

By: Senator(s) Parker

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2770

1 AN ACT TO AMEND SECTIONS 23-17-1, 23-17-5, 23-17-8, 23-17-9,  
2 23-17-11, 23-17-17, 23-17-19, 23-17-21, 23-17-29, 23-17-35,  
3 23-17-39, 23-17-42, 23-17-43 AND 23-17-45, MISSISSIPPI CODE OF  
4 1972, TO REVISE THE INITIATIVE MEASURE PROCESS TO PROVIDE THAT  
5 AMENDMENTS TO THE MISSISSIPPI CONSTITUTION MAY ONLY BE PROPOSED BY  
6 THE LEGISLATURE, BUT THAT THE PEOPLE SHALL HAVE THE RIGHT TO  
7 PROPOSE NEW LAWS AND TO AMEND OR REPEAL EXISTING LAWS BY  
8 INITIATIVE, AND TO APPROVE OR REJECT THE SAME IN AN ELECTION  
9 INDEPENDENT OF THE LEGISLATURE; TO CREATE NEW SECTION 23-17-4,  
10 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY OF STATE  
11 SHALL SUBMIT ANY PROPOSED INITIATIVE MEASURE THAT IT RECEIVES TO  
12 THE LEGISLATIVE BUDGET OFFICE FOR THE PREPARATION OF A FISCAL  
13 ANALYSIS; TO CREATE NEW SECTION 23-17-20, MISSISSIPPI CODE OF  
14 1972, TO PROVIDE THE DUTIES OF A PETITION CIRCULATOR; TO REPEAL  
15 SECTIONS 23-17-31, 23-17-33 AND 23-17-37, MISSISSIPPI CODE OF  
16 1972, WHICH PROVIDE FOR A LEGISLATIVE ALTERNATIVE TO AN INITIATIVE  
17 MEASURE; TO BRING FORWARD SECTIONS 23-17-3 AND 23-17-60,  
18 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
19 AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 23-17-1, Mississippi Code of 1972, is  
22 amended as follows:

23 23-17-1. (1) For purposes of this chapter, the following  
24 term shall have the meaning ascribed herein:

25 "Initiative measure" means \* \* \* a petition \* \* \* for  
26 legislation.



27 (2) If any qualified elector of the state desires to  
28 initiate a proposed \* \* \* initiative measure as authorized  
29 by \* \* \* Section \* \* \* 33 of the Mississippi Constitution of 1890,  
30 he or she shall first file with the Secretary of State a  
31 typewritten copy of the proposed initiative measure, which shall  
32 only contain a single subject, accompanied by an affidavit that  
33 the sponsor is a qualified elector of this state.

34 (3) The sponsor of \* \* \* the initiative measure shall  
35 identify in the text of the initiative the amount and source of  
36 revenue required to implement the initiative. If the initiative  
37 requires a reduction in any source of government revenue, or a  
38 reallocation of funding from currently funded programs, the  
39 sponsor shall identify in the text of the initiative the program  
40 or programs whose funding must be reduced or eliminated to  
41 implement the initiative. The funding source or mechanism to pay  
42 the cost of the provisions of the initiative shall not be the  
43 Capital Expense Fund or the Working Cash Stabilization Fund i.e.  
44 Rainy Day Fund.

45 (4) The Director of the Legislative Budget Office shall  
46 provide a separate fiscal analysis of the initiative measure,  
47 including the amount, source of revenue and reallocation of  
48 funding required by the initiative measure.

49 (5) If the text of the initiative measure does not include  
50 all the requirements of subsection (3) of this section, the  
51 Secretary of State shall inform the sponsor of the measure. The



52 sponsor shall have ten (10) working days from when notice was  
53 given to cure the defect.

54 ( \* \* \* 6) The person proposing the measure shall also  
55 include all the information required under Section \* \* \* 33,  
56 Mississippi Constitution of 1890.

57 **SECTION 2.** Section 23-17-3, Mississippi Code of 1972, is  
58 brought forward as follows:

59 23-17-3. The petition for a proposed initiative measure must  
60 be filed with the Secretary of State not less than ninety (90)  
61 days before the first day of the regular session of the  
62 Legislature at which it is to be submitted. A petition is valid  
63 for a period of twelve (12) months.

64 **SECTION 3.** The following shall be codified as Section  
65 23-17-4, Mississippi Code of 1972:

66 23-17-4. The Secretary of State shall submit a copy of the  
67 proposed initiative measure to the Director of the Legislative  
68 Budget Office and give notice to the person filing the proposed  
69 measure of such transmittal. Upon receipt of the measure, the  
70 Director of the Legislative Budget Office shall, within ten (10)  
71 working days from receipt of the measure, prepare a fiscal  
72 analysis of the proposed initiative measure. The analysis shall  
73 review and evaluate the accuracy of the amount and source of  
74 revenue potentially required to implement the initiative measure  
75 and provide any other pertinent information regarding the cost to  
76 taxpayers. If the initiative measure requires a reduction in any



77 source of government revenue, or a reallocation of funding from  
78 currently funded programs, the Director of the Legislative Budget  
79 Office shall determine whether any proposed reductions or  
80 eliminations are reasonably accurate. The analysis provided by  
81 the Director of the Legislative Budget Office shall be: (a)  
82 provided to the Secretary of State, (b) the analysis shall be  
83 posted on the Legislature's website for the public to review, and  
84 (c) the analysis shall be provided to the person filing the  
85 proposed initiative measure at the same time it is made available  
86 online.

87 **SECTION 4.** Section 23-17-5, Mississippi Code of 1972, is  
88 amended as follows:

89 23-17-5. Upon receipt of \* \* \* the fiscal analysis from the  
90 State Budget Office, the Secretary of State shall submit a copy of  
91 the proposed initiative measure, with the fiscal analysis, to the  
92 Attorney General and give notice to the person filing the proposed  
93 initiative measure of such transmittal. Upon receipt of the  
94 initiative measure, the Attorney General may confer with the  
95 person filing the proposed measure and shall, within ten (10)  
96 working days from receipt \* \* \*, review the proposal for matters  
97 of form and style, and such matters of substantive import as may  
98 be agreeable to the person filing the proposed initiative measure,  
99 and shall recommend such revision or alteration of the initiative  
100 measure as may be deemed necessary and appropriate, including  
101 enforcing the requirement that the initiative only contain a



102 single subject. Except for the single-subject rule, the  
103 recommendations of the Attorney General shall be advisory only,  
104 and the person filing the proposed initiative measure may accept  
105 or reject them in whole or in part. If any recommendations of the  
106 Attorney General have not been accepted by the person filing the  
107 proposed measure, the ballot summary may be accompanied by a  
108 statement that reads: "The form and style of this proposal is not  
109 approved by the Attorney General of Mississippi." The Attorney  
110 General shall issue a Certificate of Review certifying that he or  
111 she has reviewed the initiative measure for form and style and  
112 that the recommendations thereon, if any, have been communicated  
113 to the person filing the proposed initiative measure, and such  
114 certificate shall issue whether or not the person filing the  
115 proposed initiative measure accepts such recommendations. Within  
116 fifteen (15) working days after notification of submittal of the  
117 proposed initiative measure to the Attorney General, the person  
118 filing the proposed measure, if he desires to proceed with his  
119 sponsorship, shall file the measure together with the Certificate  
120 of Review with the Secretary of State for assignment of a serial  
121 number and the Secretary of State shall thereupon submit to the  
122 Attorney General a certified copy of the measure filed. Upon  
123 submitting the proposal to the Secretary of State for assignment  
124 of a serial number the Secretary of State shall refuse to make  
125 such assignment unless the proposal is accompanied by a  
126 Certificate of Review.



127           **SECTION 5.** Section 23-17-8, Mississippi Code of 1972, is  
128 amended as follows:

129           23-17-8. When an \* \* \* initiative measure is proposed \* \* \*  
130 under the voter initiative procedure set forth in Section 23-17-1  
131 et seq., the Secretary of State, with the approval of the Attorney  
132 General, may make a nonsubstantive clerical or technical  
133 correction in the section number reference or designation of the  
134 proposed amendment contained in an initiative measure, as may be  
135 appropriate or necessary in order to prevent the use of an  
136 existing section number or the possibility of the initiative being  
137 declared invalid only because of an error in the section number  
138 designation. Such a correction may be made at any time after the  
139 Attorney General's Certificate of Review with regard to the  
140 initiative measure has been issued \* \* \* and before the ballot for  
141 the initiative measure is printed. The provisions of this section  
142 do not authorize the Secretary of State to make any change other  
143 than a nonsubstantive correction in the section number reference  
144 or designation of the proposed \* \* \* initiative measure.

145           **SECTION 6.** Section 23-17-9, Mississippi Code of 1972, is  
146 amended as follows:

147           23-17-9. (1) Within seven (7) calendar days after the  
148 receipt of an initiative measure, the Attorney General shall  
149 formulate and transmit to the \* \* \* State Board of Election  
150 Commissioners a concise statement posed as a question and not to  
151 exceed twenty (20) words, bearing the serial number of the



152 initiative measure and a summary of the measure, not to exceed  
153 seventy-five (75) words, to follow the statement. The statement  
154 shall give a true and impartial statement of the purpose of the  
155 initiative measure. Neither the statement nor the summary may  
156 intentionally be an argument, nor likely to create prejudice,  
157 either for or against the measure. Such concise statement shall  
158 constitute the ballot title. The State Board of Election  
159 Commissioners shall convene within thirty (30) calendar days from  
160 receipt of the ballot title and summary from the Attorney General.  
161 The board shall review the submitted ballot title and summary and  
162 provide recommendations for the Attorney General. The board's  
163 recommendations shall be advisory only. The Attorney General  
164 shall also transmit the submitted ballot title and summary to the  
165 Secretary of State.

166       (2) The ballot title formulated by the Attorney General  
167 shall be the ballot title of the measure unless changed on appeal.  
168 When practicable, the question posed by the ballot title shall be  
169 written in such a way that an affirmative answer to such question  
170 and an affirmative vote on the measure would result in a change in  
171 then-current law, and a negative answer to the question and a  
172 negative vote on the measure would result in no change to then  
173 current law.

174       (3) The ballot summary shall be followed by a fiscal  
175 analysis, not to exceed fifty (50) words, indicating the amount,  
176 source of revenue and reallocation of funding potentially required



177 by the initiative measure, as provided by the Legislative Budget  
178 Office.

179 **SECTION 7.** Section 23-17-11, Mississippi Code of 1972, is  
180 amended as follows:

181 23-17-11. Upon the filing of the ballot title and summary  
182 for an initiative measure in his or her office, the Secretary of  
183 State shall forthwith notify by certified mail return receipt  
184 requested, the person proposing the measure and any other  
185 individuals who have made written request for such notification of  
186 the exact language of the ballot title. The Secretary of State  
187 shall publish the title and summary for an initiative measure  
188 within ten (10) working days after filing such title and summary  
189 in a newspaper or newspapers of general circulation throughout the  
190 State of Mississippi. The title and summary shall also be posted  
191 on the Secretary of State's website and other appropriate  
192 electronic forums that are easily accessible by the public.

193 **SECTION 8.** Section 23-17-17, Mississippi Code of 1972, is  
194 amended as follows:

195 23-17-17. \* \* \* The person proposing an initiative measure  
196 shall print blank petitions upon single sheets of paper of good  
197 writing quality not less than eight and one-half (8-1/2) inches in  
198 width and not less than fourteen (14) inches in length. Each  
199 sheet shall have a full, true and correct copy of the proposed  
200 measure referred to therein printed on the reverse side of the  
201 petition or attached thereto.





202 \* \* \*

203 **SECTION 9.** Section 23-17-19, Mississippi Code of 1972, is  
204 amended as follows:

205 23-17-19. (1) The Secretary of State shall design the form.  
206 Each sheet of which shall contain the following:

207 **"WARNING**

208 **EVERY PERSON WHO SIGNS THIS PETITION WITH ANY OTHER THAN HIS**  
209 **OR HER TRUE NAME, KNOWINGLY SIGNS MORE THAN ONE OF THESE PETITIONS**  
210 **RELATING TO THE SAME INITIATIVE MEASURE, SIGNS THIS PETITION WHEN**  
211 **HE OR SHE IS NOT A QUALIFIED ELECTOR OR MAKES ANY FALSE STATEMENT**  
212 **ON THIS PETITION MAY BE PUNISHED BY FINE, IMPRISONMENT, OR BOTH.**

213 **PETITION FOR INITIATIVE MEASURE**

214 To the Honorable \_\_\_\_\_, Secretary of State of  
215 the State of Mississippi:

216 We, the undersigned citizens and qualified electors of the  
217 State of Mississippi, respectfully direct that this petition and  
218 the proposed measure known as Initiative Measure No. \_\_\_\_\_,  
219 entitled (here insert the established ballot title of the  
220 measure), a full, true and correct copy of which is printed or  
221 attached on the reverse side of this petition, be transmitted to  
222 the Legislature of the State of Mississippi at its next ensuing  
223 regular session, and we respectfully petition the Legislature to  
224 adopt the proposed measure; and each of us for himself or herself  
225 says: I have personally signed this petition, I am a qualified  
226 elector of the State of Mississippi in the city (or town), county



227 and congressional district written after my name, my residence  
228 address is correctly stated and I have knowingly signed this  
229 petition only once."

230 (2) Each sheet shall also provide adequate space for the  
231 following information: Petitioner's signature; print name for  
232 positive identification; residence address, street and number, if  
233 any; city or town; county; precinct; and congressional district.

234 (3) Each petition under this section must provide at the top  
235 of the page check boxes and statements printed in twelve-point  
236 type to clearly indicate whether the circulator of the petition is  
237 a paid circulator or a volunteer circulator.

238 **SECTION 10.** The following shall be codified as Section  
239 23-17-20, Mississippi Code of 1972:

240 23-17-20. (1) Before gathering signatures, each petition  
241 circulator must register with the Secretary of State. A petition  
242 circulator must:

243 (a) Be eighteen (18) years or older;

244 (b) Be a legal resident of the State of Mississippi;

245 and

246 (c) Sign an affidavit in front of a public notary  
247 attesting, under penalty of perjury, to meeting the qualifications  
248 of a petition circulator outlined in this section and that he or  
249 she witnessed all signatures in front of a third-party witness and  
250 has no reasonable cause to believe any submitted signature is  
251 fraudulent.



252 (2) (a) A circulator who is not to be paid for circulating  
253 a petition concerning a ballot issue shall display an  
254 identification badge that includes the words "VOLUNTEER  
255 CIRCULATOR" in bold-faced type that is clearly legible.

256 (b) A circulator who is to be paid for circulating a  
257 petition concerning a ballot issue shall display an identification  
258 badge that includes the words "PAID CIRCULATOR" in bold-faced type  
259 that is clearly legible and the name and telephone number of the  
260 individual employing the circulator.

261 (3) A petition circulator may not receive any fee, salary or  
262 other compensation based on the number of signatures he or she  
263 obtains.

264 (4) A person who willfully submits a fraudulent petition  
265 signature shall be guilty of a misdemeanor and, upon conviction,  
266 shall be subject to thirty (30) days in jail or a fine of Five  
267 Hundred Dollars (\$500.00) for each offense.

268 **SECTION 11.** Section 23-17-21, Mississippi Code of 1972, is  
269 amended as follows:

270 23-17-21. Before a person may file a petition with the  
271 Secretary of State, the petition must be certified by the circuit  
272 clerk of each county in which the petition was circulated. The  
273 circuit clerk shall certify the signatures of qualified electors  
274 of that county and shall state the total number of qualified  
275 electors signing the petition in that county. The circuit clerk  
276 shall verify the name of each qualified elector signing on each



277 petition. A circuit clerk may not receive any fee, salary or  
278 compensation from any private person or private legal entity,  
279 whether or not the entity is operated for profit, for the clerk's  
280 duties in certifying an initiative petition. When the person  
281 proposing any initiative measure has secured upon the petition a  
282 number of signatures of qualified electors equal to or exceeding  
283 the minimum number required by Section \* \* \* 33 of the Mississippi  
284 Constitution of 1890 for the proposed measure, and such signatures  
285 have been certified by the circuit clerks of the various counties,  
286 he may submit the petition to the Secretary of State for filing.  
287 The Secretary of State shall collect a fee of Five Hundred Dollars  
288 (\$500.00) from the person filing the petition to pay part of the  
289 administrative and publication costs.

290 **SECTION 12.** Section 23-17-29, Mississippi Code of 1972, is  
291 amended as follows:

292 23-17-29. The Secretary of State shall file with the Clerk  
293 of the House and the Secretary of the Senate on the first day of  
294 the regular legislative session the complete text of each  
295 initiative for which a petition has been certified and filed with  
296 him or her. \* \* \* The proposed certified initiative may be  
297 adopted \* \* \* by a majority vote of each house of the Legislature.  
298 If the initiative is adopted \* \* \* by the Legislature \* \* \* or if  
299 no action is taken within four (4) months of the date that the  
300 initiative is filed with the Legislature, the Secretary of State  
301 shall place the initiative on the ballot for the next statewide



302 general election. \* \* \* An initiative \* \* \* must receive \* \* \*  
303 not less than \* \* \* sixty percent (60%) of the total votes cast at  
304 the election at which the measure was submitted to be approved.  
305 If conflicting initiatives \* \* \* are approved at the same  
306 election, the initiative \* \* \* receiving the highest number of  
307 affirmative votes shall prevail.

308 **SECTION 13.** Section 23-17-35, Mississippi Code of 1972, is  
309 amended as follows:

310 23-17-35. \* \* \* Each initiative measure submitted to the  
311 people for approval or rejection shall be so printed on the  
312 ballot, under the proper heading, that a voter can, by making one  
313 (1) choice, express his or her approval or rejection of such  
314 measure. Substantially the following form shall be a compliance  
315 with this section:

316 INITIATIVE MEASURE NO. \_\_\_\_\_

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

318 YES . . . . . ( )

319 NO . . . . . ( )

320 **SECTION 14.** Section 23-17-39, Mississippi Code of 1972, is  
321 amended as follows:

322 23-17-39. No more than \* \* \* two (2) initiative proposals  
323 shall be submitted to the voters on a single ballot, and the  
324 first \* \* \* two (2) initiative proposals submitted to the  
325 Secretary of State with sufficient petitions shall be the  
326 proposals which are submitted to the voters.



327           **SECTION 15.** Section 23-17-42, Mississippi Code of 1972, is  
328 amended as follows:

329           23-17-42. When a proposed change, alteration or amendment  
330 proposed to the Constitution by \* \* \* the Legislature receives the  
331 required number of votes as provided in Section 273 \* \* \*,  
332 Mississippi Constitution of 1890, the Secretary of State shall  
333 insert the proposed change, alteration or amendment into the  
334 Constitution by proclamation of his or her office certifying that  
335 the proposed change, alteration or amendment to the Constitution  
336 received the required number of votes as provided in Section  
337 273 \* \* \*, Mississippi Constitution of 1890. The Secretary of  
338 State shall also designate the article number and section number  
339 or numbers for the proposed change, alteration or amendment in the  
340 Constitution if the article number and section number or numbers  
341 are not provided \* \* \*.

342           **SECTION 16.** Section 23-17-43, Mississippi Code of 1972, is  
343 amended as follows:

344           23-17-43. (1) When any new law or amendment or repeal of  
345 existing law submitted to the qualified electors by initiative  
346 measure as provided in Section 33, Mississippi Constitution of  
347 1890, is approved by not less than sixty percent (60%) of the  
348 qualified electors voting thereon, the Secretary of State shall  
349 insert the proposed law, amendment or repeal into the statutes by  
350 proclamation of his or her office certifying that the proposed  
351 law, amendment or repeal received the required number of votes as



352 provided in Section 33. The Secretary of State shall also  
353 designate the article number and section number or numbers for the  
354 proposed law, amendment or repeal if the article number and  
355 section number or numbers are not provided in the initiative  
356 measure.

357 (2) If any new law or amendment \* \* \* or repeal of existing  
358 law submitted to the qualified electors by initiative measure as  
359 provided in Section 33, Mississippi Constitution of 1890, is  
360 rejected by a majority of the qualified electors voting thereon,  
361 no initiative petition proposing the same, or substantially the  
362 same, amendment shall be submitted to the electors for at least  
363 two (2) years after the date of the election on such amendment.

364 **SECTION 17.** Section 23-17-45, Mississippi Code of 1972, is  
365 amended as follows:

366 23-17-45. (1) A pamphlet containing a copy of all  
367 initiative measures \* \* \*, including the ballot title and ballot  
368 summary, arguments or explanations for and against each  
369 measure \* \* \* and the fiscal analysis prepared by the \* \* \*  
370 Legislative Budget \* \* \* Office shall be compiled by the Secretary  
371 of State. The sponsor may prepare the argument or explanation on  
372 the measure. If the sponsor does not prepare the argument or  
373 explanation, then the Secretary of State shall do so. Each  
374 argument or explanation shall not exceed three hundred (300)  
375 words. The Secretary of State shall publish the ballot title,  
376 ballot summary, full text of each measure and arguments or



377 explanations for and against each measure \* \* \* once a week for  
378 three (3) consecutive weeks immediately preceding the election in  
379 at least one (1) newspaper of general circulation in each county  
380 of the state. The costs of such printing and publication shall be  
381 borne by the Secretary of State from funds appropriated by the  
382 Legislature.

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

387 **SECTION 18.** Section 23-17-60, Mississippi Code of 1972, is  
388 brought forward as follows:

389 23-17-60. Any person who alleges that his or her signature  
390 on an initiative petition was obtained as the result of fraud or  
391 coercion, or that the person was intentionally misled as to the  
392 substance or effect of the petition, may have his or her signature  
393 removed from the initiative petition upon filing an affidavit to  
394 such effect with the Secretary of State anytime before the  
395 Secretary of State has accepted and filed the petition under  
396 Section 23-17-23.

397 **SECTION 19.** Sections 23-17-31, 23-17-33 and 23-17-37,  
398 Mississippi Code of 1972, which provide for a legislative  
399 alternative to an initiative measure, are hereby repealed.

400 **SECTION 20.** This act shall take effect and be in force from  
401 and after January 1 in the year following the year in which the





402 Secretary of State certifies the passage of the constitutional  
403 amendment proposed in Senate Concurrent Resolution No. 527, 2024  
404 Regular Session.

