

MISSISSIPPI LEGISLATURE
2024 Regular Session
To: Constitution
By: Representatives Wallace, Aguirre, Boyd (37th), Calvert,
Shanks

House Concurrent Resolution 11

(As Adopted by House)

A CONCURRENT RESOLUTION PROPOSING AMENDMENTS TO SECTIONS 33, 56, 61 AND 72, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THE PEOPLE RESERVE TO THEMSELVES THE RIGHT TO EXERCISE THE LEGISLATIVE POWER OF THE STATE TO PROPOSE NEW LAWS AND TO AMEND OR REPEAL EXISTING LAWS BY INITIATIVE, AND TO APPROVE OR REJECT THE SAME IN AN ELECTION INDEPENDENT OF THE LEGISLATURE; AND FOR RELATED PURPOSES.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That the following amendments to the Mississippi Constitution of 1890 are proposed to the qualified electors of the state:

I.

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

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

(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;

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

(f) To propose any new law or amend or repeal any existing law relating to abortion; or

(g) To amend or repeal the constitutional guarantee that the right of any person to work shall not be denied or abridged on account of membership or nonmembership in any labor union or organization.

(3) An initiative may be proposed by a petition signed over a twelve-month period by qualified electors equal in number to at least eight percent (8%) of the total qualified electors of the state as of the date of the last gubernatorial election. The signatures of the qualified electors from any congressional district shall not exceed the total number of signatures required to qualify an initiative measure for placement on the ballot divided by the number of congressional districts in existence on the day that the petition is filed. If an initiative petition contains signatures from a single congressional district that exceed the total number of required

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

(4) The sponsor of an initiative shall identify in the text of the initiative the amount and source of revenue required to implement the initiative. If the provisions of an initiative would cause a substantial cost to the state or require the substantial expenditure of state funds, as determined according to law by the Legislative Budget Office or any successor agency, the sponsor also shall provide in the text of the initiative for the specific funding source or mechanism to pay the cost of the provisions of the initiative so that the initiative will not result in a reduction in state funds available for expenditure by the Legislature. If an initiative requires (a) a reduction in any source of government revenue that would cause the amount of state funds available for expenditure by the Legislature to be less than the amount of state funds appropriated for the most recent fiscal year, or (b) requires a reallocation of funding from currently funded programs, the sponsor shall identify in the text of the initiative the program or programs whose funding must be reduced or eliminated to implement the initiative.

(5) The chief legislative budget officer shall prepare a fiscal analysis of each initiative and each legislative

alternative, and a summary of each fiscal analysis shall appear on the ballot.

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

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

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

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

(10) The Secretary of State shall file with the Clerk of the House and the Secretary of the Senate the complete text of the certified initiative on the first day of the regular session. An initiative may be adopted or adopted as amended by

a majority vote of each house of the Legislature. If the initiative is adopted or adopted as amended by the Legislature, or if no action is taken within four (4) months of the date that the initiative is filed with the Legislature, the Secretary of State shall place the initiative, as adopted or adopted as amended as the case may be, on the ballot for the next statewide general election.

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

(12) If an initiative proposed to the Legislature has been rejected by the Legislature and an alternative is passed by the 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:

FOR APPROVAL OF EITHER Initiative No. _____

OR Alternative No. _____ A (

) AGAINST Both Initiative No. _____

AND Alternative No. _____ A (

)

AND VOTE FOR ONE

FOR Initiative Measure No. _____ (

) FOR Alternative Measure No. _____ A

()

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

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

(15) The Legislature shall provide by law the manner in which initiative petitions shall be circulated, presented and 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 (11) 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.

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

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

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 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 session of the Legislature. The provisions of this section are not applicable to initiative measures approved by the people.

BE IT FURTHER RESOLVED, That these proposed amendments shall be submitted by the Secretary of State to the qualified electors at an election to be held on the first Tuesday after the first Monday of November 2024, as provided by Section 273 of the Constitution and by general law, with the proposed amendments in this resolution being voted on as one (1) amendment.

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

