

By: Representative Arnold

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 40

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 33,  
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THE PEOPLE  
3 RESERVE TO THEMSELVES THE RIGHT TO EXERCISE THE LEGISLATIVE POWER  
4 OF THE STATE TO PROPOSE NEW LAWS AND TO AMEND OR REPEAL EXISTING  
5 LAWS BY INITIATIVE, AND TO APPROVE OR REJECT THE SAME IN AN  
6 ELECTION INDEPENDENT OF THE LEGISLATURE; TO PROVIDE THAT SUCH AN  
7 INITIATIVE MEASURE MAY BE PROPOSED BY A PETITION SIGNED OVER A  
8 TWELVE-MONTH PERIOD BY QUALIFIED ELECTORS EQUAL IN NUMBER TO AT  
9 LEAST TWELVE PERCENT OF THE VOTES FOR ALL CANDIDATES FOR GOVERNOR  
10 IN THE LAST GUBERNATORIAL ELECTION; TO PROVIDE THAT THE SIGNATURES  
11 OF THE QUALIFIED ELECTORS FROM ANY CONGRESSIONAL DISTRICT SHALL  
12 NOT EXCEED THE TOTAL NUMBER OF SIGNATURES REQUIRED TO QUALIFY AN  
13 INITIATIVE MEASURE FOR PLACEMENT ON THE BALLOT DIVIDED BY THE  
14 NUMBER OF CONGRESSIONAL DISTRICTS IN EXISTENCE ON THE DAY THAT THE  
15 PETITION IS FILED; TO PROVIDE THAT IN ORDER TO BE APPROVED, AN  
16 INITIATIVE MEASURE MUST RECEIVE A MAJORITY OF THE VOTES CAST AND  
17 NOT LESS THAN FORTY PERCENT OF THE TOTAL VOTES CAST AT THE  
18 ELECTION AT WHICH THE INITIATIVE MEASURE WAS SUBMITTED; TO PROVIDE  
19 THAT IF CONFLICTING INITIATIVE MEASURES ARE APPROVED AT THE SAME  
20 ELECTION, THE INITIATIVE MEASURE RECEIVING THE HIGHEST NUMBER OF  
21 AFFIRMATIVE VOTES SHALL PREVAIL AND BECOME LAW.

22 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
23 MISSISSIPPI, That the following amendment to the Mississippi  
24 Constitution of 1890 is proposed to the qualified electors of the  
25 state:

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



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

36            (2) The initiative process shall not be used:

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

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

42                    (c) To propose any new law or amend or repeal any  
43 existing law on any subject or matter that any section of this  
44 Constitution prohibits the Legislature from enacting.

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

49            (4) The sponsor of an initiative measure shall identify in  
50 the text of the measure the amount and source of revenue required  
51 to implement the measure. If the provisions of an initiative  
52 measure would cause a substantial cost to the state or require the



53 substantial expenditure of state funds, as determined according to  
54 law by the Legislative Budget Office or any successor agency, the  
55 sponsor also shall provide in the text of the measure for the  
56 specific funding source or mechanism to pay the cost of the  
57 provisions of the measure so that the measure will not result in a  
58 reduction in state funds available for expenditure by the  
59 Legislature. If an initiative measure requires a reduction in any  
60 source of government revenue, or a reallocation of funding from  
61 currently funded programs, the sponsor shall identify in the text  
62 of the measure the program or programs whose funding must be  
63 reduced or eliminated to implement the measure.

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

67 (6) An initiative measure authorized under this section may  
68 be proposed by a petition signed over a twelve-month period by  
69 qualified electors equal in number to at least twelve percent  
70 (12%) of the votes for all candidates for Governor in the last  
71 gubernatorial election. The signatures of the qualified electors  
72 from any congressional district shall not exceed the total number  
73 of signatures required to qualify an initiative measure for  
74 placement on the ballot divided by the number of congressional  
75 districts in existence on the day that the petition is filed. If  
76 an initiative petition contains signatures from a single  
77 congressional district that exceed the total number of required



78 signatures, the excess number of signatures from that  
79 congressional district shall not be considered by the Secretary of  
80 State in determining whether the initiative measure qualifies for  
81 placement on the ballot.

82 (7) The sufficiency of petitions shall be decided in the  
83 first instance by the Secretary of State, subject to review by the  
84 Supreme Court of the state, which shall have original and  
85 exclusive jurisdiction over all such cases.

86 (8) If an initiative measure is certified by the Secretary  
87 of State not less than ninety (90) days before a statewide general  
88 election, the Secretary of State shall place the initiative  
89 measure on the ballot for that statewide general election. If an  
90 initiative measure is certified by the Secretary of State less  
91 than ninety (90) days before a statewide general election, the  
92 Secretary of State shall place the initiative measure on the  
93 ballot for the next statewide general election occurring after the  
94 upcoming statewide general election.

95 (9) In order to be approved, an initiative measure must  
96 receive a majority of the votes cast thereon and not less than  
97 forty percent (40%) of the total votes cast at the election at  
98 which the initiative measure was submitted.

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



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

106       (12) If an initiative measure does not receive the required  
107 number of votes to be approved by the people as provided in  
108 subsection (9) of this section, an initiative measure that  
109 proposes the same, or substantially the same, provisions as those  
110 in the initiative measure that failed shall not be submitted to  
111 the electors for at least two (2) years after the date of the  
112 election on the initiative measure that failed.

113       (13) The Legislature shall provide by law the manner in  
114 which initiative petitions shall be circulated, presented and  
115 certified. To prevent signature fraud and to maintain the  
116 integrity of the initiative process, the state has a compelling  
117 interest in insuring that no person shall circulate an initiative  
118 petition or obtain signatures on an initiative petition unless the  
119 person is a resident of this state at the time of circulation.  
120 For the purposes of this subsection, the term "resident" means a  
121 person who is domiciled in Mississippi as evidenced by an intent  
122 to maintain a principal dwelling place in Mississippi indefinitely  
123 and to return to Mississippi if temporarily absent, coupled with  
124 an act or acts consistent with that intent. Every person who  
125 circulates an initiative petition shall print and sign his or her  
126 name on each page of an initiative petition, or on a separate page



127 attached to each page, certifying that he or she was a resident of  
128 this state at the time of circulating the petition. The Secretary  
129 of State shall refuse to accept for filing any page of an  
130 initiative petition upon which the signatures appearing thereon  
131 were obtained by a person who was not a resident of this state at  
132 the time of circulating the petition, and an initiative measure  
133 shall not be placed on the ballot if the Secretary of State  
134 determines that without such signatures the petition clearly bears  
135 an insufficient number of signatures.

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

140 BE IT FURTHER RESOLVED, That this proposed amendment shall be  
141 submitted by the Secretary of State to the qualified electors at  
142 an election to be held on the first Tuesday after the first Monday  
143 of November 2022, as provided by Section 273 of the Constitution  
144 and by general law.

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

