

By: Senator(s) Burton

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 544

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.

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 time, they shall be submitted in such manner
25 and form that the people may vote for or against each amendment
26 separately; and, notwithstanding the division of the Constitution
27 into sections, the Legislature may provide in its resolution for
28 one or more amendments pertaining and relating to the same subject

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

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 2006, 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 amendment conforms the pro rata signature requirements of
188 congressional districts for initiative and referendum petitions to
189 the number of new congressional districts."