

By: Senator(s) McCaughn, Boyd

To: Accountability,
Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
SENATE CONCURRENT RESOLUTION NO. 533

1 A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTIONS 33,
2 273, 56, 61 AND 72, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE
3 THAT AMENDMENTS TO THE MISSISSIPPI CONSTITUTION MAY ONLY BE
4 PROPOSED BY THE LEGISLATURE, BUT THAT THE PEOPLE RESERVE TO
5 THEMSELVES THE RIGHT TO EXERCISE THE LEGISLATIVE POWER OF THE
6 STATE TO PROPOSE NEW LAWS AND TO AMEND OR REPEAL EXISTING LAWS BY
7 INITIATIVE, AND TO APPROVE OR REJECT THE SAME IN AN ELECTION
8 INDEPENDENT OF THE LEGISLATURE.

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

13 I.

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

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



22 Legislature, in the manner prescribed in and subject to the
23 provisions of this section.

24 (2) The people reserve unto themselves the power to propose
25 legislative petitions by ballot initiative. An initiative to
26 propose a legislative petition may be proposed by a petition
27 signed over a nine-month period by qualified electors equal in
28 number to at least twelve percent (12%) of the total qualified
29 electors of the state as of the date of the last presidential
30 election. The signatures of the qualified electors from any
31 county shall not exceed ten percent (10%) of the total number of
32 signatures required to qualify an initiative petition for
33 placement upon the ballot. The signatures of the qualified
34 electors from any congressional district shall not exceed the
35 total number of signatures required to qualify an initiative
36 measure for placement on the ballot divided by the number of
37 congressional districts in existence on the day that the petition
38 is filed. If an initiative petition contains signatures from a
39 single county which exceed ten percent (10%) of the total number
40 of required signatures or from a single congressional district
41 which exceed the total number of required signatures, the excess
42 number of signatures from that county or congressional district
43 shall not be considered by the Secretary of State in determining
44 whether the petition qualifies for placement on the ballot. At
45 least one hundred (100) signatures must be collected from each



46 county, which shall include at least ten (10) signatures from each
47 incorporated municipality in that county.

48 (3) The sponsor of an initiative shall identify in the text
49 of the initiative the amount and source of revenue required to
50 implement the initiative. If the initiative requires a reduction
51 in any source of government revenue, or a reallocation of funding
52 from currently funded programs, the sponsor shall identify in the
53 text of the initiative the program or programs whose funding must
54 be reduced or eliminated to implement the initiative. Compliance
55 with this requirement shall not be a violation of the subject
56 matter requirements of this section of the Constitution.

57 (4) The initiative process shall not be used:

58 (a) For the proposal, modification or repeal of any
59 portion of this Constitution;

60 (b) To amend or repeal any law relating to the
61 Mississippi Public Employees' Retirement System;

62 (c) To amend or repeal the constitutional guarantee
63 that the right of any person to work shall not be denied or
64 abridged on account of membership or nonmembership in any labor
65 union or organization;

66 (d) To propose, amend or repeal any local or special
67 law; or

68 (e) To dedicate revenues or make or repeal
69 appropriations.



70 (5) The Secretary of State shall file with the Clerk of the
71 House and the Secretary of the Senate the complete text of the
72 certified initiative on the first day of the regular session. An
73 initiative measure may be adopted or adopted as amended by a
74 two-thirds (2/3) vote of each house of the Legislature. If the
75 initiative is adopted, amended or rejected by the Legislature; or
76 if no action is taken within four (4) months of the date that the
77 initiative is filed with the Legislature, the Secretary of State
78 shall place the initiative on the ballot for the next statewide
79 general election.

80 The Chief Legislative Budget Officer shall prepare a fiscal
81 analysis of each initiative and each legislative alternative. A
82 summary of each fiscal analysis shall appear on the ballot.

83 (6) No more than two (2) initiative proposals may be
84 submitted to the voters on a single ballot, and the first two (2)
85 initiative proposals submitted to the Secretary of State with
86 sufficient petitions shall be the proposals which are submitted to
87 the voters. The sufficiency of petitions shall be decided in the
88 first instance by the Secretary of State, subject to review by the
89 Supreme Court of the state, which shall have original and
90 exclusive jurisdiction over all such cases.

91 (7) An initiative approved by two-thirds (2/3) of the
92 electors during a general election shall be filed with the Clerk
93 of the House and the Secretary of the Senate and placed on the
94 legislative calendar of each house of the Legislature. An



95 initiative measure adopted or amended by a two-thirds (2/3) vote
96 of each house of the Legislature shall become law.

97 (8) If any initiative petition is rejected by a majority of
98 the qualified electors voting thereon, no initiative petition
99 proposing the same, or substantially the same, proposal shall be
100 submitted to the electors for at least five (5) years after the
101 date of the election on such initiative.

102 (9) The Legislature shall provide by law the manner in which
103 initiative petitions shall be circulated, presented and certified,
104 and may enact laws to carry out the provisions of this section.

105 II.

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

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

111 III.

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

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

118 IV.



119 Amend Section 72, Mississippi Constitution of 1890, to read
120 as follows:

121 Section 72. Every Bill which shall pass both Houses shall be
122 presented to the Governor of the state. If he approve, he shall
123 sign it; but if he does not approve, he shall return it, with his
124 objections, to the House in which it originated, which shall enter
125 the objections at large upon its Journal, and proceed to
126 reconsider it. If after such reconsideration two-thirds (2/3) of
127 that House shall agree to pass the Bill, it shall be sent, with
128 the objections, to the other House, by which, likewise, it shall
129 be reconsidered; and if approved by two-thirds (2/3) of that
130 House, it shall become a law; but in all such cases the votes of
131 both Houses shall be determined by yeas and nays, and the names of
132 the persons voting for and against the Bill shall be entered on
133 the Journal of each House respectively. If any Bill shall not be
134 returned by the Governor within five (5) days (Sundays excepted)
135 after it has been presented to him, it shall become a law in like
136 manner as if he had signed it, unless the Legislature, by
137 adjournment, prevented its return, in which case such Bill shall
138 be a law unless the Governor shall veto it within fifteen (15)
139 days (Sundays excepted) after it is presented to him, and such
140 Bill shall be returned to the Legislature, with his objections,
141 within three (3) days after the beginning of the next session of
142 the Legislature. The provisions of this section are not
143 applicable to initiative measures approved by the people.



144 BE IT FURTHER RESOLVED, That these proposed amendments shall
145 be submitted by the Secretary of State to the qualified electors
146 at an election to be held on the first Tuesday after the first
147 Monday of November 2023, as provided by Section 273 of the
148 Constitution and by general law, with the proposed amendments in
149 this resolution being voted on as one amendment.

150 BE IT FURTHER RESOLVED, That the explanation of this proposed
151 amendment for the ballot shall read as follows: "This proposed
152 constitutional amendment provides that amendments to the
153 Mississippi Constitution may only be proposed by the Legislature,
154 but that the people reserve to themselves the right to exercise
155 the legislative power of the state to propose new laws and to
156 amend or repeal existing laws by initiative, and to approve or
157 reject the same in an election independent of the Legislature."

158 BE IT FURTHER RESOLVED, That this resolution shall stand
159 repealed on October 31, 2023.

