A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTIONS 33, 56, 61 AND 72, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THE PEOPLE RESERVE TO THEMSELVES THE RIGHT TO PROPOSE NEW LAWS AND TO AMEND OR REPEAL EXISTING LAWS BY INITIATIVE, AND TO APPROVE OR REJECT THE SAME IN AN ELECTION INDEPENDENT OF THE LEGISLATURE; TO PROVIDE THAT SUCH AN INITIATIVE MEASURE MAY BE PROPOSED BY A PETITION SIGNED OVER A TWELVE-MONTH PERIOD BY QUALIFIED ELECTORS EQUAL IN NUMBER TO AT LEAST TWELVE PERCENT OF THE VOTES FOR ALL CANDIDATES FOR GOVERNOR IN THE LAST GUBERNATORIAL ELECTION; TO PROVIDE THAT THE SIGNATURES OF THE QUALIFIED ELECTORS FROM ANY CONGRESSIONAL DISTRICT SHALL NOT EXCEED THE TOTAL NUMBER OF SIGNATURES REQUIRED TO QUALIFY AN INITIATIVE MEASURE FOR PLACEMENT ON THE BALLOT DIVIDED BY THE NUMBER OF CONGRESSIONAL DISTRICTS IN EXISTENCE ON THE DAY THAT THE PETITION IS FILED; TO PROVIDE THAT NO MORE THAN FIVE INITIATIVE MEASURES MAY BE SUBMITTED TO THE VOTERS ON A SINGLE BALLOT, AND THE FIRST FIVE INITIATIVE MEASURES SUBMITTED TO THE SECRETARY OF STATE WITH SUFFICIENT PETITIONS SHALL BE THE MEASURES THAT ARE SUBMITTED TO THE VOTERS; TO PROVIDE THAT IN ORDER TO BE APPROVED, AN INITIATIVE MEASURE MUST RECEIVE A MAJORITY OF THE VOTES CAST AND NOT LESS THAN FORTY PERCENT OF THE TOTAL VOTES CAST AT THE ELECTION AT WHICH THE INITIATIVE MEASURE WAS SUBMITTED; TO PROVIDE THAT IF CONFLICTING INITIATIVE MEASURES ARE APPROVED AT THE SAME ELECTION, THE INITIATIVE MEASURE RECEIVING THE HIGHEST NUMBER OF AFFIRMATIVE VOTES SHALL PREVAIL AND BECOME LAW; TO PROVIDE THAT THE LEGISLATURE SHALL PROVIDE BY LAW THE MANNER IN WHICH INITIATIVE PETITIONS SHALL BE CIRCULATED, PRESENTED AND CERTIFIED; TO PROVIDE THAT THE MISSISSIPPI CONSTITUTION SHALL ONLY BE AMENDED BY A PROPOSED AMENDMENT BEING PASSED BY TWO-THIRDS VOTE OF EACH HOUSE OF THE LEGISLATURE AND UPON RECEIVING A MAJORITY VOTE WHEN PLACED ON THE BALLOT TO BE VOTED UPON BY THE QUALIFIED ELECTORS OF THE STATE; AND PROPOSING AN AMENDMENT TO SECTION 273, MISSISSIPPI CONSTITUTION OF 1890, TO DELETE THE PROVISIONS AUTHORIZING CONSTITUTIONAL AMENDMENTS BY INITIATIVE;
BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
MISSISSIPPI, That the following amendments to the Mississippi
Constitution of 1890 are proposed to the qualified electors of the
state:

I.

Amend Section 33, Mississippi Constitution of 1890, to read
as follows:

"Section 33. (1) The legislative power of this state shall
be vested in a Legislature which shall consist of a Senate and a
House of Representatives, but the people reserve to themselves the
right to exercise the legislative power of the state to propose
new laws and to amend or repeal existing laws by initiative, and
to approve or reject the same in an election independent of the
Legislature, in the manner prescribed in and subject to the
provisions of this section.

(2) The initiative process shall not be used:

(a) To propose amendments to the Mississippi
Constitution of 1890;

(b) To propose any new law or amend or repeal any
existing law relating to the Mississippi Public Employees'
Retirement System;

(c) To propose any new law or amend or repeal any
existing law on any subject or matter that any section of this
constitution prohibits the Legislature from enacting; or
(d) To propose any new law or amend or repeal any existing law that appropriates funds from the State Treasury.

(3) As used in this section, the term "initiative measure" or "measure" means a document proposing a new law or amending or repealing an existing law that is the functional equivalent of a bill that is introduced in the Legislature.

(4) An initiative measure shall only propose new laws or amend or repeal existing laws pertaining and relating to the same subject or subject matter.

(5) The sponsor of an initiative measure shall identify in the text of the measure the amount and source of revenue required to implement the measure. If the provisions of an initiative measure would cause a substantial cost to the state or require the substantial expenditure of state funds, as determined according to law by the Legislative Budget Office or any successor agency, the sponsor also shall provide in the text of the measure for the specific funding source or mechanism to pay the cost of the provisions of the measure so that the measure will not result in a reduction in state funds available for expenditure by the Legislature. If an initiative measure requires (a) a reduction in any source of government revenue that would cause the amount of state funds available for expenditure by the Legislature to be less than the amount of state funds appropriated for the most recent fiscal year, or (b) requires a reallocation of funding from currently funded programs, the sponsor shall identify in the text
of the measure the program or programs whose funding must be
reduced or eliminated to implement the measure. Compliance with
the requirements of this subsection shall not be a violation of
the subject matter requirements of subsection (4) of this section.

(6) The chief legislative budget officer shall prepare a
fiscal analysis of each initiative measure, and a summary of each
fiscal analysis shall appear on the ballot.

(7) An initiative measure authorized under this section may
be proposed by a petition signed over a twelve-month period by
qualified electors equal in number to at least twelve percent
(12%) of the votes for all candidates for Governor in the last
gubernatorial election. The signatures of the qualified electors
from any congressional district shall not exceed the total number
of signatures required to qualify an initiative measure for
placement on the ballot divided by the number of congressional
districts in existence on the day that the petition is filed. If
an initiative petition contains signatures from a single
congressional district that exceed the total number of required
signatures, the excess number of signatures from that
congressional district shall not be considered by the Secretary of
State in determining whether the initiative measure qualifies for
placement on the ballot.

(8) The style of all initiative measures shall be: "Be it
enacted by the people of the State of Mississippi."
(9) The sufficiency of petitions shall be decided in the first instance by the Secretary of State, subject to review by the Supreme Court of the state, which shall have original and exclusive jurisdiction over all such cases.

(10) If an initiative measure is certified by the Secretary of State not less than ninety (90) days before a statewide general election, the Secretary of State shall place the initiative measure on the ballot for that statewide general election. If an initiative measure is certified by the Secretary of State less than ninety (90) days before a statewide general election, the Secretary of State shall place the initiative measure on the ballot for the next statewide general election occurring after the upcoming statewide general election.

(11) No more than five (5) initiative measures may be submitted to the voters on a single ballot, and the first five (5) initiative measures submitted to the Secretary of State with sufficient petitions shall be the measures that are submitted to the voters.

(12) In order to be approved, an initiative measure must receive a majority of the votes cast thereon and not less than forty percent (40%) of the total votes cast at the election at which the initiative measure was submitted; however, an initiative measure that would be considered as a revenue bill under the joint rules of the Legislature in existence on the day that the initiative petition is filed must receive sixty percent (60%) of
the votes cast thereon and not less than forty percent (40%) of the total votes cast at the election at which the initiative measure was submitted.

(13) Initiative measures approved by the people shall not require the signature of the Governor to become law and shall not be subject to the veto power of the Governor.

(14) If conflicting initiative measures are approved at the same election, the initiative measure receiving the highest number of affirmative votes shall prevail and become law.

(15) An initiative measure approved by the people shall take effect thirty (30) days from the date of the official declaration of the vote by the Secretary of State, unless the measure provides otherwise.

(16) An initiative measure approved by the people shall be subject to the same process for codification in the same manner as provided by law for the codification of laws enacted by the Legislature.

(17) If an initiative measure does not receive the required number of votes to be approved by the people as provided in subsection (12) of this section, an initiative measure that proposes the same, or substantially the same, provisions as those in the initiative measure that failed shall not be submitted to the electors for at least two (2) years after the date of the election on the initiative measure that failed.
(18) An initiative measure approved by the people shall not be amended by the Legislature to make a substantive change to the text in the measure, or repealed by the Legislature, for a period of two (2) years after the initiative measure takes effect. However, the Legislature may amend or repeal an initiative measure less than two (2) years after the measure takes effect if the Legislature determines the existence of an emergency affecting the public peace, health, safety or financial solvency of the state that necessitates the amendment or repeal of the initiative measure, which emergency must be stated in the legislation, and such amendment or repeal shall require a vote of two-thirds (2/3) of each house present and voting.

(19) The Secretary of State shall implement and maintain a secure electronic database accessible by the public through the Secretary of State's website that provides the capability of search and retrieval of all signatories and circulators of initiative petitions. The searchable database shall provide the ability for a member of the public to securely search for his or her own name to determine if he or she has been listed as a signatory, to search by the name of any circulator, and to retrieve the text of the petition that was signed and/or circulated. The sponsor of an initiative measure shall provide the Secretary of State with the names of the signatories and circulators on a regular basis as provided by law. The
Legislature shall provide the circumstances and manner in which a
name may be removed from a petition and the database.

(20) The Legislature shall enact laws to require the
disclosure of contributions and expenditures for the passage or
defeat of any initiative measure as well as any other disclosures
related to the initiative process as provided by law.

(21) The Legislature shall provide by law the manner in
which initiative petitions shall be circulated, presented and
certified. To prevent signature fraud and to maintain the
integrity of the initiative process, the state has a compelling
interest in ensuring that no person shall circulate an initiative
petition or obtain signatures on an initiative petition unless the
person is a resident of this state at the time of circulation.
For the purposes of this subsection, the term "resident" means a
person who is domiciled in Mississippi as evidenced by an intent
to maintain a principal dwelling place in Mississippi indefinitely
and to return to Mississippi if temporarily absent, coupled with
an act or acts consistent with that intent. Every person who
circulates an initiative petition shall print and sign his or her
name on each page of an initiative petition, or on a separate page
attached to each page, certifying that he or she was a resident of
this state at the time of circulating the petition. The Secretary
of State shall refuse to accept for filing any page of an
initiative petition upon which the signatures appearing thereon
were obtained by a person who was not a resident of this state at
the time of circulating the petition, and an initiative measure
shall not be placed on the ballot if the Secretary of State
determines that without such signatures the petition clearly bears
an insufficient number of signatures.

(22) The Legislature may enact laws to carry out the
provisions of this section, but such laws shall in no way restrict
or impair the provisions of this section or the exercise of the
rights reserved to the people in this section.

II.

Amend Section 56, Mississippi Constitution of 1890, to read
as follows:

"Section 56. The style of the laws of the state that are
enacted by the Legislature shall be: "Be it enacted by the
Legislature of the State of Mississippi."

III.

Amend Section 61, Mississippi Constitution of 1890, to read
as follows:

"Section 61. No law enacted by the Legislature or by
initiative of the people shall be revived or amended by reference
to its title only, but the section or sections, as amended or
revived, shall be inserted at length."

IV.

Amend Section 72, Mississippi Constitution of 1890, to read
as follows:
"Section 72. Every Bill which shall pass both Houses shall be presented to the Governor of the state. If he approve, he shall sign it; but if he does not approve, he shall return it, with his objections, to the House in which it originated, which shall enter the objections at large upon its Journal, and proceed to reconsider it. If after such reconsideration two-thirds (2/3) of that House shall agree to pass the Bill, it shall be sent, with the objections, to the other House, by which, likewise, it shall be reconsidered; and if approved by two-thirds (2/3) of that House, it shall become a law; but in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the Governor within five (5) days (Sundays excepted) after it has been presented to him, it shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevented its return, in which case such Bill shall be a law unless the Governor shall veto it within fifteen (15) days (Sundays excepted) after it is presented to him, and such Bill shall be returned to the Legislature, with his objections, within three (3) days after the beginning of the next session of the Legislature. The provisions of this section are not applicable to initiative measures approved by the people."

V.
Amend Section 273, Mississippi Constitution of 1890, to read as follows:

"Section 273. ★ ★ ★ Whenever two-thirds (2/3) of each house of the Legislature, which two-thirds (2/3) shall consist of not less than a majority of the members elected to each house, shall deem any change, alteration or amendment necessary to this Constitution, such proposed amendment, change or alteration shall be read and passed by two-thirds (2/3) vote of each house, as herein provided; public notice shall then be given by the Secretary of State at least thirty (30) days preceding an election, at which the qualified electors shall vote directly for or against such change, alteration or amendment, and if more than one (1) amendment shall be submitted at one (1) time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately; and, notwithstanding the division of the Constitution into sections, the Legislature may provide in its resolution for one or more amendments pertaining and relating to the same subject or subject matter, and may provide for one or more amendments to an article of the Constitution pertaining and relating to the same subject or subject matter, which may be included in and voted on as one (1) amendment; and if it shall appear that a majority of the qualified electors voting directly for or against the same shall have voted for the proposed change, alteration or amendment, then it shall be inserted as a part of the Constitution by proclamation of the
Secretary of State certifying that it received the majority vote required by the Constitution; and the resolution may fix the date and direct the calling of elections for the purposes hereof.

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BE IT FURTHER RESOLVED, That these proposed amendments shall be submitted by the Secretary of State to the qualified electors at an election to be held on the first Tuesday after the first Monday of November 2022, as provided by Section 273 of the Constitution and by general law, with the proposed amendments in Sections I, II, III and IV of this resolution being voted on as one amendment since they pertain to one subject, and with the proposed amendment in Section V of this resolution being voted on separately.

BE IT FURTHER RESOLVED, That the explanation of this proposed amendment for the ballot shall read as follows: "This proposed constitutional amendment provides that the people have the right to propose new statutes and to amend or repeal existing statutes by initiative, and to approve or reject the same in an election independent of the Legislature."