

By: Representative Yancey

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 43

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT TO QUALIFY
3 AN INITIATIVE PETITION FOR PLACEMENT UPON THE BALLOT, SIGNATURES
4 OF THE QUALIFIED ELECTORS FROM ANY CONGRESSIONAL DISTRICT SHALL
5 NOT EXCEED A CERTAIN FRACTIONAL PORTION OF THE TOTAL NUMBER OF
6 SIGNATURES REQUIRED.

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

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

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

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



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

41 (3) The people reserve unto themselves the power to propose
42 and enact constitutional amendments by initiative. An initiative
43 to amend the Constitution may be proposed by a petition signed
44 over a twelve-month period by qualified electors equal in number
45 to at least twelve percent (12%) of the votes for all candidates



46 for Governor in the last gubernatorial election. The signatures
47 of the qualified electors from any congressional district shall
48 not exceed * * * the following portion of the total * * *
49 signatures required to qualify an initiative petition for
50 placement upon the ballot: the portion shall be a fraction with a
51 numerator of one (1) and a denominator equal to the total number
52 of congressional districts statewide. If an initiative petition
53 contains signatures from a single congressional district which
54 exceed * * * the portion of the total * * * required signatures
55 specified in the preceding sentence, the excess number of
56 signatures from that congressional district shall not be
57 considered by the Secretary of State in determining whether the
58 petition qualifies for placement on the ballot.

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

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

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



71 (b) To amend or repeal any law or any provision of the
72 Constitution relating to the Mississippi Public Employees'
73 Retirement System;

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

78 (d) To modify the initiative process for proposing
79 amendments to this Constitution.

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

89 The chief legislative budget officer shall prepare a fiscal
90 analysis of each initiative and each legislative alternative. A
91 summary of each fiscal analysis shall appear on the ballot.

92 (7) If the Legislature amends an initiative, the amended
93 version and the original initiative shall be submitted to the
94 electors. An initiative or legislative alternative must receive a
95 majority of the votes thereon and not less than forty percent



96 (40%) of the total votes cast at the election at which the measure
97 was submitted to be approved. If conflicting initiatives or
98 legislative alternatives are approved at the same election, the
99 initiative or legislative alternative receiving the highest number
100 of affirmative votes shall prevail.

101 (8) If an initiative measure proposed to the Legislature has
102 been rejected by the Legislature and an alternative measure is
103 passed by the Legislature in lieu thereof, the ballot titles of
104 both such measures shall be so printed on the official ballots
105 that a voter can express separately two (2) preferences: First,
106 by voting for the approval of either measure or against both
107 measures, and, secondly, by voting for one measure or the other
108 measure. If the majority of those voting on the first issue is
109 against both measures, then both measures fail, but in that case
110 the votes on the second issue nevertheless shall be carefully
111 counted and made public. If a majority voting on the first issue
112 is for the approval of either measure, then the measure receiving
113 a majority of the votes on the second issue and also receiving not
114 less than forty percent (40%) of the total votes cast at the
115 election at which the measure was submitted for approval shall be
116 law. Any person who votes for the ratification of either measure
117 on the first issue must vote for one (1) of the measures on the
118 second issue in order for the ballot to be valid. Any person who
119 votes against both measures on the first issue may vote but shall
120 not be required to vote for any of the measures on the second



121 issue in order for the ballot to be valid. Substantially the
122 following form shall be a compliance with this subsection:

123 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

124 Initiative Measure No. _____, entitled (here insert
125 the ballot title of the initiative measure). Alternative

126 Measure No. _____ A, entitled (here insert the ballot title
127 of the alternative measure). VOTE FOR APPROVAL OF EITHER, OR

128 AGAINST BOTH: FOR APPROVAL OF EITHER Initiative No. _____ OR
129 Alternative No. _____ A ()

130 AGAINST Both Initiative No. _____ AND Alternative No. _____ A
131 () AND VOTE FOR ONE FOR

132 Initiative Measure No. _____ ()
133 FOR Alternative Measure No. _____ A ()

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

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



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

152 (12) The Legislature shall provide by law the manner in
153 which initiative petitions shall be circulated, presented and
154 certified. To prevent signature fraud and to maintain the
155 integrity of the initiative process the state has a compelling
156 interest in insuring that no person shall circulate an initiative
157 petition or obtain signatures on an initiative petition unless the
158 person is a resident of this state at the time of circulation.
159 For the purposes of this subsection the term "resident" means a
160 person who is domiciled in Mississippi as evidenced by an intent
161 to maintain a principal dwelling place in Mississippi indefinitely
162 and to return to Mississippi if temporarily absent, coupled with
163 an act or acts consistent with that intent. Every person who
164 circulates an initiative petition shall print and sign his name on
165 each page of an initiative petition, or on a separate page
166 attached to each page, certifying that he was a resident of this
167 state at the time of circulating the petition. The Secretary of
168 State shall refuse to accept for filing any page of an initiative
169 petition upon which the signatures appearing thereon were obtained
170 by a person who was not a resident of this state at the time of



171 circulating the petition, and an initiative measure shall not be
172 placed on the ballot if the Secretary of State determines that
173 without such signatures the petition clearly bears an insufficient
174 number of signatures. The provisions of this subsection (12)
175 shall be applicable to all initiative measures that have not been
176 placed on the ballot at the time this proposed amendment is
177 ratified by the electorate.

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

182 BE IT FURTHER RESOLVED, That this proposed amendment shall be
183 submitted by the Secretary of State to the qualified electors at
184 an election to be held on the first Tuesday after the first Monday
185 of November 2020, as provided by Section 273 of the Constitution
186 and by general law.

187 BE IT FURTHER RESOLVED, That the explanation of this proposed
188 amendment for the ballot shall read as follows: "This proposed
189 constitutional amendment provides that signatures of the qualified
190 electors from any congressional district shall not exceed
191 one-fourth (1/4) of the total number of signatures required to
192 qualify an initiative petition for placement upon the ballot."

