

By: Representatives Capps, Whittington,
Reynolds

To: Apportionment and
Elections; Constitution

HOUSE BILL NO. 318

1 AN ACT TO AMEND SECTION 23-15-369, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE FORM OF THE BALLOT ON PROPOSED CONSTITUTIONAL
3 AMENDMENTS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 23-15-369, Mississippi Code of 1972, is
6 amended as follows:

7 23-15-369. (1) (a) Whenever a constitutional amendment is
8 submitted to the vote of the people, the substance of such
9 amendment shall be printed in clear and unambiguous language on
10 the ballot after the list of candidates, if any, followed by the
11 words "FOR THE AMENDMENT" and also by the words "AGAINST THE
12 AMENDMENT", and shall be styled in such a manner that a * * * vote
13 "FOR THE AMENDMENT" will indicate approval of the proposal and
14 a * * * vote "AGAINST THE AMENDMENT" will indicate rejection.

15 (b) The substance of the amendment shall be an
16 explanatory statement not exceeding seventy-five (75) words in
17 length of the chief purpose of the measure. Such statement shall
18 be prepared by the Legislature and included in the concurrent
19 resolution proposing the amendment to the Constitution. The
20 statement shall avoid, whenever possible, the use of legal
21 terminology or jargon and shall use instead, simple, ordinary,
22 everyday language. The Secretary of State shall give each
23 proposed constitutional amendment a designating number for
24 convenient reference. This number designation shall appear on the
25 ballot. Designating numbers shall be assigned in the order of
26 filing or certification of the amendments. The Secretary of State
27 shall furnish the designating number and the substance of each

28 amendment to the circuit clerk of each county in which such
29 amendment is to be voted on.

30 (c) The full text of each proposed constitutional
31 amendment shall be published by the Secretary of State as provided
32 for in Section 7-3-39, Mississippi Code of 1972, and shall be
33 posted prominently in all polling places, with copies of the
34 proposed amendment to be * * * available at each polling place.

35 (2) Except as may be otherwise provided in subsection (1) of
36 this section, whenever any public measure, question or matter that
37 requires an affirmative or negative vote is submitted to a vote of
38 the electors, the measure or matter shall be printed on the ballot
39 and also the words "FOR" or "AGAINST" to be so arranged by the
40 proper officer so that the voter can intelligently vote his
41 preference.

42 **SECTION 2.** The Attorney General of the State of Mississippi
43 shall submit this act, immediately upon approval by the Governor,
44 or upon approval by the Legislature subsequent to a veto, to the
45 Attorney General of the United States or to the United States
46 District Court for the District of Columbia in accordance with the
47 provisions of the Voting Rights Act of 1965, as amended and
48 extended.

49 **SECTION 3.** This act shall take effect and be in force from
50 and after the date it is effectuated under Section 5 of the Voting
51 Rights Act of 1965, as amended and extended.