

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2770**

**BY: Senator(s) Parker**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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. The qualified  
34 elector of the state that desires to initiate a proposed  
35 initiative measure shall also provide the Secretary of State with  
36 an electronic mail address that the Secretary of State shall use  
37 to provide the notices required of this act, except where other  
38 methods are specifically required.

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

50 (4) The Director of the Legislative Budget Office shall  
51 provide a separate fiscal analysis of the initiative measure,  
52 including the amount, source of revenue and reallocation of  
53 funding required by the initiative measure.

54 (5) If the text of the initiative measure does not include  
55 all the requirements of subsection (3) of this section, the



56 Secretary of State shall inform the sponsor of the measure. The  
57 sponsor shall have ten (10) working days from when notice was  
58 given to cure the defect.

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

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

64 23-17-3. The petition for a proposed initiative measure must  
65 be filed with the Secretary of State not less than ninety (90)  
66 days before the first day of the regular session of the  
67 Legislature at which it is to be submitted. A petition is valid  
68 for a period of twelve (12) months.

69 **SECTION 3.** The following shall be codified as Section  
70 23-17-4, Mississippi Code of 1972:

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



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

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

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



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



130 such assignment unless the proposal is accompanied by a  
131 Certificate of Review.

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

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

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

152 23-17-9. (1) Within seven (7) calendar days after the  
153 receipt of an initiative measure, the Attorney General shall  
154 formulate and transmit to the \* \* \* State Board of Election



155 Commissioners a concise statement posed as a question and not to  
156 exceed twenty (20) words, bearing the serial number of the  
157 initiative measure and a summary of the measure, not to exceed  
158 seventy-five (75) words, to follow the statement. The statement  
159 shall give a true and impartial statement of the purpose of the  
160 initiative measure. Neither the statement nor the summary may  
161 intentionally be an argument, nor likely to create prejudice,  
162 either for or against the measure. Such concise statement shall  
163 constitute the ballot title. The State Board of Election  
164 Commissioners shall convene within thirty (30) calendar days from  
165 receipt of the ballot title and summary from the Attorney General.  
166 The board shall review the submitted ballot title and summary and  
167 provide recommendations for the Attorney General. The board's  
168 recommendations shall be advisory only. The Attorney General  
169 shall transmit a final copy of the ballot title and summary to the  
170 Secretary of State within five (5) working days of the State Board  
171 of Election Commissioner's meeting.

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



180       (3) The ballot summary shall be followed by a fiscal  
181 analysis, not to exceed fifty (50) words, indicating the amount,  
182 source of revenue and reallocation of funding potentially required  
183 by the initiative measure, as provided by the Legislative Budget  
184 Office.

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

187       23-17-11. Upon the filing of the ballot title and summary  
188 for an initiative measure in his or her office, the Secretary of  
189 State shall forthwith notify by certified mail return receipt  
190 requested, the person proposing the measure and any other  
191 individuals who have made written request for such notification of  
192 the exact language of the ballot title. The Secretary of State  
193 shall publish the title and summary for an initiative measure  
194 within ten (10) working days \* \* \* by submitting the title and  
195 summary to the Mississippi Press Association. The title and  
196 summary shall also be posted on the Secretary of State's website  
197 and other appropriate electronic forums that are easily accessible  
198 by the public.

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

201       23-17-17. \* \* \* The person proposing an initiative measure  
202 shall print blank petitions upon single sheets of paper of good  
203 writing quality not less than eight and one-half (8-1/2) inches in  
204 width and not less than fourteen (14) inches in length. Each





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

208 \* \* \*

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

211 23-17-19. (1) The Secretary of State shall design the form.  
212 Each sheet of which shall contain the following:

213 **"WARNING**

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

219 **PETITION FOR INITIATIVE MEASURE**

220 To the Honorable \_\_\_\_\_, Secretary of State of  
221 the State of Mississippi:

222 We, the undersigned citizens and qualified electors of the  
223 State of Mississippi, respectfully direct that this petition and  
224 the proposed measure known as Initiative Measure No. \_\_\_\_\_,  
225 entitled (here insert the established ballot title of the  
226 measure), a full, true and correct copy of which is printed or  
227 attached on the reverse side of this petition, be transmitted to  
228 the Legislature of the State of Mississippi at its next ensuing  
229 regular session, and we respectfully petition the Legislature to



230 adopt the proposed measure; and each of us for himself or herself  
231 says: I have personally signed this petition, I am a qualified  
232 elector of the State of Mississippi in the city (or town), county  
233 and congressional district written after my name, my residence  
234 address is correctly stated and I have knowingly signed this  
235 petition only once."

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

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

244 **SECTION 10.** The following shall be codified as Section  
245 23-17-20, Mississippi Code of 1972:

246 23-17-20. (1) Before gathering signatures, each petition  
247 circulator must register with the Secretary of State. A petition  
248 circulator must:

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

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

251 and

252 (c) Sign an affidavit in front of a public notary  
253 attesting, under penalty of perjury, to meeting the qualifications  
254 of a petition circulator outlined in this section and that he or



255 she witnessed all signatures in front of a third-party witness and  
256 has no reasonable cause to believe any submitted signature is  
257 fraudulent.

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

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

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

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

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

276 23-17-21. Before a person may file a petition with the  
277 Secretary of State, the petition must be certified by the circuit  
278 clerk of each county in which the petition was circulated. The  
279 circuit clerk shall certify the signatures of qualified electors



280 of that county and shall state the total number of qualified  
281 electors signing the petition in that county. The circuit clerk  
282 shall verify the name of each qualified elector signing on each  
283 petition. A circuit clerk may not receive any fee, salary or  
284 compensation from any private person or private legal entity,  
285 whether or not the entity is operated for profit, for the clerk's  
286 duties in certifying an initiative petition. When the person  
287 proposing any initiative measure has secured upon the petition a  
288 number of signatures of qualified electors equal to or exceeding  
289 the minimum number required by Section \* \* \* 33 of the Mississippi  
290 Constitution of 1890 for the proposed measure, and such signatures  
291 have been certified by the circuit clerks of the various counties,  
292 he may submit the petition to the Secretary of State for filing.  
293 The Secretary of State shall collect a fee of Five Hundred Dollars  
294 (\$500.00) from the person filing the petition to pay part of the  
295 administrative and publication costs.

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

298 23-17-29. The Secretary of State shall file with the Clerk  
299 of the House and the Secretary of the Senate on the first day of  
300 the regular legislative session the complete text of each  
301 initiative for which a petition has been certified and filed with  
302 him or her. \* \* \* The proposed certified initiative may be  
303 adopted \* \* \* by a majority vote of each house of the Legislature.  
304 If the initiative is adopted \* \* \* by the Legislature \* \* \* but



305 not placed into law by the Governor, rejected by the Legislature,  
306 or if no action is taken within four (4) months of the date that  
307 the initiative is filed with the Legislature, the Secretary of  
308 State shall place the initiative on the ballot for the next \* \* \*  
309 occurring general election for the President of the United States  
310 or Governor of Mississippi. \* \* \* An initiative \* \* \* must  
311 receive \* \* \* not less than \* \* \* sixty percent (60%) of the \* \* \*  
312 votes \* \* \* to be approved. If conflicting initiatives \* \* \* are  
313 approved at the same election, the initiative \* \* \* receiving the  
314 highest number of affirmative votes shall prevail.

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

317 23-17-35. \* \* \* Each initiative measure submitted to the  
318 people for approval or rejection shall be so printed on the  
319 ballot, under the proper heading, that a voter can, by making one  
320 (1) choice, express his or her approval or rejection of such  
321 measure. Substantially the following form shall be a compliance  
322 with this section:

323 INITIATIVE MEASURE NO. \_\_\_\_\_  
324 (Here insert the ballot title of the measure.)  
325 YES . . . . . ( )  
326 NO . . . . . ( )

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



329           23-17-39. No more than \* \* \* two (2) initiative proposals  
330 shall be submitted to the voters on a single ballot, and the  
331 first \* \* \* two (2) initiative proposals submitted to the  
332 Secretary of State with sufficient petitions shall be the  
333 proposals which are submitted to the voters.

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

336           23-17-42. When a proposed change, alteration or amendment  
337 proposed to the Constitution by \* \* \* the Legislature receives the  
338 required number of votes as provided in Section 273 \* \* \*,  
339 Mississippi Constitution of 1890, the Secretary of State shall  
340 insert the proposed change, alteration or amendment into the  
341 Constitution by proclamation of his or her office certifying that  
342 the proposed change, alteration or amendment to the Constitution  
343 received the required number of votes as provided in Section  
344 273 \* \* \*, Mississippi Constitution of 1890. The Secretary of  
345 State shall also designate the article number and section number  
346 or numbers for the proposed change, alteration or amendment in the  
347 Constitution if the article number and section number or numbers  
348 are not provided \* \* \*.

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

351           23-17-43. (1) When any new law or amendment or repeal of  
352 existing law submitted to the qualified electors by initiative  
353 measure as provided in Section 33, Mississippi Constitution of



354 1890, is approved by not less than sixty percent (60%) of the  
355 qualified electors voting thereon, the Secretary of State shall  
356 insert the proposed law, amendment or repeal into the statutes by  
357 proclamation of his or her office certifying that the proposed  
358 law, amendment or repeal received the required number of votes as  
359 provided in Section 33. The Secretary of State shall also  
360 designate the article number and section number or numbers for the  
361 proposed law, amendment or repeal if the article number and  
362 section number or numbers are not provided in the initiative  
363 measure.

364 (2) If any new law or amendment \* \* \* or repeal of existing  
365 law submitted to the qualified electors by initiative measure as  
366 provided in Section 33, Mississippi Constitution of 1890, is  
367 rejected by a majority of the qualified electors voting thereon,  
368 no initiative petition proposing the same, or substantially the  
369 same, amendment shall be submitted to the electors for at least  
370 two (2) years after the date of the election on such amendment.

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

373 23-17-45. (1) A pamphlet containing a copy of all  
374 initiative measures \* \* \*, including the ballot title and ballot  
375 summary, arguments or explanations for and against each  
376 measure \* \* \* and the fiscal analysis prepared by the \* \* \*  
377 Legislative Budget \* \* \* Office shall be compiled by the Secretary  
378 of State. The sponsor may prepare the argument or explanation on



379 the measure. If the sponsor does not prepare the argument or  
380 explanation, then the Secretary of State shall do so. Each  
381 argument or explanation shall not exceed three hundred (300)  
382 words. The Secretary of State shall publish the ballot title,  
383 ballot summary, full text of each measure and arguments or  
384 explanations for and against each measure \* \* \* on the Secretary  
385 of State's website and shall disseminate the ballot title, ballot  
386 summary, full text of each measure and arguments or explanations  
387 for and against each measure to the Mississippi Press Association.

388 The costs of such printing and publication shall be borne by the  
389 Secretary of State from funds appropriated by the Legislature.

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

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

396 23-17-60. Any person who alleges that his or her signature  
397 on an initiative petition was obtained as the result of fraud or  
398 coercion, or that the person was intentionally misled as to the  
399 substance or effect of the petition, may have his or her signature  
400 removed from the initiative petition upon filing an affidavit to  
401 such effect with the Secretary of State anytime before the  
402 Secretary of State has accepted and filed the petition under  
403 Section 23-17-23.





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

407           **SECTION 20.** This act shall take effect and be in force from  
408 and after January 1 in the year following the year in which the  
409 Secretary of State certifies the passage of the constitutional  
410 amendment proposed in Senate Concurrent Resolution No. 527, 2024  
411 Regular Session.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

