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.

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 to 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.

Initiative #26

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

Definition of ‘Person’

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.

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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.

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.