

By: Representative Hines

To: Rules

HOUSE BILL NO. 202

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 3, 2020, 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 ON OR BEFORE JANUARY 1, 2022; TO
17 AMEND SECTIONS 23-15-351 AND 23-15-355, MISSISSIPPI CODE OF 1972,
18 IN 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 3, 2020, 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 If a majority of the qualified electors voting in the
36 election vote "Yes," the provisions of Section 2 of this act shall
37 be in force and effect and the Commission to Redesign the
38 Mississippi State Flag shall develop a new design and report to
39 the Legislature to enact necessary legislation. If a majority of
40 the qualified electors voting in the election vote "No," the
41 design of the State Flag shall continue as prescribed in Section
42 3-3-16.

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



51 associated with the holding of the statewide special election
52 shall be borne by each individual county.

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

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

63 (1) There is established the Commission to Redesign the
64 Mississippi State Flag (commission) with the sole purpose of
65 developing, designing and reporting to the Governor and the
66 Legislature a new design for the official Mississippi State Flag,
67 in order for the Legislature to adopt necessary legislation during
68 the 2022 Regular Session to effectuate the new design. The new
69 Mississippi State Flag adopted by the commission shall not include
70 the design of the Confederate Battle Flag. The commission is
71 charged with a sensitive and responsible task that it shall
72 conduct in an objective manner. The redesigned Mississippi State
73 Flag shall honor the past while embracing the promise of the
74 future.



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

77 (a) Three (3) members of the Mississippi House of
78 Representatives appointed by the Speaker of the House;

79 (b) Three (3) members of the Mississippi Senate
80 appointed by the Lieutenant Governor;

81 (c) Eleven (11) members appointed by the Governor, to
82 include:

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

84 (ii) A Mississippi public schoolteacher and a
85 Mississippi public university instructor;

86 (iii) A representative from the Mississippi
87 Economic Council;

88 (iv) A representative from the Mississippi Arts
89 Commission;

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

92 (vi) A representative from business and industry;
93 and

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

95 All appointments shall be made within thirty (30) days
96 following the date of the certification of the results of the
97 special election provided in Section 1 of this act. The chairman
98 of the commission shall be appointed by the Governor from the
99 members of the commission. The commission shall meet as soon as



100 practicable after appointments have been made upon the call of the
101 chairman, and shall organize for business. A quorum of the
102 appointed membership of the commission shall be required for the
103 adoption of any reports and recommendations. The Mississippi
104 Department of Archives and History shall provide meeting space and
105 clerical support for the operation of the commission.

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

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

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

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

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

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



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

126 (g) To make a written recommendation for a new design
127 for the official Mississippi State Flag and an oral presentation
128 if requested, to the Governor, the Lieutenant Governor and the
129 Speaker of the House on or before January 1, 2022.

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

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

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

140 23-15-351. It shall be the duty of the chair of the election
141 commission of each county to have printed all necessary ballots
142 for use in elections, except ballots in municipal elections which
143 shall be printed as herein provided by the authorities of the
144 respective municipalities; and the election commissioner shall
145 cause the official ballot to be printed by a printer sworn to keep
146 the ballots secret under the penalties prescribed by law. The
147 printer shall deliver to the election commissioners for holding
148 elections, a certificate of the number of ballots printed for each



149 precinct, and shall not print any additional ballots, except on
150 instruction of proper election commissioners; and failure to
151 observe either of these requirements shall be a misdemeanor.

152 In the case of the statewide special election regarding the
153 design of the official State Flag provided for in Section 1 of
154 this act, the provisions of this article regarding the printing
155 and distribution of the official ballots shall be governed by the
156 provisions of Section 1(2) of this act.

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

159 23-15-355. Ballots in all elections shall be printed and
160 distributed at public expense and shall be known as "official
161 ballots." The expense of printing the ballots shall be paid out
162 of the county treasury, except that in municipal elections such
163 expenses shall be paid by the respective cities, towns and
164 villages.

165 In the case of the statewide special election regarding the
166 design of the official State Flag provided for in Section 1 of
167 this act, the provisions of this section regarding payment of the
168 expenses of printing the official ballots shall be governed by the
169 provisions of Section 1(2) of this act.

170 **SECTION 5.** This act shall take effect and be in force from
171 and after July 1, 2020.

