

By: Senator(s) Blount

To: Accountability,
Efficiency, Transparency

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



all petitions, ballots and proceedings as "Initiative Measure No. ____."

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

SECTION 6. Within seven (7) calendar days after the receipt of an initiative measure, the Attorney General shall formulate and transmit to the Secretary of State a concise statement posed as a question and not to exceed twenty (20) words, bearing the serial number of the measure and a summary of the measure, not to exceed 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



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

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

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

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

"WARNING

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

PETITION FOR INITIATIVE MEASURE

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

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



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

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

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



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

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

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

(b) That the petition clearly bears insufficient signatures;

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

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

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

If an otherwise sufficient petition is submitted less than ninety (90) days before a statewide general election, the Secretary of State shall retain the petition and shall place the initiative measure on the ballot for the next statewide general 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
254 be submitted to the voters on a single ballot, and the first five
255 (5) initiative proposals submitted to the Secretary of State with
256 sufficient petitions shall be the proposals which are submitted to
257 the voters. The Secretary of State shall retain any otherwise
258 sufficient petitions beyond five (5) and shall place them, in the
259 chronological order in which they were submitted, on the ballot
260 for the next statewide general election occurring after the
261 upcoming statewide general election.

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

(b) For a political committee:

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

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

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



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

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

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

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

(c) For an individual person:

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

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

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



expenditure to each person during the period covered by the financial report and the purpose of the expenditure; and

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

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

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

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

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

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



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

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

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

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

