

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Concurrent Resolution No. 533

BY: Senator(s) McCaughn, Polk

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

10 That the following amendments to the Mississippi Constitution of
11 1890 are proposed to the qualified electors of the state:

12 I.

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

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



20 to approve or reject the same in an election independent of the
21 Legislature, in the manner prescribed in and subject to the
22 provisions of this section.

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

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

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



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

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

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

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

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

65 (b) The chief legislative budget officer shall prepare
66 a fiscal analysis of each initiative and each legislative
67 alternative. A summary of each fiscal analysis shall appear on
68 the ballot.



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

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



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

100 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

101 Initiative Measure No. _____, entitled (here insert the
102 ballot title of the initiative measure).

103 Alternative Measure No. _____ A, entitled (here insert the
104 ballot title of the alternative measure).

105 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

106 FOR APPROVAL OF EITHER Initiative No. _____

107 OR Alternative No. _____ A ()

108 AGAINST Both Initiative No. _____

109 AND Alternative No. _____ A ()

110 AND VOTE FOR ONE

111 FOR Initiative Measure No. _____ ()

112 FOR Alternative Measure No. _____ A ()

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



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

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

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



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

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

154 II.

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

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

160 III.

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

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

167 IV.



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

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



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

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

207 BE IT FURTHER RESOLVED, That this resolution shall take
208 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,
2 273, 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.

