

By: Representative Calhoun

To: Workforce Development;
Apportionment and Elections

HOUSE BILL NO. 367

1 AN ACT TO PROVIDE FOR A STATEWIDE SPECIAL ELECTION FOR THE
2 PURPOSE OF DETERMINING WHETHER MISSISSIPPI WILL HAVE A STATE
3 MINIMUM WAGE; TO PROVIDE THAT THE SPECIAL ELECTION TO VOTE ON THIS
4 ISSUE SHALL BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN
5 NOVEMBER 2019, AND CONDUCTED IN THE SAME MANNER AS REGULAR GENERAL
6 ELECTIONS ARE HELD; TO REQUIRE THE SECRETARY OF STATE TO PROVIDE
7 SUCH BALLOTS TO THE ELECTION COMMISSIONERS OF EACH COUNTY; TO
8 REQUIRE THAT ANY POLITICAL COMMITTEE MAKING CERTAIN CONTRIBUTIONS
9 OR EXPENDITURES IN SUPPORT OR OPPOSITION MUST FILE CERTAIN REPORTS
10 DISCLOSING THOSE CONTRIBUTIONS AND EXPENDITURES; TO AMEND SECTIONS
11 23-15-351, 23-15-355 AND 23-15-805, MISSISSIPPI CODE OF 1972, TO
12 CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** (1) There shall be a statewide special election
15 for the purpose of determining whether Mississippi will have a
16 state minimum wage, to be held on the first Tuesday after the
17 first Monday in November 2019, and conducted in the same manner as
18 regular general elections are held, except as otherwise provided
19 in subsection (2) of this section and in Section 6 of this act.
20 The question put before the voters at such statewide special
21 election shall read on the ballots as follows:

22 **"PLEASE VOTE 'YES' OR 'NO' ON THE FOLLOWING PROPOSITION:**



23 **The State of Mississippi shall have a minimum wage in the**
24 **amount of \$7.25 per hour beginning January 1, 2020, a minimum wage**
25 **in the amount of \$8.25 per hour beginning on January 1, 2021, and**
26 **a minimum wage in the amount of \$8.25 per hour beginning on**
27 **January 1, 2022. The State of Mississippi shall have a minimum**
28 **wage for tipped employees in the amount of \$5.00 per hour**
29 **beginning January 1, 2020, a minimum wage for tipped employees in**
30 **the amount of \$6.00 per hour beginning on January 1, 2021, and a**
31 **minimum wage for tipped employees in the amount of \$7.00 per hour**
32 **beginning on January 1, 2022. On January 1 of each year, each**
33 **minimum wage shall be increased by a percentage equal to the**
34 **inflations rate calculated by the United States Inflation Rate**
35 **Calculator."**

36 The preference of a majority of the qualified electors voting
37 in the election shall determine whether Mississippi shall have an
38 established minimum wage. In addition to the enactment of the
39 minimum wages established by this act, the Legislature shall take
40 whatever other steps are necessary to effectuate the mandate of
41 the electorate's selection.

42 (2) The statewide special election for the purpose of
43 determining whether the state will establish its own minimum wage
44 shall be administered by means of ballots, which the Secretary of
45 State shall provide to the election commissioners of each county.
46 The Secretary of State shall determine whether, in each county, it
47 would be more efficient to administer the election by paper



ballots, optical mark reading equipment or direct recording electric voting equipment. The method used in each county shall be as uniform as practicable when compared to any other county in which the same method is used. In any event, the Secretary of State shall include the same language as described for minimum wage in this act. The Secretary of State is authorized to enter into any necessary contracts for providing the required ballots in all counties of this state. The State of Mississippi shall bear the costs incurred in providing the ballots that are required, and the Legislature shall appropriate the funds necessary for this purpose. Each individual county shall bear all other costs associated with the holding of the statewide special election for the purpose of determining a state minimum wage.

(3) Every individual who makes contributions or expenditures in support of or in opposition to a proposition presented to the electorate in the statewide special election for the state minimum wage, in amounts aggregating in excess of Two Hundred Dollars (\$200.00), shall file all reports required to be filed by political committees under Sections 23-15-801 through 23-15-821, in the same manner and at the same time as provided for political committees.

(4) The county election commissioners shall transmit to the Secretary of State, in the same manner as the vote for state officers is transmitted, a statement of the total number of votes cast for each proposition in the statewide special election. The



Secretary of State shall tabulate the returns and certify the results to the Governor and to each house of the Legislature.

SECTION 2. [If a majority of the qualified electors voting in the statewide election for the purpose of determining a state minimum wage, as provided in Section 1 of this act, vote "YES," this section shall become effective and shall read as follows:]

The State of Mississippi shall have a minimum wage in the amount of \$7.25 per hour beginning January 1, 2020, a minimum wage in the amount of \$8.25 per hour beginning on January 1, 2021, and a minimum wage in the amount of \$8.25 per hour beginning on January 1, 2022. The State of Mississippi shall have a minimum wage for tipped employees in the amount of \$5.00 per hour beginning January 1, 2020, a minimum wage for tipped employees in the amount of \$6.00 per hour beginning on January 1, 2021, and a minimum wage for tipped employees in the amount of \$7.00 per hour beginning on January 1, 2022. On January 1 of each year, each minimum wage shall be increased by a percentage equal to the inflation rate calculated by the United States Inflation Rate Calculator.

SECTION 3. Section 23-15-351, Mississippi Code of 1972, is amended as follows:

23-15-351. It shall be the duty of the chair of the election commission of each county to have printed all necessary ballots for use in elections, except ballots in municipal elections which shall be printed as herein provided by the authorities of the



98 respective municipalities; and the election commissioner shall
99 cause the official ballot to be printed by a printer sworn to keep
100 the ballots secret under the penalties prescribed by law. The
101 printer shall deliver to the election commissioners for holding
102 elections, a certificate of the number of ballots printed for each
103 precinct, and shall not print any additional ballots, except on
104 instruction of proper election commissioners; and failure to
105 observe either of these requirements shall be a misdemeanor.

106 In the case of the statewide special election to determine
107 the state minimum wage, the provisions of this article regarding
108 the printing and distribution of the official ballots shall be
109 governed by the provisions of Section 1(2) of this act.

110 **SECTION 4.** Section 23-15-355, Mississippi Code of 1972, is
111 amended as follows:

112 23-15-355. Ballots in all elections shall be printed and
113 distributed at public expense and shall be known as "official
114 ballots." The expense of printing the ballots shall be paid out
115 of the county treasury, except that in municipal elections such
116 expenses shall be paid by the respective cities, towns and
117 villages. In the case of the statewide special election to
118 determine the state minimum wage, the provisions of this article
119 regarding the payment of the expenses of printing the official
120 ballots shall be governed by the provisions of Section 1(2) of
121 this act.



122 **SECTION 5.** Section 23-15-805, Mississippi Code of 1972, is
123 amended as follows:

124 23-15-805. (a) Candidates for state, state district, and
125 legislative district offices, and every political committee, which
126 makes reportable contributions to or expenditures in support of or
127 in opposition to a candidate for any such office or makes
128 reportable contributions to or expenditures in support of or in
129 opposition to a statewide ballot measure, shall file all reports
130 required under this article with the Office of the Secretary of
131 State.

132 (b) Candidates for county or county district office, and
133 every political committee which makes reportable contributions to
134 or expenditures in support of or in opposition to a candidate for
135 such office or makes reportable contributions to or expenditures
136 in support of or in opposition to a countywide ballot measure or a
137 ballot measure affecting part of a county, excepting a municipal
138 ballot measure, shall file all reports required by this section in
139 the office of the circuit clerk of the county in which the
140 election occurs, or directly to the Office of the Secretary of
141 State via facsimile, electronic mail, postal mail or hand
142 delivery. The circuit clerk shall forward copies of all reports
143 to the Office of the Secretary of State.

144 (c) Candidates for municipal office, and every political
145 committee which makes reportable contributions to or expenditures
146 in support of or in opposition to a candidate for such office, or



147 makes reportable contributions to or expenditures in support of or
148 in opposition to a municipal ballot measure shall file all reports
149 required by this article in the office of the municipal clerk of
150 the municipality in which the election occurs, or directly to the
151 Office of the Secretary of State via facsimile, electronic mail,
152 postal mail or hand delivery. The municipal clerk shall forward
153 copies of all reports to the Office of the Secretary of State.

154 (d) The Secretary of State, the circuit clerks and the
155 municipal clerks shall make all reports received under this
156 subsection available for public inspection and copying and shall
157 preserve the reports for a period of five (5) years.

158 (e) The provisions of this section applicable to the
159 reporting by a political committee of contributions and
160 expenditures regarding statewide ballot measures shall apply to
161 the statewide special election for the purpose of determining the
162 state minimum wage.

163 **SECTION 6.** The Secretary of State, the circuit clerks of
164 each county and the election commissioners of each county are
165 authorized to take any necessary actions to prepare the official
166 ballots for the statewide special election for the effectuation of
167 Sections 1 through 5 of this act. If Sections 1 through 5 of this
168 act are not effectuated, the State of Mississippi shall be
169 responsible for payment of expenses incurred by those officials in
170 taking such actions to the same extent as if Sections 1 through 5
171 of this act had been effectuated.



172 **SECTION 7.** This act shall take effect and be in force from
173 and after July 1, 2019.

