

By: Senator(s) Robinson

To: Accountability,
Efficiency, Transparency

SENATE CONCURRENT RESOLUTION NO. 528

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 33
2 OF THE MISSISSIPPI CONSTITUTION OF 1890, TO RESERVE THE RIGHT OF
3 THE PEOPLE TO EXERCISE THE LEGISLATIVE POWER OF THE STATE TO
4 PROPOSE NEW LAWS AND AMEND OR REPEAL EXISTING LAWS AND TO APPROVE
5 OR REJECT THE SAME IN AN ELECTION INDEPENDENT OF THE LEGISLATURE;
6 PROPOSING AN AMENDMENT TO SECTION 56 OF THE MISSISSIPPI
7 CONSTITUTION OF 1890, TO CONFORM; PROPOSING AN AMENDMENT TO
8 SECTION 72 OF THE MISSISSIPPI CONSTITUTION OF 1890, TO PRECLUDE
9 THE SECTION FROM APPLYING TO INITIATIVE MEASURES APPROVED BY THE
10 PEOPLE; PROPOSING AN AMENDMENT TO SECTION 273 OF THE MISSISSIPPI
11 CONSTITUTION OF 1890, TO REMOVE THE BALLOT INITIATIVE POWERS OF
12 THE PEOPLE FROM THIS SECTION, TO CHANGE THE REQUIREMENT FOR A
13 MAJORITY OF QUALIFIED ELECTORS VOTING FOR OR AGAINST A RESOLUTION
14 TO SIXTY PERCENT, AND TO REQUIRE THAT CONSTITUTIONAL INITIATIVES
15 ONLY ADDRESS ONE SUBJECT OR SUBJECT MATTER; AND PROPOSING AN
16 ADDITION TO THE MISSISSIPPI CONSTITUTION OF 1890, TO CREATE
17 SECTION 273A, TO ESTABLISH AND OUTLINE THE CITIZEN BALLOT
18 INITIATIVE PROCESS.

19 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
20 MISSISSIPPI, TWO-THIRDS OF THE SENATE AND HOUSE OF REPRESENTATIVES
21 CONCURRING THEREIN, WHICH TWO-THIRDS CONSISTS OF NOT LESS THAN A
22 MAJORITY OF THE MEMBERS ELECTED TO EACH HOUSE, That the following
23 amendments to the Mississippi Constitution of 1890 are proposed to
24 the qualified electors of the state:

25 I.



26 Amend Section 33, Mississippi Constitution of 1890, to read
27 as follows:

28 "Section 33. The legislative power of this state shall be
29 vested in a legislature which shall consist of a senate and a
30 house of representatives, but the people reserve to themselves the
31 right to exercise the legislative power of the state to propose
32 new laws and to amend or repeal existing laws by citizen
33 initiative, and to approve or reject the same in an election
34 independent of the Legislature, in the manner prescribed in and
35 subject to the provisions of Section 273A of Article 15."

36 II.

37 Amend Section 56, Mississippi Constitution of 1890, to read
38 as follows:

39 "Section 56. The style of the laws of the state that are
40 enacted by the Legislature shall be: "Be it enacted by the
41 legislature of the state of Mississippi."

42 III.

43 Amend Section 61, Mississippi Constitution of 1890, to read
44 as follows:

45 "Section 61. No law enacted by the Legislature or by
46 initiative of the people shall be revived or amended by reference
47 to its title only, but the section or sections, as amended or
48 revived, shall be inserted at length."

49 IV.



50 Amend Section 72, Mississippi Constitution of 1890, to read
51 as follows:

52 "Section 72. Every Bill which shall pass both Houses shall
53 be presented to the Governor of the state. If he or she approves,
54 he or she shall sign it; but if he or she does not approve, he or
55 she shall return it, with his or her objections, to the House in
56 which it originated, which shall enter the objections at large
57 upon its Journal, and proceed to reconsider it. If after such
58 reconsideration two-thirds (2/3) of that House shall agree to pass
59 the Bill, it shall be sent, with the objections, to the other
60 House, by which, likewise, it shall be reconsidered; and if
61 approved by two-thirds (2/3) of that House, it shall become a law;
62 but in all such cases the votes of both Houses shall be determined
63 by yeas and nays, and the names of the persons voting for and
64 against the Bill shall be entered on the Journal of each House
65 respectively. If any Bill shall not be returned by the Governor
66 within five (5) days (Sundays excepted) after it has been
67 presented to him or her, it shall become a law in like manner as
68 if he or she had signed it, unless the Legislature, by
69 adjournment, prevented its return, in which case such Bill shall
70 be a law unless the Governor shall veto it within fifteen (15)
71 days (Sundays excepted) after it is presented to him or her, and
72 such Bill shall be returned to the Legislature, with his or her
73 objections, within three (3) days after the beginning of the next



74 session of the Legislature. The provisions of this section are
75 not applicable to initiative measures approved by the people."

76 V.

77 Amend Section 273, Mississippi Constitution of 1890, to read
78 as follows:

79 "Section 273. (1) Amendments to this Constitution may be
80 proposed by the Legislature * * *.

81 (2) Whenever two-thirds (2/3) of each house of the
82 Legislature, which two-thirds (2/3) shall consist of not less than
83 a majority of the members elected to each house, shall deem any
84 change, alteration or amendment necessary to this Constitution,
85 such proposed amendment, change or alteration shall be read and
86 passed by two-thirds (2/3) vote of each house, as herein provided;
87 public notice shall then be given by the Secretary of State at
88 least thirty (30) days preceding an election, at which the
89 qualified electors shall vote directly for or against such change,
90 alteration or amendment, and if more than one (1) amendment shall
91 be submitted at one (1) time, they shall be submitted in such
92 manner and form that the people may vote for or against each
93 amendment separately; and, notwithstanding the division of the
94 Constitution into sections, the Legislature may provide in its
95 resolution for one or more amendments pertaining and relating to
96 the same subject or subject matter, and may provide for one or
97 more amendments to an article of the Constitution pertaining and
98 relating to the same subject or subject matter, which may be



99 included in and voted on as one (1) amendment; and if it shall
100 appear that * * * sixty percent (60%) of the qualified electors
101 voting directly for or against the same shall have voted for the
102 proposed change, alteration or amendment, then it shall be
103 inserted as a part of the Constitution by proclamation of the
104 Secretary of State certifying that it received the * * * sixty
105 percent (60%) vote required by the Constitution; and the
106 resolution may fix the date and direct the calling of elections
107 for the purposes hereof.

108 * * *

109 (* * *3) The * * * Legislature shall identify in the text
110 of the initiative the amount and source of revenue required to
111 implement the initiative. If the initiative requires a reduction
112 in any source of government revenue, or a reallocation of funding
113 from currently funded programs, * * * the text of the initiative
114 shall state the program or programs whose funding must be reduced
115 or eliminated to implement the initiative. Compliance with this
116 requirement shall not be a violation of the subject matter
117 requirements of this section of the Constitution.

118 (4) Constitutional initiatives may only address one (1)
119 subject or subject matter. Compliance with this shall be decided
120 in the first by the Secretary of State and enforced by the
121 Attorney General.

122 (5) The constitutional initiative process shall not be used:



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

125 * * *

126 (* * *b) To modify the initiative process for
127 proposing amendments to this Constitution.

128 (6) * * * If a constitutional initiative is passed by
129 two-thirds (2/3) vote of each house as outlined in this section,
130 the Secretary of State shall place the initiative on the ballot
131 for the next statewide general election.

132 The chief legislative budget officer shall prepare a fiscal
133 analysis of each initiative and each legislative alternative. A
134 summary of each fiscal analysis shall appear on the ballot.

135 (7) * * * An initiative * * * must receive * * * sixty
136 percent (60%) of the total votes cast at the election at which the
137 measure was submitted to be approved. If conflicting
138 initiatives * * * are approved at the same election, the
139 initiative * * * receiving the highest number of affirmative votes
140 shall prevail.

141 * * *

142 (* * *8) * * * The sufficiency of petitions shall be
143 decided in the first instance by the Secretary of State, subject
144 to review by the Supreme Court of the state, which shall have
145 original and exclusive jurisdiction over all such cases.

146 (* * *9) An initiative approved by the electors shall take
147 effect thirty (30) days from the date of the official declaration



148 of the vote by the Secretary of State, unless the measure provides
149 otherwise.

150 (* * *10) If any amendment to the Constitution proposed by
151 initiative petition is rejected by a majority of the qualified
152 electors voting thereon, no initiative petition proposing the
153 same, or substantially the same, amendment shall be submitted to
154 the electors for at least two (2) years after the date of the
155 election on such amendment.

156 (* * *11) The Legislature shall provide by law the manner
157 in which initiative petitions shall be circulated, presented and
158 certified. To prevent signature fraud and to maintain the
159 integrity of the initiative process the state has a compelling
160 interest in insuring that no person shall circulate an initiative
161 petition or obtain signatures on an initiative petition unless the
162 person is a resident of this state at the time of circulation.
163 For the purposes of this subsection the term "resident" means a
164 person who is domiciled in Mississippi as evidenced by an intent
165 to maintain a principal dwelling place in Mississippi indefinitely
166 and to return to Mississippi if temporarily absent, coupled with
167 an act or acts consistent with that intent. Every person who
168 circulates an initiative petition shall print and sign his name on
169 each page of an initiative petition, or on a separate page
170 attached to each page, certifying that he was a resident of this
171 state at the time of circulating the petition. The Secretary of
172 State shall refuse to accept for filing any page of an initiative



173 petition upon which the signatures appearing thereon were obtained
174 by a person who was not a resident of this state at the time of
175 circulating the petition, and an initiative measure shall not be
176 placed on the ballot if the Secretary of State determines that
177 without such signatures the petition clearly bears an insufficient
178 number of signatures. The provisions of this subsection (12)
179 shall be applicable to all initiative measures that have not been
180 placed on the ballot at the time this proposed amendment is
181 ratified by the electorate.

182 (* * *12) The Legislature may enact laws to carry out the
183 provisions of this section but shall in no way restrict or impair
184 the provisions of this section or the powers herein reserved to
185 the people."

186 VI.

187 Create Section 273A, Mississippi Constitution of 1890, to
188 read as follows:

189 Section 273A. (1) The people have the right to exercise the
190 legislative power of the state to propose new laws and to amend or
191 repeal existing laws by legislative initiative, and to approve or
192 reject the same in an election independent of the Legislature.

193 (2) The citizen initiative process shall not be used:

194 (a) To propose any new amendments to or the
195 modification or repeal of any existing provision of this
196 constitution;



197 (b) To propose any new local or special law or amend or
198 repeal any existing local or special law;

199 (c) To propose any new law or amend or repeal any
200 existing law on any subject or matter that any section of this
201 constitution prohibits the Legislature from enacting.

202 (3) Citizen initiatives may only address one subject or
203 subject matter. Compliance with this shall be decided in the
204 first by the Secretary of State and enforced by the Attorney
205 General.

206 (4) A citizen initiative may be proposed by a petition
207 signed over a twelve-month period by qualified electors equal in
208 number to at least eight percent (8%) of the total qualified
209 electors of the state as of the date of the last gubernatorial
210 election. The signatures of the qualified electors from any
211 congressional district shall not exceed the total number of
212 signatures required to qualify an initiative measure for placement
213 on the ballot divided by the number of congressional districts in
214 existence on the day that the petition is filed. If an initiative
215 petition contains signatures from a single congressional district
216 that exceed the total number of required signatures, the excess
217 signatures from that congressional district shall not be
218 considered by the Secretary of State in determining whether the
219 initiative measure qualifies for placement on the ballot.

220 (5) The sponsor of a citizen initiative shall identify in
221 the text of the initiative the amount and source of revenue



222 required to implement the initiative. If the provisions of an
223 initiative would cause a cost to the state or require the
224 expenditure of state funds, as determined according to law by the
225 Legislative Budget Office or any successor agency, the sponsor
226 also shall provide in the text of the initiative for the specific
227 funding source or mechanism to pay the cost of the provisions of
228 the initiative so that the initiative will not result in a
229 reduction in state funds available for expenditure by the
230 Legislature. If an initiative requires (a) a reduction in any
231 source of government revenue that would cause the amount of state
232 funds available for expenditure by the Legislature to be less than
233 the amount of state funds appropriated for the most recent fiscal
234 year, or (b) requires a reallocation of funding from currently
235 funded programs, the sponsor shall identify in the text of the
236 initiative the program or programs whose funding must be reduced
237 or eliminated to implement the initiative.

238 (6) The chief legislative budget officer shall prepare a
239 fiscal analysis of each initiative and each legislative
240 alternative, and a summary of each fiscal analysis shall appear on
241 the ballot.

242 (7) The style of all citizen initiative measures shall be:
243 "Be it enacted by the people of the State of Mississippi."

244 (8) The sufficiency of petitions shall be decided in the
245 first instance by the Secretary of State, subject to review by the



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

248 (9) If a citizen initiative measure is certified by the
249 Secretary of State not less than ninety (90) days before a
250 statewide general election, the Secretary of State shall place the
251 initiative measure on the ballot for that statewide general
252 election. If an initiative measure is certified by the Secretary
253 of State less than ninety (90) days before a statewide general
254 election, the Secretary of State shall place the initiative
255 measure on the ballot for the next statewide general election
256 occurring after the upcoming statewide general election.

257 (10) The Secretary of State shall file with the Clerk of the
258 House and the Secretary of the Senate the complete text of the
259 certified initiative on the first day of the regular session. An
260 initiative may be adopted or adopted as amended by a majority vote
261 of each house of the Legislature. If the initiative is amended by
262 the Legislature, or if no action is taken within four (4) months
263 of the date that the initiative is filed with the Legislature, the
264 Secretary of State shall place the initiative, on the ballot for
265 the next statewide general election.

266 (11) If the Legislature amends an initiative, the amended
267 version and the original initiative shall be submitted to the
268 electors. In order to be approved, an initiative or legislative
269 alternative must receive a majority of the votes cast thereon and
270 not less than sixty percent (60%) of the total votes cast at the



271 election at which the initiative was submitted to be approved. If
272 conflicting initiatives or legislative alternatives are approved
273 at the same election, the initiative or legislative alternative
274 receiving the highest number of affirmative votes shall prevail.

275 (12) If a citizen initiative proposed to the Legislature has
276 been rejected by the Legislature and an alternative is passed by
277 the Legislature in lieu thereof, the ballot titles of both such
278 measures shall be so printed on the official ballots that a voter
279 can express separately two (2) preferences: First, by voting for
280 the approval of either measure or against both measures, and
281 secondly, by voting for one (1) measure or the other measure. If
282 the majority of those voting on the first issue is against both
283 measures, then both measures fail, but in that case the votes on
284 the second issue nevertheless shall be carefully counted and made
285 public. If a majority voting on the first issue is for the
286 approval of either measure, then the measure receiving a majority
287 of the votes on the second issue and also receiving not less than
288 sixty percent (60%) of the total votes cast at the election at
289 which the initiative was submitted for approval shall be law. Any
290 person who votes for the ratification of either measure on the
291 first issue must vote for one (1) of the measures on the second
292 issue in order for the ballot to be valid. Any person who votes
293 against both measures on the first issue may vote but shall not be
294 required to vote for any of the measures on the second issue in



295 order for the ballot to be valid. Substantially the following
296 form shall be in compliance with this subsection:

297 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE
298 Initiative Measure No. _____, entitled (here insert the ballot
299 title of the initiative measure).

300 Alternative Measure No. _____A, entitled (here insert the ballot
301 title of the alternative measure).

302 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

303 FOR APPROVAL OF EITHER Initiative No. _____

304 OR Alternative

305 No. _____A ()

306 AGAINST Both Initiative No. _____

307 AND Alternative

308 No. _____A ()

309 AND VOTE FOR ONE

310 FOR Initiative Measure

311 No. _____A ()

312 FOR Alternative Measure

313 No. _____A ()

314 (13) Citizen initiative measures approved by the people
315 shall not require the signature of the Governor to become law and
316 shall not be subject to the veto power of the Governor.

317 (14) The Legislature shall provide by law the manner in
318 which initiative petitions shall be circulated, presented and
319 certified. To prevent signature fraud and to maintain the



320 integrity of the initiative process the state has a compelling
321 interest in ensuring that no person shall circulate an initiative
322 petition or obtain signatures on an initiative petition unless the
323 person is a resident of this state at the time of circulation.
324 For the purposes of this subsection, the term "resident" means a
325 person who is domiciled in Mississippi as evidenced by an intent
326 to maintain a principal dwelling place in Mississippi indefinitely
327 and to return to Mississippi if temporarily absent, coupled with
328 an act or acts consistent with that intent. Every person who
329 circulates an initiative petition shall print and sign his or her
330 name on each page of an initiative petition, or on a separate page
331 attached to each page, certifying that he or she was a resident of
332 this state at the time of circulating the petition. The Secretary
333 of State shall refuse to accept for filing any page of an
334 initiative petition upon which the signatures appearing thereon
335 were obtained by a person who was not a resident of this state at
336 the time of circulating the petition, and an initiative shall not
337 be placed on the ballot if the Secretary of State determines that
338 without such signatures the petition clearly bears an insufficient
339 number of signatures. The provisions of this subsection shall be
340 applicable to all initiative measures that have not been placed on
341 the ballot at the time this proposed amendment is ratified by the
342 electorate.



343 (15) An initiative approved by the electors shall take
344 effect thirty (30) days from the official declaration of the vote
345 by the Secretary of State, unless the measure provides otherwise.

346 (16) The Legislature may enact laws to carry out the
347 provisions of this section, but such laws shall in no way restrict
348 or impair the provisions of this section or the exercise of the
349 rights reserved to the people in this section.

350 BE IT FURTHER RESOLVED, That these proposed amendments shall
351 be submitted by the Secretary of State to the qualified electors
352 at an election to be held on the first Tuesday after the first
353 Monday of November 2024, as provided by Section 273 of the
354 Constitution and by general law, with the proposed amendments in
355 this resolution being voted on as one amendment.

356 BE IT FURTHER RESOLVED, That the explanation of this proposed
357 amendment for the ballot shall read as follows: "This proposed
358 constitutional amendment provides that the people reserve to
359 themselves the right to exercise the legislative power of the
360 state to propose to exercise new laws and to amend or repeal
361 existing laws by initiative, and to approve or reject the same in
362 an election independent of the Legislature."

