

By: Representative McCray

To: Constitution

## HOUSE CONCURRENT RESOLUTION NO. 19

1       A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION  
2 273, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT FOR AN  
3 INITIATIVE PETITION TO BE PLACED UPON THE BALLOT, THE QUALIFYING  
4 TOTAL OF SIGNATURES MUST COMPRIZE AN EQUAL NUMBER OF CERTIFIED  
5 SIGNATURES FROM ALL CURRENT CONGRESSIONAL DISTRICTS; AND FOR  
6 RELATED PURPOSES.

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

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

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

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

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

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



46 for Governor in the last gubernatorial election. \* \* \* The  
47 qualifying total of signatures must comprise an equal number of  
48 certified signatures from all current congressional districts  
49 according to the latest federal decennial census. The certified  
50 signatures according to the latest federal decennial census of  
51 qualified electors from the current congressional districts shall  
52 be counted towards the total number of signatures required to  
53 qualify an initiative petition for placement upon the ballot. An  
54 excess number of signatures from \* \* \* any current congressional  
55 district shall not be considered by the Secretary of State in  
56 determining whether the petition qualifies for placement on the  
57 ballot.

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

67 (5) The initiative process shall not be used:  
68 (a) For the proposal, modification or repeal of any  
69 portion of the Bill of Rights of this Constitution;



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

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

77 (d) To modify the initiative process for proposing  
78 amendments to this Constitution.

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

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

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

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



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

122 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

123 Initiative Measure No. \_\_\_\_\_, entitled (here insert the  
124 ballot title of the initiative measure).

125 Alternative Measure No. \_\_\_\_\_ A, entitled (here insert  
126 the ballot title of the alternative measure).

127 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

128 FOR APPROVAL OF EITHER Initiative No. \_\_\_\_\_

129 OR Alternative No. \_\_\_\_\_ A ..... ( )

130 AGAINST Both Initiative No. \_\_\_\_\_

131 AND Alternative No. \_\_\_\_\_ A ..... ( )

132 AND VOTE FOR ONE

133 FOR Initiative Measure No. \_\_\_\_\_ ..... ( )

134 FOR Alternative Measure No. \_\_\_\_\_ A ..... ( )

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

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



145 of the vote by the Secretary of State, unless the measure provides  
146 otherwise.

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

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



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

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

183 BE IT FURTHER RESOLVED, That this proposed amendment shall be  
184 submitted by the Secretary of State to the qualified electors at  
185 an election to be held on the first Tuesday after the first Monday  
186 of November 2026, as provided by Section 273 of the Constitution  
187 and by general law.

188 BE IT FURTHER RESOLVED, That the explanation of this proposed  
189 amendment for the ballot shall read as follows: "This proposed  
190 constitutional amendment provides that the qualifying total of  
191 signatures must comprise an equal number of certified signatures  
192 from all current congressional districts according to the latest  
193 federal decennial census to qualify an initiative petition for  
194 placement upon the ballot."

