

By: Senator(s) McDaniel

To: Accountability,  
Efficiency, Transparency

SENATE CONCURRENT RESOLUTION NO. 531

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 TO AMEND A STATUTE ON THE  
7 LAST GUBERNATORIAL ELECTION AND TO BASE THE NUMBER OF SIGNATURES  
8 REQUIRED FOR AN INITIATIVE PETITION TO AMEND THE CONSTITUTION ON  
9 THE LATEST PRESIDENTIAL ELECTION, TO CONFORM THE PRO RATA  
10 SIGNATURE REQUIREMENTS FROM EACH CONGRESSIONAL DISTRICT FOR AN  
11 INITIATIVE PETITION TO THE NUMBER OF CURRENT CONGRESSIONAL  
12 DISTRICTS, TO SPECIFY THAT PETITION SIGNATURE REQUIREMENTS SHALL  
13 INCLUDE HOME ADDRESS, AND TO PROVIDE THAT ONLY ONE PROPOSAL OF LAW  
14 AND MATTERS PROPERLY CONNECTED THEREWITH SHALL BE CONTAINED IN AN  
15 INITIATIVE PETITION TO ENABLE THE ELECTORS TO VOTE ON THAT  
16 PROPOSAL SEPARATELY.

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

21           Amend Section 273, Mississippi Constitution of 1890, to read  
22 as follows:

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



25           (2) Whenever two-thirds (2/3) of each house of the  
26 Legislature, which two-thirds (2/3) shall consist of not less than  
27 a majority of the members elected to each house, shall deem any  
28 change, alteration or amendment necessary to this Constitution,  
29 such proposed amendment, change or alteration shall be read and  
30 passed by two-thirds (2/3) vote of each house, as herein provided;  
31 public notice shall then be given by the Secretary of State at  
32 least thirty (30) days preceding an election, at which the  
33 qualified electors shall vote directly for or against such change,  
34 alteration or amendment, and if more than one (1) amendment shall  
35 be submitted at one (1) time, they shall be submitted in such  
36 manner and form that the people may vote for or against each  
37 amendment separately; and, notwithstanding the division of the  
38 Constitution into sections, the Legislature may provide in its  
39 resolution for one or more amendments pertaining and relating to  
40 the same subject or subject matter, and may provide for one or  
41 more amendments to an article of the Constitution pertaining and  
42 relating to the same subject or subject matter, which may be  
43 included in and voted on as one (1) amendment; and if it shall  
44 appear that a majority of the qualified electors voting directly  
45 for or against the same shall have voted for the proposed change,  
46 alteration or amendment, then it shall be inserted as a part of  
47 the Constitution by proclamation of the Secretary of State  
48 certifying that it received the majority vote required by the



49 Constitution; and the resolution may fix the date and direct the  
50 calling of elections for the purposes hereof.

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



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

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

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

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

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



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

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

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

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

116           The Chief Legislative Budget Officer shall prepare a fiscal  
117 analysis of each initiative and each legislative alternative. A  
118 summary of each fiscal analysis shall appear on the ballot.

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



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

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



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

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

154 Alternative Measure No. \_\_\_\_\_ A, entitled (here insert  
155 the ballot title of the alternative measure).

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

161 AND VOTE FOR ONE  
162 FOR Initiative Measure No. \_\_\_\_\_ ..... ( )  
163 FOR Alternative Measure No. \_\_\_\_\_ A..... ( )

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



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

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

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





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

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

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

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



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

