

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Senate Concurrent Resolution No. 533

BY: Committee

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

9 That the following amendments to the Mississippi Constitution of
10 1890 are proposed to the qualified electors of the state:

11 I.

12 Amend Section 33, Mississippi Constitution of 1890, to read
13 as follows:

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



19 to approve or reject the same in an election independent of the
20 Legislature, in the manner prescribed in and subject to the
21 provisions of this section.

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

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

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

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

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

34 (e) To propose any new law or amend or repeal any
35 existing law that appropriates funds from the State Treasury; or

36 (f) To propose any new law or amend or repeal any
37 existing law relating to abortion.

38 (3) An initiative may be proposed by a petition signed over
39 a twelve-month period by qualified electors equal to at least
40 twelve percent (12%) of the total qualified electors of the state
41 as of the date of the last presidential election. The signatures
42 of the qualified electors from any congressional district shall
43 not exceed the total number of signatures required to qualify an



44 initiative measure for placement on the ballot divided by the
45 number of congressional districts in existence on the day that the
46 petition is filed. If an initiative petition contains signatures
47 from a single congressional district that exceed the total number
48 of required signatures, the excess signatures from that
49 congressional district shall not be considered by the Secretary of
50 State in determining whether the initiative measure qualifies for
51 placement on the ballot. The sufficiency of petitions shall be
52 decided in the first instance by the Secretary of State, subject
53 to review by the Supreme Court of the state, which shall have
54 original and exclusive jurisdiction over all such cases.

55 (4) The sponsor of an initiative shall identify in the text
56 of the initiative the amount and source of revenue required to
57 implement the initiative. If the provisions of an initiative
58 would cause a substantial cost to the state or require the
59 substantial expenditure of state funds, as determined according to
60 law by the Legislative Budget Office or any successor agency, the
61 sponsor also shall provide in the text of the initiative for the
62 specific funding source or mechanism to pay the cost of the
63 provisions of the initiative so that the initiative will not
64 result in a reduction in state funds available for expenditure by
65 the Legislature. If an initiative requires (a) a reduction in any
66 source of government revenue that would cause the amount of state
67 funds available for expenditure by the Legislature to be less than
68 the amount of state funds appropriated for the most recent fiscal



69 year, or (b) requires a reallocation of funding from currently
70 funded programs, the sponsor shall identify in the text of the
71 initiative the program or programs whose funding must be reduced
72 or eliminated to implement the initiative.

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

77 (6) The Secretary of State shall file with the Clerk of the
78 House and the Secretary of the Senate the complete text of the
79 certified initiative on the first day of the regular session. An
80 initiative may be adopted or adopted as amended by a majority vote
81 of each house of the Legislature. If the initiative is adopted or
82 adopted as amended by the Legislature, or if no action is taken
83 within four (4) months of the date that the initiative is filed
84 with the Legislature, the Secretary of State shall place the
85 initiative, as adopted or adopted as amended as the case may be,
86 on the ballot for the next statewide general election.

87 (7) If the Legislature amends an initiative, the amended
88 version and the original initiative shall be submitted to the
89 electors. An initiative or legislative alternative must receive a
90 majority of the votes thereon and not less than forty percent
91 (40%) of the total votes cast at the election at which the
92 initiative was submitted to be approved. If conflicting
93 initiatives or legislative alternatives are approved at the same



94 election, the initiative or legislative alternative receiving the
95 highest number of affirmative votes shall prevail.

96 (8) If an initiative proposed to the Legislature has been
97 rejected by the Legislature and an alternative is passed by the
98 Legislature in lieu thereof, the ballot titles of both such
99 measures shall be so printed on the official ballots that a voter
100 can express separately two (2) preferences: First, by voting for
101 the approval of either measure or against both measures, and
102 secondly, by voting for one (1) measure or the other measure. If
103 the majority of those voting on the first issue is against both
104 measures, then both measures fail, but in that case the votes on
105 the second issue nevertheless shall be carefully counted and made
106 public. If a majority voting on the first issue is for the
107 approval of either measure, then the measure receiving a majority
108 of the votes on the second issue and also receiving not less than
109 forty percent (40%) of the total votes cast at the election at
110 which the initiative was submitted for approval shall be law. Any
111 person who votes for the ratification of either measure on the
112 first issue must vote for one (1) of the measures on the second
113 issue in order for the ballot to be valid. Any person who votes
114 against both measures on the first issue may vote but shall not be
115 required to vote for any of the measures on the second issue in
116 order for the ballot to be valid. Substantially the following
117 form shall be in compliance with this subsection:

118 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE



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

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

123 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

124 FOR APPROVAL OF EITHER Initiative No. _____

125 OR Alternative No. _____ A ()

126 AGAINST Both Initiative No. _____

127 AND Alternative No. _____ A ()

128 AND VOTE FOR ONE

129 FOR Initiative Measure No. _____ ()

130 FOR Alternative Measure No. _____ A ()

131 (9) No more than five (5) initiative proposals shall be
132 submitted to the votes on a single ballot, and the first five (5)
133 initiative proposals submitted to the Secretary of State with
134 sufficient petitions shall be the proposals which are submitted to
135 the voters.

136 (10) An initiative approved by the electors shall take
137 effect thirty (30) days from the official declaration of the vote
138 by the Secretary of State, unless the measure provides otherwise.

139 (11) The Legislature shall provide by law the manner in
140 which initiative petitions shall be circulated, presented and
141 certified. To prevent signature fraud and to maintain the
142 integrity of the initiative process the state has a compelling
143 interest in ensuring that no person shall circulate an initiative



144 petition or obtain signatures on an initiative petition unless the
145 person is a resident of this state at the time of circulation.
146 For the purposes of this subsection, the term "resident" means a
147 person who is domiciled in Mississippi as evidenced by an intent
148 to maintain a principal dwelling place in Mississippi indefinitely
149 and to return to Mississippi if temporarily absent, coupled with
150 an act or acts consistent with that intent. Every person who
151 circulates an initiative petition shall print and sign his or her
152 name on each page of an initiative petition, or on a separate page
153 attached to each page, certifying that he or she was a resident of
154 this state at the time of circulating the petition. The Secretary
155 of State shall refuse to accept for filing any page of an
156 initiative petition upon which the signatures appearing thereon
157 were obtained by a person who was not a resident of this state at
158 the time of circulating the petition, and an initiative shall not
159 be placed on the ballot if the Secretary of State determines that
160 without such signatures the petition clearly bears an insufficient
161 number of signatures. The provisions of this subsection (11)
162 shall be applicable to all initiative measures that have not been
163 placed on the ballot at the time this proposed amendment is
164 ratified by the electorate.

165 (12) The Legislature may enact laws to carry out the
166 provisions of this section, but such laws shall in no way restrict
167 or impair the provisions of this section or the exercise of the
168 rights reserved to the people in this section.



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II.

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

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

III.

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

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

IV.

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 approve, 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



194 approved by two-thirds (2/3) of that House, it shall become a law;
195 but in all such cases the votes of both Houses shall be determined
196 by yeas and nays, and the names of the persons voting for and
197 against the Bill shall be entered on the Journal of each House
198 respectively. If any Bill shall not be returned by the Governor
199 within five (5) days (Sundays excepted) after it has been
200 presented to him or her, it shall become a law in like manner as
201 if he or she had signed it, unless the Legislature, by
202 adjournment, prevented its return, in which case such Bill shall
203 be a law unless the Governor shall veto it within fifteen (15)
204 days (Sundays excepted) after it is presented to him or her, and
205 such Bill shall be returned to the Legislature, with his or her
206 objections, within three (3) days after the beginning of the next
207 session of the Legislature. The provisions of this section are
208 not applicable to initiative measures approved by the people.

209 BE IT FURTHER RESOLVED, That these proposed amendments shall
210 be submitted by the Secretary of State to the qualified electors
211 at an election to be held on the first Tuesday after the first
212 Monday of November 2023, as provided by Section 273 of the
213 Constitution and by general law, with the proposed amendments in
214 this resolution being voted on as one (1) amendment.

215 BE IT FURTHER RESOLVED, That the explanation of this proposed
216 amendment for the ballot shall read as follows: "This proposed
217 constitutional amendment provides that the people reserve to
218 themselves the right to exercise the legislative power of the



219 state to propose new laws and to amend or repeal existing laws by
220 initiative, and to approve or reject the same in an election
221 independent of the Legislature."

222 BE IT FURTHER RESOLVED, That this resolution shall take
223 effect on July 1, 2023, and shall stand repealed on June 30, 2023.

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

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.

