

By: Representative Hines

To: Rules

HOUSE BILL NO. 1277

1 AN ACT TO PROVIDE FOR A STATEWIDE SPECIAL ELECTION FOR THE
 2 PURPOSE OF DETERMINING THE WILL OF THE CITIZENS OF THE STATE AS TO
 3 WHETHER OR NOT THE CONFEDERATE BATTLE EMBLEM WILL BE REMOVED FROM
 4 THE DESIGN OF THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI; TO
 5 SET THE DATE OF NOVEMBER 6, 2018, FOR THE STATEWIDE SPECIAL
 6 ELECTION; TO REQUIRE THE ELECTION TO BE ADMINISTERED BY MEANS OF
 7 BALLOTS WITH SPECIFIC LANGUAGE AND TO REQUIRE THE SECRETARY OF
 8 STATE TO PROVIDE THOSE BALLOTS TO THE ELECTION COMMISSIONERS OF
 9 EACH COUNTY; TO ESTABLISH A COMMISSION TO REDESIGN THE MISSISSIPPI
 10 STATE FLAG IF A MAJORITY OF THE ELECTORS VOTE IN FAVOR OF CHANGING
 11 THE FLAG; TO PRESCRIBE THE MEMBERSHIP OF THE COMMISSION AND TO
 12 PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO PROVIDE THAT THE
 13 REDESIGNED MISSISSIPPI STATE FLAG ADOPTED BY THE COMMISSION SHALL
 14 NOT INCLUDE THE DESIGN OF THE CONFEDERATE BATTLE FLAG; TO PROVIDE
 15 THAT THE RECOMMENDATION OF THE COMMISSION SHALL BE PRESENTED TO
 16 THE GOVERNOR AND THE LEGISLATURE BEFORE JANUARY 1, 2020; TO AMEND
 17 SECTIONS 23-15-351 AND 23-15-355, MISSISSIPPI CODE OF 1972, IN
 18 CONFORMITY; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** (1) There shall be a statewide special election
 21 for the purpose of determining the will of the citizens of the
 22 State of Mississippi as to whether or not the Confederate Battle
 23 emblem will be removed from the official flag of the State of
 24 Mississippi. The special election shall be held on Tuesday,
 25 November 6, 2018, and shall be conducted in the same manner as
 26 regular general elections are held. The question put before the



27 voters at the statewide special election shall read on the ballots
28 as follows:

29 **"PLEASE VOTE 'YES' OR 'NO'**

30 **The Confederate Battle Flag emblem shall be removed from the**
31 **official State Flag.**

32 **'YES': _____ 'NO': _____"**

33 The qualified electors may indicate their preference on the
34 line following the proposition that they prefer.

35 The preference of a majority of the qualified electors voting
36 in the election shall determine the design of the official flag of
37 the State of Mississippi. If a majority of the qualified electors
38 voting in the election vote "Yes," the provisions of Section 2 of
39 this act shall be in force and effect and the Commission to
40 Redesign the Mississippi State Flag shall develop a new design and
41 report to the Legislature to enact necessary legislation. If a
42 majority of the qualified electors voting in the election vote
43 "No," the design of the State Flag shall continue as prescribed in
44 Section 3-3-16.

45 (2) The statewide special election shall be administered by
46 means of ballots provided by the Secretary of State to the
47 election commissioners of each county. The Secretary of State
48 shall determine whether, in each county, it would be more
49 efficient to administer the election by paper ballots or voting
50 machines. The costs incurred in providing the ballots shall be
51 borne by the State of Mississippi subject to specific



52 appropriation therefor by the Legislature. All other costs
53 associated with the holding of the statewide special election
54 shall be borne by each individual county.

55 (3) The county election commissioners shall transmit to the
56 Secretary of State, in the same manner as the vote for state
57 officers is transmitted, a statement of the total number of votes
58 cast for each proposition in the statewide special election. The
59 Secretary of State shall tabulate the returns and certify the
60 results to the Governor and to each house of the Legislature.

61 **SECTION 2. (This section shall be in force and effect only**
62 **if a majority of the qualified electors voting in the election**
63 **provided in Section 1 of this act vote in favor of removing the**
64 **Confederate Battle Flag emblem from the State Flag.)**

65 (1) There is established the Commission to Redesign the
66 Mississippi State Flag (commission) with the sole purpose of
67 developing, designing and reporting to the Governor and the
68 Legislature a new design for the official Mississippi State Flag,
69 in order for the Legislature to adopt necessary legislation during
70 the 2020 Regular Session to effectuate the new design. The new
71 Mississippi State Flag adopted by the commission shall not include
72 the design of the Confederate Battle Flag. The commission is
73 charged with a sensitive and responsible task that it shall
74 conduct in an objective manner. The redesigned Mississippi State
75 Flag shall honor the past while embracing the promise of the
76 future.



77 (2) The Commission to Redesign the Mississippi State Flag
78 shall be appointed as follows:

79 (a) Three (3) members of the Mississippi House of
80 Representatives appointed by the Speaker of the House;

81 (b) Three (3) members of the Mississippi Senate
82 appointed by the Lieutenant Governor;

83 (c) Eleven (11) members appointed by the Governor, to
84 include:

85 (i) Two (2) high school students;

86 (ii) A Mississippi public schoolteacher and a
87 Mississippi public university instructor;

88 (iii) A representative from the Mississippi
89 Economic Council;

90 (iv) A representative from the Mississippi Arts
91 Commission;

92 (v) Two (2) representatives from the Board of
93 Trustees of the Mississippi Department of Archives and History;

94 (vi) A representative from business and industry;
95 and

96 (vii) Two (2) members from the state at large.

97 All appointments shall be made within thirty (30) days
98 following the date of the referendum provided in Section 1 of this
99 act. The chairman of the commission shall be appointed by the
100 Governor from the members of the commission. The commission shall
101 meet as soon as practicable after appointments have been made upon



102 the call of the chairman, and shall organize for business. A
103 quorum of the appointed membership of the commission shall be
104 required for the adoption of any reports and recommendations. The
105 Mississippi Department of Archives and History shall provide
106 meeting space and clerical support for the operation of the
107 commission.

108 (3) The Commission to Redesign the Mississippi State Flag
109 shall have the following functions and duties:

110 (a) To hold regular, public meetings when and where it
111 sees fit;

112 (b) To receive written, public comment, in a manner it
113 sees fit, and to hold public hearings, under the terms and
114 conditions it determines and sees fit;

115 (c) To collect, examine and consider all information
116 which it determines may be helpful in making a recommendation on
117 use and adoption of Mississippi's State Flag;

118 (d) To consult with historical experts, social science
119 experts, representatives of organizations and associations, and
120 others, as it sees fit, whose knowledge or expertise may assist
121 the commission in making its recommendation;

122 (e) To make any inquiries and conduct any business that
123 may assist the commission in submitting a design for a State Flag;
124 however, the new Mississippi State Flag adopted by the commission
125 shall not include the design of the Confederate Battle Flag;



126 (f) Keep minutes of its meetings, and make those
127 minutes available to the public; and

128 (g) To make a written recommendation for a new design
129 for the official Mississippi State Flag and an oral presentation
130 if requested, to the Governor, the Lieutenant Governor and the
131 Speaker of the House on or before January 1, 2020.

132 (4) Members of the commission shall receive no compensation
133 for service on the commission, but may receive reimbursement for
134 mileage and actual expenses as provided in Section 25-3-41, to the
135 extent funds are available for that purpose.

136 (5) The State Flag currently in use shall remain in use
137 until such time as the Mississippi Legislature considers the
138 report of the commission and the Legislature has had ample time to
139 act.

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

142 23-15-351. It shall be the duty of the chairman of the
143 election commission of each county to have printed all necessary
144 ballots for use in elections, except ballots in municipal
145 elections which shall be printed as herein provided by the
146 authorities of the respective municipalities; and the said
147 election commissioner shall cause the official ballot to be
148 printed by a printer sworn to keep the ballots secret under the
149 penalties prescribed by law. The printer shall deliver to the
150 election commissioners for holding elections, a certificate of the



151 number of ballots printed for each precinct, and shall not print
152 any additional ballots, except on instruction of proper election
153 commissioners; and failure to observe either of these requirements
154 shall be a misdemeanor.

155 In the case of the statewide special election for the
156 selection of the official State Flag provided for in Section 1 of
157 Laws, 2001, Chapter 301, the provisions of this article regarding
158 the printing and distribution of the official ballots shall be
159 governed by the provisions of Section 1(2) of Laws, 2001, Chapter
160 301.

161 In the case of the statewide special election regarding the
162 design of the official State Flag provided for in Section 1 of
163 this act, the provisions of this article regarding the printing
164 and distribution of the official ballots shall be governed by the
165 provisions of Section 1(2) of this act.

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

168 23-15-355. Ballots in all elections shall be printed and
169 distributed at public expense and shall be known as "official
170 ballots." The expense of printing such ballots shall be paid out
171 of the county treasury, except that in municipal elections such
172 expenses shall be paid by the respective cities, towns and
173 villages. In the case of the statewide special election for the
174 selection of the official State Flag provided for in Section 1 of
175 Laws, 2001, Chapter 301, the provisions of this section regarding



176 payment of the expenses of printing the official ballots shall be
177 governed by the provisions of Section 1(2) of Laws, 2001, Chapter
178 301. In the case of the statewide special election regarding the
179 design of the official State Flag provided for in Section 1 of
180 this act, the provisions of this section regarding payment of the
181 expenses of printing the official ballots shall be governed by the
182 provisions of Section 1(2) of this act.

183 **SECTION 5.** This act shall take effect and be in force from
184 and after July 1, 2017.

