

By: Representatives Wallace, Aguirre, Boyd
(37th), Calvert, Shanks

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 11

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.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
9 MISSISSIPPI, That the following amendments to the Mississippi
10 Constitution of 1890 are proposed to the qualified electors of the
11 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) The initiative process shall not be used:

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

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

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

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

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

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

39 (g) To amend or repeal the constitutional guarantee
40 that the right of any person to work shall not be denied or
41 abridged on account of membership or nonmembership in any labor
42 union or organization.

43 (3) An initiative may be proposed by a petition signed over
44 a twelve-month period by qualified electors equal in number to at
45 least eight percent (8%) of the total qualified electors of the



46 state as of the date of the last gubernatorial election. The
47 signatures of the qualified electors from any congressional
48 district shall not exceed the total number of signatures required
49 to qualify an initiative measure for placement on the ballot
50 divided by the number of congressional districts in existence on
51 the day that the petition is filed. If an initiative petition
52 contains signatures from a single congressional district that
53 exceed the total number of required signatures, the excess
54 signatures from that congressional district shall not be
55 considered by the Secretary of State in determining whether the
56 initiative measure qualifies for placement on the ballot. The
57 sufficiency of petitions shall be decided in the first instance by
58 the Secretary of State, subject to review by the Supreme Court of
59 the state, which shall have original and exclusive jurisdiction
60 over all such cases.

61 (4) The sponsor of an initiative shall identify in the text
62 of the initiative the amount and source of revenue required to
63 implement the initiative. If the provisions of an initiative
64 would cause a substantial cost to the state or require the
65 substantial expenditure of state funds, as determined according to
66 law by the Legislative Budget Office or any successor agency, the
67 sponsor also shall provide in the text of the initiative for the
68 specific funding source or mechanism to pay the cost of the
69 provisions of the initiative so that the initiative will not
70 result in a reduction in state funds available for expenditure by



71 the Legislature. If an initiative requires (a) a reduction in any
72 source of government revenue that would cause the amount of state
73 funds available for expenditure by the Legislature to be less than
74 the amount of state funds appropriated for the most recent fiscal
75 year, or (b) requires a reallocation of funding from currently
76 funded programs, the sponsor shall identify in the text of the
77 initiative the program or programs whose funding must be reduced
78 or eliminated to implement the initiative.

79 (5) The chief legislative budget officer shall prepare a
80 fiscal analysis of each initiative and each legislative
81 alternative, and a summary of each fiscal analysis shall appear on
82 the ballot.

83 (6) The style of all initiative measures shall be: "Be it
84 enacted by the people of the State of Mississippi."

85 (7) The sufficiency of petitions shall be decided in the
86 first instance by the Secretary of State, subject to review by the
87 Supreme Court of the state, which shall have original and
88 exclusive jurisdiction over all such cases.

89 (8) If an initiative measure is certified by the Secretary
90 of State not less than ninety (90) days before a statewide general
91 election, the Secretary of State shall place the initiative
92 measure on the ballot for that statewide general election. If an
93 initiative measure is certified by the Secretary of State less
94 than ninety (90) days before a statewide general election, the
95 Secretary of State shall place the initiative measure on the



96 ballot for the next statewide general election occurring after the
97 upcoming statewide general election.

98 (9) No more than three (3) initiative proposals shall be
99 submitted to the votes on a single ballot, and the first three (3)
100 initiative proposals submitted to the Secretary of State with
101 sufficient petitions shall be the proposals which are submitted to
102 the voters.

103 (10) In order to be approved, an initiative must receive a
104 majority of the votes cast thereon and not less than forty percent
105 (40%) of the total votes cast at the election at which the
106 initiative was submitted to be approved. If conflicting
107 initiatives are approved at the same election, the initiative
108 receiving the highest number of affirmative votes shall prevail.

109 (11) Initiative measures approved by the people shall not
110 require the signature of the Governor to become law and shall not
111 be subject to the veto power of the Governor.

112 (12) An initiative measure approved by the people shall not
113 be amended by the Legislature to make a substantive change to the
114 text in the measure, or repealed by the Legislature, for a period
115 of two (2) years after the initiative measure takes effect.
116 However, the Legislature may amend or repeal an initiative measure
117 less than two (2) years after the measure takes effect if the
118 Legislature determines the existence of an emergency affecting the
119 public peace, health, safety or financial solvency of the state
120 that necessitates the amendment or repeal of the initiative



121 measure, which emergency must be stated in the legislation, and
122 such amendment or repeal shall require a vote of three-fifths
123 (3/5) of each house present and voting.

124 (13) 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 or her
137 name on each page of an initiative petition, or on a separate page
138 attached to each page, certifying that he or she was a resident of
139 this state at the time of circulating the petition. The Secretary
140 of State shall refuse to accept for filing any page of an
141 initiative petition upon which the signatures appearing thereon
142 were obtained by a person who was not a resident of this state at
143 the time of circulating the petition, and an initiative shall not
144 be 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 (11)
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 (14) An initiative approved by the electors shall take
151 effect thirty (30) days from the official declaration of the vote
152 by the Secretary of State, unless the measure provides otherwise.

153 (15) The Legislature may enact laws to carry out the
154 provisions of this section, but such laws shall in no way restrict
155 or impair the provisions of this section or the exercise of the
156 rights reserved to the people in this section.

157 II.

158 Amend Section 56, Mississippi Constitution of 1890, to read
159 as follows:

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

163 III.

164 Amend Section 61, Mississippi Constitution of 1890, to read
165 as follows:

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

170 IV.



171 Amend Section 72, Mississippi Constitution of 1890, to read
172 as follows:

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



195 session of the Legislature. The provisions of this section are
196 not applicable to initiative measures approved by the people.

197 BE IT FURTHER RESOLVED, That these proposed amendments shall
198 be submitted by the Secretary of State to the qualified electors
199 at an election to be held on the first Tuesday after the first
200 Monday of November 2024, as provided by Section 273 of the
201 Constitution and by general law, with the proposed amendments in
202 this resolution being voted on as one (1) amendment.

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

