



# Butler v. Watson, 2021 WL 1940821 (Miss. S. Ct.)

Topics Covered: Public Health

## **Outcome: Favorable**

### **Issue**

The issue in this case was whether a Mississippi citizens' initiative seeking to legalize medical marijuana met the signature requirements for appearance on the ballot.

### **AMA Interest**

The AMA believes that cannabis for medicinal use should not be legalized through the state legislative, ballot initiative, or referendum process.

### **Case Summary**

This case involves the Mississippi procedure for securing an initiative to amend the state constitution. In 1992, the Mississippi constitution was amended to allow for citizen ballot initiatives. The state then had five congressional districts, and the amendment mandated that initiative signatures from "any congressional district shall not exceed one-fifth of the total number of signatures required to qualify an initiative petition for placement upon the ballot." Excess signatures from a congressional district are to be ignored.

Following the 2000 census, however, Mississippi lost a congressional seat, and its state boundaries were redrawn into four districts. The procedure for a ballot initiative remained unchanged, and thus—arguably—it has become mathematically impossible to get an initiative on the ballot under Mississippi law.

The Medical Marijuana 2020 campaign submitted more than 214,000 signatures—105,686 of which were valid—in September 2019 to get an initiative for medical marijuana on the ballot, which then passed.

In October 2020, the City of Madison, Mississippi filed an emergency petition with the Mississippi Supreme Court to challenge the initiative process and the passage of medical marijuana initiative.

On May 14, 2021, the Mississippi Supreme Court ruled that the initiative process and subsequent passage of the medical marijuana initiative violated state law, which was the position advocated by the Litigation Center.

## **Litigation Center Involvement**

The Litigation Center and the Mississippi State Medical Association filed an *amicus* brief in the Mississippi Supreme Court to support the plaintiff and oppose the referendum that legalized marijuana.

Mississippi Supreme Court Brief