

By: Representative Guice

To: Rules

## HOUSE BILL NO. 1066

1       AN ACT TO CREATE A SPECIAL LEGISLATIVE COMMITTEE COMPOSED OF  
2 THE MEMBERS OF THE HOUSE OF RULES COMMITTEE, THE HOUSE MANAGEMENT  
3 COMMITTEE AND THE SENATE RULES COMMITTEE, FOR THE PURPOSE OF  
4 PROPOSING OPTIONS FOR THE DESIGN OF THE OFFICIAL FLAG OF THE STATE  
5 OF MISSISSIPPI TO BE CONSIDERED BY THE LEGISLATURE; TO PROVIDE  
6 THAT THE MEMBERS OF THOSE COMMITTEES SHALL MEET TOGETHER IN  
7 CAUCUSES OF THE MEMBERS FROM EACH OF THE FOUR CONGRESSIONAL  
8 DISTRICTS FROM WHICH THEY WERE SELECTED, AND EACH CAUCUS OF  
9 MEMBERS MAY PROPOSE A NEW DESIGN OF THE OFFICIAL STATE FLAG AS AN  
10 OPTION FOR THE DESIGN OF THE OFFICIAL STATE FLAG; TO PROVIDE THAT  
11 EACH CAUCUS THAT PROPOSES A NEW DESIGN OF THE OFFICIAL STATE FLAG  
12 SHALL PRESENT ITS FLAG DESIGN TO THE LEGISLATURE NOT LATER THAN  
13 THE BEGINNING OF THE 2021 REGULAR SESSION; TO PROVIDE FOR A  
14 STATEWIDE SPECIAL ELECTION ON THE SAME DATE AS THE REGULAR GENERAL  
15 ELECTION IN NOVEMBER 2022, WHICH WILL BE A NONBINDING REFERENDUM  
16 ON OPTIONS PROPOSED FOR THE DESIGN OF THE OFFICIAL STATE FLAG; TO  
17 ALLOW THE ELECTORATE IN THE SPECIAL ELECTION TO VOTE FOR ONE OF  
18 THE OPTIONS FOR THE DESIGN OF THE OFFICIAL STATE FLAG, WHICH WILL  
19 BE ANY DESIGNS PROPOSED BY THE CAUCUSES AND THE DESIGN OF THE  
20 CURRENT OFFICIAL STATE FLAG DESIGN; TO PROVIDE THAT IF NONE OF THE  
21 PROPOSITIONS RECEIVES A MAJORITY OF THE VOTES CAST IN THE SPECIAL  
22 ELECTION, THERE SHALL BE A RUNOFF ELECTION THREE WEEKS LATER  
23 BETWEEN THE TWO PROPOSITIONS RECEIVING THE HIGHEST NUMBER OF  
24 VOTES; TO PROVIDE THAT THE RESULTS OF THE REFERENDUM ARE  
25 NONBINDING ON THE LEGISLATURE, BUT THE LEGISLATURE SHALL CONSIDER  
26 THE OPTIONS PROPOSED FOR THE DESIGN OF THE OFFICIAL STATE FLAG IN  
27 THE SPECIAL ELECTION DURING THE 2023 REGULAR SESSION; TO PROVIDE  
28 THAT IF THE LEGISLATURE CHOOSES TO CHANGE THE DESIGN OF THE  
29 OFFICIAL STATE FLAG, THE LEGISLATURE SHALL AMEND THE CODE SECTION  
30 SETTING THE DESIGN OF THE OFFICIAL STATE FLAG TO REFLECT THE  
31 DESCRIPTION OF THE NEW DESIGN OF THE OFFICIAL STATE FLAG; TO  
32 REQUIRE THAT THE SPECIAL ELECTION BE ADMINISTERED BY MEANS OF  
33 BALLOTS CONTAINING A COLOR PICTURE OR DRAWING OF EACH OF THE  
34 OPTIONS PROPOSED FOR THE DESIGN OF THE OFFICIAL STATE FLAG; TO



35 REQUIRE THE SECRETARY OF STATE TO PROVIDE THOSE BALLOTS TO THE  
36 ELECTION COMMISSIONERS OF EACH COUNTY; TO AMEND SECTIONS 23-15-351  
37 AND 23-15-355, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
38 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

40 **SECTION 1.** (1) There is created a special legislative  
41 committee, to be composed of the members of the House Rules  
42 Committee, the House Management Committee and the Senate Rules  
43 Committee, for the purpose of proposing options for the design of  
44 the official flag of the State of Mississippi to be considered by  
45 the Legislature. The members of those committees shall meet  
46 together in caucuses of the members from each of the four (4)  
47 congressional districts from which they were selected, and each  
48 caucus of members may propose a new design of the official state  
49 flag as an option for the design of the official state flag. Each  
50 caucus that proposes a new design of the official state flag shall  
51 present its flag design to the Legislature not later than the  
52 beginning of the 2021 Regular Session.

53 (2) In developing their flag designs, the caucuses are  
54 authorized:

55 (a) To hold public meetings at such times and locations  
56 as the caucus determines;

57 (b) To receive written, public comment, in a manner as  
58 the caucus determines, and to hold public hearings, under the  
59 terms and conditions as the caucus determines;



(c) To collect, examine and consider all information which the caucus determines may be helpful in developing its flag design;

(d) To consult with historical experts, social science experts, representatives of organizations and associations, and others, whose knowledge or expertise may assist the caucus in developing its flag design; and

(e) To make any inquiries and conduct any business that may assist the caucus in developing its flag design.

(3) There shall be a statewide special election, to be held on the same date as the regular general election on Tuesday, November 8, 2022, which will be a nonbinding referendum on options proposed for the design of the official state flag. The special election shall be conducted in the same manner as regular general elections are held, except as otherwise provided in subsection (5) of this section. The question put before the voters at the statewide special election shall read on the ballots as follows:

**"PLEASE VOTE FOR ONE OF THE FOLLOWING PROPOSITIONS**

**THE FOLLOWING PROPOSITIONS ARE OPTIONS PROPOSED FOR THE DESIGN OF THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI TO BE CONSIDERED BY THE LEGISLATURE:**

**PROPOSITION 'A'**

(Here shall be inserted the color picture or drawing, which the Secretary of State has provided to county election commissioners,



84 of the current official state flag design as prescribed in Section  
85 3-3-16.)

86 **FOR PROPOSITION 'A': \_\_\_\_\_**

87 **PROPOSITION 'B'**

88 (If the members of the special legislative committee from the  
89 caucus of the First Congressional District have proposed a new  
90 design of the official state flag, here shall be inserted the  
91 color picture or drawing, which the Secretary of State has  
92 provided to county election commissioners, of the proposed new  
93 state flag design of the First Congressional District.)

94 **FOR PROPOSITION 'B': \_\_\_\_\_**

95 **PROPOSITION 'C'**

96 (If the members of the special legislative committee from the  
97 caucus of the Second Congressional District have proposed a new  
98 design of the official state flag, here shall be inserted the  
99 color picture or drawing, which the Secretary of State has  
100 provided to county election commissioners, of the proposed new  
101 state flag design of the Second Congressional District.)

102 **FOR PROPOSITION 'C': \_\_\_\_\_**

103 **PROPOSITION 'D'**

104 (If the members of the special legislative committee from the  
105 caucus of the Third Congressional District have proposed a new  
106 design of the official state flag, here shall be inserted the  
107 color picture or drawing, which the Secretary of State has



provided to county election commissioners, of the proposed new state flag design of the Third Congressional District.)

**FOR PROPOSITION 'D': \_\_\_\_\_**

**PROPOSITION 'E'**

(If the members of the special legislative committee from the caucus of the Fourth Congressional District have proposed a new design of the official state flag, here shall be inserted the color picture or drawing, which the Secretary of State has provided to county election commissioners, of the proposed new state flag design of the Fourth Congressional District.)

**FOR PROPOSITION 'E': \_\_\_\_\_"**

If the members of the special legislative committee from the caucus of any of the congressional districts do not propose a new design of the official state flag, then the lettering for the different propositions as provided above shall be re-lettered so that there will be consecutive lettering from Proposition "B" through the last proposition.

(4) The qualified electors may indicate their preference on the line following the proposition that they prefer. If none of the propositions receives a majority of the votes cast in the special election, the two (2) propositions receiving the highest number of votes shall be placed on the ballot for a second election to be held three (3) weeks later in accordance with appropriate procedures that are followed in other elections involving runoff elections. The results of the referendum are



nonbinding on the Legislature, but the Legislature shall consider the options proposed for the design of the official state flag in the special election during the 2023 Regular Session. If the Legislature chooses to change the design of the official state flag, the Legislature shall amend Section 3-3-16 to reflect the description of the new design of the official state flag and take whatever other steps that may be necessary to effectuate the new design of the official state flag.

(5) The statewide special election for the referendum on options proposed for the design of the official state flag shall be administered by means of ballots containing a uniform representation of the options proposed for the design of the official state flag, which shall be provided by the Secretary of State 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 a color picture or drawing of each of the options proposed for the design of the official state flag on all ballots provided for in this section. The Secretary of State is authorized to enter into any necessary contracts for providing the required color picture or drawing of each of the



options proposed for the design of the official state flag on all ballots in all counties of this state. The costs incurred in providing the ballots which are required to include a color picture or drawing of each of the options proposed for the design of the official state flag shall be borne by the State of Mississippi, and the Legislature shall appropriate the funds necessary for this purpose. All other costs associated with the holding of the statewide special election shall be borne by each individual county.

(6) 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 and in the runoff election, if there is a runoff. The Secretary of State shall tabulate those returns and certify the results to the Governor and to each house of the Legislature.

**SECTION 2.** Section 23-15-351, Mississippi Code of 1972, is amended as follows:

23-15-351. It shall be the duty of the chair 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 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.

In the case of the statewide special election on options proposed for the design of the official state flag provided for in Section 1 of this act, the provisions of this article regarding the printing and distribution of the official ballots shall be governed by the provisions of Section 1(5) of this act.

**SECTION 3.** 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 the 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 on options proposed for the design of the official state flag provided for in Section 1 of this act, the provisions of this section regarding payment of the expenses of printing the official ballots shall be governed by the provisions of Section 1(5) of this act.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2020.

