

By: Senator(s) Parker

To: Accountability,
Efficiency, Transparency

SENATE CONCURRENT RESOLUTION NO. 527

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 MEASURE, AND TO APPROVE OR
6 REJECT THE SAME IN AN ELECTION INDEPENDENT OF THE LEGISLATURE; AND
7 FOR 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:

12 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 statutory legislative power of the state to
19 propose new laws and to amend or repeal existing laws by
20 initiative measure, and to approve or reject the same in an



21 election independent of the Legislature, in the manner prescribed
22 in and subject to the provisions of this section.

23 (2) The initiative measure process shall not be used:

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

27 (b) To modify the initiative measure process;

28 (c) To propose any new law or amend or repeal any
29 existing law on any subject or matter that any section of this
30 constitution prohibits the Legislature from enacting; or

31 (d) To propose any new law or amend or repeal any
32 existing law relating to abortion.

33 (3) Initiative measures shall contain only one (1) subject.

34 (4) An initiative measure may be proposed by a petition
35 signed over a twelve-month period by qualified electors equal in
36 number to at least ten percent (10%) of the total qualified
37 electors of the state as of the date of the last presidential
38 election. The signatures of the qualified electors from any
39 congressional district shall not exceed the total number of
40 signatures required to qualify an initiative measure for placement
41 on the ballot divided by the number of congressional districts in
42 existence on the day that the petition is filed. If an initiative
43 measure petition contains signatures from a single congressional
44 district that exceed the total number of required signatures, the
45 excess signatures from that congressional district shall not be



46 considered by the Secretary of State in determining whether the
47 initiative measure qualifies for placement on the ballot.

48 (5) The sponsor of an initiative measure shall identify in
49 the text of the initiative measure the amount and source of
50 revenue required to implement the initiative measure. The sponsor
51 also shall provide in the text of the initiative measure the
52 specific funding source or mechanism to pay the cost of the
53 provisions of the initiative measure. The funding source or
54 mechanism to pay the cost of the provisions of the initiative
55 measure shall not be the Capital Expense Fund or the Working Cash
56 Stabilization Fund i.e. Rainy Day Fund. If an initiative measure
57 requires (a) a reduction in any source of government revenue that
58 would cause the amount of state funds available for expenditure by
59 the Legislature to be less than the amount of state funds
60 appropriated for the most recent fiscal year, or (b) requires a
61 reallocation of funding from currently funded programs, the
62 sponsor shall identify in the text of the initiative measure the
63 program or programs whose funding must be reduced or eliminated to
64 implement the initiative measure.

65 (6) The Executive Director of the Legislative Budget Office
66 shall prepare a fiscal analysis of each initiative measure, and a
67 summary of each fiscal analysis shall appear on the ballot.

68 (7) The sufficiency of petitions, including the requirements
69 contained herein pertaining to the subject, number of signatures,
70 fiscal components, and circulation for signature collection, shall



71 be decided in the first instance by the Secretary of State,
72 subject to review by the Supreme Court of the state, which shall
73 have original and exclusive jurisdiction over all such cases.

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

83 (9) The initiative measure shall be submitted to the
84 electors. An initiative measure must receive not less than sixty
85 percent (60%) of the total votes cast at the election at which the
86 initiative measure was submitted to be approved. If conflicting
87 initiative measures are approved at the same election, the
88 initiative measure receiving the highest number of affirmative
89 votes shall prevail.

90 (10) No more than two (2) initiative measure proposals shall
91 be submitted to the voters on a single ballot, and the first two
92 (2) initiative measure proposals submitted to the Secretary of
93 State with sufficient petitions shall be the proposals which are
94 submitted to the voters.



95 (11) An initiative measure approved by the electors shall
96 take effect thirty (30) days from the official declaration of the
97 vote by the Secretary of State, unless the initiative measure
98 provides otherwise.

99 (12) An initiative measure approved by the people shall not
100 be amended by the Legislature to make a substantive change to the
101 text in the initiative measure, or repealed by the Legislature,
102 for a period of two (2) years after the initiative measure takes
103 effect. However, the Legislature may amend or repeal an
104 initiative measure less than two (2) years after the initiative
105 measure takes effect if the Legislature determines the existence
106 of an emergency affecting the public peace, health, safety or
107 financial solvency of the state that necessitates the amendment or
108 repeal of the initiative measure. Such emergency must be stated
109 in the legislation, and such amendment or repeal shall require a
110 vote of three-fifths (3/5) of each house present and voting.

111 (13) The Legislature shall provide by law the manner in
112 which initiative measure petitions shall be circulated, presented
113 and certified, which shall include, but not be limited to,
114 petition circulators being residents of this state. To prevent
115 signature fraud and to maintain the integrity of the initiative
116 measure process the state has a compelling interest in ensuring
117 that no person shall circulate an initiative measure petition or
118 obtain signatures on an initiative measure petition unless the
119 person is a resident of this state at the time of circulation.



120 For the purposes of this subsection, the term "resident" means a
121 person who is domiciled in Mississippi as evidenced by an intent
122 to maintain a principal dwelling place in Mississippi indefinitely
123 and to return to Mississippi if temporarily absent, coupled with
124 an act or acts consistent with that intent. Every person who
125 circulates an initiative measure petition shall print and sign his
126 or her name on each page of an initiative measure petition, or on
127 a separate page attached to each page, certifying that he or she
128 was a resident of this state at the time of circulating the
129 petition. The Secretary of State shall refuse to accept for
130 filing any page of an initiative measure petition upon which the
131 signatures appearing thereon were obtained by a person who was not
132 a resident of this state at the time of circulating the petition,
133 and an initiative measure shall not be placed on the ballot if the
134 Secretary of State determines that without such signatures the
135 petition clearly bears an insufficient number of signatures. The
136 provisions of this subsection (13) shall be applicable to all
137 initiative measures that have not been placed on the ballot at the
138 time this proposed amendment is ratified by the electorate.

139 (14) The Legislature is authorized to enact laws to
140 accomplish and implement the text of the approved initiative
141 measure.

142 (15) The Legislature may enact laws to carry out the
143 provisions of this section, but such laws shall in no way restrict



144 or impair the provisions of this section or the exercise of the
145 rights reserved to the people in this section.

146 II.

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

149 Section 56. (1) The style of the laws of the state that are
150 enacted by the Legislature shall be: "Be it enacted by the
151 Legislature of the State of Mississippi."

152 (2) The style of all initiative measures shall be: "Be it
153 enacted by the people of the State of Mississippi."

154 III.

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

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

161 IV.

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

164 Section 72. Every Bill which shall pass both Houses shall be
165 presented to the Governor of the state. If he or she approves, he
166 or she shall sign it; but if he or she does not approve, he or she
167 shall return it, with his or her objections, to the House in which
168 it originated, which shall enter the objections at large upon its



169 Journal, and proceed to reconsider it. If after such
170 reconsideration two-thirds (2/3) of that House shall agree to pass
171 the Bill, it shall be sent, with the objections, to the other
172 House, by which, likewise, it shall be reconsidered; and if
173 approved by two-thirds (2/3) of that House, it shall become a law;
174 but in all such cases the votes of both Houses shall be determined
175 by yeas and nays, and the names of the persons voting for and
176 against the Bill shall be entered on the Journal of each House
177 respectively. If any Bill shall not be returned by the Governor
178 within five (5) days (Sundays excepted) after it has been
179 presented to him or her, it shall become a law in like manner as
180 if he or she had signed it, unless the Legislature, by
181 adjournment, prevented its return, in which case such Bill shall
182 be a law unless the Governor shall veto it within fifteen (15)
183 days (Sundays excepted) after it is presented to him or her, and
184 such Bill shall be returned to the Legislature, with his or her
185 objections, within three (3) days after the beginning of the next
186 session of the Legislature. The provisions of this section are
187 not applicable to initiative measures approved by the people.

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



194 BE IT FURTHER RESOLVED, That the explanation of this proposed
195 amendment for the ballot shall read as follows: "This proposed
196 constitutional amendment provides that the people reserve to
197 themselves the right to exercise the legislative power of the
198 state to propose new laws and to amend or repeal existing laws by
199 initiative measure, and to approve or reject the same in an
200 election independent of the Legislature."

201 BE IT FURTHER RESOLVED, That this resolution shall take
202 effect on July 1, 2024.

