

By: Representative Mayo

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 58

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION  
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO CONFORM THE PRO RATA  
3 SIGNATURE REQUIREMENTS FROM EACH CONGRESSIONAL DISTRICT FOR AN  
4 INITIATIVE AND REFERENDUM PETITION TO THE NUMBER OF NEW  
5 CONGRESSIONAL DISTRICTS; 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 twelve percent (12%) of the votes for all candidates  
45 for Governor in the last gubernatorial election. The signatures  
46 of the qualified electors from any congressional district shall  
47 not exceed its pro rata share of the total number of signatures  
48 required to qualify an initiative petition for placement upon the  
49 ballot. If an initiative petition contains signatures from a  
50 single congressional district which exceed its pro rata share of  
51 the total number of required signatures, the excess number of  
52 signatures from that congressional district shall not be  
53 considered by the Secretary of State in determining whether the  
54 petition qualifies 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 BY LEGISLATURE

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

122 Alternative Measure No. \_\_\_\_\_ A, entitled (here insert the  
123 ballot title of the alternative measure).

124 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

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

126 OR Alternative No. \_\_\_\_\_ ( )

127 AGAINST Both Initiative No. \_\_\_\_\_



128 AND Alternative No. \_\_\_\_\_ A..... ( )

129 AND VOTE FOR ONE:

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

131 FOR Alternative Measure No. \_\_\_\_\_ A ..... ( )

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

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

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

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

161 an act or acts consistent with that intent. Every person who  
162 circulates an initiative petition shall print and sign his name on  
163 each page of an initiative petition, or on a separate page  
164 attached to each page, certifying that he was a resident of this  
165 state at the time of circulating the petition. The Secretary of  
166 State shall refuse to accept for filing any page of an initiative  
167 petition upon which the signatures appearing thereon were obtained  
168 by a person who was not a resident of this state at the time of  
169 circulating the petition, and an initiative measure shall not be  
170 placed on the ballot if the Secretary of State determines that  
171 without such signatures the petition clearly bears an insufficient  
172 number of signatures. The provisions of this subsection (12)  
173 shall be applicable to all initiative measures that have not been  
174 placed on the ballot at the time this proposed amendment is  
175 ratified by the electorate.

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

180 BE IT FURTHER RESOLVED, That this proposed amendment shall be  
181 submitted by the Secretary of State to the qualified electors at  
182 an election to be held on the first Tuesday after the first Monday  
183 of November 2003, as provided by Section 273 of the Constitution  
184 and by general law.

185 BE IT FURTHER RESOLVED, That the explanation of this proposed  
186 amendment for the ballot shall read as follows: "This proposed  
187 constitutional amendment conforms the pro rata signature  
188 requirements of congressional districts for initiative and  
189 referendum petitions to the number of new congressional  
190 districts."

