

FILED

NOV 17 2020

Serial: 234529

IN THE SUPREME COURT OF MISSISSIPPI

**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

No. 2020-M-01199

***IN RE INITIATIVE MEASURE NO. 65: MAYOR MARY HAWKINS
BUTLER, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES, AND
THE CITY OF MADISON*** *Petitioners*

v.

***MICHAEL WATSON, IN HIS OFFICIAL CAPACITY AS SECRETARY
OF STATE FOR THE STATE OF MISSISSIPPI*** *Respondent*

ORDER

Now before the undersigned Justice is the Emergency Petition for Review Pursuant to Article 15, Section 273(9) of the Mississippi Constitution of 1890 and Writ of Mandamus and/or Other Extraordinary Writs (“Emergency Petition”) filed by Mayor Mary Hawkins Butler, in her individual and official capacities, and the City of Madison. At the direction of the Court, *en banc*, pursuant to M.R.A.P. 21(d), an Answer was filed by Michael Watson, in his official capacity as Secretary of State for the State of Mississippi.

Article 15, Section 273(9) of the Mississippi Constitution provides, in pertinent part, that the “sufficiency” of initiative petitions “shall be decided in the first instance by the Secretary of State, subject to review by the Supreme Court of the state, which shall have original and exclusive jurisdiction over all such cases.” Miss. Const. art. 15, § 273(9).

In this unique procedural context, the undersigned Justice finds the Emergency Petition is akin to a “petition for permission to appeal under Rule 5” as to which the Court may “order such further proceedings as the Court deems appropriate.” M.R.A.P. 21(d). To

that end, the undersigned Justice finds the matter shall be docketed by the Clerk of the Court and assigned a docket number, pursuant to M.R.A.P. 13. Furthermore, the undersigned Justice finds that the matter warrants expedited proceedings. *See, e.g.*, M.R.A.P. 5(e) (“The Court may in its discretion expedite the appeal and give it preference over ordinary civil cases”); M.R.A.P. 21(d) (“The clerk shall advise the parties of the dates on which briefs are to be filed, if briefs are required, and of the date of oral argument. The proceeding shall be given preference over ordinary civil cases”). Accordingly, the undersigned Justice finds that the following briefing schedule shall be established in the matter — the brief of Mayor Mary Hawkins Butler, in her individual and official capacities, and the City of Madison shall be filed on or before Monday, December 7, 2020; the brief of Michael Watson, in his official capacity as Secretary of State for the State of Mississippi, shall be filed on or before Monday, December 28, 2020; and the reply brief of Mayor Mary Hawkins Butler, in her individual and official capacities, and the City of Madison shall be filed on or before Thursday, January 7, 2021. No extension of these deadlines shall be granted absent extraordinary circumstances.

Relatedly, the undersigned Justice finds that any non-party seeking to file a brief of *amicus curiae* shall do so “no later than seven (7) days after filing of the initial brief of the party whose position the amicus brief will support.” M.R.A.P. 29(b).

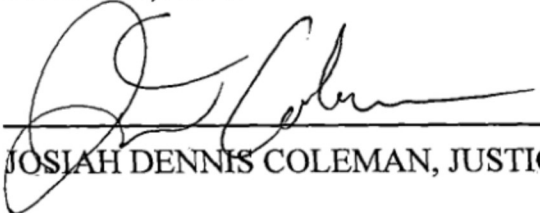
IT IS THEREFORE ORDERED that the matter shall be docketed by the Clerk of the Court and assigned a docket number, pursuant to M.R.A.P. 13.

IT IS FURTHER ORDERED that the brief of Mayor Mary Hawkins Butler, in her individual and official capacities, and the City of Madison shall be filed on or before

Monday, December 7, 2020; the brief of Michael Watson, in his official capacity as Secretary of State for the State of Mississippi, shall be filed on or before Monday, December 28, 2020; and the reply brief of Mayor Mary Hawkins Butler, in her individual and official capacities, and the City of Madison shall be filed on or before Thursday, January 7, 2021. No extension of these deadlines shall be granted absent extraordinary circumstances.

IT IS FURTHER ORDERED that, pursuant to M.R.A.P. 29, any non-party seeking to file a brief of *amicus curiae* shall do so no later than seven (7) days after filing of the initial brief of the party whose position the *amicus* brief will support.

SO ORDERED, this the 17th day of November, 2020.



JOSIAH DENNIS COLEMAN, JUSTICE