

By: Representatives Wallace, Aguirre, Boyd
(37th), Calvert, Shanks

To: Constitution

COMMITTEE SUBSTITUTE
FOR
HOUSE CONCURRENT RESOLUTION NO. 11

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 propose any new amendments to or the
25 modification or repeal of any existing provision of this
26 constitution;

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

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

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

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

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

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

43 (3) An initiative may be proposed by a petition signed over
44 a twelve-month period by qualified electors equal in number to at
45 least eight percent (8%) of the total qualified electors of the



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

61 (4) The sponsor of an initiative shall identify in the text
62 of the initiative the amount and source of revenue required to
63 implement the initiative. If the provisions of an initiative
64 would cause a substantial cost to the state or require the
65 substantial expenditure of state funds, as determined according to
66 law by the Legislative Budget Office or any successor agency, the
67 sponsor also shall provide in the text of the initiative for the
68 specific funding source or mechanism to pay the cost of the
69 provisions of the initiative so that the initiative will not
70 result in a reduction in state funds available for expenditure by



71 the Legislature. If an initiative requires (a) a reduction in any
72 source of government revenue that would cause the amount of state
73 funds available for expenditure by the Legislature to be less than
74 the amount of state funds appropriated for the most recent fiscal
75 year, or (b) requires a reallocation of funding from currently
76 funded programs, the sponsor shall identify in the text of the
77 initiative the program or programs whose funding must be reduced
78 or eliminated to implement the initiative.

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 an initiative proposed to the Legislature has been
123 rejected by the Legislature and an alternative is passed by the
124 Legislature in lieu thereof, the ballot titles of both such
125 measures shall be so printed on the official ballots that a voter
126 can express separately two (2) preferences: First, by voting for
127 the approval of either measure or against both measures, and
128 secondly, by voting for one (1) measure or the other measure. If
129 the majority of those voting on the first issue is against both
130 measures, then both measures fail, but in that case the votes on
131 the second issue nevertheless shall be carefully counted and made
132 public. If a majority voting on the first issue is for the
133 approval of either measure, then the measure receiving a majority
134 of the votes on the second issue and also receiving not less than
135 forty percent (40%) of the total votes cast at the election at
136 which the initiative was submitted for approval shall be law. Any
137 person who votes for the ratification of either measure on the
138 first issue must vote for one (1) of the measures on the second
139 issue in order for the ballot to be valid. Any person who votes
140 against both measures on the first issue may vote but shall not be
141 required to vote for any of the measures on the second issue in
142 order for the ballot to be valid. Substantially the following
143 form shall be in compliance with this subsection:

144 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE



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

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

149 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

150 FOR APPROVAL OF EITHER Initiative No. _____

151 OR Alternative No. _____ A ()

152 AGAINST Both Initiative No. _____

153 AND Alternative No. _____ A ()

154 AND VOTE FOR ONE

155 FOR Initiative Measure No. _____ ()

156 FOR Alternative Measure No. _____ A ()

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

160 (14) An initiative measure approved by the people shall not
161 be amended by the Legislature to make a substantive change to the
162 text in the measure, or repealed by the Legislature, for a period
163 of two (2) years after the initiative measure takes effect.

164 However, the Legislature may amend or repeal an initiative measure
165 less than two (2) years after the measure takes effect if the
166 Legislature determines the existence of an emergency affecting the
167 public peace, health, safety or financial solvency of the state
168 that necessitates the amendment or repeal of the initiative
169 measure, which emergency must be stated in the legislation, and



170 such amendment or repeal shall require a vote of three-fifths
171 (3/5) of each house present and voting.

172 (15) The Legislature shall provide by law the manner in
173 which initiative petitions shall be circulated, presented and
174 certified. To prevent signature fraud and to maintain the
175 integrity of the initiative process the state has a compelling
176 interest in ensuring that no person shall circulate an initiative
177 petition or obtain signatures on an initiative petition unless the
178 person is a resident of this state at the time of circulation.
179 For the purposes of this subsection, the term "resident" means a
180 person who is domiciled in Mississippi as evidenced by an intent
181 to maintain a principal dwelling place in Mississippi indefinitely
182 and to return to Mississippi if temporarily absent, coupled with
183 an act or acts consistent with that intent. Every person who
184 circulates an initiative petition shall print and sign his or her
185 name on each page of an initiative petition, or on a separate page
186 attached to each page, certifying that he or she was a resident of
187 this state at the time of circulating the petition. The Secretary
188 of State shall refuse to accept for filing any page of an
189 initiative petition upon which the signatures appearing thereon
190 were obtained by a person who was not a resident of this state at
191 the time of circulating the petition, and an initiative shall not
192 be placed on the ballot if the Secretary of State determines that
193 without such signatures the petition clearly bears an insufficient
194 number of signatures. The provisions of this subsection (11)



195 shall be applicable to all initiative measures that have not been
196 placed on the ballot at the time this proposed amendment is
197 ratified by the electorate.

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

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

205 II.

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

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

211 III.

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

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

218 IV.



219 Amend Section 72, Mississippi Constitution of 1890, to read
220 as follows:

221 Section 72. Every Bill which shall pass both Houses shall be
222 presented to the Governor of the state. If he or she approve, he
223 or she shall sign it; but if he or she does not approve, he or she
224 shall return it, with his or her objections, to the House in which
225 it originated, which shall enter the objections at large upon its
226 Journal, and proceed to reconsider it. If after such
227 reconsideration two-thirds (2/3) of that House shall agree to pass
228 the Bill, it shall be sent, with the objections, to the other
229 House, by which, likewise, it shall be reconsidered; and if
230 approved by two-thirds (2/3) of that House, it shall become a law;
231 but in all such cases the votes of both Houses shall be determined
232 by yeas and nays, and the names of the persons voting for and
233 against the Bill shall be entered on the Journal of each House
234 respectively. If any Bill shall not be returned by the Governor
235 within five (5) days (Sundays excepted) after it has been
236 presented to him or her, it shall become a law in like manner as
237 if he or she had signed it, unless the Legislature, by
238 adjournment, prevented its return, in which case such Bill shall
239 be a law unless the Governor shall veto it within fifteen (15)
240 days (Sundays excepted) after it is presented to him or her, and
241 such Bill shall be returned to the Legislature, with his or her
242 objections, within three (3) days after the beginning of the next



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

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

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

