

By: Senator(s) Johnson

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 525

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 PETITION TO THE NUMBER OF CURRENT CONGRESSIONAL
5 DISTRICTS, TO BASE THE REQUIRED NUMBER OF SIGNATURES ON THE LATEST
6 PRESIDENTIAL ELECTION, AND TO PROVIDE THAT ONLY ONE PROPOSAL OF
7 LAW AND MATTERS PROPERLY CONNECTED THEREWITH SHALL BE CONTAINED IN
8 AN INITIATIVE PETITION TO ENABLE THE ELECTORS TO VOTE ON THAT
9 PROPOSAL SEPARATELY.

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

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

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

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



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

44 (3) The people reserve unto themselves the power to propose
45 and enact constitutional amendments by initiative. An initiative
46 to amend the Constitution may be proposed by a petition signed



47 over a twelve-month period by qualified electors equal in number
48 to at least twelve percent (12%) of the votes for all candidates
49 for * * * President of the United States in the last * * *
50 presidential election. The signatures of the qualified electors
51 from any congressional district shall not exceed * * * one-fourth
52 (1/4) of the total number of signatures required to qualify an
53 initiative petition for placement upon the ballot. If an
54 initiative petition contains signatures from a single
55 congressional district which exceed * * * one-fourth (1/4) of the
56 total number of required signatures, the excess number of
57 signatures from that congressional district shall not be
58 considered by the Secretary of State in determining whether the
59 petition qualifies for placement on the ballot.

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

69 (5) Only one (1) proposal of law and matters properly
70 connected therewith shall be contained in an initiative petition
71 to enable the electors to vote on that proposal separately.



72 (* * *6) The initiative process shall not be used:
73 (a) For the proposal, modification or repeal of any
74 portion of the Bill of Rights of this Constitution;
75 (b) To amend or repeal any law or any provision of the
76 Constitution relating to the Mississippi Public Employees'
77 Retirement System;
78 (c) To amend or repeal the constitutional guarantee
79 that the right of any person to work shall not be denied or
80 abridged on account of membership or nonmembership in any labor
81 union or organization; or
82 (d) To modify the initiative process for proposing
83 amendments to this Constitution.

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

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



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

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



121 of either measure on the first issue must vote for one (1) of the
122 measures on the second issue in order for the ballot to be valid.
123 Any person who votes against both measures on the first issue may
124 vote but shall not be required to vote for any of the measures on
125 the second issue in order for the ballot to be valid.

126 Substantially the following form shall be * * * in compliance with
127 this subsection:

128 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

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

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

133 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

134 FOR APPROVAL OF EITHER Initiative No. _____

135 OR Alternative No. _____ A ()

136 AGAINST Both Initiative No. _____

137 AND Alternative No. _____ A ()

138 AND VOTE FOR ONE

139 FOR Initiative Measure No. _____ ()

140 FOR Alternative Measure No. _____ A..... ()

141 (* * * 10) No more than five (5) initiative proposals shall
142 be submitted to the voters on a single ballot, and the first five
143 (5) initiative proposals submitted to the Secretary of State with
144 sufficient petitions shall be the proposals which are submitted to
145 the voters. The sufficiency of petitions shall be decided in the



146 first instance by the Secretary of State, subject to review by the
147 Supreme Court of the state, which shall have original and
148 exclusive jurisdiction over all such cases.

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

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

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



171 circulates an initiative petition shall print and sign his name on
172 each page of an initiative petition, or on a separate page
173 attached to each page, certifying that he was a resident of this
174 state at the time of circulating the petition. The Secretary of
175 State shall refuse to accept for filing any page of an initiative
176 petition upon which the signatures appearing thereon were obtained
177 by a person who was not a resident of this state at the time of
178 circulating the petition, and an initiative measure shall not be
179 placed on the ballot if the Secretary of State determines that
180 without such signatures the petition clearly bears an insufficient
181 number of signatures. The provisions of this subsection

182 (* * * *14) shall be applicable to all initiative measures
183 that have not been placed on the ballot at the time this proposed
184 amendment is ratified by the electorate.

185 (* * * *15) The Legislature may enact laws to carry out the
186 provisions of this section but shall in no way restrict or impair
187 the provisions of this section or the powers herein reserved to
188 the people.

189 BE IT FURTHER RESOLVED, That this proposed amendment shall be
190 submitted by the Secretary of State, to the qualified electors at
191 an election to be held on the first Tuesday after the first Monday
192 of November 2021, as provided by Section 273 of the Constitution
193 and by general law.

194 BE IT FURTHER RESOLVED, That the explanation of this proposed
195 amendment for the ballot shall read as follows: "This proposed



196 amendment conforms the pro rata signature requirements of
197 congressional districts for initiative petitions to the current
198 number of congressional districts, requires signatures equal in
199 number to at least 12% of the votes cast in the latest
200 presidential election, and provides that an initiative proposal
201 shall only address one subject."

