

INITIATIVE MEASURE No. 42

BALLOT TITLE: Should the State be required to provide for the support of an adequate and efficient system of free public schools?

YES

Initiative 42 is the only choice on the ballot that protects the quality of our Mississippi public schools by providing a specific remedy if the Legislature continues to break its 1997 promise to provide adequate funding.

In 1997 the Legislature promised that each public school district would receive at least enough money to fund an education program that was “adequate.” Adequate was defined in terms of expenditures of average districts. But the Legislature has only provided adequate funding *twice* in 18 years. As a result, per pupil expenditures in Mississippi are as much as 30% lower than those in surrounding states. We cannot compete with those states for business unless we can provide our children with resources that match them.

In our constitutional system, only the courts have the power to investigate the facts and hold the Legislature accountable. Initiative 42 will allow a district whose children are denied an “adequate and efficient” education to bring suit in chancery court against the State. It does not say which chancery court. Ultimately the nine elected members of the Mississippi Supreme Court will determine the issue.

More than 120,000 supporters of public education, including supporters of publicly-funded charter schools, signed petitions to put Initiative 42 on the ballot. It enjoys support in all parts of the state.

No one signed a petition for Initiative 42A. It calls for an “effective” education but does not define that term. It is a legislative maneuver designed to keep Initiative 42 from getting the percentage of all those voting necessary to amend the constitution.

Initiative 42 will be the first choice on the top of the constitutional amendment ballot. “On top” is where our children deserve to be. Vote to put them there.

**By: Luther T. Munford
Sponsor, Initiative Measure #42**

NO

Most agree that stronger state support for public education is central to improving the quality of life of Mississippians. The Legislature is obviously of that mindset; witness the historic level of its appropriations to the K-12 system in FY15 -- some \$106 million new dollars!

The disagreement lies in how that support can best be achieved. Proponents of Initiative 42 would seek to accomplish it through the courts; whereas, many state leaders fear “unintended consequences” would likely result from its passage -- among them:

- A dangerous precedent of conducting the State’s business through the judiciary. A cornerstone of democracy is the separation of powers between the executive, legislative and judicial branches. Initiative 42 would cause what is properly the function of the legislature -- the appropriation of funds -- to be conducted by a court. That would diminish our vital checks-and-balances system of government.

- Despite 42’s backers arguing that fully funding MAEP could be phased in over seven years, there is no compulsion for the court to embrace that plan. The court could decide to fully fund MAEP immediately or exceed that level. Why? Because the Court, rather than the Legislature, would have the discretion to fiscally define an “adequate and efficient” education. Also, key legislators have already stated that if 42 passes, they would vote to fully fund MAEP immediately. In that case, most other state agencies, such as community colleges, universities, Transportation and Corrections, would be cut by 7.8% or more.

K-12 is inarguably a foundational plank in Mississippi’s economic development platform. But for our state to be successful in growing our economy, we also need more college graduates with contemporary job skills, better roads, higher quality public health, fewer inmates, etc. Moreover, in addressing our challenges, it’s important to do so in a financially responsible way, so as to not fall victim to the budgetary nightmares currently plaguing other states.

If we’re truly “all in this together,” then we must focus on the improvement of *all* public services. Initiative 42 won’t accomplish that.

**By: Dr. Scott Elliott
President, Meridian Community College**

ALTERNATIVE MEASURE No. 42 A

BALLOT TITLE: Should the Legislature provide for the establishment and support of effective free public schools without judicial enforcement?

YES

Our kids deserve EFFECTIVE schools. Common sense says this won’t happen just by pumping more of your taxes into the current system, which is all Initiative 42 would do.

Alternative Measure 42A is not a trick, but a viable proposal to foster EFFECTIVE public schools. There is something tricky going on, however. It is Initiative 42’s deceitful “bait and switch” scam to sneakily change our Constitution to allow a LAWSUIT to control state and local education policy (not just funding).

To convince 116,570 Mississippians to sign petitions last year, organizers claimed (“THE BAIT”) that Initiative 42 would simply require legislators to put 25% of revenue growth into the education funding formula for seven (7) years to “fully fund” it by 2022. (In fact, the Legislature more than doubled that for 2015-16, spending MILLIONS MORE on public education than ever before.) And, despite anything you’ve been told, Initiative 42 contains NO “growth trigger” and NO “phase-in” provisions AT ALL.

What Initiative 42 would really do (“THE SWITCH”) is create a brand new constitutional right to SUE in a Hinds County court to force immediate funding in whatever amount a judge decides. Initiative 42 zealots hid this reckless agenda last year when they misled thousands of honest citizens to sign their petitions. Its proponents don’t want you to know that Initiative 42 would give a JUDGE you can’t even vote for the power to SPEND your tax dollars without any accountability to you, the taxpayer.

And don’t be mocked by liberal elitists who say you don’t understand what the word “effective” means. An “effective” school is simply one that teaches like it’s supposed to, and where kids learn as they should. If you’re truly FED UP with being ranked 50th in America, then vote FOR Alternative Measure 42A, and give Mississippi kids EFFECTIVE public schools.

**By: Rep. Greg Snowden (R-Meridian)
Speaker Pro Tempore
Author of HCR 9 (Alternative Measure #42A)**

NO

Initiative 42A has been put on the ballot by the legislature for one purpose and one purpose only: To divide the supporters of public education so that Initiative 42 will not get the percentage of all those voting necessary to amend the constitution.

In other words, it is a trick. Do not fall for it.

Voters will have two choices.

The first choice is whether to amend the constitution by initiative. The constitution needs to be amended because at present it gives the legislature control over public school funding without any accountability.

Vote “for” for the use of initiative to amend the constitution.

Second, the ballot will offer voters a choice between Initiative 42, which would require an “adequate and efficient” free public school system, and Initiative 42A, which would require an “effective” system. Either one would have to be enforced by the courts.

The legislative authors of Initiative 42A did not put it forward in the hope that it would pass. They do not know what an “effective” system would be. The courts have never defined that term.

Rather, the purpose of Initiative 42A is to split the vote of those who favor an amendment so that neither amendment is adopted.

Vote “for” Initiative 42 only. That is a vote for a strong public school system that will help Mississippi compete with other states for good jobs. Do not be tricked.

**By: Luther T. Munford
Sponsor, Initiative Measure #42**

Initiative Measure No. 42

BALLOT SUMMARY: Initiative #42 would protect each child's fundamental right to educational opportunity through the 12th grade by amending Section 201 of the Mississippi Constitution to require that the State must provide and the legislature must fund an adequate and efficient system of free public schools. This initiative would also authorize the chancery courts of this State to enforce this section with appropriate injunctive relief.

Section 201. Educational opportunity for public school children "To protect each child's fundamental right to educational opportunity, the State shall provide for the establishment, maintenance and support of an adequate and efficient system of free public schools. The chancery courts of this State shall have the power to enforce this section with appropriate injunctive relief."

Fiscal Analysis

*Prepared by the
Mississippi Legislative Budget Office*

Because this proposed amendment shifts funding decisions from the Legislature to the court system, it is impossible to provide a specific fiscal impact of Initiative 42. If the court system, acting under the new authority granted by Initiative 42, required K-12 Public Education be funded at the amount called for by the statutory Mississippi Adequate Education Program, the Legislature would need to appropriate an additional \$201,031,129 above the Fiscal Year 2016 budgeted amount. Fiscal Year 2016 revenues are not adequate to support this funding increase without the Legislature having to cut agency budgets or identify new sources of revenue (such as fees or tax increase) to comply with the court's dictate.

Alternative Measure No. 42 A

BALLOT SUMMARY: This constitutional amendment is proposed as a legislative alternative measure to Initiative #42 and would require the Legislature to provide, by general law, for the establishment, maintenance and support of an effective system of free public schools.

Section 201. "The Legislature shall, by general law, provide for the establishment, maintenance and support of an effective system of free public schools."

Fiscal Analysis

*Prepared by the
Mississippi Legislative Budget Office*

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

Current Mississippi Law

Section 201. Free Public Schools. "The Legislature shall, by general law, provide for the establishment, maintenance and support of free public schools upon such conditions and limitations as the Legislature may prescribe."

The Secretary of State's Office hosted a series of eight Public Hearings in August and September 2015 to give Mississippians the opportunity to express their opinions about Initiative Measure #42 and Alternative Measure #42A.

For a transcript of each of the hearings, to read written comments submitted either for or against both measures or for more information on the public education funding measures, please visit the Secretary of State's website: www.sos.ms.gov.

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DELBERT HOSEMANN
Secretary of State

The November 3, 2015 Ballot

Both Initiative Measure No. 42 and Alternative Measure No. 42A will appear at the end of the General Election ballot. According to Mississippi election law, voters will be asked to make two choices:

1. First, voters will be asked if they want to amend the Mississippi Constitution by either proposed amendment or whether they do not want to change the current law.

The ballot will give two options:

VOTE FOR APPROVAL OF EITHER, OR AGAINST BOTH:

- FOR APPROVAL OF EITHER Initiative Measure No. 42 OR Alternative Measure No. 42 A
- AGAINST BOTH Initiative Measure No. 42 OR Alternative Measure No. 42 A

2. Next, voters will then have the option of voting for EITHER Initiative Measure No. 42 OR Alternative Measure No. 42A.

The ballot will give two options:

AND VOTE FOR ONE:

- FOR Initiative Measure No. 42
- FOR Alternative Measure No. 42 A

Initiative Measure No. 42 & Alternative Measure No. 42 A

Public Education Funding



DELBERT HOSEMANN
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