

## Mississippi's Initiative Process

The Mississippi initiative law affords voters an avenue for addressing important constitutional issues which the State Legislature does not. This year, the three initiatives appearing on the November 8 ballot address basic constitutional issues: the integrity of our vote, the definition of when life begins, and government's right to seize private property for non-public use.



**Delbert Hosemann**  
Secretary of State

After registering the initiative with the Secretary of State's Office, the official ballot title and summary are prepared by the Mississippi Attorney General. Initiatives are only valid for one year, during which time a petition must be circulated to gather signatures to place the measure on the next statewide General Election ballot. According to State law, for an initiative measure to be placed on this year's ballot, a minimum of 89,285 certified signatures must be gathered with at least 17,857 certified signatures from each of the five congressional districts as they existed in the year 2000. Signatures must be certified by county Circuit Clerks. A completed petition is filed with the Secretary of State's Office, along with a \$500 filing fee.

Not only must an initiative receive a majority of the total votes cast for that particular initiative, it must also receive more than 40% of the total votes cast in that election.

Our Agency is currently in the "voter information" stage of the initiative process. According to State law, we are required to publish this pamphlet in addition to holding public hearings across the State in each of the five congressional districts. I encourage you to take advantage of these educational brochures and to attend the hearings prior the election. Be informed when you head to the polls to vote and decide these issues.

As always, if we may be of any assistance, we encourage you to contact our Elections Hotline at 1(800) 829-6786. More information is available on our website at: [www.sos.ms.gov/elections/initiatives](http://www.sos.ms.gov/elections/initiatives).

## Initiative #26

"Be it Enacted by the People of the State of Mississippi:

SECTION 1. Article III of the constitution of the state of Mississippi is hereby amended BY THE ADDITION OF A NEW SECTION TO READ:

SECTION 33. Person defined. As used in this Article III of the state constitution, "The term 'person' or 'persons' shall include every human being from the moment of fertilization, cloning or the functional equivalent thereof."

## Fiscal Analysis

*Prepared by the  
Mississippi Legislative Budget Office*

There is no determinable cost or revenue impact associated with this initiative.



**DELBERT HOSEMANN**  
*Secretary of State*

The Secretary of State's Office is hosting a series of Public Hearings to give Mississippians the opportunity to express their opinions about each of the Initiative measures to be decided in the November 8, 2011 General Election. The public is invited to attend any or all forums.

For public forum guidelines, please visit:  
[www.sos.ms.gov/elections/initiatives](http://www.sos.ms.gov/elections/initiatives)

**All forums will begin at 5:30 p.m.**

### Southaven - July 7

Desoto Civic Center

### Starkville - July 12

Bost Conference Center Theatre

### Pearl - July 20

Hinds Community College - Clyde Muse Center

### Gulfport - July 21

MGCCC Jeff Davis Campus Fine Arts Auditorium

### Hattiesburg - July 26

Lake Terrace Convention Center

### Meridian - July 28

MSU Riley Center

### Tupelo - August 9

The Link Centre

### Natchez - August 25

Co-Lin Community College Auditorium

### Cleveland - September 6

Delta State - Bologna Performing Arts Center

This pamphlet is published by the Mississippi Secretary of State's Office as required by, and in accordance with, state law - Miss. Code § 23-17-45.

Initiative #26

# Definition of 'Person'

*Should the term "person" be defined to include every human being from the moment of fertilization, cloning or the equivalent thereof?*



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**BALLOT TITLE:**

Should the term “person” be defined to include every human being from the moment of fertilization, cloning, or the equivalent thereof?

**BALLOT SUMMARY:**

**Initiative #26** would amend the Mississippi Constitution to define the word “person” or “persons,” as those terms are used in Article III of the state constitution, to include every human being from the moment of fertilization, cloning, or the functional equivalent thereof.

**⊗ YES**

**Argument FOR the Initiative**

The Mississippi Personhood Amendment recognizes in our law that each individual human being has an ‘unalienable’ right to life from its biological beginning until natural death. When does life begin? Dr. Fritz Baumgartner of UCLA School of Medicine states: “Every human embryologist worldwide states that the life of the new individual human being begins at fertilization.” The Bible tells us that God created humans “in his own image,” thereby making human life sacred. Finally, the Constitution and the Declaration both ensure the fundamental right to life to all persons, without which all other rights are meaningless.

However, current Mississippi law does not protect an unborn

child from being destroyed by his or her mother’s choice or as part of a scientific experiment, because the unborn child is not legally classified as a “person.” In Roe v. Wade the Supreme Court noted that if the “personhood (of the preborn) is established, the (abortion rights) case . . . collapses, for the fetus’ right to life is then guaranteed specifically” in the Constitution. But, for the thirty eight years since Roe, the legal rights of personhood have been denied both to babies formed inside the womb and to those outside the womb by way of “cloning” and embryonic stem cell experimentation.

By voting “Yes on 26” we can amend our State Constitution and be the first in the nation

to protect every human being from the very beginning of life, whether that life begins by natural or artificial means. By recognizing the personhood of our tiniest brothers and sisters, we will ensure that the preborn receive equal protection under the law regardless of their size, location, developmental stage or method of reproduction.

**⊗ NO**

**Argument AGAINST the Initiative**

Sometimes an idea that seems promising has disastrous consequences. This is true for the Personhood Amendment.

In the 33 years since the first in vitro baby, hundreds of Mississippi couples who just wanted a baby of their own have thanked medical science for in vitro fertilization [IVF]. The treatment requires “harvesting” the mother’s eggs, fertilizing the eggs outside the womb, and implanting the best one or two zygotes back into the womb. There, with luck, they will develop into healthy babies.

Since more than two eggs are harvested for IVF but only the best two candidates are usually implanted, what happens to the other fertilized eggs if they are

defined as people? Can they be frozen, as is usually done? If frozen fertilized embryos are people, can they inherit property?

Medicine defines a pregnancy as an implanted egg. If a fertilized egg in a petri dish were to be defined as a person by passage of the Personhood Amendment, it is very likely that IVF would no longer be an option in Mississippi – especially for couples at risk for having a baby with a life-threatening genetic defect who now can choose IVF and have a healthy baby.

Not only would Mississippi couples who just want a baby be denied the option of IVF, certain forms of birth control – like IUDs – would be suddenly illegal,

and miscarriages could become suspect.

Effective treatment of severe preeclampsia, molar gestation, and early ectopic pregnancies would be jeopardized by passage of the Personhood Amendment, threatening women’s lives. New stem cell treatments for patients with Parkinson’s disease, Lou Gehrig’s disease, and cancers like leukemia and choriocarcinoma are also at risk.

If it were your friend or family member who needed the best treatment available, would you deny it to them?

Vote NO on the Personhood Amendment.

**Pro Argument by Brad Prewitt, Executive Director of the Yes on 26 Campaign Coalition**

**Con Argument by Lynn Evans, Public Health Advocate**