

By: Representative Rosebud

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 26

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO CONFORM THE PRO RATA
3 SIGNATURE REQUIREMENTS FROM EACH CONGRESSIONAL DISTRICT FOR AN
4 INITIATIVE PETITION TO THE NUMBER OF CURRENT CONGRESSIONAL
5 DISTRICTS.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
7 MISSISSIPPI, That the following amendment to the Mississippi
8 Constitution of 1890 is proposed to the qualified electors of the
9 state:

10 Amend Section 273, Mississippi Constitution of 1890, to read
11 as follows:

12 Section 273. (1) Amendments to this Constitution may be
13 proposed by the Legislature or by initiative of the people.

14 (2) Whenever two-thirds (2/3) of each house of the
15 Legislature, which two-thirds (2/3) shall consist of not less than
16 a majority of the members elected to each house, shall deem any
17 change, alteration or amendment necessary to this Constitution,
18 such proposed amendment, change or alteration shall be read and
19 passed by two-thirds (2/3) vote of each house, as herein provided;



20 public notice shall then be given by the Secretary of State at
21 least thirty (30) days preceding an election, at which the
22 qualified electors shall vote directly for or against such change,
23 alteration or amendment, and if more than one (1) amendment shall
24 be submitted at one (1) time, they shall be submitted in such
25 manner and form that the people may vote for or against each
26 amendment separately; and, notwithstanding the division of the
27 Constitution into sections, the Legislature may provide in its
28 resolution for one or more amendments pertaining and relating to
29 the same subject or subject matter, and may provide for one or
30 more amendments to an article of the Constitution pertaining and
31 relating to the same subject or subject matter, which may be
32 included in and voted on as one (1) amendment; and if it shall
33 appear that a majority of the qualified electors voting directly
34 for or against the same shall have voted for the proposed change,
35 alteration or amendment, then it shall be inserted as a part of
36 the Constitution by proclamation of the Secretary of State
37 certifying that it received the majority vote required by the
38 Constitution; and the resolution may fix the date and direct the
39 calling of elections for the purposes hereof.

40 (3) The people reserve unto themselves the power to propose
41 and enact constitutional amendments by initiative. An initiative
42 to amend the Constitution may be proposed by a petition signed
43 over a twelve-month period by qualified electors equal in number
44 to at least twelve percent (12%) of the votes for all candidates



45 for Governor in the last gubernatorial election. The signatures
46 of the qualified electors from any congressional district shall
47 not exceed * * * the total number of signatures required to
48 qualify an initiative petition for placement upon the ballot
49 divided by the number of congressional districts in existence on
50 the day the petition is filed. If an initiative petition contains
51 signatures from a single congressional district which exceed * * *
52 the total number of required signatures, the excess number of
53 signatures from that congressional district shall not be
54 considered by the Secretary of State in determining whether the
55 petition qualifies for placement on the ballot.

56 (4) The sponsor of an initiative shall identify in the text
57 of the initiative the amount and source of revenue required to
58 implement the initiative. If the initiative requires a reduction
59 in any source of government revenue, or a reallocation of funding
60 from currently funded programs, the sponsor shall identify in the
61 text of the initiative the program or programs whose funding must
62 be reduced or eliminated to implement the initiative. Compliance
63 with this requirement shall not be a violation of the subject
64 matter requirements of this section of the Constitution.

65 (5) The initiative process shall not be used:

66 (a) For the proposal, modification or repeal of any
67 portion of the Bill of Rights of this Constitution;



68 (b) To amend or repeal any law or any provision of the
69 Constitution relating to the Mississippi Public Employees'
70 Retirement System;

71 (c) To amend or repeal the constitutional guarantee
72 that the right of any person to work shall not be denied or
73 abridged on account of membership or nonmembership in any labor
74 union or organization; or

75 (d) To modify the initiative process for proposing
76 amendments to this Constitution.

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. A
80 constitutional initiative may be adopted by a majority vote of
81 each house of the Legislature. If the initiative is adopted,
82 amended or rejected 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 on the ballot for the next statewide general election.

86 The chief legislative budget officer shall prepare a fiscal
87 analysis of each initiative and each legislative alternative. A
88 summary of each fiscal analysis shall appear on the ballot.

89 (7) If the Legislature amends an initiative, the amended
90 version and the original initiative shall be submitted to the
91 electors. An initiative or legislative alternative must receive a
92 majority of the votes thereon and not less than forty percent



93 (40%) of the total votes cast at the election at which the measure
94 was submitted to be approved. If conflicting initiatives or
95 legislative alternatives are approved at the same election, the
96 initiative or legislative alternative receiving the highest number
97 of affirmative votes shall prevail.

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



118 issue in order for the ballot to be valid. Substantially the
119 following form shall be * * * in compliance with this subsection:

120 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

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

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

125 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

126 FOR APPROVAL OF EITHER Initiative No. _____

127 OR Alternative No. _____ A ()

128 AGAINST Both Initiative No. _____

129 AND Alternative No. _____ A ()

130 AND VOTE FOR ONE

131 FOR Initiative Measure No. _____ ()

132 FOR Alternative Measure No. _____ A..... ()

133 (9) No more than five (5) initiative proposals shall be
134 submitted to the voters on a single ballot, and the first five (5)
135 initiative proposals submitted to the Secretary of State with
136 sufficient petitions shall be the proposals which are submitted to
137 the voters. The sufficiency of petitions shall be decided in the
138 first instance by the Secretary of State, subject to review by the
139 Supreme Court of the state, which shall have original and
140 exclusive jurisdiction over all such cases.

141 (10) An initiative approved by the electors shall take
142 effect thirty (30) days from the date of the official declaration



143 of the vote by the Secretary of State, unless the measure provides
144 otherwise.

145 (11) If any amendment to the Constitution proposed by
146 initiative petition is rejected by a majority of the qualified
147 electors voting thereon, no initiative petition proposing the
148 same, or substantially the same, amendment shall be submitted to
149 the electors for at least two (2) years after the date of the
150 election on such amendment.

151 (12) The Legislature shall provide by law the manner in
152 which initiative petitions shall be circulated, presented and
153 certified. To prevent signature fraud and to maintain the
154 integrity of the initiative process the state has a compelling
155 interest in insuring that no person shall circulate an initiative
156 petition or obtain signatures on an initiative petition unless the
157 person is a resident of this state at the time of circulation.
158 For the purposes of this subsection the term "resident" means a
159 person who is domiciled in Mississippi as evidenced by an intent
160 to maintain a principal dwelling place in Mississippi indefinitely
161 and to return to Mississippi if temporarily absent, coupled with
162 an act or acts consistent with that intent. Every person who
163 circulates an initiative petition shall print and sign his name on
164 each page of an initiative petition, or on a separate page
165 attached to each page, certifying that he was a resident of this
166 state at the time of circulating the petition. The Secretary of
167 State shall refuse to accept for filing any page of an initiative



168 petition upon which the signatures appearing thereon were obtained
169 by a person who was not a resident of this state at the time of
170 circulating the petition, and an initiative measure shall not be
171 placed on the ballot if the Secretary of State determines that
172 without such signatures the petition clearly bears an insufficient
173 number of signatures. The provisions of this subsection (12)
174 shall be applicable to all initiative measures that have not been
175 placed on the ballot at the time this proposed amendment is
176 ratified by the electorate.

177 (13) The Legislature may enact laws to carry out the
178 provisions of this section but shall in no way restrict or impair
179 the provisions of this section or the powers herein reserved to
180 the people.

181 BE IT FURTHER RESOLVED, That this proposed amendment shall be
182 submitted by the Secretary of State to the qualified electors at
183 an election to be held on the first Tuesday after the first Monday
184 of November 2023, as provided by Section 273 of the Constitution
185 and by general law.

186 BE IT FURTHER RESOLVED, That the explanation of this proposed
187 amendment for the ballot shall read as follows: "This proposed
188 amendment conforms the pro rata signature requirements of
189 congressional districts for initiative petitions to the current
190 number of congressional districts."

