

The Basic Steps To Do An Initiative In Mississippi Amendments Only – Indirect Initiative Process

Basic Procedures: Once the sponsor has drafted the proposed initiative language, he or she must file with the Mississippi Secretary of State a typewritten copy of the proposed initiative accompanied by an affidavit affirming that the sponsor is a registered voter in Mississippi. The Secretary of State then submits a copy of the initiative text to the "Revisor of the Statutes," an attorney in the Attorney General's office. Within 10 working days of receipt of the text, the Revisor makes all advisory recommendations to the sponsor regarding the initiative language. The Revisor of the Statutes also issues a Certificate of Review to the sponsor that the initiative has been reviewed. The sponsor may accept or reject any of the recommendations from the Revisor of the Statutes.

Within 15 working days of the of the sponsor's receiving notice that the Secretary of State has submitted the initiative to the Revisor of the Statutes, the sponsor must submit both the initiative measure (including changes, if any) and the Certificate of Review to the Secretary of State. The Secretary of State assigns the initiative a serial number, and then forwards a copy of the initiative text to the Attorney General.

Within seven calendar days of receiving the initiative from the Secretary of State, the Attorney General must draft the ballot title (not to exceed 20 words) and the ballot summary (not to exceed 75 words.) The Attorney General files both the title and summary with the Secretary of State, who then notified the sponsor by certified mail of the exact language in the ballot title and summary. Within ten days of the title and summary being filed, the Secretary of State publishes the title and summary in a newspaper or newspapers of general circulation throughout Mississippi. If the sponsor or another person is dissatisfied with the ballot title or summary, they have five days from the date of publication in the newspaper to file an appeal in the Circuit Court of the First Judicial District of Hinds County, whose decision shall be final.

Once the ballot title and ballot summary have been finalized, the sponsor may begin collecting signatures.

Date Initiative language can be submitted to state for November 2002 or 2003: Any time

Signatures are tied to vote of which office: Governor

Next Gubernatorial election: 2003

Votes cast for governor in last election: 463,938

Net number of signatures required: 12% of the total number of votes cast for governor in the last gubernatorial general election (91,673 signatures.)

Distribution Requirement: 20% from each of the five congressional districts. Thus, at least 19,668 signatures must be gathered from each of the five congressional districts. If less than 19,688 certified signatures are submitted from ANY of the five congressional districts, the entire petition will be invalid.

Circulation period: 1 year

Do circulators have to be residents: Yes

Date when signatures are due for certification: At least 90 days prior to the convening of the legislature to which it will be submitted. A petition filed after the 90th day cannot be submitted to the next legislative session. October 2001 for the 2002 November ballot and October 2002 for the 2003 November ballot.

Signature verification process: County Circuit Clerks verify every signature.

Single-subject restriction: No

Legislative tampering: Constitutional amendments by initiative become part of the constitution and are thus only alterable by the legislature through regular constitutional procedures, any changes of which must be approved by popular vote.

General Comments: The initiative text must include the amount and source of revenue required to implement the initiative. If the initiative requires a reduction in government revenue or a reallocation from currently funded programs, the initiative text must identify the program or programs whose funding must be reduced or eliminated to implement the initiative. The initiative process cannot be used to modify the Bill of Rights, amend any law or constitutional provision relating to the Public Employees Retirement System (PERS), amend or repeal Mississippi's "Right to Work" constitutional provision, or modify the initiative process for proposing amendments to the Mississippi constitution.

Additionally, if the voters reject an initiative proposal, no similar proposal can be submitted to the people for two years after the date of election at which it was rejected.