

By: Senator(s) England

To: Elections

COMMITTEE SUBSTITUTE
FOR
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:

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 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



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

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

24 (a) To deprive any human being, as defined in Section
25 41-41-191, of the right to life;

26 (b) To propose any new amendments to or the
27 modification or repeal of any existing provision of this
28 constitution;

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

32 (d) To propose any new local or special law or amend or
33 repeal any existing local or special law; or

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

37 (3) An initiative may be proposed by a petition signed over
38 a twelve-month period by qualified electors equal in number to at
39 least ten percent (10%) of the total number of active registered
40 voters at the time the petition for the proposed initiative is
41 filed with the Secretary of State. The signatures of the
42 qualified electors from any single congressional district shall
43 not exceed thirty-three and one-third percent (33-1/3%) of the
44 total number of signatures required to qualify an initiative
45 measure for placement on the ballot. If an initiative petition



46 contains signatures from a single congressional district that
47 exceeds thirty-three and one-third percent (33-1/3%) of the total
48 number 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 measure the program or programs whose funding must be reduced or
72 eliminated to implement the measure. No initiative shall be
73 permitted to redirect state funds from one (1) agency to another
74 nor shall any initiative be permitted to require expenditures that
75 would cause the state to enter into a budget deficit at the time
76 of approval. Compliance with the requirements of this subsection
77 shall not be a violation of the subject matter requirements of
78 subsections (1) and (2) of this section.

79 (5) The chief legislative budget officer shall prepare a
80 fiscal analysis of each initiative and each legislative
81 alternative, and a summary of each fiscal analysis shall appear on
82 the ballot.

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

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

89 (8) If an initiative measure is certified by the Secretary
90 of State not less than ninety (90) days before a statewide general
91 election, the Secretary of State shall place the initiative
92 measure on the ballot for that statewide general election. If an
93 initiative measure is certified by the Secretary of State less
94 than ninety (90) days before a statewide general election, the
95 Secretary of State shall place the initiative measure on the



96 ballot for the next statewide general election occurring after the
97 upcoming statewide general election.

98 (9) No more than three (3) initiative proposals shall be
99 submitted to the votes on a single ballot, and the first three (3)
100 initiative proposals submitted to the Secretary of State with
101 sufficient petitions shall be the proposals which are submitted to
102 the voters.

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

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



120 at the same election, the initiative or legislative alternative
121 receiving the highest number of affirmative votes shall prevail.

122 (12) If the provisions of the original initiative measure or
123 the initiative measure as amended by the Legislature would cause a
124 substantial cost to the state or require the substantial
125 expenditure of state funds, as determined according to law by the
126 Legislative Budget Office or any successor agency, an initiative
127 or legislative alternative must receive a majority of the votes
128 cast thereon and not less than sixty percent (60%) of the total
129 votes cast at the election at which the initiative was submitted
130 to be approved.

131 (13) If an initiative proposed to the Legislature has been
132 rejected by the Legislature and an alternative is passed by the
133 Legislature in lieu thereof, the ballot titles of both such
134 measures shall be so printed on the official ballots so that a
135 voter can express separately two (2) preferences: First, by
136 voting for the approval of either measure or against both
137 measures, and secondly, by voting for one (1) measure or the other
138 measure. If the majority of those voting on the first issue is
139 against both measures, then both measures fail, but in that case,
140 the votes on the second issue nevertheless shall be carefully
141 counted and made public. If a majority voting on the first issue
142 is for the approval of either measure, then the measure receiving
143 a majority of the votes on the second issue and also receiving not
144 less than forty percent (40%), or sixty percent (60%) when



145 required by subsection (12) of this section, of the total votes
146 cast at the election at which the initiative was submitted for
147 approval shall be law. Any person who votes for the ratification
148 of either measure on the first issue must vote for one (1) of the
149 measures on the second issue in order for the ballot to be valid.
150 Any person who votes against both measures on the first issue may
151 vote, but shall not be required to vote for any of the measures on
152 the second issue in order for the ballot to be valid.
153 Substantially, the following form shall be in compliance with this
154 subsection:

155 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

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

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

160 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

161 FOR APPROVAL OF EITHER Initiative No. _____ OR

162 Alternative No. _____ A ()

163 AGAINST Both Initiative No. _____

164 AND Alternative No. _____ A ()

165 AND VOTE FOR ONE

166 FOR Initiative Measure No. _____ ()

167 FOR Alternative Measure No. _____ A ()



168 (14) Initiative measures approved by the people shall not
169 require the signature of the Governor to become law and shall not
170 be subject to the veto power of the Governor.

171 (15) An initiative measure approved by the people shall not
172 be amended by the Legislature to make a substantive change to the
173 text in the measure, or repealed by the Legislature, for a period
174 of two (2) years after the initiative measure takes effect.
175 However, the Legislature may amend or repeal an initiative measure
176 less than two (2) years after the measure takes effect if the
177 Legislature determines the existence of extenuating circumstances
178 affecting the public peace, health, safety or financial solvency
179 of the state that necessitates the amendment or repeal of the
180 initiative measure, which circumstances must be stated in the
181 legislation, and such amendment or repeal shall require a vote of
182 three-fifths (3/5) of each house present and voting.

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



193 and to return to Mississippi if temporarily absent, coupled with
194 an act or acts consistent with that intent. Every person who
195 circulates an initiative petition shall print and sign his or her
196 name on each page of an initiative petition, or on a separate page
197 attached to each page, certifying that he or she was a resident of
198 this state at the time of circulating the petition. The Secretary
199 of State shall refuse to accept for filing any page of an
200 initiative petition upon which the signatures appearing thereon
201 were obtained by a person who was not a resident of this state at
202 the time of circulating the petition, and an initiative shall not
203 be placed on the ballot if the Secretary of State determines that
204 without such signatures the petition clearly bears an insufficient
205 number of signatures. The provisions of this subsection (16)
206 shall be applicable to all initiative measures that have not been
207 placed on the ballot at the time this proposed amendment is
208 ratified by the electorate.

209 (17) An initiative approved by the electors shall take
210 effect thirty (30) days from the official declaration of the vote
211 by the Secretary of State, unless the measure provides otherwise.

212 (18) The Legislature may enact laws to carry out the
213 provisions of this section, but such laws shall in no way restrict
214 or impair the provisions of this section or the exercise of the
215 rights reserved to the people in this section.

216 (19) The Legislature shall enact laws to require the
217 disclosure of contributions and expenditures for the passage or



218 defeat of an initiative measure as well as any other disclosures
219 related to the initiative process as provided by law.

220 II.

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

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

226 III.

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

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

233 IV.

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

236 Section 72. Every Bill which shall pass both Houses shall be
237 presented to the Governor of the state. If he or she approves, he
238 or she shall sign it; but if he or she does not approve, he or she
239 shall return it, with his or her objections, to the House in which
240 it originated, which shall enter the objections at large upon its
241 Journal, and proceed to reconsider it. If after such
242 reconsideration two-thirds (2/3) of that House shall agree to pass



243 the Bill, it shall be sent, with the objections, to the other
244 House, by which, likewise, it shall be reconsidered; and if
245 approved by two-thirds (2/3) of that House, it shall become a law;
246 but in all such cases the votes of both Houses shall be determined
247 by yeas and nays, and the names of the persons voting for and
248 against the Bill shall be entered on the Journal of each House
249 respectively. If any Bill shall not be returned by the Governor
250 within five (5) days (Sundays excepted) after it has been
251 presented to him or her, it shall become a law in like manner as
252 if he or she had signed it, unless the Legislature, by
253 adjournment, prevented its return, in which case such Bill shall
254 be a law unless the Governor shall veto it within fifteen (15)
255 days (Sundays excepted) after it is presented to him or her, and
256 such Bill shall be returned to the Legislature, with his or her
257 objections, within three (3) days after the beginning of the next
258 session of the Legislature. The provisions of this section are
259 not applicable to initiative measures approved by the people.

260 BE IT FURTHER RESOLVED, That these proposed amendments shall
261 be submitted by the Secretary of State to the qualified electors
262 at an election to be held on the first Tuesday after the first
263 Monday of November 2026, as provided by Section 273 of the
264 Constitution and by general law, with the proposed amendments in
265 this resolution being voted on as one (1) amendment.

266 BE IT FURTHER RESOLVED, That these proposed amendments shall
267 stand repealed on the day before their passage.



268 BE IT FURTHER RESOLVED, That the explanation of this proposed
269 amendment for the ballot shall read as follows: "This proposed
270 constitutional amendment provides that the people reserve to
271 themselves the right to exercise the legislative power of the
272 state to propose new laws and to amend or repeal existing laws by
273 initiative, and to approve or reject the same in an election
274 independent of the Legislature."

