

STATE OF MISSISSIPPI

Office of the Governor



EXECUTIVE ORDER NO. 1074

TO THE SECRETARY OF STATE STATE OF MISSISSIPPI:

WHEREAS, Three (3) Constitutional Initiatives proposed Amendments to the Mississippi Constitution and met the requirements of the Mississippi Constitution and the laws of this State to be placed on the November 8, 2011 ballot, as follows: Initiative #26 – Definition of “Person”; Initiative #27 – Voter Identification; and Initiative #31 – Eminent Domain; and

WHEREAS, The Constitution requires that the Initiatives “receive a majority of the votes thereon and not less than forty percent (40%) of the total votes cast at the election at which the measure was submitted to be approved.” Miss. Const. Art. 15, § 273(7).

WHEREAS, Initiative #27 and Initiative #31 were approved by the electors of Mississippi in accordance with Miss. Const. Art. 15, § 273(7); and

WHEREAS, Art. 15, § 273 further provides that initiatives approved by the electors take effect thirty (30) days from the date of the official declaration of the vote by the Secretary of State. Miss. Const. Art. 15, § 273(10). The Secretary of State certified the November 8, 2011 election results on December 8, 2011; and

WHEREAS, Unlike Initiative #26, which failed to pass the electorate, Initiative #27 and Initiative #31 were both silent as to where the proposed Amendments to the Mississippi Constitution would be placed; furthermore, the Mississippi Constitution, as well as statutory law, is silent as to who has the administrative and/or ministerial authority to insert the initiatives of the people of Mississippi, passed by the electorate, as part of the Constitution; and

WHEREAS, Article 5, § 123 of the Mississippi Constitution grants the Governor of the State of Mississippi the authority to “see that the laws are faithfully executed”; and

WHEREAS, Section 7-1-5 of the Mississippi Code Annotated sets forth the powers of the Governor of the State of Mississippi, including, but not limited to, serving as the supreme executive officer of the State, seeing that the laws are faithfully executed, and supervising the official conduct of all executive and ministerial officers; and

WHEREAS, in the absence of constitutional and/or statutory provision providing otherwise, the Governor has the authority to provide direction for carrying out all lawful administrative and ministerial functions of state government; and

NOW, THEREFORE, I, Haley Barbour, Governor of the State of Mississippi, under and by virtue of the authority vested in me by the Constitution and Laws of this State, do hereby direct the Secretary of State C. Delbert Hosemann, Jr., as follows:

To insert Initiative #31 in the Mississippi Constitution as **Art. 3, § 17A**, to follow **Art. 3, § 17**, where the constitutional requirements for the taking of property for public use are located;


To insert Initiative #27 in the Mississippi Constitution as **Art. 12, § 249A**, to follow **Art. 12, § 249**, where the constitutional requirements to vote in the State of Mississippi are located;

I do authorize and direct you, upon receipt of this Executive Order, to take notice and be governed accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.



DONE at the Capitol, in the City of Jackson, this the 9th day January, in the year of our Lord two thousand and twelve, and of the two hundred and thirty-sixth year of the United States of America.


HALEY BARBOUR
GOVERNOR

BY THE GOVERNOR



C. DELBERT HOSEMANN, JR.
SECRETARY OF STATE