

By: Senator(s) McCaughn, Boyd

To: Accountability,  
Efficiency, Transparency;  
Constitution

SENATE CONCURRENT RESOLUTION NO. 523

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

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF  
10 MISSISSIPPI, That the following amendments to the Mississippi  
11 Constitution of 1890 are proposed to the qualified electors of the  
12 state:

13 I.

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

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



22 Legislature, in the manner prescribed in and subject to the  
23 provisions of this section.

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

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

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



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

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

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

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

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

66           (b) The Chief Legislative Budget Officer shall prepare  
67 a fiscal analysis of each initiative and each legislative  
68 alternative. A summary of each fiscal analysis shall appear on  
69 the ballot.



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

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



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

101 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

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

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

106 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

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

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

109 AGAINST Both Initiative No. \_\_\_\_\_

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

111 AND VOTE FOR ONE

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

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

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



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

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

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



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

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

155 II.

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

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

161 III.

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

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

168 IV.



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

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





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

195 BE IT FURTHER RESOLVED, That these proposed amendments shall  
196 be submitted by the Secretary of State to the qualified electors  
197 at an election to be held on the first Tuesday after the first  
198 Monday of November 2024, as provided by Section 33 and Section 273  
199 of the Constitution and by general law, with the proposed  
200 amendments in this resolution being voted on as one (1) amendment.

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

209 BE IT FURTHER RESOLVED, That this resolution shall take  
210 effect on July 1, 2024.

