

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 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 #31

No property acquired by the exercise of the power of eminent domain under the laws of the State of Mississippi shall, for a period of ten years after its acquisition, be transferred or any interest therein transferred to any person, non-governmental entity, public-private partnership, corporation, or other business entity with the following exceptions:

- (1) The above provisions shall not apply to drainage and levee facilities and usage, roads and bridges for public conveyance, flood control projects with a levee component, seawalls, dams, toll roads, public airports, public ports, public harbors, public wayports, common carriers or facilities for public utilities and other entities used in the generation, transmission, storage or distribution of telephone, telecommunication, gas carbon dioxide, electricity, water, sewer, natural gas, liquid hydrocarbons or other utility products.
- (2) The above provisions shall not apply where the use of eminent domain (a) removes a public nuisance; (b) removes a structure that is beyond repair or unfit for human habitation or use; (c) is used to acquire abandoned property; or (d) eliminates a direct threat to public health or safety caused by the property in its current condition.

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 Meetings 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

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 #31

Eminent Domain

Should government be prohibited from taking private property by eminent domain and then transferring it to other persons?



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BALLOT TITLE:

Should government be prohibited from taking private property by eminent domain and then transferring it to other persons?

BALLOT SUMMARY:

Initiative #31 would amend the Mississippi Constitution to prohibit state and local government from taking private property by eminent domain and then conveying it to other persons or private businesses for a period of 10 years after acquisition. Exceptions from the prohibition include drainage and levee facilities, roads, bridges, ports, airports, common carriers, and utilities. The prohibition would not apply in certain situations, including public nuisance, structures unfit for human habitation, or abandoned property.

⊗ YES

Argument FOR the Initiative

Eminent domain is the power to take private property for public use. Recently, governments have taken private property and given it to private developers for their own personal gain.

Because of this, 43 states have enacted eminent domain reform. Our Legislature tried to do so, but was vetoed. Last year, the people of Mississippi spoke up, clearly and unmistakably. Over 100,000 citizens signed petitions calling for an eminent domain reform initiative to be placed on the 2011 ballot.

The initiative follows the action passed by the Legislature but necessarily differs in one respect: it expressly prevents any property taken by eminent domain from being turned

over to any private developer for 10 years, which is a strong deterrent.

Defending eminent domain cases is expensive and beyond the means of most citizens, while the government uses our tax money to take away our homes and property. People of limited resources are at the greatest risk of becoming victims.

Opponents will argue that reforming private property laws will stifle economic development. However, the facts clearly show that this has not been the case in the many other states where reform has been enacted.

Though eminent domain appears complicated, the basic question is this: Should a person's house

or farm be taken and turned over to a private developer immediately?

Private property is an American cornerstone based upon the concept that your home is your castle. It is a basic freedom that must be safeguarded. Last year, Mississippi's hardworking citizens lifted their voices to insist that the power must rest with the people instead of with the rich. This initiative could well be our last chance to protect our property from being taken for private development

Make your voice heard. Save our land.

Vote Yes for Initiative No. 31 – eminent domain reform.

⊗ NO

Argument AGAINST the Initiative

Initiative 31 will hurt Mississippi. It will cripple Mississippi's ability to attract good-paying jobs. It could hinder private landowners' ability to sell their land for industrial development. Please vote no.

The U.S. and Mississippi Constitutions currently prohibit government taking property for public use without just compensation. Mississippi law further protects your land rights through a system of checks and balances. In those extremely rare cases of eminent domain for major projects, state agencies, local governments, the Legislature and the Governor all must agree that it is for public use. Additionally, the landowner can always challenge the taking in court.

Mississippi has made tremendous strides in creating jobs through major projects such as Nissan, PACCAR, Ingalls Shipyard, Stennis Space Center and Toyota. Without eminent domain, none of these projects would exist. If Initiative 31 passes, it would cripple the state's ability to create good-paying jobs for Mississippians. When nearly 10 percent of Mississippians are in desperate need for a job, we shouldn't adopt policies that would hurt job creation.

Despite the rhetoric that Initiative 31 helps Mississippians, it really only hurts the state's ability to create jobs. And it does not even address the most common takings of land: those by the state highway

department, local governments, or even utility companies or hospitals for roads, pipelines or buildings.

Even worse, Initiative 31 could hinder your ability to sell your land. Because Initiative 31 will prevent industrial development, it will mean that landowners who would like to sell for such a development will not be able to do that and surrounding landowners will lose the increased value of their land that development would cause.

Our state constitution already protects landowners. The system has worked for over 100 years. If implemented, Initiative 31 will needlessly and negatively hurt Mississippi families.

Please vote no.

PRO Argument by David Waide, Initiative Sponsor

CON Argument by Leland Speed