

By: Senator(s) Horhn

To: Rules

SENATE BILL NO. 2737

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 SHALL BE REMOVED FROM  
 4 THE DESIGN OF THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI; TO  
 5 SET THE DATE OF NOVEMBER 7, 2017, 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 SUCH BALLOTS TO THE ELECTION COMMISSIONERS OF  
 9 EACH COUNTY; TO ESTABLISH A COMMISSION TO REDESIGN THE MISSISSIPPI  
 10 STATE FLAG IN THE EVENT A MAJORITY OF THE ELECTORS VOTE IN FAVOR  
 11 OF CHANGING THE FLAG; TO PRESCRIBE THE MEMBERSHIP OF THE  
 12 COMMISSION AND TO PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO  
 13 PROVIDE THAT THE REDESIGNED MISSISSIPPI STATE FLAG ADOPTED BY THE  
 14 COMMISSION SHALL NOT INCLUDE THE DESIGN OF THE CONFEDERATE BATTLE  
 15 FLAG; TO PROVIDE THAT THE RECOMMENDATION OF THE COMMISSION SHALL  
 16 BE PRESENTED TO THE 2017 REGULAR SESSION AND SHALL BE UNVEILED AT  
 17 THE BICENTENNIAL OF THE STATE OF MISSISSIPPI ON DECEMBER 10, 2017;  
 18 TO AMEND SECTIONS 23-15-351 AND 23-15-355, MISSISSIPPI CODE OF  
 19 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** (1) There shall be a statewide special election  
 22 for the purpose of determining the will of the citizens of the  
 23 State of Mississippi as to whether or not the Confederate Battle  
 24 emblem shall be removed from the Official Flag of the State of  
 25 Mississippi. The special election shall be held on Tuesday,  
 26 November 7, 2017, and shall be conducted in the same manner as



27 regular general elections are held. The question put before the  
28 voters at such statewide special election shall read on the  
29 ballots as follows:

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

31 **The Confederate Battle Flag emblem shall be removed from the**  
32 **Official State Flag.**

33 **'YES': \_\_\_\_\_ 'NO': \_\_\_\_\_"**

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

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

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



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

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

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

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



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

129 (g) To make a written recommendation, and oral  
130 presentation if requested, to the Governor, the Lieutenant  
131 Governor and the Speaker of the House on or before January 1,  
132 2018.

133 (4) Members of the commission shall receive no compensation  
134 for service on the commission but may receive reasonable  
135 reimbursement for actual expenses to the extent funds are  
136 available for that purpose.

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

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

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



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

156 In the case of the statewide special election for the  
157 selection of the official State Flag provided for in Section 1 of  
158 Laws, 2001, Chapter 301, the provisions of this article regarding  
159 the printing and distribution of the official ballots shall be  
160 governed by the provisions of Section 1(2) of Laws, 2001, Chapter  
161 301.

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

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

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



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

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

