MISSISSIPPI LEGISLATURE REGULAR SESSION 2017

By: Representative Calhoun

To: Workforce Development; Apportionment and Elections

HOUSE BILL NO. 821

AN ACT TO PROVIDE FOR A STATEWIDE SPECIAL ELECTION FOR THE PURPOSE OF DETERMINING WHETHER MISSISSIPPI WILL HAVE A STATE MINIMUM WAGE; TO PROVIDE THAT THE SPECIAL ELECTION TO VOTE ON THIS ISSUE SHALL BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER 2018, AND CONDUCTED IN THE SAME MANNER AS REGULAR GENERAL ELECTIONS ARE HELD; TO REQUIRE THE SECRETARY OF STATE TO PROVIDE SUCH BALLOTS TO THE ELECTION COMMISSIONERS OF EACH COUNTY; TO REQUIRE THAT ANY POLITICAL COMMITTEE MAKING CERTAIN CONTRIBUTIONS OR EXPENDITURES IN SUPPORT OR OPPOSITION MUST FILE CERTAIN REPORTS DISCLOSING THOSE CONTRIBUTIONS AND EXPENDITURES; TO AMEND SECTIONS 23-15-351, 23-15-355 AND 23-15-805, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There shall be a statewide special election for the purpose of determining whether Mississippi will have a state minimum wage, to be held on the first Tuesday after the first Monday in November 2018, and conducted in the same manner as regular general elections are held, except as otherwise provided in subsection (2) of this section and in Section 6 of this act. The question put before the voters at such statewide special election shall read on the ballots as follows:

"PLEASE VOTE 'YES' OR 'NO' ON THE FOLLOWING PROPOSITION:

The State of Mississippi shall have a minimum wage in the amount of $7.25 per hour beginning January 1, 2019, a minimum wage in the amount of $8.25 per hour beginning on January 1, 2020, and a minimum wage in the amount of $8.25 per hour beginning on January 1, 2021. The State of Mississippi shall have a minimum wage for tipped employees in the amount of $5.00 per hour beginning January 1, 2019, a minimum wage for tipped employees in the amount of $6.00 per hour beginning on January 1, 2020, and a minimum wage for tipped employees in the amount of $7.00 per hour beginning on January 1, 2021. On January 1 of each year, each minimum wage shall be increased by a percentage equal to the inflations rate calculated by the United States Inflation Rate Calculator."

The preference of a majority of the qualified electors voting in the election shall determine whether Mississippi shall have an established minimum wage. In addition to the enactment of the minimum wages established by this act, the Legislature shall take whatever other steps are necessary to effectuate the mandate of the electorate's selection.

(2) The statewide special election for the purpose of determining whether the state will establish its own minimum wage shall be administered by means of ballots, which the Secretary of State shall provide to the election commissioners of each county. The Secretary of State shall determine whether, in each county, it would be more efficient to administer the election by paper

ballots, voting machines, electronic voting systems, optical mark reading equipment or other mechanized equipment. The method used in each county shall be as uniform as practicable when compared to any other county in which the same method is used. In any event, the Secretary of State shall include the same language as described for minimum wage in this act. The Secretary of State is authorized to enter into any necessary contracts for providing the required ballots in all counties of this state. The State of Mississippi shall bear the costs incurred in providing the ballots that are required, and the Legislature shall appropriate the funds necessary for this purpose. Each individual county shall bear all other costs associated with the holding of the statewide special election for the purpose of determining a state minimum wage.

(3) Every individual who makes contributions or expenditures in support of or in opposition to a proposition presented to the electorate in the statewide special election for the state minimum wage, in amounts aggregating in excess of Two Hundred Dollars ($200.00), shall file all reports required to be filed by political committees under Sections 23-15-801 through 23-15-817, in the same manner and at the same time as provided for political committees.

(4) The county election commissioners shall transmit to the Secretary of State, in the same manner as the vote for state officers is transmitted, a statement of the total number of votes cast for each proposition in the statewide special election. The

Secretary of State shall tabulate the returns and certify the results to the Governor and to each house of the Legislature.

SECTION 2. **[If a majority of the qualified electors voting in the statewide election for the purpose of determining a state minimum wage, as provided in Section 1 of this act, vote "YES," this section shall become effective and shall read as follows:]**

The State of Mississippi shall have a minimum wage in the amount of $7.25 per hour beginning January 1, 2019, a minimum wage in the amount of $8.25 per hour beginning on January 1, 2020, and a minimum wage in the amount of $8.25 per hour beginning on January 1, 2021. The State of Mississippi shall have a minimum wage for tipped employees in the amount of $5.00 per hour beginning January 1, 2019, a minimum wage for tipped employees in the amount of $6.00 per hour beginning on January 1, 2020, and a minimum wage for tipped employees in the amount of $7.00 per hour beginning on January 1, 2021. On January 1 of each year, each minimum wage shall be increased by a percentage equal to the inflation rate calculated by the United States Inflation Rate Calculator.

SECTION 3. Section 23-15-351, Mississippi Code of 1972, is amended as follows:

23-15-351. It shall be the duty of the chairman of the election commission of each county to have printed all necessary ballots for use in elections, except ballots in municipal elections which shall be printed as herein provided by the

authorities of the respective municipalities; and the said election commissioner shall cause the official ballot to be printed by a printer sworn to keep the ballots secret under the penalties prescribed by law. The printer shall deliver to the election commissioners for holding elections, a certificate of the number of ballots printed for each precinct, and shall not print any additional ballots, except on instruction of proper election commissioners; and failure to observe either of these requirements shall be a misdemeanor.

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In the case of the statewide special election to determine the state minimum wage, the provisions of this article regarding the printing and distribution of the official ballots, shall be governed by the provisions of Section 1(2) of this act.

SECTION 4. Section 23-15-355, Mississippi Code of 1972, is amended as follows:

23-15-355. Ballots in all elections shall be printed and distributed at public expense and shall be known as "official ballots." The expense of printing such ballots shall be paid out of the county treasury, except that in municipal elections such expenses shall be paid by the respective cities, towns and villages. *** * *** In the case of the statewide special election to determine the state minimum wage, the provisions of this article regarding the payment of the expenses of printing the official

ballots shall be governed by the provisions of Section 1(2) of this act.

SECTION 5. Section 23-15-805, Mississippi Code of 1972, is amended as follows:

23-15-805. (a) Candidates for state, state district, and legislative district offices, and every political committee, which makes reportable contributions to or expenditures in support of or in opposition to a candidate for any such office or makes reportable contributions to or expenditures in support of or in opposition to a statewide ballot measure, shall file all reports required under this article with the Office of the Secretary of State.

(b) Candidates for county or county district office, and every political committee which makes reportable contributions to or expenditures in support of or in opposition to a candidate for such office or makes reportable contributions to or expenditures in support of or in opposition to a countywide ballot measure or a ballot measure affecting part of a county, excepting a municipal ballot measure, shall file all reports required by this section in the office of the circuit clerk of the county in which the election occurs. The circuit clerk shall forward copies of all reports to the Office of the Secretary of State.

(c) Candidates for municipal office, and every political committee which makes reportable contributions to or expenditures in support of or in opposition to a candidate for such office, or

makes reportable contributions to or expenditures in support of or in opposition to a municipal ballot measure shall file all reports required by this article in the office of the municipal clerk of the municipality in which the election occurs. The municipal clerk shall forward copies of all reports to the Office of the Secretary of State.

(d) The Secretary of State, the circuit clerks and the municipal clerks shall make all reports received under this subsection available for public inspection and copying and shall preserve such reports for a period of five (5) years.

(e) The provisions of this section applicable to the reporting by a political committee of contributions and expenditures regarding statewide ballot measures shall apply to the statewide special election for the purpose of * * * determining the state minimum wage.

SECTION 6. The Secretary of State, the circuit clerks of each county and the election commissioners of each county are authorized to take any necessary actions to prepare the official ballots for the statewide special election for the effectuation of Sections 1 through 5 of this act. If Sections 1 through 5 of this act are not effectuated, the State of Mississippi shall be responsible for payment of expenses incurred by those officials in taking such actions to the same extent as if Sections 1 through 5 of this act had been effectuated.

SECTION 7. This act shall take effect and be in force from and after July 1, 2017.

ST: Minimum wage; authorize a statewide ballot initiative to determine state increase.