

By: Senator(s) McDaniel

To: Accountability,
Efficiency, Transparency;
Constitution

SENATE CONCURRENT RESOLUTION NO. 528

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO REINSTATE THE INITIATIVE
3 PROCEDURE DECLARED INVALID BY THE MISSISSIPPI SUPREME COURT, TO
4 PROVIDE THAT THE INITIATIVE PROCESS MAY BE USED TO AMEND THE
5 MISSISSIPPI STATUTES OR TO AMEND THE MISSISSIPPI CONSTITUTION, TO
6 BASE THE NUMBER OF SIGNATURES REQUIRED FOR AN INITIATIVE PETITION
7 ON THE LATEST PRESIDENTIAL ELECTION, TO CONFORM THE PRO RATA
8 SIGNATURE REQUIREMENTS FROM EACH CONGRESSIONAL DISTRICT FOR AN
9 INITIATIVE PETITION TO THE NUMBER OF CURRENT CONGRESSIONAL
10 DISTRICTS, TO SPECIFY THAT PETITION SIGNATURE REQUIREMENTS SHALL
11 INCLUDE HOME ADDRESS, AND TO PROVIDE THAT ONLY ONE PROPOSAL OF LAW
12 AND MATTERS PROPERLY CONNECTED THEREWITH SHALL BE CONTAINED IN AN
13 INITIATIVE PETITION TO ENABLE THE ELECTORS TO VOTE ON THAT
14 PROPOSAL SEPARATELY.

15 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
16 MISSISSIPPI, That the following amendment to the Mississippi
17 Constitution of 1890 is proposed to the qualified electors of the
18 state:

19 Amend Section 273, Mississippi Constitution of 1890, to read
20 as follows:

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

23 (2) Whenever two-thirds (2/3) of each house of the
24 Legislature, which two-thirds (2/3) shall consist of not less than



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



49 (3) The people reserve unto themselves the power to propose
50 and enact statutory or constitutional amendments by initiative.
51 An initiative to amend the Mississippi statutes may be proposed by
52 a petition signed over a twelve-month period by qualified electors
53 equal in number to at least twelve percent (12%) of the votes for
54 all candidates for President of the United States in the last
55 presidential election. An initiative to amend the Constitution
56 may be proposed by a petition signed over a twelve-month period by
57 qualified electors equal in number to at least * * * fifteen
58 percent (15%) of the votes for all candidates for * * * President
59 of the United States in the last * * * presidential election. The
60 qualified electors signing the initiative petition shall include
61 their full printed name, signature, home address and county of
62 residence. The signatures of the qualified electors from any
63 congressional district shall not exceed * * * the total number of
64 signatures required to qualify an initiative petition for
65 placement upon the ballot divided by the number of congressional
66 districts in existence on the day the petition is filed. If an
67 initiative petition contains signatures from a single
68 congressional district which exceed * * * the total number of
69 required signatures, the excess number of signatures from that
70 congressional district shall not be considered by the Secretary of
71 State in determining whether the petition qualifies for placement
72 on the ballot.



73 (4) Every such petition shall include the full text of the
74 measure so proposed, and the petition shall be filed with the
75 Secretary of State not less than four (4) months before the
76 election at which they are to be voted upon. The Secretary of
77 State, with the advice and consent of the Attorney General, shall
78 determine whether or not the petition is properly written as a
79 statutory amendment or a constitutional amendment and shall
80 certify the initiative.

81 (* * *5) The sponsor of an initiative shall identify in the
82 text of the initiative the amount and source of revenue required
83 to implement the initiative. If the initiative requires a
84 reduction in any source of government revenue, or a reallocation
85 of funding from currently funded programs, the sponsor shall
86 identify in the text of the initiative the program or programs
87 whose funding must be reduced or eliminated to implement the
88 initiative. Compliance with this requirement shall not be a
89 violation of the subject matter requirements of this section of
90 the Constitution.

91 (* * *6) Only one (1) proposal of law and matters properly
92 connected therewith shall be contained in an initiative petition
93 to enable the electors to vote on that proposal separately.

94 (* * *7) The initiative process shall not be used:

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



97 (b) To amend or repeal any law or any provision of the
98 Constitution relating to the Mississippi Public Employees'
99 Retirement System;

100 (c) To amend or repeal the constitutional guarantee
101 that the right of any person to work shall not be denied or
102 abridged on account of membership or nonmembership in any labor
103 union or organization; or

104 (d) To modify the initiative process for proposing
105 amendments to this Constitution.

106 (* * *8) The Secretary of State shall file with the Clerk
107 of the House and the Secretary of the Senate the complete text of
108 the certified initiative on the first day of the regular session.
109 A constitutional initiative may be adopted by a majority vote of
110 each house of the Legislature. If the initiative is adopted,
111 amended or rejected by the Legislature; or if no action is taken
112 within four (4) months of the date that the initiative is filed
113 with the Legislature, the Secretary of State shall place the
114 initiative on the ballot for the next statewide general election.

115 The chief legislative budget officer shall prepare a fiscal
116 analysis of each initiative and each legislative alternative. A
117 summary of each fiscal analysis shall appear on the ballot.

118 (* * *9) If the Legislature amends an initiative, the
119 amended version and the original initiative shall be submitted to
120 the electors. An initiative or legislative alternative must
121 receive a majority of the votes thereon and not less than forty



122 percent (40%) of the total votes cast at the election at which the
123 measure was submitted to be approved. If conflicting initiatives
124 or legislative alternatives are approved at the same election, the
125 initiative or legislative alternative receiving the highest number
126 of affirmative votes shall prevail.

127 (* * * 10) If an initiative measure proposed to the
128 Legislature has been rejected by the Legislature and an
129 alternative measure is passed by the Legislature in lieu thereof,
130 the ballot titles of both such measures shall be so printed on the
131 official ballots that a voter can express separately two (2)
132 preferences: first, by voting for the approval of either measure
133 or against both measures, and, secondly, by voting for one (1)
134 measure or the other measure. If the majority of those voting on
135 the first issue is against both measures, then both measures fail,
136 but in that case the votes on the second issue nevertheless shall
137 be carefully counted and made public. If a majority voting on the
138 first issue is for the approval of either measure, then the
139 measure receiving a majority of the votes on the second issue and
140 also receiving not less than forty percent (40%) of the total
141 votes cast at the election at which the measure was submitted for
142 approval shall be law. Any person who votes for the ratification
143 of either measure on the first issue must vote for one (1) of the
144 measures on the second issue in order for the ballot to be valid.
145 Any person who votes against both measures on the first issue may
146 vote but shall not be required to vote for any of the measures on



147 the second issue in order for the ballot to be valid.
148 Substantially the following form shall be * * * in compliance with
149 this subsection:

150 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE
151 Initiative Measure No. _____, entitled (here insert the
152 ballot title of the initiative measure).

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

155 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:
156 FOR APPROVAL OF EITHER Initiative No. _____
157 OR Alternative No. _____ A ()
158 AGAINST Both Initiative No. _____
159 AND Alternative No. _____ A ()

160 AND VOTE FOR ONE
161 FOR Initiative Measure No. _____ ()
162 FOR Alternative Measure No. _____ A..... ()

163 (* * *11) No more than five (5) initiative proposals shall
164 be submitted to the voters on a single ballot, and the first five
165 (5) initiative proposals submitted to the Secretary of State with
166 sufficient petitions shall be the proposals which are submitted to
167 the voters. The sufficiency of petitions shall be decided in the
168 first instance by the Secretary of State, subject to review by the
169 Supreme Court of the state, which shall have original and
170 exclusive jurisdiction over all such cases.



171 (* * *12) An initiative approved by the electors shall take
172 effect thirty (30) days from the date of the official declaration
173 of the vote by the Secretary of State, unless the measure provides
174 otherwise.

175 (* * *13) If any amendment to the Mississippi statutes or
176 the Mississippi Constitution proposed by initiative petition is
177 rejected by a majority of the qualified electors voting thereon,
178 no initiative petition proposing the same, or substantially the
179 same, amendment shall be submitted to the electors for at least
180 two (2) years after the date of the election on such amendment.

181 (* * *14) The Legislature shall provide by law the manner
182 in which initiative petitions shall be circulated, presented and
183 certified. To prevent signature fraud and to maintain the
184 integrity of the initiative process the state has a compelling
185 interest in insuring that no person shall circulate an initiative
186 petition or obtain signatures on an initiative petition unless the
187 person is a resident of this state at the time of circulation.
188 For the purposes of this subsection the term "resident" means a
189 person who is domiciled in Mississippi as evidenced by an intent
190 to maintain a principal dwelling place in Mississippi indefinitely
191 and to return to Mississippi if temporarily absent, coupled with
192 an act or acts consistent with that intent. Every person who
193 circulates an initiative petition shall print and sign his name on
194 each page of an initiative petition, or on a separate page
195 attached to each page, certifying that he was a resident of this



196 state at the time of circulating the petition. The Secretary of
197 State shall refuse to accept for filing any page of an initiative
198 petition upon which the signatures appearing thereon were obtained
199 by a person who was not a resident of this state at the time of
200 circulating the petition, and an initiative measure shall not be
201 placed on the ballot if the Secretary of State determines that
202 without such signatures the petition clearly bears an insufficient
203 number of signatures. The provisions of this subsection
204 (* * *14) shall be applicable to all initiative measures that
205 have not been placed on the ballot at the time this proposed
206 amendment is ratified by the electorate.

207 (* * *15) The Legislature may enact laws to carry out the
208 provisions of this section but shall in no way restrict or impair
209 the provisions of this section or the powers herein reserved to
210 the people.

211 BE IT FURTHER RESOLVED, That this proposed amendment shall be
212 submitted by the Secretary of State to the qualified electors at
213 an election to be held on the first Tuesday after the first Monday
214 of November 2023, as provided by Section 273 of the Constitution
215 and by general law.

216 BE IT FURTHER RESOLVED, That the explanation of this proposed
217 amendment for the ballot shall read as follows: "This proposed
218 amendment reinstates the citizen initiative procedure declared
219 invalid by the Mississippi Supreme Court, provides an initiative
220 process to amend the Mississippi statutes requiring 12% of the



221 votes cast in the latest presidential election, provides an
222 initiative process to amend the Mississippi Constitution requiring
223 15% of the votes cast in the latest presidential election,
224 conforms the pro rata signature requirements of congressional
225 districts for initiative petitions to the current number of
226 congressional districts, prescribes signature requirements to
227 include home address and county of residence, and provides that an
228 initiative proposal shall only address one subject."

