

Mississippi could renew initiatives but ban them on abortion

March 1 2023, by Michael Goldberg



Mississippi state Rep. Fred Shanks, middle, red blazer, sits in a legislative hearing at the state Capitol in Jackson, Miss., Tuesday, Feb, 28, 2023. Shanks chairs the House Constitution Committee, which advanced a proposal Tuesday that would ban voters from launching ballot initiatives related to abortion. Credit: AP Photo/Michael Goldberg

Mississippi residents might get back the ability to enact public policy through statewide ballot initiatives, but people would be banned from using the process to change abortion laws.

Republican lawmakers advanced a proposal Tuesday that would strip voters of their ability to launch abortion measures under a revived ballot initiative process.

Starting in the 1990s, Mississippi had an initiative process that allowed people to put proposed state constitutional amendments on the ballot. The state Supreme Court ruled in 2021 that the process was invalid because it required an equal number of signatures from five congressional districts. The state had dropped to four districts after the 2000 Census, but initiative language was never updated.

Since the 2021 ruling, Mississippi voters have lacked a process for addressing issues by launching initiatives. The restriction on abortion ballot measures is the latest update to a resolution moving through the Legislature that would restore the initiative process. This would allow proposed laws, not constitutional amendments, to go on the ballot.

The initial version of the resolution had no provisions related to abortion; those were added Tuesday. Rep. Fred Shanks, the Republican chair of the House Constitution Committee, told reporters there was concern among GOP lawmakers that Mississippi voters might use the initiative process to expand abortion access, which is now tightly restricted.

"There was some concern about it, yeah," Shanks said.

In 2011, Mississippi voters rejected a "personhood" initiative that would have defined life as beginning at fertilization. The measure was promoted as a way to eliminate abortion rights, and its failure surprised many in the deeply conservative state.

In June, the U.S. Supreme Court stripped away constitutional protections for abortion based on a Mississippi case. In his majority opinion, Justice Samuel Alito wrote that the decision would allow [abortion laws](#) to be settled through the democratic process.

"Roe and Casey must be overruled, and the authority to regulate abortion must be returned to the people and their elected representatives," Alito wrote.

If the proposed new initiative process is adopted, state legislators would be the only people in Mississippi with the power to change abortion laws.

Since the Supreme Court ruling in June, voters in six states have either expanded or protected existing abortion rights through statewide ballot initiatives. Kansas resoundingly protected abortion rights in August, and five other states have either enshrined those rights or rejected constitutional restrictions on [abortion](#).

To put an initiative on the statewide ballot in Mississippi, petitions would need to be signed over a 12-month period by at least 12% of the state's registered voters as of the last presidential election. Shanks said that would be about 240,000 signatures.

The requirements are tougher than those under the prior initiative process. Before 2021, a petition only needed about 106,000 signatures to appear on the [ballot](#)—12% of the total votes cast in the most recent election for governor.

The resolution will go to the full House for more debate. If it survives, senators could either accept the House changes, seek final negotiations or let the proposal die.

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