

By: Senator(s) Blount, Jackson, Simmons
(12th), Hickman, Frazier, Norwood, Turner-
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To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2637

1 AN ACT TO PROVIDE PROCEDURES BY WHICH QUALIFIED ELECTORS OF
2 THIS STATE MAY INITIATE PROPOSED AMENDMENTS TO THE MISSISSIPPI
3 CODE OF 1972, TO BE APPROVED BY THE ELECTORATE AT THE NEXT
4 STATEWIDE GENERAL ELECTION; TO PROVIDE FOR THE MANNER AND TIME FOR
5 FILING INITIATIVE PETITIONS WITH THE SECRETARY OF STATE; TO
6 PRESCRIBE THE DUTIES AND POWERS OF THE SECRETARY OF STATE WITH
7 REGARD TO RECEIVING, FILING AND CERTIFYING INITIATIVE MEASURES AND
8 PETITIONS; TO PRESCRIBE THE FORM OF INITIATIVE PETITIONS AND THE
9 FORMS OF SUCH MEASURES FOR THE BALLOTS; TO AUTHORIZE APPEALS FROM
10 ADVERSE FINDINGS OF THE SECRETARY OF STATE REGARDING INITIATIVE
11 MEASURES AND PETITIONS; TO PROVIDE CRIMINAL PENALTIES FOR CERTAIN
12 CONDUCT PRESCRIBED AS UNLAWFUL UNDER THE PROVISIONS OF THIS ACT;
13 AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) For purposes of this chapter, the following
16 term shall have the meaning ascribed herein:

17 "Measure" means an amendment to the General Laws of
18 Mississippi to be codified in the Mississippi Code of 1972
19 proposed by a petition of qualified electors.

20 (2) If any qualified elector of the state desires to
21 initiate a proposed amendment to the general laws of this state,
22 the qualified elector shall first file with the Secretary of State
23 a typewritten copy of the proposed initiative measure, accompanied



24 by an affidavit that the sponsor is a qualified elector of this
25 state.

26 (3) The sponsor of an initiative shall identify in the text
27 of the initiative the amount and source of revenue required to
28 implement the initiative. If the initiative requires a reduction
29 in any source of government revenue, or a reallocation of funding
30 from currently funded programs, the sponsor shall identify in the
31 text of the initiative the program or programs whose funding must
32 be reduced or eliminated to implement the initiative.

33 **SECTION 2.** A petition is valid for a period of twelve (12)
34 months.

35 **SECTION 3.** Upon receipt of any proposed initiative measure,
36 the Secretary of State shall submit a copy of the proposed measure
37 to the Attorney General and give notice to the person filing the
38 proposed measure of such transmittal. Upon receipt of the
39 measure, the Attorney General may confer with the person filing
40 the proposed measure and shall within ten (10) working days from
41 receipt thereof review the proposal for matters of form and style,
42 and such matters of substantive import as may be agreeable to the
43 person filing the proposed measure, and shall recommend such
44 revision or alteration of the measure as may be deemed necessary
45 and appropriate. The recommendations of the Attorney General
46 shall be advisory only, and the person filing the proposed measure
47 may accept or reject them in whole or in part. The Attorney
48 General shall issue a certificate of review certifying that he has



49 reviewed the measure for form and style and that the
50 recommendations thereon, if any, have been communicated to the
51 person filing the proposed measure, and such certificate shall
52 issue whether or not the person filing the proposed measure
53 accepts such recommendations. Within fifteen (15) working days
54 after notification of submittal of the proposed initiative measure
55 to the Attorney General, the person filing the proposed measure,
56 if he desires to proceed with his sponsorship, shall file the
57 measure together with the certificate of review with the Secretary
58 of State for assignment of a serial number and the Secretary of
59 State shall thereupon submit to the Attorney General a certified
60 copy of the measure filed. Upon submitting the proposal to the
61 Secretary of State for assignment of a serial number the Secretary
62 of State shall refuse to make such assignment unless the proposal
63 is accompanied by a certificate of review.

64 **SECTION 4.** The Secretary of State shall give a serial number
65 to each initiative measure, and forthwith transmit one (1) copy of
66 the measure proposed bearing its serial number to the Attorney
67 General. Thereafter, a measure shall be known and designated on
68 all petitions, ballots and proceedings as "Initiative Measure No.
69 ____."

70 **SECTION 5.** When an amendment to the Mississippi Code of 1972
71 is proposed to the qualified electors of the state under this
72 chapter, the Secretary of State, with the approval of the Attorney
73 General, may make a nonsubstantive clerical or technical



74 correction in the section number reference or designation of the
75 proposed amendment contained in an initiative measure, as may be
76 appropriate or necessary in order to prevent the use of an
77 existing section number or the possibility of the initiative being
78 declared invalid only because of an error in the section number
79 designation. Such a correction may be made at any time after the
80 Attorney General's certificate of review with regard to the
81 initiative measure has been issued, and before the ballot for the
82 initiative measure is printed. The provisions of this section do
83 not authorize the Secretary of State to make any change other than
84 a nonsubstantive correction in the section number reference or
85 designation of the proposed amendment contained in the initiative
86 measure.

87 **SECTION 6.** Within seven (7) calendar days after the receipt
88 of an initiative measure, the Attorney General shall formulate and
89 transmit to the Secretary of State a concise statement posed as a
90 question and not to exceed twenty (20) words, bearing the serial
91 number of the measure and a summary of the measure, not to exceed
92 seventy-five (75) words, to follow the statement. The statement
93 shall give a true and impartial statement of the purpose of the
94 measure. Neither the statement nor the summary may intentionally
95 be an argument, nor likely to create prejudice, either for or
96 against the measure. Such concise statement shall constitute the
97 ballot title. The ballot title formulated by the Attorney General
98 shall be the ballot title of the measure unless changed on appeal.



99 When practicable, the question posed by the ballot title shall be
100 written in such a way that an affirmative answer to such question
101 and an affirmative vote on the measure would result in a change in
102 then current law, and a negative answer to the question and a
103 negative vote on the measure would result in no change to then
104 current law.

105 **SECTION 7.** Upon the filing of the ballot title and summary
106 for an initiative measure in his office, the Secretary of State
107 shall forthwith notify by certified mail return receipt requested,
108 the person proposing the measure and any other individuals who
109 have made written request for such notification of the exact
110 language of the ballot title. The Secretary of State shall
111 publish the title and summary for an initiative measure within ten
112 (10) days after filing such title and summary in a newspaper or
113 newspapers of general circulation throughout the State of
114 Mississippi.

115 **SECTION 8.** If any person is dissatisfied with the ballot
116 title or summary formulated by the Attorney General, he or she
117 may, within five (5) days from the publications of the ballot
118 title and summary by the Office of the Secretary of State, appeal
119 to the Circuit Court of the First Judicial District of Hinds
120 County, Mississippi, by petition setting forth the measure, the
121 title or summary formulated by the Attorney General, and his or
122 her objections to the ballot title or summary and requesting
123 amendment of the title or summary by the court.



124 A copy of the petition on appeal together with a notice that
125 an appeal has been taken shall be served upon the Secretary of
126 State, upon the Attorney General and upon the person proposing the
127 measure if the appeal is initiated by someone other than that
128 person. Upon the filing of the petition on appeal or at the time
129 to which the hearing may be adjourned by consent of the appellant,
130 the court shall accord first priority to examining the proposed
131 measure, the title or summary prepared by the Attorney General and
132 the objections to that title or summary. The court may hear
133 arguments, and, within ten (10) days, shall render its decision
134 and file with the Secretary of State a certified copy of such
135 ballot title or summary as it determines will meet the
136 requirements of Section 6 of this act. The decision of the court
137 shall be final.

138 **SECTION 9.** When the ballot title and summary are finally
139 established, the Secretary of State shall file the instrument
140 establishing it with the proposed measure and transmit a copy
141 thereof by certified mail return receipt requested, to the person
142 proposing the measure and to any other individuals who have made
143 written request for such notification. Thereafter such ballot
144 title shall be the title of the measure in all petitions, ballots
145 and other proceedings in relation thereto. The summary shall
146 appear on all petitions directly following the ballot title.

147 **SECTION 10.** (1) The person proposing an initiative measure
148 shall print blank petitions upon single sheets of paper. Each



149 sheet shall have a full, true and correct copy of the proposed
150 measure referred to therein printed on the reverse side of the
151 petition or attached thereto.

152 (2) Only a person who is a qualified elector of this state
153 may circulate a petition or obtain signatures on a petition.

154 **SECTION 11.** The Secretary of State shall design the form
155 each sheet of which shall contain the following:

156 **"WARNING**

157 **EVERY PERSON WHO SIGNS THIS PETITION WITH ANY OTHER THAN HIS**
158 **OR HER TRUE NAME, KNOWINGLY SIGNS MORE THAN ONE (1) OF THESE**
159 **PETITIONS RELATING TO THE SAME INITIATIVE MEASURE, SIGNS THIS**
160 **PETITION WHEN HE OR SHE IS NOT A QUALIFIED ELECTOR OR MAKES ANY**
161 **FALSE STATEMENT ON THIS PETITION MAY BE PUNISHED BY FINE,**
162 **IMPRISONMENT, OR BOTH.**

163 **PETITION FOR INITIATIVE MEASURE**

164 To the Honorable _____, Secretary of State of
165 the State of Mississippi:

166 We, the undersigned citizens and qualified electors of the
167 State of Mississippi, respectfully direct that this petition and
168 the proposed measure known as Initiative Measure No. _____,
169 entitled (here insert the established ballot title of the
170 measure), a full, true and correct copy of which is printed or
171 attached on the reverse side of this petition, be submitted to
172 the electors during the next statewide election; and each of us
173 for himself or herself says: I have personally signed this



174 petition, I am a qualified elector of the State of Mississippi in
175 the city (or town), county and congressional district written
176 after my name, my residence address is correctly stated and I have
177 knowingly signed this petition only once."

178 Each sheet shall also provide adequate space for the
179 following information: Petitioner's signature; print name for
180 positive identification; residence address, street and number, if
181 any; city or town; county; precinct; and congressional district.

182 **SECTION 12.** The Secretary of State shall certify the
183 signatures of qualified electors of that county and shall state
184 the total number of qualified electors signing the petition. The
185 Secretary of State may not receive any fee, salary or compensation
186 from any private person or private legal entity for the clerk's
187 duties in certifying an initiative petition. The person proposing
188 any initiative measure must secure upon the petition a number of
189 signatures of qualified electors equal to or exceeding at least
190 twelve percent (12%) of the votes for all candidates for Governor
191 in the last gubernatorial election. The Secretary of State shall
192 collect a fee of Five Hundred Dollars (\$500.00) from the person
193 filing the petition to pay part of the administrative and
194 publication costs.

195 **SECTION 13.** The Secretary of State shall refuse to file any
196 initiative petition being submitted upon any of the following
197 grounds:



198 (a) That the petition is not in the form required by
199 Section 11 of this act;

200 (b) That the petition clearly bears insufficient
201 signatures;

202 (c) That one or more signatures appearing on the
203 petition were obtained in violation of Section 10, Section 26(2)
204 or Section 26(3) of this act;

205 (d) That the petition is not accompanied by the filing
206 fee provided for in Section 12 of this act; or

207 (e) That the petition is submitted less than ninety
208 (90) days before a statewide general election.

209 If an otherwise sufficient petition is submitted less than
210 ninety (90) days before a statewide general election, the
211 Secretary of State shall retain the petition and shall place the
212 initiative measure on the ballot for the next statewide general
213 election occurring after the upcoming statewide general election.

214 In case of such refusal, the Secretary of State shall endorse
215 on the petition the word "submitted" and the date, and retain the
216 petition pending appeal.

217 If none of the grounds for refusal exists, the Secretary of
218 State shall accept and file the petition.

219 **SECTION 14.** If the Secretary of State refuses to file an
220 initiative petition when submitted to him for filing, the person
221 submitting it for filing, within ten (10) days after his refusal,
222 may apply to the Supreme Court for an order requiring the



223 Secretary of State to bring the petition before the court and for
224 a writ of mandamus to compel him to file it. The application
225 shall be considered an emergency matter of public concern and
226 shall be heard and determined with all convenient speed. If the
227 Supreme Court decides that the petition is legal in form,
228 apparently contains the requisite number of signatures of
229 qualified electors, was filed within the time prescribed in the
230 Constitution and was accompanied with the proper filing fee, it
231 shall issue its mandate directing the Secretary of State to file
232 the petition in his office as of the date of submission.

233 **SECTION 15.** Each measure submitted to the people for
234 approval or rejection shall be so printed on the ballot, under the
235 proper heading, that a voter can, by making one (1) choice,
236 express his approval or rejection of such measure. Substantially
237 the following form shall be in compliance with this section:

238 INITIATIVE MEASURE NO. _____

239 (Here insert the ballot title of the measure.)

240 YES ()

241 NO ()

242 **SECTION 16.** No more than five (5) initiative proposals shall
243 be submitted to the voters on a single ballot, and the first five
244 (5) initiative proposals submitted to the Secretary of State with
245 sufficient petitions shall be the proposals which are submitted to
246 the voters. The Secretary of State shall retain any otherwise
247 sufficient petitions beyond five (5) and shall place them, in the



248 chronological order in which they were submitted, on the ballot
249 for the next statewide general election occurring after the
250 upcoming statewide general election.

251 **SECTION 17.** (1) Except as provided in subsection (2) of
252 this section, an initiative shall require a majority vote of the
253 people in favor of the initiative to be effective.

254 (2) If the initiative modifies, adds, deletes or repeals any
255 statutory language providing for the levying of taxes or exemption
256 of property from state taxes or taxes of any subdivision thereof,
257 or imposing the issuance of licenses, or requiring the borrowing
258 of money, issuing of bonds, notes, or other evidence of debt, then
259 the initiative shall require a three-fifths (3/5) vote of the
260 people in favor of the initiative to be successful.

261 (3) An initiative approved by the electors shall take effect
262 thirty (30) days from the date of the official declaration of the
263 vote by the Secretary of State, unless the measure provides
264 otherwise.

265 **SECTION 18.** (1) If any amendment measure proposed by
266 initiative petition under this act is rejected by the qualified
267 electors voting thereon, no initiative petition proposing the
268 same, or substantially the same, amendment shall be submitted to
269 the electors for at least two (2) years after the date of the
270 election on such amendment without a two-thirds (2/3) vote of the
271 Legislature and approved by the Governor.



272 (2) No initiative approved by the electors may be amended by
273 the Legislature for two (2) years after the date of the election
274 on such amendment. Such an amendment shall require a two-thirds
275 (2/3) vote of both houses of the Legislature.

276 **SECTION 19.** (1) A pamphlet containing a copy of all
277 initiative measures and legislative alternatives, including the
278 ballot title and ballot summary, arguments or explanations for and
279 against each measure and alternative and the fiscal analysis
280 prepared by the Chief Legislative Budget Officer shall be compiled
281 by the Secretary of State. The sponsor may prepare the argument
282 or explanation on the measure. If the sponsor does not prepare
283 the argument or explanation, then the Secretary of State shall do
284 so. Each argument or explanation shall not exceed three hundred
285 (300) words. The Secretary of State shall publish the ballot
286 title, ballot summary, full text of each measure and arguments or
287 explanations for and against each measure and alternative once a
288 week for three (3) consecutive weeks immediately preceding the
289 election in at least one (1) newspaper of general circulation in
290 each county of the state. The costs of such printing and
291 publication shall be borne by the Secretary of State from funds
292 appropriated by the Legislature.

293 (2) The Secretary of State shall conduct at least one (1)
294 public hearing in each congressional district on each measure to
295 be placed on the ballot and shall give public notice thereof at
296 least thirty (30) days before a hearing.



297 **SECTION 20.** For the purposes of Sections 21 through 27 of
298 this act, the following terms shall have the meanings ascribed to
299 them in this section:

300 (a) "Contribution" means any gift, subscription, loan,
301 advance, money or anything of value made by a person or political
302 committee for the purpose of influencing the passage or defeat of
303 a measure on the ballot, for the purpose of obtaining signatures
304 for the proposed ballot measures and attempting to place the
305 proposed measure on the ballot, and for the purpose of opposing
306 efforts to place a proposed measure on the ballot; but does not
307 include noncompensated, nonreimbursed volunteer personal services.

308 (b) "Person" means any individual, family, firm,
309 corporation, partnership, association or other legal entity.

310 (c) "Political committee" means any person, other than
311 an individual, who receives contributions or makes expenditures
312 for the purpose of influencing the passage or defeat of a measure
313 on the ballot.

314 (d) "Expenditure" means any purchase, payment,
315 distribution, loan, advance, deposit, gift of money or anything of
316 value, made by any person or political committee for the purpose
317 of influencing any balloted measure, for the purpose of obtaining
318 signatures for a proposed ballot measure and attempting to place
319 the proposed measure on the ballot, and for the purpose of
320 opposing efforts to place a proposed measure on the ballot.



321 **SECTION 21.** (1) Each political committee shall file with
322 the Secretary of State a statement of organization no later than
323 ten (10) days after receipt of contributions aggregating in excess
324 of Two Hundred Dollars (\$200.00), or no later than ten (10) days
325 after having made expenditures aggregating in excess of Two
326 Hundred Dollars (\$200.00).

327 (2) The statement of organization of a political committee
328 must include:

329 (a) The name and address of the committee and all
330 officers;

331 (b) Designation of a director of the committee and a
332 custodian of books and accounts of the committee, who shall be
333 designated treasurer; and

334 (c) A brief statement identifying the measure that the
335 committee seeks to pass or defeat.

336 Any change in information previously submitted in a statement
337 of organization shall be reported and filed within ten (10) days.

338 **SECTION 22.** (1) A political committee that either receives
339 contributions or makes expenditures in excess of Two Hundred
340 Dollars (\$200.00) shall file financial reports with the Secretary
341 of State.

342 (2) An individual person who on his or her own behalf
343 expends in excess of Two Hundred Dollars (\$200.00) for the purpose
344 of influencing the passage or defeat of a measure shall file
345 financial reports with the Secretary of State.



346 (3) The financial reports required in this section shall be
347 filed monthly, not later than the tenth day of the month following
348 the month being reported, after a political committee or an
349 individual exceeds the contribution or expenditure limits.
350 Financial reports must continue to be filed until all
351 contributions and expenditures cease. In all cases a financial
352 report shall be filed thirty (30) days following the election on a
353 measure.

354 (4) Any person, who violates the provisions of this section,
355 shall be subject to a fine as provided in Section 23-15-813.

356 **SECTION 23.** A financial report of a political committee, or
357 an individual person, as required by Section 23 of this act, shall
358 contain the following information:

359 (a) The name, address and telephone number of the
360 committee or individual person filing the statement.

361 (b) For a political committee:

362 (i) The total amount of contributions received
363 during the period covered by the financial report;

364 (ii) The total amount of expenditures made during
365 the period covered by the financial report;

366 (iii) The cumulative amount of those totals for
367 each measure;

368 (iv) The balance of cash and cash equivalents on
369 hand at the beginning and the end of the period covered by the
370 financial report;



371 (v) The total amount of contributions received
372 during the period covered by the financial report from persons who
373 contributed Two Hundred Dollars (\$200.00) or less, and the
374 cumulative amount of that total for each measure;

375 (vi) The total amount of contributions received
376 during the period covered by the financial report from persons who
377 contributed Two Hundred Dollars (\$200.00) or more, and the
378 cumulative amount of that total for each measure; and

379 (vii) The name and street address of each person
380 from whom a contribution(s) exceeding Two Hundred Dollars
381 (\$200.00) was received during the period covered by the financial
382 report, together with the amount contributed, the date of receipt,
383 and the cumulative amount contributed by that person for each
384 measure.

385 (c) For an individual person:

386 (i) The total amount of expenditures made during
387 the period covered by the financial report;

388 (ii) The cumulative amount of that total for each
389 measure; and

390 (iii) The name and street address of each person
391 to whom expenditures totaling Two Hundred Dollars (\$200.00) or
392 more were made, together with the amount of each separate
393 expenditure to each person during the period covered by the
394 financial report and the purpose of the expenditure.



395 (iv) The total amount of contributions received
396 during the period covered by the financial report, the cumulative
397 amount of that total for each measure, and the name and street
398 address of each person who contributed more than Two Hundred
399 Dollars (\$200.00) and the amount contributed.

400 **SECTION 24.** It is unlawful for any person to distribute or
401 post material in support of or in opposition to a measure within
402 one hundred fifty (150) feet of any entrance to a polling place
403 where the election is held.

404 **SECTION 25.** (1) It is unlawful for a person to give or
405 offer any consideration to an elector to induce the elector to
406 vote for or against a measure.

407 (2) It is unlawful for a person to give or offer any
408 consideration to an elector to induce the elector to sign or not
409 sign a petition for a measure.

410 (3) It is unlawful for any person who pays or compensates
411 another person for circulating a petition or for obtaining
412 signatures on a petition to base the pay or compensation on the
413 number of petitions circulated or the number of signatures
414 obtained.

415 (4) It is unlawful for any person to solicit signatures on
416 any petition under this chapter within one hundred fifty (150)
417 feet of any polling place on any election day.

418 (5) It is unlawful for any person who circulates or causes
419 to be circulated an initiative petition to obtain or attempt to



420 obtain a person's signature (a) by intentionally misleading such
421 person as to the substance or effect of the petition, or (b) by
422 intentionally causing such person to be misled as to the substance
423 or effect of the petition.

424 **SECTION 26.** It is unlawful for a person to interfere with or
425 influence the vote of an elector on a measure by means of
426 violence, threats, intimidation, enforcing the payment of a debt,
427 bringing a suit or criminal prosecution, any threat or action
428 affecting a person's conditions of employment or other corrupt
429 means.

430 **SECTION 27.** Any person who alleges that his or her signature
431 on an initiative petition was obtained as the result of fraud or
432 coercion, or that the person was intentionally misled as to the
433 substance or effect of the petition, may have his or her signature
434 removed from the initiative petition upon filing an affidavit to
435 such effect with the Secretary of State anytime before the
436 Secretary of State has accepted and filed the petition under
437 Section 13 of this act.

438 **SECTION 28.** Any violation of Sections 22 through 27 of this
439 act is punishable by imprisonment in the county jail for not more
440 than one (1) year, or by a fine not to exceed One Thousand Dollars
441 (\$1,000.00), or by both such fine and imprisonment.

442 **SECTION 29.** This act shall take effect and be in force from
443 and after the date Senate Concurrent Resolution No. ____, 2023



444 Regular Session, proposing an amendment to Section 33 of the
445 Mississippi Constitution of 1890, is approved by the voters.

