ONE:

127 FOR Initiative Measure No. _____ ()

128 FOR Alternative Measure No. _____A ()



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

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

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

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



162 state at the time of circulating the petition. The Secretary of
163 State shall refuse to accept for filing any page of an initiative
164 petition upon which the signatures appearing thereon were obtained
165 by a person who was not a resident of this state at the time of
166 circulating the petition, and an initiative measure shall not be
167 placed on the ballot if the Secretary of State determines that
168 without such signatures the petition clearly bears an insufficient
169 number of signatures. * * *

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

174 BE IT FURTHER RESOLVED, That this proposed amendment shall be
175 submitted by the Secretary of State to the qualified electors at
176 an election to be held on the first Tuesday after the first Monday
177 of November 2002, as provided by Section 273 of the Constitution
178 and by general law.

179 BE IT FURTHER RESOLVED, That the explanation of this proposed
180 amendment for the ballot shall read as follows: "This proposed
181 constitutional amendment reduces from twelve percent to ten
182 percent the number of signatures required on initiative petitions
183 proposing to amend the Constitution. The amendment also deletes
184 the requirement that one-fifth of the signatures on an initiative
185 petition be obtained from each congressional district and the
186 requirement that initiatives may be ratified only upon receiving,
187 in addition to a majority of the votes on the initiative, but also
188 at least forty percent of all votes cast at the election."

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

