

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 COMPRISE 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;



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

(c) 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; or

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

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

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

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



(40%) of the total votes cast at the election at which the measure 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.

(8) If an initiative measure proposed to the Legislature has been rejected by the Legislature and an alternative measure 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 measure 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



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



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

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

(12) 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 insuring 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 name on each page of an initiative petition, or on a separate page attached to each page, certifying that he 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 measure 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 (12) 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.

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

BE IT FURTHER RESOLVED, That this proposed amendment 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 2026, as provided by Section 273 of the Constitution and by general law.

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 qualifying total of signatures must comprise an equal number of certified signatures from all current congressional districts according to the latest federal decennial census to qualify an initiative petition for placement upon the ballot."

