

By: Senator(s) McCaughn, Boyd

To: Accountability,
Efficiency, Transparency

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 twenty percent (20%) of the votes for all
29 candidates for Governor in the last gubernatorial election. The
30 signatures of the qualified electors from any county shall not
31 exceed ten percent (10%) of the total number of signatures
32 required to qualify an initiative petition for placement upon the
33 ballot. If an initiative petition contains signatures from a
34 single county which exceed ten percent (10%) of the total number
35 of required signatures, the excess number of signatures from that
36 county shall not be considered by the Secretary of State in
37 determining whether the petition qualifies for placement on the
38 ballot. At least one hundred (100) signatures must be collected
39 from each county, which shall include at least ten (10) signatures
40 from each incorporated municipality in that county.

41 (4) The sponsor of an initiative shall identify in the text
42 of the initiative the amount and source of revenue required to
43 implement the initiative. If the initiative requires a reduction
44 in any source of government revenue, or a reallocation of funding
45 from currently funded programs, the sponsor shall identify in the
46 text of the initiative the program or programs whose funding must



47 be reduced or eliminated to implement the initiative. Compliance
48 with this requirement shall not be a violation of the subject
49 matter requirements of this section of the Constitution.

50 (5) The initiative process shall not be used:

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

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

55 (c) To amend or repeal the constitutional guarantee
56 that the right of any person to work shall not be denied or
57 abridged on account of membership or nonmembership in any labor
58 union or organization;

59 (d) To propose, amend or repeal any local or special
60 law; or

61 (e) To dedicate revenues or make or repeal
62 appropriations.

63 (6) The Secretary of State shall file with the Clerk of the
64 House and the Secretary of the Senate the complete text of the
65 certified initiative on the first day of the regular session. An
66 initiative measure may be adopted or adopted as amended by a
67 two-thirds (2/3) vote of each house of the Legislature. If the
68 initiative is adopted, amended or rejected by the Legislature; or
69 if no action is taken within four (4) months of the date that the
70 initiative is filed with the Legislature, the Secretary of State



71 shall place the initiative on the ballot for the next statewide
72 general election.

73 The chief legislative budget officer shall prepare a fiscal
74 analysis of each initiative and each legislative alternative. A
75 summary of each fiscal analysis shall appear on the ballot.

76 (7) No more than two (2) initiative proposals may be
77 submitted to the voters on a single ballot, and the first two (2)
78 initiative proposals submitted to the Secretary of State with
79 sufficient petitions shall be the proposals which are submitted to
80 the voters. The sufficiency of petitions shall be decided in the
81 first instance by the Secretary of State, subject to review by the
82 Supreme Court of the state, which shall have original and
83 exclusive jurisdiction over all such cases.

84 (8) An initiative approved by two-thirds (2/3) of the
85 electors during a general election shall be filed with the Clerk
86 of the House and the Secretary of the Senate and placed on the
87 legislative calendar of each house of the Legislature. An
88 initiative measure adopted by a two-thirds (2/3) vote of each
89 house of the Legislature shall become law.

90 (9) If any initiative petition is rejected by a majority of
91 the qualified electors voting thereon, no initiative petition
92 proposing the same, or substantially the same, proposal shall be
93 submitted to the electors for at least five (5) years after the
94 date of the election on such initiative.



120 more amendments to an article of the Constitution pertaining and
121 relating to the same subject or subject matter, which may be
122 included in and voted on as one (1) amendment; and if it shall
123 appear that * * * two-thirds (2/3) of the qualified electors
124 voting directly for or against the same shall have voted for the
125 proposed change, alteration or amendment, then it shall be
126 inserted as a part of the Constitution by proclamation of the
127 Secretary of State certifying that it received the * * *
128 two-thirds (2/3) vote required by the Constitution; and the
129 resolution may fix the date and direct the calling of elections
130 for the purposes hereof.

131 * * *

132 III.

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

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

138 IV.

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

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



145 V.

146 Amend Section 72, Mississippi Constitution of 1890, to read
147 as follows:

148 Section 72. Every Bill which shall pass both Houses shall be
149 presented to the Governor of the state. If he approve, he shall
150 sign it; but if he does not approve, he shall return it, with his
151 objections, to the House in which it originated, which shall enter
152 the objections at large upon its Journal, and proceed to
153 reconsider it. If after such reconsideration two-thirds (2/3) of
154 that House shall agree to pass the Bill, it shall be sent, with
155 the objections, to the other House, by which, likewise, it shall
156 be reconsidered; and if approved by two-thirds (2/3) of that
157 House, it shall become a law; but in all such cases the votes of
158 both Houses shall be determined by yeas and nays, and the names of
159 the persons voting for and against the Bill shall be entered on
160 the Journal of each House respectively. If any Bill shall not be
161 returned by the Governor within five (5) days (Sundays excepted)
162 after it has been presented to him, it shall become a law in like
163 manner as if he had signed it, unless the Legislature, by
164 adjournment, prevented its return, in which case such Bill shall
165 be a law unless the Governor shall veto it within fifteen (15)
166 days (Sundays excepted) after it is presented to him, and such
167 Bill shall be returned to the Legislature, with his objections,
168 within three (3) days after the beginning of the next session of



169 the Legislature. The provisions of this section are not
170 applicable to initiative measures approved by the people.

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

177 BE IT FURTHER RESOLVED, That the explanation of this proposed
178 amendment for the ballot shall read as follows: "This proposed
179 constitutional amendment provides that amendments to the
180 Mississippi Constitution may only be proposed by the Legislature,
181 but that the people reserve to themselves the right to exercise
182 the legislative power of the state to propose new laws and to
183 amend or repeal existing laws by initiative, and to approve or
184 reject the same in an election independent of the Legislature."

