

By: Senator(s) England (By Request)

To: Accountability,
Efficiency, Transparency

SENATE CONCURRENT RESOLUTION NO. 518

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:

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



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

(2) The initiative process shall not be used:

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

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

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

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

(3) An initiative may be proposed by a petition signed over a twelve-month period by qualified electors equal in number to at least seventeen percent (17%) of the total number of electors who legally voted in the last preceding gubernatorial election. The signatures of the qualified electors from any single congressional district shall not exceed thirty-three and one-third percent (33-1/3%) of the total number of signatures required to qualify an initiative measure for placement on the ballot. If an initiative petition contains signatures from a single congressional district that exceeds thirty-three and one-third percent (33-1/3%) of the total number of required signatures, the excess signatures from



46 that congressional district shall not be considered by the
47 Secretary of State in determining whether the initiative measure
48 qualifies for placement on the ballot. The sufficiency of
49 petitions shall be decided in the first instance by the Secretary
50 of State, subject to review by the Supreme Court of the state,
51 which shall have original and exclusive jurisdiction over all such
52 cases.

53 (4) The sponsor of an initiative shall identify in the text
54 of the initiative the amount and source of revenue required to
55 implement the initiative. If the provisions of an initiative
56 would cause a substantial cost to the state or require the
57 substantial expenditure of state funds, as determined according to
58 law by the Legislative Budget Office or any successor agency, the
59 sponsor also shall provide in the text of the initiative for the
60 specific funding source or mechanism to pay the cost of the
61 provisions of the initiative so that the initiative will not
62 result in a reduction in state funds available for expenditure by
63 the Legislature. If an initiative requires (a) a reduction in any
64 source of government revenue that would cause the amount of state
65 funds available for expenditure by the Legislature to be less than
66 the amount of state funds appropriated for the most recent fiscal
67 year, or (b) requires a reallocation of funding from currently
68 funded programs, the sponsor shall identify in the text of the
69 initiative the program or programs whose funding must be reduced
70 or eliminated to implement the initiative. No initiative shall be



71 permitted to redirect state funds from one (1) agency to another
72 nor shall any initiative be permitted to require expenditures that
73 would cause the state to enter into a budget deficit at the time
74 of approval.

75 (5) The chief legislative budget officer shall prepare a
76 fiscal analysis of each initiative and each legislative
77 alternative, and a summary of each fiscal analysis shall appear on
78 the ballot.

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

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

85 (8) If an initiative measure is certified by the Secretary
86 of State not less than ninety (90) days before a statewide general
87 election, the Secretary of State shall place the initiative
88 measure on the ballot for that statewide general election. If an
89 initiative measure is certified by the Secretary of State less
90 than ninety (90) days before a statewide general election, the
91 Secretary of State shall place the initiative measure on the
92 ballot for the next statewide general election occurring after the
93 upcoming statewide general election.

94 (9) No more than three (3) initiative proposals shall be
95 submitted to the votes on a single ballot, and the first three (3)



96 initiative proposals submitted to the Secretary of State with
97 sufficient petitions shall be the proposals which are submitted to
98 the voters.

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

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

118 (12) If an initiative proposed to the Legislature has been
119 rejected by the Legislature and an alternative is passed by the
120 Legislature in lieu thereof, the ballot titles of both such



measures shall be so printed on the official ballots that a voter can express separately two (2) preferences: First, by voting for the approval of either measure or against both measures, and secondly, by voting for one (1) measure or the other measure. If the majority of those voting on the first issue is against both measures, then both measures fail, but in that case, the votes on the second issue nevertheless shall be carefully counted and made public. If a majority voting on the first issue is for the approval of either measure, then the measure receiving a majority of the votes on the second issue and also receiving not less than forty percent (40%) of the total votes cast at the election at which the initiative was submitted for approval shall be law. Any person who votes for the ratification of either measure on the first issue must vote for one (1) of the measures on the second issue in order for the ballot to be valid. Any person who votes against both measures on the first issue may vote, but shall not be required to vote for any of the measures on the second issue in order for the ballot to be valid. Substantially the following form shall be in compliance with this subsection:

INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

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

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

VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:



146 FOR APPROVAL OF EITHER Initiative No. OR
147 Alternative No. A ()
148 AGAINST Both Initiative No.
149 AND Alternative No. A ()

150 AND VOTE FOR ONE
151 FOR Initiative Measure No. ()
152 FOR Alternative Measure No. A ()

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

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

160 However, the Legislature may amend or repeal an initiative measure
161 less than two (2) years after the measure takes effect if the
162 Legislature determines the existence of extenuating circumstances
163 affecting the public peace, health, safety or financial solvency
164 of the state that necessitates the amendment or repeal of the
165 initiative measure, which circumstances must be stated in the
166 legislation, and such amendment or repeal shall require a vote of
167 three-fifths (3/5) of each house present and voting.

168 (15) The Legislature shall provide by law the manner in
169 which initiative petitions shall be circulated, presented and
170 certified. To prevent signature fraud and to maintain the

integrity of the initiative process the state has a compelling
interest in ensuring that no person shall circulate an initiative
petition or obtain signatures on an initiative petition unless the
person is a resident of this state at the time of circulation.
For the purposes of this subsection, the term "resident" means a
person who is domiciled in Mississippi as evidenced by an intent
to maintain a principal dwelling place in Mississippi indefinitely
and to return to Mississippi if temporarily absent, coupled with
an act or acts consistent with that intent. Every person who
circulates an initiative petition shall print and sign his or her
name on each page of an initiative petition, or on a separate page
attached to each page, certifying that he or she was a resident of
this state at the time of circulating the petition. The Secretary
of State shall refuse to accept for filing any page of an
initiative petition upon which the signatures appearing thereon
were obtained by a person who was not a resident of this state at
the time of circulating the petition, and an initiative shall not
be placed on the ballot if the Secretary of State determines that
without such signatures the petition clearly bears an insufficient
number of signatures. The provisions of this subsection (15)
shall be applicable to all initiative measures that have not been
placed on the ballot at the time this proposed amendment is
ratified by the electorate.



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

Section 72. Every Bill which shall pass both Houses shall be presented to the Governor of the state. If he or she approves, he or she shall sign it; but if he or she does not approve, he or she shall return it, with his or her objections, to the House in which it originated, which shall enter the objections at large upon its Journal, and proceed to reconsider it. If after such reconsideration two-thirds (2/3) of that House shall agree to pass the Bill, it shall be sent, with the objections, to the other House, by which, likewise, it shall be reconsidered; and if approved by two-thirds (2/3) of that House, it shall become a law; but in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the Governor within five (5) days (Sundays excepted) after it has been presented to him or her, it shall become a law in like manner as if he or she had signed it, unless the Legislature, by adjournment, prevented its return, in which case such Bill shall be a law unless the Governor shall veto it within fifteen (15) days (Sundays excepted) after it is presented to him or her, and such Bill shall be returned to the Legislature, with his or her 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 2025, 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."

