

By: Senator(s) McCaughn, Boyd

To: Accountability,
Efficiency, Transparency

SENATE CONCURRENT RESOLUTION NO. 533
(As Adopted by the Senate)

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) An initiative may be proposed by a petition signed over
25 a twelve-month period by qualified electors equal to at least
26 twelve percent (12%) of the total qualified electors of the state
27 as of the date of the last presidential election. The signatures
28 of the qualified electors from any congressional district shall
29 not exceed the total number of signatures required to qualify an
30 initiative measure for placement on the ballot divided by the
31 number of congressional districts in existence on the day that the
32 petition is filed. If an initiative petition contains signatures
33 from a single congressional district that exceed the total number
34 of required signatures, the excess signatures from that
35 congressional district shall not be considered by the Secretary of
36 State in determining whether the initiative measure qualifies for
37 placement on the ballot.

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

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



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

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

50 (c) To amend or repeal the constitutional guarantee
51 that the right of any person to work shall not be denied or
52 abridged on account of membership or nonmembership in any labor
53 union or organization; or

54 (d) To propose, amend or repeal any local or special
55 law.

56 (5) (a) The Secretary of State shall file with the Clerk of
57 the House and the Secretary of the Senate the complete text of the
58 certified initiative on the first day of the regular session. An
59 initiative may be adopted or adopted as amended by a majority vote
60 of each house of the Legislature. If the initiative is adopted or
61 adopted as amended by the Legislature, or if no action is taken
62 within four (4) months of the date that the initiative is filed
63 with the Legislature, the Secretary of State shall place the
64 initiative, as adopted or adopted as amended as the case may be,
65 on the ballot for the next statewide general election.

66 (b) The Chief Legislative Budget Officer shall prepare
67 a fiscal analysis of each initiative and each legislative
68 alternative. A summary of each fiscal analysis shall appear on
69 the ballot.



70 (6) If the Legislature amends an initiative, the amended
71 version and the original initiative shall be submitted to the
72 electors. An initiative or legislative alternative must receive a
73 majority of the votes thereon and not less than forty percent
74 (40%) of the total votes cast at the election at which the measure
75 was submitted to be approved. If conflicting initiatives or
76 legislative alternatives are approved at the same election, the
77 initiative or legislative alternative receiving the highest number
78 of affirmative votes shall prevail.

79 (7) If an initiative measure proposed to the Legislature has
80 been rejected by the Legislature and an alternative measure is
81 passed by the Legislature in lieu thereof, the ballot titles of
82 both such measures shall be so printed on the official ballots
83 that a voter can express separately two (2) preferences: First,
84 by voting for the approval of either measure or against both
85 measures, and secondly, by voting for one (1) measure or the other
86 measure. If the majority of those voting on the first issue is
87 against both measures, then both measures fail, but in that case
88 the votes on the second issue nevertheless shall be carefully
89 counted and made public. If a majority voting on the first issue
90 is for the approval of either measure, then the measure receiving
91 a majority of the votes on the second issue and also receiving not
92 less than forty percent (40%) of the total votes cast at the
93 election at which the initiative was submitted for approval shall
94 be law. Any person who votes for the ratification of either



95 measure on the first issue must vote for one (1) of the measures
96 on the second issue in order for the ballot to be valid. Any
97 person who votes against both measures on the first issue may vote
98 but shall not be required to vote for any of the measures on the
99 second issue in order for the ballot to be valid. Substantially
100 the following form shall be in compliance with this subsection:

101 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE
102 Initiative Measure No. _____, entitled (here insert the
103 ballot title of the initiative measure).
104 Alternative Measure No. _____ A, entitled (here insert the
105 ballot title of the alternative measure).

106 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:
107 FOR APPROVAL OF EITHER Initiative No. _____
108 OR Alternative No. _____ A ()
109 AGAINST Both Initiative No. _____
110 AND Alternative No. _____ A ()

111 AND VOTE FOR ONE
112 FOR Initiative Measure No. _____ ()
113 FOR Alternative Measure No. _____ A ()

114 (8) No more than five (5) initiative proposals shall be
115 submitted to the votes on a single ballot, and the first five (5)
116 initiative proposals submitted to the Secretary of State with
117 sufficient petitions shall be the proposals which are submitted to
118 the voters. The sufficiency of petitions shall be decided in the
119 first instance by the Secretary of State, subject to review by the



120 Supreme Court of the state, which shall have original and
121 exclusive jurisdiction over all such cases.

122 (9) An initiative approved by the electors shall take effect
123 thirty (30 days from the official declaration of the vote by the
124 Secretary of State, unless the measure provides otherwise.

125 (10) The Legislature shall provide by law the manner in
126 which initiative petitions shall be circulated, presented and
127 certified. To prevent signature fraud and to maintain the
128 integrity of the initiative process the state has a compelling
129 interest in ensuring that no person shall circulate an initiative
130 petition or obtain signatures on an initiative petition unless the
131 person is a resident of this state at the time of circulation.
132 For the purposes of this subsection, the term "resident" means a
133 person who is domiciled in Mississippi as evidenced by an intent
134 to maintain a principal dwelling place in Mississippi indefinitely
135 and to return to Mississippi if temporarily absent, coupled with
136 an act or acts consistent with that intent. Every person who
137 circulates an initiative petition shall print and sign his name on
138 each page of an initiative petition, or on a separate page
139 attached to each page, certifying that he was a resident of this
140 state at the time of circulating the petition. The Secretary of
141 State shall refuse to accept for filing any page of an initiative
142 petition upon which the signatures appearing thereon were obtained
143 by a person who was not a resident of this state at the time of
144 circulating the petition, and an initiative measure shall not be



145 placed on the ballot if the Secretary of State determines that
146 without such signatures the petition clearly bears an insufficient
147 number of signatures. The provisions of this subsection (10)
148 shall be applicable to all initiative measures that have not been
149 placed on the ballot at the time this proposed amendment is
150 ratified by the electorate.

151 (11) The Legislature may enact laws to carry out the
152 provisions of this section but shall in no way restrict or impair
153 the provisions of this section or the powers herein reserved to
154 the people.

155 II.

156 Amend Section 56, Mississippi Constitution of 1890, to read
157 as follows:

158 Section 56. The style of the laws of the state that are
159 enacted by the Legislature shall be: "Be it enacted by the
160 Legislature of the State of Mississippi."

161 III.

162 Amend Section 61, Mississippi Constitution of 1890, to read
163 as follows:

164 Section 61. No law enacted by the Legislature or by
165 initiative of the people shall be revived or amended by reference
166 to its title only, but the section or sections, as amended or
167 revived, shall be inserted at length.

168 IV.



169 Amend Section 72, Mississippi Constitution of 1890, to read
170 as follows:

171 Section 72. Every Bill which shall pass both Houses shall be
172 presented to the Governor of the state. If he approve, he shall
173 sign it; but if he does not approve, he shall return it, with his
174 objections, to the House in which it originated, which shall enter
175 the objections at large upon its Journal, and proceed to
176 reconsider it. If after such reconsideration two-thirds (2/3) of
177 that House shall agree to pass the Bill, it shall be sent, with
178 the objections, to the other House, by which, likewise, it shall
179 be reconsidered; and if approved by two-thirds (2/3) of that
180 House, it shall become a law; but in all such cases the votes of
181 both Houses shall be determined by yeas and nays, and the names of
182 the persons voting for and against the Bill shall be entered on
183 the Journal of each House respectively. If any Bill shall not be
184 returned by the Governor within five (5) days (Sundays excepted)
185 after it has been presented to him, it shall become a law in like
186 manner as if he had signed it, unless the Legislature, by
187 adjournment, prevented its return, in which case such Bill shall
188 be a law unless the Governor shall veto it within fifteen (15)
189 days (Sundays excepted) after it is presented to him, and such
190 Bill shall be returned to the Legislature, with his objections,
191 within three (3) days after the beginning of the next session of
192 the Legislature. The provisions of this section are not
193 applicable to initiative measures approved by the people.



194 BE IT FURTHER RESOLVED, That these proposed amendments shall
195 be submitted by the Secretary of State to the qualified electors
196 at an election to be held on the first Tuesday after the first
197 Monday of November 2023, as provided by Section 273 of the
198 Constitution and by general law, with the proposed amendments in
199 this resolution being voted on as one (1) amendment.

200 BE IT FURTHER RESOLVED, That the explanation of this proposed
201 amendment for the ballot shall read as follows: "This proposed
202 constitutional amendment provides that amendments to the
203 Mississippi Constitution may only be proposed by the Legislature,
204 but that the people reserve to themselves the right to exercise
205 the legislative power of the state to propose new laws and to
206 amend or repeal existing laws by initiative, and to approve or
207 reject the same in an election independent of the Legislature."

208 BE IT FURTHER RESOLVED, That this resolution shall take
209 effect on July 1, 2023, and shall stand repealed on June 30, 2023.

