

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

To: Constitution

COMMITTEE SUBSTITUTE  
FOR  
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) The Secretary of State shall file with the Clerk of the  
104 House and the Secretary of the Senate the complete text of the  
105 certified initiative on the first day of the regular session. An  
106 initiative may be adopted or adopted as amended by a majority vote  
107 of each house of the Legislature. If the initiative is adopted or  
108 adopted as amended by the Legislature, or if no action is taken  
109 within four (4) months of the date that the initiative is filed  
110 with the Legislature, the Secretary of State shall place the  
111 initiative, as adopted or adopted as amended as the case may be,  
112 on the ballot for the next statewide general election.

113 (11) If the Legislature amends an initiative, the amended  
114 version and the original initiative shall be submitted to the  
115 electors. In order to be approved, an initiative or legislative  
116 alternative must receive a majority of the votes cast thereon and  
117 not less than forty percent (40%) of the total votes cast at the  
118 election at which the initiative was submitted to be approved. If  
119 conflicting initiatives or legislative alternatives are approved



120 at the same election, the initiative or legislative alternative  
121 receiving the highest number of affirmative votes shall prevail.

122 (12) If an initiative proposed to the Legislature has been  
123 rejected by the Legislature and an alternative is passed by the  
124 Legislature in lieu thereof, the ballot titles of both such  
125 measures shall be so printed on the official ballots that a voter  
126 can express separately two (2) preferences: First, by voting for  
127 the approval of either measure or against both measures, and  
128 secondly, by voting for one (1) measure or the other measure. If  
129 the majority of those voting on the first issue is against both  
130 measures, then both measures fail, but in that case the votes on  
131 the second issue nevertheless shall be carefully counted and made  
132 public. If a majority voting on the first issue is for the  
133 approval of either measure, then the measure receiving a majority  
134 of the votes on the second issue and also receiving not less than  
135 forty percent (40%) of the total votes cast at the election at  
136 which the initiative was submitted for approval shall be law. Any  
137 person who votes for the ratification of either measure on the  
138 first issue must vote for one (1) of the measures on the second  
139 issue in order for the ballot to be valid. Any person who votes  
140 against both measures on the first issue may vote but shall not be  
141 required to vote for any of the measures on the second issue in  
142 order for the ballot to be valid. Substantially the following  
143 form shall be in compliance with this subsection:

144 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE



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

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

149 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

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

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

152 AGAINST Both Initiative No. \_\_\_\_\_

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

154 AND VOTE FOR ONE

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

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

157 (13) Initiative measures approved by the people shall not  
158 require the signature of the Governor to become law and shall not  
159 be subject to the veto power of the Governor.

160 (14) An initiative measure approved by the people shall not  
161 be amended by the Legislature to make a substantive change to the  
162 text in the measure, or repealed by the Legislature, for a period  
163 of two (2) years after the initiative measure takes effect.

164 However, the Legislature may amend or repeal an initiative measure  
165 less than two (2) years after the measure takes effect if the  
166 Legislature determines the existence of an emergency affecting the  
167 public peace, health, safety or financial solvency of the state  
168 that necessitates the amendment or repeal of the initiative  
169 measure, which emergency must be stated in the legislation, and



170 such amendment or repeal shall require a vote of three-fifths  
171 (3/5) of each house present and voting.

172 (15) The Legislature shall provide by law the manner in  
173 which initiative petitions shall be circulated, presented and  
174 certified. To prevent signature fraud and to maintain the  
175 integrity of the initiative process the state has a compelling  
176 interest in ensuring that no person shall circulate an initiative  
177 petition or obtain signatures on an initiative petition unless the  
178 person is a resident of this state at the time of circulation.  
179 For the purposes of this subsection, the term "resident" means a  
180 person who is domiciled in Mississippi as evidenced by an intent  
181 to maintain a principal dwelling place in Mississippi indefinitely  
182 and to return to Mississippi if temporarily absent, coupled with  
183 an act or acts consistent with that intent. Every person who  
184 circulates an initiative petition shall print and sign his or her  
185 name on each page of an initiative petition, or on a separate page  
186 attached to each page, certifying that he or she was a resident of  
187 this state at the time of circulating the petition. The Secretary  
188 of State shall refuse to accept for filing any page of an  
189 initiative petition upon which the signatures appearing thereon  
190 were obtained by a person who was not a resident of this state at  
191 the time of circulating the petition, and an initiative shall not  
192 be placed on the ballot if the Secretary of State determines that  
193 without such signatures the petition clearly bears an insufficient  
194 number of signatures. The provisions of this subsection (11)





195 shall be applicable to all initiative measures that have not been  
196 placed on the ballot at the time this proposed amendment is  
197 ratified by the electorate.

198 (16) An initiative approved by the electors shall take  
199 effect thirty (30) days from the official declaration of the vote  
200 by the Secretary of State, unless the measure provides otherwise.

201 (17) The Legislature may enact laws to carry out the  
202 provisions of this section, but such laws shall in no way restrict  
203 or impair the provisions of this section or the exercise of the  
204 rights reserved to the people in this section.

205 II.

206 Amend Section 56, Mississippi Constitution of 1890, to read  
207 as follows:

208 Section 56. The style of the laws of the state that are  
209 enacted by the Legislature shall be: "Be it enacted by the  
210 Legislature of the State of Mississippi."

211 III.

212 Amend Section 61, Mississippi Constitution of 1890, to read  
213 as follows:

214 Section 61. No law enacted by the Legislature or by  
215 initiative of the people shall be revived or amended by reference  
216 to its title only, but the section or sections, as amended or  
217 revived, shall be inserted at length.

218 IV.



219 Amend Section 72, Mississippi Constitution of 1890, to read  
220 as follows:

221 Section 72. Every Bill which shall pass both Houses shall be  
222 presented to the Governor of the state. If he or she approve, he  
223 or she shall sign it; but if he or she does not approve, he or she  
224 shall return it, with his or her objections, to the House in which  
225 it originated, which shall enter the objections at large upon its  
226 Journal, and proceed to reconsider it. If after such  
227 reconsideration two-thirds (2/3) of that House shall agree to pass  
228 the Bill, it shall be sent, with the objections, to the other  
229 House, by which, likewise, it shall be reconsidered; and if  
230 approved by two-thirds (2/3) of that House, it shall become a law;  
231 but in all such cases the votes of both Houses shall be determined  
232 by yeas and nays, and the names of the persons voting for and  
233 against the Bill shall be entered on the Journal of each House  
234 respectively. If any Bill shall not be returned by the Governor  
235 within five (5) days (Sundays excepted) after it has been  
236 presented to him or her, it shall become a law in like manner as  
237 if he or she had signed it, unless the Legislature, by  
238 adjournment, prevented its return, in which case such Bill shall  
239 be a law unless the Governor shall veto it within fifteen (15)  
240 days (Sundays excepted) after it is presented to him or her, and  
241 such Bill shall be returned to the Legislature, with his or her  
242 objections, within three (3) days after the beginning of the next



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

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

251 BE IT FURTHER RESOLVED, That the explanation of this proposed  
252 amendment for the ballot shall read as follows: "This proposed  
253 constitutional amendment provides that the people reserve to  
254 themselves the right to exercise the legislative power of the  
255 state to propose new laws and to amend or repeal existing laws by  
256 initiative, and to approve or reject the same in an election  
257 independent of the Legislature."

