

By: Representative McCray

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 20

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 according to the most recent federal
51 decennial census. If an initiative petition contains signatures
52 from a single congressional district which exceed * * * the total
53 number of required signatures, the excess number of signatures
54 from that congressional district shall not be considered by the
55 Secretary of State in determining whether the petition qualifies
56 for placement on the ballot.

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

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

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



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

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

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

78 (6) The Secretary of State shall file with the Clerk of the
79 House and the Secretary of the Senate the complete text of the
80 certified initiative on the first day of the regular session. A
81 constitutional initiative may be adopted by a majority vote of
82 each house of the Legislature. If the initiative is adopted,
83 amended or rejected by the Legislature; or if no action is taken
84 within four (4) months of the date that the initiative is filed
85 with the Legislature, the Secretary of State shall place the
86 initiative on the ballot for the next statewide general election.

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

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



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

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



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

121 INITIATED BY PETITION AND ALTERNATIVE BY LEGISLATURE

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

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

126 VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

127 FOR APPROVAL OF EITHER Initiative No. _____

128 OR Alternative No. _____ A ()

129 AGAINST Both Initiative No. _____

130 AND Alternative No. _____ A ()

131 AND VOTE FOR ONE

132 FOR Initiative Measure No. _____ ()

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

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

142 (10) An initiative approved by the electors shall take
143 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 amendment conforms the pro rata signature requirements of congressional districts for initiative petitions to the current number of congressional districts."

