

## SENATE BILL NO. 2542

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 (4) The initiative process shall not be used:

34 (a) For the proposal to amend or repeal any portion of  
35 the ballot initiative process; or  
36 (b) To amend or repeal any law relating to the  
37 Mississippi Public Employees' Retirement System (PERS).

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

40 **SECTION 3.** Upon receipt of any proposed initiative measure,  
41 the Secretary of State shall submit a copy of the proposed measure  
42 to the Attorney General and give notice to the person filing the  
43 proposed measure of such transmittal. Upon receipt of the  
44 measure, the Attorney General may confer with the person filing  
45 the proposed measure and shall within ten (10) working days from  
46 receipt thereof review the proposal for matters of form and style,  
47 and such matters of substantive import as may be agreeable to the  
48 person filing the proposed measure, and shall recommend such



49 revision or alteration of the measure as may be deemed necessary  
50 and appropriate. The recommendations of the Attorney General  
51 shall be advisory only, and the person filing the proposed measure  
52 may accept or reject them in whole or in part. The Attorney  
53 General shall issue a certificate of review certifying that he or  
54 she has reviewed the measure for form and style and that the  
55 recommendations thereon, if any, have been communicated to the  
56 person filing the proposed measure, and such certificate shall  
57 issue whether or not the person filing the proposed measure  
58 accepts such recommendations. Within fifteen (15) working days  
59 after notification of submittal of the proposed initiative measure  
60 to the Attorney General, the person filing the proposed measure,  
61 if he or she desires to proceed with his or her sponsorship, shall  
62 file the measure together with the certificate of review with the  
63 Secretary of State for assignment of a serial number and the  
64 Secretary of State shall thereupon submit to the Attorney General  
65 a certified copy of the measure filed. Upon submitting the  
66 proposal to the Secretary of State for assignment of a serial  
67 number, the Secretary of State shall refuse to make such  
68 assignment unless the proposal is accompanied by a certificate of  
69 review.

70       **SECTION 4.**   The Secretary of State shall give a serial number  
71 to each initiative measure, and forthwith transmit one (1) copy of  
72 the measure proposed bearing its serial number to the Attorney  
73 General. Thereafter, a measure shall be known and designated on



74 all petitions, ballots and proceedings as "Initiative Measure No.  
75 \_\_\_\_."

76       **SECTION 5.** When an amendment to the Mississippi Code of 1972  
77 is proposed to the qualified electors of the state under this  
78 chapter, the Secretary of State, with the approval of the Attorney  
79 General, may make a nonsubstantive clerical or technical  
80 correction in the section number reference or designation of the  
81 proposed amendment contained in an initiative measure, as may be  
82 appropriate or necessary in order to prevent the use of an  
83 existing section number or the possibility of the initiative being  
84 declared invalid only because of an error in the section number  
85 designation. Such a correction may be made at any time after the  
86 Attorney General's certificate of review, with regard to the  
87 initiative measure has been issued, and before the ballot for the  
88 initiative measure, is printed. The provisions of this section do  
89 not authorize the Secretary of State to make any change other than  
90 a nonsubstantive correction in the section number reference or  
91 designation of the proposed amendment contained in the initiative  
92 measure.

93       **SECTION 6.** Within seven (7) calendar days after the receipt  
94 of an initiative measure, the Attorney General shall formulate and  
95 transmit to the Secretary of State a concise statement posed as a  
96 question and not to exceed twenty (20) words, bearing the serial  
97 number of the measure and a summary of the measure, not to exceed  
98 seventy-five (75) words, to follow the statement. The statement



99 shall give a true and impartial statement of the purpose of the  
100 measure. Neither the statement nor the summary may intentionally  
101 be an argument, nor likely to create prejudice, either for or  
102 against the measure. Such concise statement shall constitute the  
103 ballot title. The ballot title formulated by the Attorney General  
104 shall be the ballot title of the measure unless changed on appeal.  
105 When practicable, the question posed by the ballot title shall be  
106 written in such a way that an affirmative answer to such question  
107 and an affirmative vote on the measure would result in a change in  
108 then current law, and a negative answer to the question and a  
109 negative vote on the measure would result in no change to then  
110 current law.

111       **SECTION 7.** Upon the filing of the ballot title and summary  
112 for an initiative measure in his or her office, the Secretary of  
113 State shall forthwith notify by certified mail return receipt  
114 requested, the person proposing the measure and any other  
115 individuals who have made written request for such notification of  
116 the exact language of the ballot title. The Secretary of State  
117 shall publish the title and summary for an initiative measure  
118 within ten (10) days after filing such title and summary in a  
119 newspaper or newspapers of general circulation throughout the  
120 State of Mississippi and on the Secretary of State's website.

121       **SECTION 8.** If any person is dissatisfied with the ballot  
122 title or summary formulated by the Attorney General, he or she  
123 may, within five (5) days from the publications of the ballot



124 title and summary by the Office of the Secretary of State, appeal  
125 to the Circuit Court of the First Judicial District of Hinds  
126 County, Mississippi, by petition setting forth the measure, the  
127 title or summary formulated by the Attorney General, and his or  
128 her objections to the ballot title or summary and requesting  
129 amendment of the title or summary by the court.

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

143       **SECTION 9.** When the ballot title and summary are finally  
144 established, the Secretary of State shall file the instrument  
145 establishing it with the proposed measure and transmit a copy  
146 thereof by certified mail, return receipt requested, to the person  
147 proposing the measure and to any other individuals who have made a  
148 written request for such notification. Thereafter such ballot



149 title shall be the title of the measure in all petitions, ballots  
150 and other proceedings in relation thereto. The summary shall  
151 appear on all petitions directly following the ballot title.

152        **SECTION 10.** (1) The person proposing an initiative measure  
153        shall print blank petitions upon single sheets of paper. Each  
154        sheet shall have a full, true and correct copy of the proposed  
155        measure referred to therein printed on the reverse side of the  
156        petition or attached thereto.

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

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

## "WARNING

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

PETITION FOR INITIATIVE MEASURE

169 To the Honorable \_\_\_\_\_, Secretary of State of  
170 the State of Mississippi:

171 We, the undersigned citizens and qualified electors of the  
172 State of Mississippi, respectfully direct that this petition and  
173 the proposed measure known as Initiative Measure No. ,



174 entitled (here insert the established ballot title of the  
175 measure), a full, true and correct copy of which is printed or  
176 attached on the reverse side of this petition, be submitted to  
177 the electors during the next statewide election; and each of us  
178 for himself or herself says: I have personally signed this  
179 petition; I am a qualified elector of the State of Mississippi in  
180 the city (or town), county and Supreme Court district written  
181 after my name; my residence address is correctly stated and I have  
182 knowingly signed this petition only once."

183        Each sheet shall also provide adequate space for the  
184 following information: Petitioner's signature; print name for  
185 positive identification; residence address, street and number, if  
186 any; city or town; county; and Supreme Court district.

187        **SECTION 12.** The Secretary of State shall certify the  
188 signatures of qualified electors of that county and shall state  
189 the total number of qualified electors signing the petition. The  
190 Secretary of State may not receive any fee, salary or compensation  
191 from any private person or private legal entity for the clerk's  
192 duties in certifying an initiative petition. The person proposing  
193 any initiative measure must secure upon the petition a number of  
194 signatures of qualified electors equal to or exceeding at least  
195 twelve percent (12%) of the votes for all candidates for Governor  
196 in the last gubernatorial election, with at least one-third (1/3)  
197 of the minimum number of required signatures coming from qualified  
198 electors from each of the three (3) Supreme Court districts within



199 the State of Mississippi as defined at the effective date of this  
200 act. The Secretary of State shall collect a fee of Five Hundred  
201 Dollars (\$500.00) from the person filing the petition to pay part  
202 of the administrative and publication costs.

203 **SECTION 13.** The Secretary of State shall refuse to file any  
204 initiative petition being submitted upon any of the following  
205 grounds:

206 (a) That the petition is not substantially in the form  
207 required by Section 11 of this act;

208 (b) That the petition clearly bears insufficient  
209 signatures;

210 (c) That a number of signatures that appear on the  
211 petition were obtained in violation of Section 10, Section 26(2)  
212 or Section 26(3) of this act, to the extent that the number of  
213 qualified signatures no longer meets the signature requirements of  
214 this act;

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

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

219 If an otherwise sufficient petition is submitted less than  
220 ninety (90) days before a statewide general election, the  
221 Secretary of State shall retain the petition and shall place the  
222 initiative measure on the ballot for the next statewide general  
223 election occurring after the upcoming statewide general election.



224        In case of such refusal, the Secretary of State shall endorse  
225    on the petition the word "submitted" and the date, and retain the  
226    petition pending appeal.

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

229        **SECTION 14.**    If the Secretary of State refuses to file an  
230    initiative petition when submitted to him or her for filing, the  
231    person submitting it for filing, within ten (10) days after his or  
232    her refusal, may apply to the Supreme Court for an order requiring  
233    the Secretary of State to bring the petition before the court and  
234    for a writ of mandamus to compel him or her to file it.   The  
235    application shall be considered an emergency matter of public  
236    concern and shall be heard and determined with all convenient  
237    speed.   If the Supreme Court decides that the petition is legal in  
238    form, apparently contains the requisite number of signatures of  
239    qualified electors, was filed within the time prescribed in the  
240    Constitution and was accompanied with the proper filing fee, it  
241    shall issue its mandate directing the Secretary of State to file  
242    the petition in his or her office as of the date of submission.

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



249

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

250

(Here insert the ballot title of the measure.)

251

YES . ( )

252

NO . ( )

253

**SECTION 16.** No more than five (5) initiative proposals shall be submitted to the voters on a single ballot, and the first five (5) initiative proposals submitted to the Secretary of State with sufficient petitions shall be the proposals which are submitted to the voters. The Secretary of State shall retain any otherwise sufficient petitions beyond five (5) and shall place them, in the chronological order in which they were submitted, on the ballot for the next statewide general election occurring after the upcoming statewide general election.

262

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

265

(2) If the initiative modifies, adds, deletes or repeals any statutory language providing for the levying of taxes or exemption of property from state taxes or taxes of any subdivision thereof, or imposing the issuance of licenses, or requiring the borrowing of money, issuing of bonds, notes or other evidence of debt, then the initiative shall require a three-fifths (3/5) vote of the people in favor of the initiative to be successful. Determination concerning the requisite passage rate for each initiative shall be made by the Attorney General. Petitioners that disagree with the

274 requisite passage rate determination made by the Attorney General  
275 may file an appeal, within five (5) days of publication of the  
276 requisite passage determination, to the Circuit Court of the First  
277 Judicial District of Hinds County, Mississippi. The petition  
278 shall set forth the measure, title and summary of the initiative,  
279 and his or her objection to the requisite passage rate as  
280 determined by the Attorney General. A copy of the petition on  
281 appeal together with a notice that an appeal has been taken shall  
282 be served upon the Secretary of State, upon the Attorney General  
283 and upon the person proposing the measure if the appeal is  
284 initiated by someone other than that person. Upon the filing of  
285 the petition on appeal or at the time to which the hearing may be  
286 adjourned by consent of the appellant, the court shall accord  
287 first priority to examining the proposed measure, the requisite  
288 passage rate determined by the Attorney General and the objections  
289 to that passage rate. The court may hear arguments, and, within  
290 ten (10) days, shall render its decision.

291 (3) An initiative approved by the electors shall take effect  
292 thirty (30) days from the date of the official declaration of the  
293 vote by the Secretary of State, unless the measure provides  
294 otherwise.

295 **SECTION 18.** (1) If any amendment measure proposed by  
296 initiative petition under this act is rejected by the qualified  
297 electors voting thereon, no initiative petition proposing the  
298 same, or substantially the same, amendment shall be submitted to



299 the electors for at least two (2) years after the date of the  
300 election.

301 (2) No initiative approved by the electors may be amended by  
302 the Legislature for four (4) years after the date of the election  
303 on such amendment without a three-fourths (3/4) vote of both  
304 houses of the Legislature.

305 **SECTION 19.** (1) A pamphlet containing a copy of all  
306 initiative measures, including the ballot title and ballot  
307 summary, arguments or explanations for and against each measure  
308 and alternative and the fiscal analysis prepared by the Chief  
309 Legislative Budget Officer shall be compiled by the Secretary of  
310 State. The sponsor may prepare the argument or explanation on the  
311 measure. If the sponsor does not prepare the argument or  
312 explanation, then the Secretary of State shall do so. Each  
313 argument or explanation shall not exceed three hundred (300)  
314 words. The Secretary of State shall publish the ballot title,  
315 ballot summary, full text of each measure and arguments or  
316 explanations for and against each measure and alternative once a  
317 week for three (3) consecutive weeks immediately preceding the  
318 election in at least one (1) newspaper of general circulation in  
319 each county of the state. The costs of such printing and  
320 publication shall be borne by the Secretary of State from funds  
321 appropriated by the Legislature.

322 (2) The Secretary of State shall conduct at least one (1)  
323 public hearing in each Supreme Court district on each measure to



324 be placed on the ballot and shall give public notice thereof at  
325 least thirty (30) days before a hearing.

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

329               (a) "Contribution" means any gift, subscription, loan,  
330 advance, money or anything of value made by a person or political  
331 committee for the purpose of influencing the passage or defeat of  
332 a measure on the ballot, for the purpose of obtaining signatures  
333 for the proposed ballot measures and attempting to place the  
334 proposed measure on the ballot, and for the purpose of opposing  
335 efforts to place a proposed measure on the ballot; but does not  
336 include noncompensated, nonreimbursed volunteer personal services.

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

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

343               (d) "Expenditure" means any purchase, payment,  
344 distribution, loan, advance, deposit, gift of money or anything of  
345 value, made by any person or political committee for the purpose  
346 of influencing any balloted measure, for the purpose of obtaining  
347 signatures for a proposed ballot measure and attempting to place

348 the proposed measure on the ballot, and for the purpose of  
349 opposing efforts to place a proposed measure on the ballot.

350       **SECTION 21.** (1) Each political committee shall file with  
351 the Secretary of State a statement of organization no later than  
352 ten (10) days after receipt of contributions aggregating in excess  
353 of Two Hundred Dollars (\$200.00), or no later than ten (10) days  
354 after having made expenditures aggregating in excess of Two  
355 Hundred Dollars (\$200.00).

356       (2) The statement of organization of a political committee  
357 must include:

358           (a) The name and address of the committee and all  
359 officers;

360           (b) Designation of a director of the committee and a  
361 custodian of books and accounts of the committee, who shall be  
362 designated treasurer; and

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

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

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

371       (2) An individual person who on his or her own behalf  
372 expends in excess of Two Hundred Dollars (\$200.00) for the purpose

373 of influencing the passage or defeat of a measure shall file  
374 financial reports with the Secretary of State.

375 (3) The financial reports required in this section shall be  
376 filed monthly, not later than the tenth day of the month following  
377 the month being reported, after a political committee or an  
378 individual exceeds the contribution or expenditure limits.  
379 Financial reports must continue to be filed until all  
380 contributions and expenditures cease. In all cases a financial  
381 report shall be filed thirty (30) days following the election on a  
382 measure.

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

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

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

390 (b) For a political committee:

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

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

395 (iii) The cumulative amount of those totals for  
396 each measure;



397 (iv) The balance of cash and cash equivalents on  
398 hand at the beginning and the end of the period covered by the  
399 financial report;

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

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

408 (vii) The name and street address of each person  
409 from whom a contribution(s) exceeding Two Hundred Dollars  
410 (\$200.00) was received during the period covered by the financial  
411 report, together with the amount contributed, the date of receipt,  
412 and the cumulative amount contributed by that person for each  
413 measure.

414 (c) For an individual person:

415 (i) The total amount of expenditures made during  
416 the period covered by the financial report:

417 (ii) The cumulative amount of that total for each  
418 measure:

419 (iii) The name and street address of each person  
420 to whom expenditures totaling Two Hundred Dollars (\$200.00) or  
421 more were made, together with the amount of each separate



422 expenditure to each person during the period covered by the  
423 financial report and the purpose of the expenditure; and  
424 (iv) The total amount of contributions received  
425 during the period covered by the financial report, the cumulative  
426 amount of that total for each measure and the name and street  
427 address of each person who contributed more than Two Hundred  
428 Dollars (\$200.00) and the amount contributed.

429       **SECTION 24.** It is unlawful for any person to distribute or  
430 post material in support of, or in opposition to, a measure within  
431 one hundred fifty (150) feet of any entrance to a polling place  
432 where an election is held.

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

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

439       (3) It is unlawful for any person who pays or compensates  
440 another person for circulating a petition or for obtaining  
441 signatures on a petition to base the pay or compensation on the  
442 number of petitions circulated or the number of signatures  
443 obtained.

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



447 (5) It is unlawful for any person who circulates or causes  
448 to be circulated an initiative petition to obtain, or attempt to  
449 obtain, a person's signature (a) by intentionally misleading such  
450 person as to the substance or effect of the petition, or (b) by  
451 intentionally causing such person to be misled as to the substance  
452 or effect of the petition.

453        **SECTION 26.** It is unlawful for a person to interfere with or  
454        influence the vote of an elector on a measure by means of  
455        violence, threats, intimidation, enforcing the payment of a debt,  
456        bringing a suit or criminal prosecution, any threat or action  
457        affecting a person's conditions of employment or other corrupt  
458        means.

459        **SECTION 27.** Any person who alleges that his or her signature  
460        on an initiative petition was obtained as the result of fraud or  
461        coercion, or that the person was intentionally misled as to the  
462        substance or effect of the petition, may have his or her signature  
463        removed from the initiative petition upon filing an affidavit to  
464        such effect with the Secretary of State anytime before the  
465        Secretary of State has accepted and filed the petition under  
466        Section 13 of this act.

467        **SECTION 28.** Any violation of Sections 22 through 27 of this  
468        act is punishable by imprisonment in the county jail for not more  
469        than one (1) year, or by a fine not to exceed One Thousand Dollars  
470        (\$1,000.00), or by both such fine and imprisonment.



471           **SECTION 29.** This act shall take effect and be in force from  
472 and after the date Senate Concurrent Resolution No. \_\_\_, 2025  
473 Regular Session, proposing an amendment to Section 33 of the  
474 Mississippi Constitution of 1890, is approved by the voters.

