

By: Senator(s) McCaughn, Boyd

To: Accountability,  
Efficiency, Transparency

SENATE CONCURRENT RESOLUTION NO. 534

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 \* \* \* ensuring that no person shall circulate an  
186 initiative petition or obtain signatures on an initiative petition  
187 unless the person is a resident of this state at the time of  
188 circulation. For the purposes of this subsection, the term  
189 "resident" means a person who is domiciled in Mississippi as  
190 evidenced by an intent to maintain a principal dwelling place in  
191 Mississippi indefinitely and to return to Mississippi if  
192 temporarily absent, coupled with an act or acts consistent with  
193 that intent. Every person who circulates an initiative petition  
194 shall print and sign his name on each page of an initiative  
195 petition, or on a separate page attached to each page, certifying





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

