

## House Amendments to Senate Concurrent Resolution No. 533

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the resolving clause and inserting in lieu thereof the following:

9 That the following amendments to the Mississippi Constitution of  
10 1890 are proposed to the qualified electors of the state:

11 I.

12 Amend Section 33, Mississippi Constitution of 1890, to read  
13 as follows:

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

22 (2) The initiative process shall not be used:

23 (a) To propose any new amendments to or the  
24 modification or repeal of any existing provision of this  
25 constitution;

26           (b) To purpose any new law or amend or repeal any  
27 existing law relating to the Mississippi Public Employees'  
28 Retirement System;

29           (c) To propose any new local or special law or amend or  
30 repeal any existing local or special law;

31           (d) To propose any new law or amend or repeal any  
32 existing law on any subject or matter that any section of this  
33 constitution prohibits the Legislature from enacting;

34           (e) To propose any new law or amend or repeal any  
35 existing law that appropriates funds from the State Treasury; or

36           (f) To propose any new law or amend or repeal any  
37 existing law relating to abortion.

38           (3) An initiative may be proposed by a petition signed over  
39 a twelve-month period by qualified electors equal in number to at  
40 least twelve percent (12%) of the votes for all candidates for  
41 Governor in the last gubernatorial election. The signatures of  
42 the qualified electors from any congressional district shall not  
43 exceed the total number of signatures required to qualify an  
44 initiative measure for placement on the ballot divided by the  
45 number of congressional districts in existence on the day that the  
46 petition is filed. If an initiative petition contains signatures  
47 from a single congressional district that exceed the total number  
48 of required signatures, the excess signatures from that  
49 congressional district shall not be considered by the Secretary of  
50 State in determining whether the initiative measure qualifies for  
51 placement on the ballot. The sufficiency of petitions shall be

52 decided in the first instance by the Secretary of State, subject  
53 to review by the Supreme Court of the state, which shall have  
54 original and exclusive jurisdiction over all such cases.

55 (4) The sponsor of an initiative shall identify in the text  
56 of the initiative the amount and source of revenue required to  
57 implement the initiative. If the provisions of an initiative  
58 would cause a substantial cost to the state or require the  
59 substantial expenditure of state funds, as determined according to  
60 law by the Legislative Budget Office or any successor agency, the  
61 sponsor also shall provide in the text of the initiative for the  
62 specific funding source or mechanism to pay the cost of the  
63 provisions of the initiative so that the initiative will not  
64 result in a reduction in state funds available for expenditure by  
65 the Legislature. If an initiative requires (a) a reduction in any  
66 source of government revenue that would cause the amount of state  
67 funds available for expenditure by the Legislature to be less than  
68 the amount of state funds appropriated for the most recent fiscal  
69 year, or (b) requires a reallocation of funding from currently  
70 funded programs, the sponsor shall identify in the text of the  
71 initiative the program or programs whose funding must be reduced  
72 or eliminated to implement the initiative.

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

77       (6) The Secretary of State shall file with the Clerk of the  
78 House and the Secretary of the Senate the complete text of the  
79 certified initiative on the first day of the regular session. An  
80 initiative may be adopted or adopted as amended by a majority vote  
81 of each house of the Legislature. If the initiative is adopted or  
82 adopted as amended by the Legislature, or if no action is taken  
83 within four (4) months of the date that the initiative is filed  
84 with the Legislature, the Secretary of State shall place the  
85 initiative, as adopted or adopted as amended as the case may be,  
86 on the ballot for the next statewide general election.

87       (7) If the Legislature amends an initiative, the amended  
88 version and the original initiative shall be submitted to the  
89 electors. An initiative or legislative alternative must receive a  
90 majority of the votes thereon and not less than forty percent  
91 (40%) of the total votes cast at the election at which the  
92 initiative was submitted to be approved. If conflicting  
93 initiatives or legislative alternatives are approved at the same  
94 election, the initiative or legislative alternative receiving the  
95 highest number of affirmative votes shall prevail.

96       (8) If an initiative proposed to the Legislature has been  
97 rejected by the Legislature and an alternative is passed by the  
98 Legislature in lieu thereof, the ballot titles of both such  
99 measures shall be so printed on the official ballots that a voter  
100 can express separately two (2) preferences: First, by voting for  
101 the approval of either measure or against both measures, and  
102 secondly, by voting for one (1) measure or the other measure. If

103 the majority of those voting on the first issue is against both  
104 measures, then both measures fail, but in that case the votes on  
105 the second issue nevertheless shall be carefully counted and made  
106 public. If a majority voting on the first issue is for the  
107 approval of either measure, then the measure receiving a majority  
108 of the votes on the second issue and also receiving not less than  
109 forty percent (40%) of the total votes cast at the election at  
110 which the initiative was submitted for approval shall be law. Any  
111 person who votes for the ratification of either measure on the  
112 first issue must vote for one (1) of the measures on the second  
113 issue in order for the ballot to be valid. Any person who votes  
114 against both measures on the first issue may vote but shall not be  
115 required to vote for any of the measures on the second issue in  
116 order for the ballot to be valid. Substantially the following  
117 form shall be in compliance with this subsection:

118 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

119 Initiative Measure No. \_\_\_\_\_, entitled (here insert the ballot  
120 title of the initiative measure).

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

123 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

124 FOR APPROVAL OF EITHER Initiative No. \_\_\_\_\_

125 OR Alternative No. \_\_\_\_\_ A ..... ( )

126 AGAINST Both Initiative No. \_\_\_\_\_

127 AND Alternative No. \_\_\_\_\_ A ..... ( )

128 AND VOTE FOR ONE

129 FOR Initiative Measure No. \_\_\_\_\_ ..... ( )

130 FOR Alternative Measure No. \_\_\_\_\_ A ..... ( )

131 (9) No more than five (5) initiative proposals shall be  
132 submitted to the votes on a single ballot, and the first five (5)  
133 initiative proposals submitted to the Secretary of State with  
134 sufficient petitions shall be the proposals which are submitted to  
135 the voters.

136 (10) An initiative approved by the electors shall take  
137 effect thirty (30) days from the official declaration of the vote  
138 by the Secretary of State, unless the measure provides otherwise.

139 (11) The Legislature shall provide by law the manner in  
140 which initiative petitions shall be circulated, presented and  
141 certified. To prevent signature fraud and to maintain the  
142 integrity of the initiative process the state has a compelling  
143 interest in ensuring that no person shall circulate an initiative  
144 petition or obtain signatures on an initiative petition unless the  
145 person is a resident of this state at the time of circulation.

146 For the purposes of this subsection, the term "resident" means a  
147 person who is domiciled in Mississippi as evidenced by an intent  
148 to maintain a principal dwelling place in Mississippi indefinitely  
149 and to return to Mississippi if temporarily absent, coupled with  
150 an act or acts consistent with that intent. Every person who  
151 circulates an initiative petition shall print and sign his or her  
152 name on each page of an initiative petition, or on a separate page  
153 attached to each page, certifying that he or she was a resident of  
154 this state at the time of circulating the petition. The Secretary

155 of State shall refuse to accept for filing any page of an  
156 initiative petition upon which the signatures appearing thereon  
157 were obtained by a person who was not a resident of this state at  
158 the time of circulating the petition, and an initiative shall not  
159 be placed on the ballot if the Secretary of State determines that  
160 without such signatures the petition clearly bears an insufficient  
161 number of signatures. The provisions of this subsection (11)  
162 shall be applicable to all initiative measures that have not been  
163 placed on the ballot at the time this proposed amendment is  
164 ratified by the electorate.

165 (12) The Legislature may enact laws to carry out the  
166 provisions of this section, but such laws shall in no way restrict  
167 or impair the provisions of this section or the exercise of the  
168 rights reserved to the people in this section.

169 II.

170 Amend Section 56, Mississippi Constitution of 1890, to read  
171 as follows:

172 Section 56. The style of the laws of the state that are  
173 enacted by the Legislature shall be: "Be it enacted by the  
174 Legislature of the State of Mississippi."

175 III.

176 Amend Section 61, Mississippi Constitution of 1890, to read  
177 as follows:

178 Section 61. No law enacted by the Legislature or by  
179 initiative of the people shall be revived or amended by reference

180 to its title only, but the section or sections, as amended or  
181 revived, shall be inserted at length.

182 IV.

183 Amend Section 72, Mississippi Constitution of 1890, to read  
184 as follows:

185 Section 72. Every Bill which shall pass both Houses shall be  
186 presented to the Governor of the state. If he or she approve, he  
187 or she shall sign it; but if he or she does not approve, he or she  
188 shall return it, with his or her objections, to the House in which  
189 it originated, which shall enter the objections at large upon its  
190 Journal, and proceed to reconsider it. If after such  
191 reconsideration two-thirds (2/3) of that House shall agree to pass  
192 the Bill, it shall be sent, with the objections, to the other  
193 House, by which, likewise, it shall be reconsidered; and if  
194 approved by two-thirds (2/3) of that House, it shall become a law;  
195 but in all such cases the votes of both Houses shall be determined  
196 by yeas and nays, and the names of the persons voting for and  
197 against the Bill shall be entered on the Journal of each House  
198 respectively. If any Bill shall not be returned by the Governor  
199 within five (5) days (Sundays excepted) after it has been  
200 presented to him or her, it shall become a law in like manner as  
201 if he or she had signed it, unless the Legislature, by  
202 adjournment, prevented its return, in which case such Bill shall  
203 be a law unless the Governor shall veto it within fifteen (15)  
204 days (Sundays excepted) after it is presented to him or her, and  
205 such Bill shall be returned to the Legislature, with his or her



206 objections, within three (3) days after the beginning of the next  
207 session of the Legislature. The provisions of this section are  
208 not applicable to initiative measures approved by the people.

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

215 BE IT FURTHER RESOLVED, That the explanation of this proposed  
216 amendment for the ballot shall read as follows: "This proposed  
217 constitutional amendment provides that the people reserve to  
218 themselves the right to exercise the legislative power of the  
219 state to propose new laws and to amend or repeal existing laws by  
220 initiative, and to approve or reject the same in an election  
221 independent of the Legislature."

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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

HR31\SC533AH.J

Andrew Ketchings  
Clerk of the House of Representatives