

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.

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



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

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

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



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

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

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

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

