

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Concurrent Resolution No. 39

BY: Committee

**Amend by striking all after the resolving clause and
inserting in lieu thereof the following:**

36 That the following amendments to the Mississippi Constitution of
37 1890 are proposed to the qualified electors of the state:

38 I.

39 Amend Section 33, Mississippi Constitution of 1890, to read
40 as follows:

41 "Section 33. (1) The legislative power of this state shall
42 be vested in a Legislature which shall consist of a Senate and a
43 House of Representatives, but the people reserve to themselves the
44 right to exercise the legislative power of the state to propose
45 new laws and to amend or repeal existing laws by initiative, and



46 to approve or reject the same in an election independent of the
47 Legislature, in the manner prescribed in and subject to the
48 provisions of this section.

49 (2) The initiative process shall not be used:

50 (a) To propose amendments to the Mississippi
51 Constitution of 1890;

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

55 (c) To propose any new law, or amend or repeal any
56 existing law, on any subject or matter that any section of this
57 constitution prohibits the Legislature from enacting; or

58 (d) To propose any new law or amend or repeal any
59 existing law that appropriates funds from the State Treasury.

60 (3) As used in this section, the term "initiative measure"
61 or "measure" means a document proposing a new law or amending or
62 repealing an existing law that is the functional equivalent of a
63 bill that is introduced in the Legislature.

64 (4) An initiative measure shall only propose new laws or
65 amend or repeal existing laws pertaining and relating to the same
66 subject or subject matter.

67 (5) The sponsor of an initiative measure shall identify in
68 the text of the measure the amount and source of revenue required
69 to implement the measure. If the provisions of an initiative
70 measure would cause a substantial cost to the state or require the



71 substantial expenditure of state funds, as determined according to
72 law by the Legislative Budget Office or any successor agency, the
73 sponsor also shall provide in the text of the measure for the
74 specific funding source or mechanism to pay the cost of the
75 provisions of the measure so that the measure will not result in a
76 reduction in state funds available for expenditure by the
77 Legislature. If an initiative measure requires (a) a reduction in
78 any source of government revenue that would cause the amount of
79 state funds available for expenditure by the Legislature to be
80 less than the amount of state funds appropriated for the most
81 recent fiscal year, or (b) requires a reallocation of funding from
82 currently funded programs, the sponsor shall identify in the text
83 of the measure the program or programs whose funding must be
84 reduced or eliminated to implement the measure. Compliance with
85 the requirements of this subsection shall not be a violation of
86 the subject matter requirements of subsection (4) of this section.

87 (6) The Chief Legislative Budget Officer shall prepare a
88 fiscal analysis of each initiative measure, and a summary of each
89 fiscal analysis shall appear on the ballot.

90 (7) An initiative measure authorized under this section may
91 be proposed by a petition signed over a twelve-month period by
92 qualified electors equal in number to at least twelve percent
93 (12%) of the votes for all candidates for Governor in the last
94 gubernatorial election. The signatures of the qualified electors
95 from any congressional district shall not exceed the total number



96 of signatures required to qualify an initiative measure for
97 placement on the ballot divided by the number of congressional
98 districts in existence on the day that the petition is filed. If
99 an initiative petition contains signatures from a single
100 congressional district that exceed the total number of required
101 signatures, the excess number of signatures from that
102 congressional district shall not be considered by the Secretary of
103 State in determining whether the initiative measure qualifies for
104 placement on the ballot.

105 (8) The style of all initiative measures shall be: "Be it
106 enacted by the people of the State of Mississippi."

107 (9) The sufficiency of petitions shall be decided in the
108 first instance by the Secretary of State, subject to review by the
109 Supreme Court of the state, which shall have original and
110 exclusive jurisdiction over all such cases.

111 (10) If an initiative measure is certified by the Secretary
112 of State not less than ninety (90) days before a statewide general
113 election, the Secretary of State shall place the initiative
114 measure on the ballot for that statewide general election. If an
115 initiative measure is certified by the Secretary of State less
116 than ninety (90) days before a statewide general election, the
117 Secretary of State shall place the initiative measure on the
118 ballot for the next statewide general election occurring after the
119 upcoming statewide general election.



120 (11) No more than five (5) initiative measures may be
121 submitted to the voters on a single ballot, and the first five (5)
122 initiative measures submitted to the Secretary of State with
123 sufficient petitions shall be the measures that are submitted to
124 the voters.

125 (12) In order to be approved, an initiative measure must
126 receive a majority of the votes cast thereon and not less than
127 forty percent (40%) of the total votes cast at the election at
128 which the initiative measure was submitted; however, an initiative
129 measure that would be considered as a revenue bill under the Joint
130 Rules of the Legislature in existence on the day that the
131 initiative petition is filed must receive sixty percent (60%) of
132 the votes cast thereon and not less than forty percent (40%) of
133 the total votes cast at the election at which the initiative
134 measure was submitted.

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

138 (14) If conflicting initiative measures are approved at the
139 same election, the initiative measure receiving the highest number
140 of affirmative votes shall prevail and become law.

141 (15) An initiative measure approved by the people shall take
142 effect thirty (30) days from the date of the official declaration
143 of the vote by the Secretary of State, unless the measure provides
144 otherwise.



145 (16) An initiative measure approved by the people shall be
146 subject to the same process for codification in the same manner as
147 provided by law for the codification of laws enacted by the
148 Legislature.

149 (17) If an initiative measure does not receive the required
150 number of votes to be approved by the people as provided in
151 subsection (12) of this section, an initiative measure that
152 proposes the same, or substantially the same, provisions as those
153 in the initiative measure that failed shall not be submitted to
154 the electors for at least two (2) years after the date of the
155 election on the initiative measure that failed.

156 (18) 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 an emergency affecting the
163 public peace, health, safety or financial solvency of the state
164 that necessitates the amendment or repeal of the initiative
165 measure, which emergency must be stated in the legislation, and
166 such amendment or repeal shall require a vote of two-thirds (2/3)
167 of each house present and voting.

168 (19) The Secretary of State shall implement and maintain a
169 secure electronic database accessible by the public through the



170 Secretary of State's website that provides the capability of
171 search and retrieval of all signatories and circulators of
172 initiative petitions. The searchable database shall provide the
173 ability for a member of the public to securely search for his or
174 her own name to determine if he or she has been listed as a
175 signatory, to search by the name of any circulator, and to
176 retrieve the text of the petition that was signed and/or
177 circulated. The sponsor of an initiative measure shall provide
178 the Secretary of State with the names of the signatories and
179 circulators on a regular basis as provided by law. The
180 Legislature shall provide the circumstances and manner in which a
181 name may be removed from a petition and the database.

182 (20) The Legislature shall enact laws to require the
183 disclosure of contributions and expenditures for the passage or
184 defeat of any initiative measure as well as any other disclosures
185 related to the initiative process as provided by law.

186 (21) The Legislature shall provide by law the manner in
187 which initiative petitions shall be circulated, presented and
188 certified. To prevent signature fraud and to maintain the
189 integrity of the initiative process, the state has a compelling
190 interest in ensuring that no person shall circulate an initiative
191 petition or obtain signatures on an initiative petition unless the
192 person is a resident of this state at the time of circulation.
193 For the purposes of this subsection, the term "resident" means a
194 person who is domiciled in Mississippi as evidenced by an intent



195 to maintain a principal dwelling place in Mississippi indefinitely
196 and to return to Mississippi if temporarily absent, coupled with
197 an act or acts consistent with that intent. Every person who
198 circulates an initiative petition shall print and sign his or her
199 name on each page of an initiative petition, or on a separate page
200 attached to each page, certifying that he or she was a resident of
201 this state at the time of circulating the petition. The Secretary
202 of State shall refuse to accept for filing any page of an
203 initiative petition upon which the signatures appearing thereon
204 were obtained by a person who was not a resident of this state at
205 the time of circulating the petition, and an initiative measure
206 shall not be placed on the ballot if the Secretary of State
207 determines that without such signatures the petition clearly bears
208 an insufficient number of signatures.

209 (22) The Legislature may enact laws to carry out the
210 provisions of this section, but such laws shall in no way restrict
211 or impair the provisions of this section or the exercise of the
212 rights reserved to the people in this section.

213 II.

214 Amend Section 56, Mississippi Constitution of 1890, to read
215 as follows:

216 "Section 56. The style of the laws of the state that are
217 enacted by the Legislature shall be: "Be it enacted by the
218 Legislature of the State of Mississippi."

219 III.



220 Amend Section 61, Mississippi Constitution of 1890, to read
221 as follows:

222 "Section 61. No law enacted by the Legislature or by
223 initiative of the people shall be revived or amended by reference
224 to its title only, but the section or sections, as amended or
225 revived, shall be inserted at length."

226 IV.

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

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



245 adjournment, prevented its return, in which case such Bill shall
246 be a law unless the Governor shall veto it within fifteen (15)
247 days (Sundays excepted) after it is presented to him, and such
248 Bill shall be returned to the Legislature, with his objections,
249 within three (3) days after the beginning of the next session of
250 the Legislature. The provisions of this section are not
251 applicable to initiative measures approved by the people."

252 V.

253 Amend Section 273, Mississippi Constitution of 1890, to read
254 as follows:

255 "Section 273. * * * Whenever two-thirds (2/3) of each house
256 of the Legislature, which two-thirds (2/3) shall consist of not
257 less than a majority of the members elected to each house, shall
258 deem any change, alteration or amendment necessary to this
259 Constitution, such proposed amendment, change or alteration shall
260 be read and passed by two-thirds (2/3) vote of each house, as
261 herein provided; public notice shall then be given by the
262 Secretary of State at least thirty (30) days preceding an
263 election, at which the qualified electors shall vote directly for
264 or against such change, alteration or amendment, and if more than
265 one (1) amendment shall be submitted at one (1) time, they shall
266 be submitted in such manner and form that the people may vote for
267 or against each amendment separately; and, notwithstanding the
268 division of the Constitution into sections, the Legislature may
269 provide in its resolution for one or more amendments pertaining



270 and relating to the same subject or subject matter, and may
271 provide for one or more amendments to an article of the
272 Constitution pertaining and relating to the same subject or
273 subject matter, which may be included in and voted on as one (1)
274 amendment; and if it shall appear that a majority of the qualified
275 electors voting directly for or against the same shall have voted
276 for the proposed change, alteration or amendment, then it shall be
277 inserted as a part of the Constitution by proclamation of the
278 Secretary of State certifying that it received the majority vote
279 required by the Constitution; and the resolution may fix the date
280 and direct the calling of elections for the purposes hereof."

281 * * *

282 BE IT FURTHER RESOLVED, That this resolution, and the
283 proposed amendments contained herein, shall be repealed and have
284 no effect from and after March 1, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTIONS
2 33, 56, 61 AND 72, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE
3 THAT THE PEOPLE RESERVE TO THEMSELVES THE RIGHT TO PROPOSE NEW
4 LAWS AND TO AMEND OR REPEAL EXISTING LAWS BY INITIATIVE, AND TO
5 APPROVE OR REJECT THE SAME IN AN ELECTION INDEPENDENT OF THE
6 LEGISLATURE; TO PROVIDE THAT SUCH AN INITIATIVE MEASURE MAY BE
7 PROPOSED BY A PETITION SIGNED OVER A TWELVE-MONTH PERIOD BY
8 QUALIFIED ELECTORS EQUAL IN NUMBER TO AT LEAST TWELVE PERCENT OF
9 THE VOTES FOR ALL CANDIDATES FOR GOVERNOR IN THE LAST
10 GUBERNATORIAL ELECTION; TO PROVIDE THAT THE SIGNATURES OF THE
11 QUALIFIED ELECTORS FROM ANY CONGRESSIONAL DISTRICT SHALL NOT
12 EXCEED THE TOTAL NUMBER OF SIGNATURES REQUIRED TO QUALIFY AN
13 INITIATIVE MEASURE FOR PLACEMENT ON THE BALLOT DIVIDED BY THE
14 NUMBER OF CONGRESSIONAL DISTRICTS IN EXISTENCE ON THE DAY THAT THE



15 PETITION IS FILED; TO PROVIDE THAT NO MORE THAN FIVE INITIATIVE
16 MEASURES MAY BE SUBMITTED TO THE VOTERS ON A SINGLE BALLOT, AND
17 THE FIRST FIVE INITIATIVE MEASURES SUBMITTED TO THE SECRETARY OF
18 STATE WITH SUFFICIENT PETITIONS SHALL BE THE MEASURES THAT ARE
19 SUBMITTED TO THE VOTERS; TO PROVIDE THAT IN ORDER TO BE APPROVED,
20 AN INITIATIVE MEASURE MUST RECEIVE A MAJORITY OF THE VOTES CAST
21 AND NOT LESS THAN FORTY PERCENT OF THE TOTAL VOTES CAST AT THE
22 ELECTION AT WHICH THE INITIATIVE MEASURE WAS SUBMITTED; TO PROVIDE
23 THAT IF CONFLICTING INITIATIVE MEASURES ARE APPROVED AT THE SAME
24 ELECTION, THE INITIATIVE MEASURE RECEIVING THE HIGHEST NUMBER OF
25 AFFIRMATIVE VOTES SHALL PREVAIL AND BECOME LAW; TO PROVIDE THAT
26 THE LEGISLATURE SHALL PROVIDE BY LAW THE MANNER IN WHICH
27 INITIATIVE PETITIONS SHALL BE CIRCULATED, PRESENTED AND CERTIFIED;
28 TO PROVIDE THAT THE MISSISSIPPI CONSTITUTION SHALL ONLY BE AMENDED
29 BY A PROPOSED AMENDMENT BEING PASSED BY TWO-THIRDS VOTE OF EACH
30 HOUSE OF THE LEGISLATURE AND UPON RECEIVING A MAJORITY VOTE WHEN
31 PLACED ON THE BALLOT TO BE VOTED UPON BY THE QUALIFIED ELECTORS OF
32 THE STATE; AND PROPOSING AN AMENDMENT TO SECTION 273, MISSISSIPPI
33 CONSTITUTION OF 1890, TO DELETE THE PROVISIONS AUTHORIZING
34 CONSTITUTIONAL AMENDMENTS BY INITIATIVE;

