

By: Representative Barker

To: Constitution;
Apportionment and Elections

HOUSE CONCURRENT RESOLUTION NO. 22

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 273, MISSISSIPPI CONSTITUTION OF 1890, WHICH RELATES TO THE POWER
3 OF THE PEOPLE TO ENACT CONSTITUTIONAL AMENDMENTS BY INITIATIVE, TO
4 CONFORM THE MAXIMUM PERCENTAGE OF THE NUMBER OF SIGNATURES OF
5 QUALIFIED ELECTORS ALLOWED FROM ANY SINGLE CONGRESSIONAL DISTRICT
6 TO THE PERCENTAGE THAT THE DISTRICT REPRESENTS IN RELATION TO THE
7 TOTAL NUMBER OF CONGRESSIONAL DISTRICTS; AND FOR RELATED PURPOSES.

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

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

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

16 (2) Whenever two-thirds (2/3) of each house of the
17 Legislature, which two-thirds (2/3) shall consist of not less than
18 a majority of the members elected to each house, shall deem any
19 change, alteration or amendment necessary to this Constitution,
20 such proposed amendment, change or alteration shall be read and



21 passed by two-thirds (2/3) vote of each house, as herein provided;
22 public notice shall then be given by the Secretary of State at
23 least thirty (30) days preceding an election, at which the
24 qualified electors shall vote directly for or against such change,
25 alteration or amendment, and if more than one (1) amendment shall
26 be submitted at one (1) time, they shall be submitted in such
27 manner and form that the people may vote for or against each
28 amendment separately; and, notwithstanding the division of the
29 Constitution into sections, the Legislature may provide in its
30 resolution for one or more amendments pertaining and relating to
31 the same subject or subject matter, and may provide for one or
32 more amendments to an article of the Constitution pertaining and
33 relating to the same subject or subject matter, which may be
34 included in and voted on as one (1) amendment; and if it shall
35 appear that a majority of the qualified electors voting directly
36 for or against the same shall have voted for the proposed change,
37 alteration or amendment, then it shall be inserted as a part of
38 the Constitution by proclamation of the Secretary of State
39 certifying that it received the majority vote required by the
40 Constitution; and the resolution may fix the date and direct the
41 calling of elections for the purposes hereof.

42 (3) The people reserve unto themselves the power to propose
43 and enact constitutional amendments by initiative. An initiative
44 to amend the Constitution may be proposed by a petition signed
45 over a twelve-month period by qualified electors equal in number



46 to at least twelve percent (12%) of the votes for all candidates
47 for Governor in the last gubernatorial election. * * * Of the
48 total number of signatures required to qualify an initiative
49 petition for placement upon the ballot, the maximum amount of
50 signatures of qualified electors from any one (1) single
51 congressional district shall not exceed the amount of the number
52 of signatures required for that district based upon the percentage
53 that the district represents in relation to the total number of
54 districts existing in the state at the time the initiative
55 petition is proposed. If an initiative petition contains
56 signatures from a single congressional district which exceed * * *
57 the applicable congressional district percentage amount of the
58 total number of required signatures, the excess number of
59 signatures from that congressional district shall not be
60 considered by the Secretary of State in determining whether the
61 petition qualifies for placement on the ballot.

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



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

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

74 (b) To amend or repeal any law or any provision of the
75 Constitution relating to the Mississippi Public Employees'
76 Retirement System;

77 (c) To amend or repeal the constitutional guarantee
78 that the right of any person to work shall not be denied or
79 abridged on account of membership or nonmembership in any labor
80 union or organization; or

81 (d) To modify the initiative process for proposing
82 amendments to this Constitution.

83 (6) The Secretary of State shall file with the Clerk of the
84 House and the Secretary of the Senate the complete text of the
85 certified initiative on the first day of the regular session. A
86 constitutional initiative may be adopted by a majority vote of
87 each house of the Legislature. If the initiative is adopted,
88 amended or rejected by the Legislature; or if no action is taken
89 within four (4) months of the date that the initiative is filed
90 with the Legislature, the Secretary of State shall place the
91 initiative on the ballot for the next statewide general election.

92 The chief legislative budget officer shall prepare a fiscal
93 analysis of each initiative and each legislative alternative. A
94 summary of each fiscal analysis shall appear on the ballot.



95 (7) If the Legislature amends an initiative, the amended
96 version and the original initiative shall be submitted to the
97 electors. An initiative or legislative alternative must receive a
98 majority of the votes thereon and not less than forty percent
99 (40%) of the total votes cast at the election at which the measure
100 was submitted to be approved. If conflicting initiatives or
101 legislative alternatives are approved at the same election, the
102 initiative or legislative alternative receiving the highest number
103 of affirmative votes shall prevail.

104 (8) If an initiative measure proposed to the Legislature has
105 been rejected by the Legislature and an alternative measure is
106 passed by the Legislature in lieu thereof, the ballot titles of
107 both such measures shall be so printed on the official ballots
108 that a voter can express separately two (2) preferences: First,
109 by voting for the approval of either measure or against both
110 measures, and, secondly, by voting for one measure or the other
111 measure. If the majority of those voting on the first issue is
112 against both measures, then both measures fail, but in that case
113 the votes on the second issue nevertheless shall be carefully
114 counted and made public. If a majority voting on the first issue
115 is for the approval of either measure, then the measure receiving
116 a majority of the votes on the second issue and also receiving not
117 less than forty percent (40%) of the total votes cast at the
118 election at which the measure was submitted for approval shall be
119 law. Any person who votes for the ratification of either measure



120 on the first issue must vote for one (1) of the measures on the
121 second issue in order for the ballot to be valid. Any person who
122 votes against both measures on the first issue may vote but shall
123 not be required to vote for any of the measures on the second
124 issue in order for the ballot to be valid. Substantially the
125 following form shall be a compliance with this subsection:

126 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

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

129 Alternative Measure No. _____ A, entitled (here insert
130 the ballot title of the alternative measure).

131 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

132 FOR APPROVAL OF EITHER Initiative No. _____

133 OR Alternative No. _____ A ()

134 AGAINST Both Initiative No. _____

135 AND Alternative No. _____ A ()

136 AND VOTE FOR ONE

137 FOR Initiative Measure No. _____ ()

138 FOR Alternative Measure No. _____ A ()

139 (9) No more than five (5) initiative proposals shall be
140 submitted to the voters on a single ballot, and the first five (5)
141 initiative proposals submitted to the Secretary of State with
142 sufficient petitions shall be the proposals which are submitted to
143 the voters. The sufficiency of petitions shall be decided in the
144 first instance by the Secretary of State, subject to review by the



145 Supreme Court of the state, which shall have original and
146 exclusive jurisdiction over all such cases.

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

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

157 (12) The Legislature shall provide by law the manner in
158 which initiative petitions shall be circulated, presented and
159 certified. To prevent signature fraud and to maintain the
160 integrity of the initiative process the state has a compelling
161 interest in insuring that no person shall circulate an initiative
162 petition or obtain signatures on an initiative petition unless the
163 person is a resident of this state at the time of circulation.
164 For the purposes of this subsection the term "resident" means a
165 person who is domiciled in Mississippi as evidenced by an intent
166 to maintain a principal dwelling place in Mississippi indefinitely
167 and to return to Mississippi if temporarily absent, coupled with
168 an act or acts consistent with that intent. Every person who
169 circulates an initiative petition shall print and sign his name on



170 each page of an initiative petition, or on a separate page
171 attached to each page, certifying that he was a resident of this
172 state at the time of circulating the petition. The Secretary of
173 State shall refuse to accept for filing any page of an initiative
174 petition upon which the signatures appearing thereon were obtained
175 by a person who was not a resident of this state at the time of
176 circulating the petition, and an initiative measure shall not be
177 placed on the ballot if the Secretary of State determines that
178 without such signatures the petition clearly bears an insufficient
179 number of signatures. The provisions of this subsection (12)
180 shall be applicable to all initiative measures that have not been
181 placed on the ballot at the time this proposed amendment is
182 ratified by the electorate.

183 (13) The Legislature may enact laws to carry out the
184 provisions of this section but shall in no way restrict or impair
185 the provisions of this section or the powers herein reserved to
186 the people."

187 BE IT FURTHER RESOLVED, That this proposed amendment shall be
188 submitted by the Secretary of State to the qualified electors at
189 an election to be held on the first Tuesday after the first Monday
190 of November 2014, as provided by Section 273 of the Constitution
191 and by general law.

192 BE IT FURTHER RESOLVED, That the explanation of this proposed
193 amendment for the ballot shall read as follows: "This proposed
194 constitutional amendment revises the procedure for the people to



195 change the Constitution by initiative, to conform the maximum
196 percentage amount of signatures allowed from any single
197 congressional district to the actual number of districts existing
198 at the time of the initiative."

