

By: Senator(s) Seymour

To: Accountability,
Efficiency, Transparency

SENATE CONCURRENT RESOLUTION NO. 524

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO REINSTATE THE INITIATIVE
3 PROCEDURE DECLARED INVALID BY THE MISSISSIPPI SUPREME COURT; TO
4 PROVIDE THAT THE INITIATIVE PROCESS MAY BE USED TO AMEND THE
5 MISSISSIPPI STATUTES OR TO AMEND THE MISSISSIPPI CONSTITUTION; TO
6 BASE THE NUMBER OF SIGNATURES REQUIRED FOR AN INITIATIVE PETITION
7 ON THE NUMBER OF REGISTERED VOTERS; TO CONFORM THE PRO RATA
8 SIGNATURE REQUIREMENTS FROM EACH CONGRESSIONAL DISTRICT FOR AN
9 INITIATIVE PETITION TO THE NUMBER OF CURRENT CONGRESSIONAL
10 DISTRICTS; TO SPECIFY THAT PETITION SIGNATURE REQUIREMENTS SHALL
11 INCLUDE HOME ADDRESS; AND TO PROVIDE THAT ONLY ONE PROPOSAL OF LAW
12 AND MATTERS PROPERLY CONNECTED THEREWITH SHALL BE CONTAINED IN AN
13 INITIATIVE PETITION TO ENABLE THE ELECTORS TO VOTE ON THAT
14 PROPOSAL SEPARATELY.

15 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
16 MISSISSIPPI, That the following amendment to the Mississippi
17 Constitution of 1890 is proposed to the qualified electors of the
18 state:

19 Amend Section 273, Mississippi Constitution of 1890, to read
20 as follows:

21 Section 273. (1) Amendments to this Constitution may be
22 proposed by the Legislature or by initiative of the people.

23 (2) Whenever two-thirds (2/3) of each house of the
24 Legislature, which two-thirds (2/3) shall consist of not less than



25 a majority of the members elected to each house, shall deem any
26 change, alteration or amendment necessary to this Constitution,
27 such proposed amendment, change or alteration shall be read and
28 passed by two-thirds (2/3) vote of each house, as herein provided;
29 public notice shall then be given by the Secretary of State at
30 least thirty (30) days preceding an election, at which the
31 qualified electors shall vote directly for or against such change,
32 alteration or amendment, and if more than one (1) amendment shall
33 be submitted at one (1) time, they shall be submitted in such
34 manner and form that the people may vote for or against each
35 amendment separately; and, notwithstanding the division of the
36 Constitution into sections, the Legislature may provide in its
37 resolution for one or more amendments pertaining and relating to
38 the same subject or subject matter, and may provide for one or
39 more amendments to an article of the Constitution pertaining and
40 relating to the same subject or subject matter, which may be
41 included in and voted on as one (1) amendment; and if it shall
42 appear that a majority of the qualified electors voting directly
43 for or against the same shall have voted for the proposed change,
44 alteration or amendment, then it shall be inserted as a part of
45 the Constitution by proclamation of the Secretary of State
46 certifying that it received the majority vote required by the
47 Constitution; and the resolution may fix the date and direct the
48 calling of elections for the purposes hereof.



49 (3) The people reserve unto themselves the power to propose
50 and enact statutory or constitutional amendments by initiative.
51 An initiative to amend the Mississippi statutes may be proposed by
52 a petition signed over a twelve-month period by qualified electors
53 equal in number to at least twenty-five percent (25%) of
54 registered voters. An initiative to amend the Constitution may be
55 proposed by a petition signed over a twelve-month period by
56 qualified electors equal in number to at least * * * forty percent
57 (40%) of * * * registered voters. The qualified electors signing
58 the initiative petition shall include their full printed name,
59 signature, home address and county of residence. The signatures
60 of the qualified electors from any congressional district shall
61 not exceed * * * the total number of signatures required to
62 qualify an initiative petition for placement upon the ballot
63 divided by the number of congressional districts in existence on
64 the day the petition is filed. If an initiative petition contains
65 signatures from a single congressional district which exceed * * *
66 the total number of required signatures, the excess number of
67 signatures from that congressional district shall not be
68 considered by the Secretary of State in determining whether the
69 petition qualifies for placement on the ballot.

70 (4) Every such petition shall include the full text of the
71 measure so proposed, and the petition shall be filed with the
72 Secretary of State not less than four (4) months before the
73 election at which they are to be voted upon. The Secretary of



74 State, with the advice and consent of the Attorney General, shall
75 determine whether or not the petition is properly written as a
76 statutory amendment or a constitutional amendment and shall
77 certify the initiative.

78 (* * *5) The sponsor of an initiative shall identify in the
79 text of the initiative the amount and source of revenue required
80 to implement the initiative. If the initiative requires a
81 reduction in any source of government revenue, or a reallocation
82 of funding from currently funded programs, the sponsor shall
83 identify in the text of the initiative the program or programs
84 whose funding must be reduced or eliminated to implement the
85 initiative. Compliance with this requirement shall not be a
86 violation of the subject matter requirements of this section of
87 the Constitution.

88 (6) Only one (1) proposal of law and matters properly
89 connected therewith shall be contained in an initiative petition
90 to enable the electors to vote on that proposal separately.

91 (* * *7) The initiative process shall not be used:

92 (a) For the proposal, modification or repeal of any
93 portion of the Bill of Rights of this Constitution;

94 (b) To amend or repeal any law or any provision of the
95 Constitution relating to the Mississippi Public Employees'
96 Retirement System;

97 (c) To amend or repeal the constitutional guarantee
98 that the right of any person to work shall not be denied or



99 abridged on account of membership or nonmembership in any labor
100 union or organization; or

101 (d) To modify the initiative process for proposing
102 amendments to this Constitution.

103 (* * *8) The Secretary of State shall file with the Clerk
104 of the House and the Secretary of the Senate the complete text of
105 the certified initiative on the first day of the regular session.
106 A constitutional initiative may be adopted by a majority vote of
107 each house of the Legislature. If the initiative is adopted,
108 amended or rejected 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 on the ballot for the next statewide general election.

112 The Chief Legislative Budget Officer shall prepare a fiscal
113 analysis of each initiative and each legislative alternative. A
114 summary of each fiscal analysis shall appear on the ballot.

115 (* * *9) If the Legislature amends an initiative, the
116 amended version and the original initiative shall be submitted to
117 the electors. An initiative or legislative alternative must
118 receive a majority of the votes thereon and not less than forty
119 percent (40%) of the total votes cast at the election at which the
120 measure was submitted to be approved. If conflicting initiatives
121 or legislative alternatives are approved at the same election, the
122 initiative or legislative alternative receiving the highest number
123 of affirmative votes shall prevail.



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

147 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE



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

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

152 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

153 FOR APPROVAL OF EITHER Initiative No. _____

154 OR Alternative No. _____ A ()

155 AGAINST Both Initiative No. _____

156 AND Alternative No. _____ A ()

157 AND VOTE FOR ONE

158 FOR Initiative Measure No. _____ ()

159 FOR Alternative Measure No. _____ A..... ()

160 (* * *11) No more than five (5) initiative proposals shall
161 be submitted to the voters on a single ballot, and the first five
162 (5) initiative proposals submitted to the Secretary of State with
163 sufficient petitions shall be the proposals which are submitted to
164 the voters. The sufficiency of petitions shall be decided in the
165 first instance by the Secretary of State, subject to review by the
166 Supreme Court of the state, which shall have original and
167 exclusive jurisdiction over all such cases.

168 (* * *12) An initiative approved by the electors shall take
169 effect thirty (30) days from the date of the official declaration
170 of the vote by the Secretary of State, unless the measure provides
171 otherwise.



172 (* * *13) If any amendment to the Mississippi statutes or
173 the Mississippi Constitution proposed by initiative petition is
174 rejected by a majority of the qualified electors voting thereon,
175 no initiative petition proposing the same, or substantially the
176 same, amendment shall be submitted to the electors for at least
177 two (2) years after the date of the election on such amendment.

178 (* * *14) The Legislature shall provide by law the manner
179 in which initiative petitions shall be circulated, presented and
180 certified. To prevent signature fraud and to maintain the
181 integrity of the initiative process, the state has a compelling
182 interest in * * * ensuring that no person shall circulate an
183 initiative petition or obtain signatures on an initiative petition
184 unless the person is a resident of this state at the time of
185 circulation. For the purposes of this subsection, the term
186 "resident" means a person who is domiciled in Mississippi as
187 evidenced by an intent to maintain a principal dwelling place in
188 Mississippi indefinitely and to return to Mississippi if
189 temporarily absent, coupled with an act or acts consistent with
190 that intent. Every person who circulates an initiative petition
191 shall print and sign his or her name on each page of an initiative
192 petition, or on a separate page attached to each page, certifying
193 that he or she was a resident of this state at the time of
194 circulating the petition. The Secretary of State shall refuse to
195 accept for filing any page of an initiative petition upon which
196 the signatures appearing thereon were obtained by a person who was



197 not a resident of this state at the time of circulating the
198 petition, and an initiative measure shall not be placed on the
199 ballot if the Secretary of State determines that without such
200 signatures the petition clearly bears an insufficient number of
201 signatures. The provisions of this subsection (* * *14) shall be
202 applicable to all initiative measures that have not been placed on
203 the ballot at the time this proposed amendment is ratified by the
204 electorate.

205 (* * *15) The Legislature may enact laws to carry out the
206 provisions of this section but shall in no way restrict or impair
207 the provisions of this section or the powers herein reserved to
208 the people.

209 BE IT FURTHER RESOLVED, That this proposed amendment shall be
210 submitted by the Secretary of State to the qualified electors at
211 an election to be held on the first Tuesday after the first Monday
212 of November 2024, as provided by Section 273 of the Constitution
213 and by general law.

214 BE IT FURTHER RESOLVED, That the explanation of this proposed
215 amendment for the ballot shall read as follows: "This proposed
216 amendment reinstates the citizen initiative procedure declared
217 invalid by the Mississippi Supreme Court, provides an initiative
218 process to amend the Mississippi statutes requiring 25% of
219 registered voters, provides an initiative process to amend the
220 Mississippi Constitution requiring 40% of registered voters,
221 conforms the pro rata signature requirements of congressional



222 districts for initiative petitions to the current number of
223 congressional districts, prescribes signature requirements to
224 include home address and county of residence, and provides that an
225 initiative proposal shall only address one subject."

