

**Tabled
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1796

**BY: Senator(s) Hill, Fillingane, Sojourner, McLendon,
Seymour, Whaley, Chassaniol, Chism, McDaniel,
Johnson, Suber, Sparks, Branning, McCaughn,
Tate**

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

24 **SECTION 1.** (1) There is established the Commission to
25 Redesign the Mississippi State Flag (commission) for the sole
26 purpose of developing, designing and reporting to the Governor and
27 the Legislature three (3) recommendations for the new design for
28 the official Mississippi State Flag not later than January 1,
29 2021. The three (3) new designs for the Mississippi State Flag
30 recommended by the commission shall be placed on the ballot in a
31 statewide special election as provided for in Section 2 of this



32 act. The new designs for the Mississippi State Flag recommended
33 by the commission shall not include the design of the Confederate
34 Battle Flag, but shall include the words "In God We Trust." The
35 commission is charged with a sensitive and responsible task that
36 it shall conduct in an objective manner. The new design for the
37 Mississippi State Flag shall honor the past while embracing the
38 promise of the future.

39 (2) The Commission to Redesign the Mississippi State Flag
40 shall consist of seventeen (17) members, to be appointed as
41 follows:

42 (a) Three (3) members of the Mississippi House of
43 Representatives appointed by the Speaker of the House;

44 (b) Three (3) members of the Mississippi Senate
45 appointed by the Lieutenant Governor;

46 (c) Eleven (11) members appointed by the Governor, to
47 include:

48 (i) Two (2) university or college students;

49 (ii) A Mississippi public schoolteacher and a
50 Mississippi public university instructor;

51 (iii) A representative from the Mississippi NAACP;

52 (iv) A representative from the Mississippi Arts
53 Commission;

54 (v) A representative of the League of Women Voters
55 of Mississippi;



- 56 (vi) One (1) representative from the Board of
57 Trustees of the Mississippi Department of Archives and History;
58 (vii) A representative from business and industry;
59 and
60 (viii) Two (2) members from the state at large.

61 All appointments to the commission shall be made not later
62 than July 15, 2020. The chair of the commission shall be chosen
63 by majority vote of the members of the commission. The commission
64 shall meet as soon as practicable after the appointments have been
65 made upon the call of the chairman, and shall organize for
66 business. A quorum of the membership of the commission shall be
67 required for the adoption of any reports and recommendations. The
68 Mississippi Department of Archives and History shall provide
69 meeting space and clerical support for the operation of the
70 commission.

71 (3) The commission shall have the following functions and
72 duties:

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

75 (b) To receive written, public comment, in a manner
76 that it sees fit, and to hold public hearings, under the terms and
77 conditions that it sees fit;

78 (c) To collect, examine and consider all information
79 that it determines may be helpful in making a recommendation for
80 the new design for the Mississippi State Flag;



81 (d) To consult with experts, social science experts,
82 representatives of organizations and associations, and others, as
83 it sees fit, whose knowledge or expertise may assist the
84 commission in making its recommendation;

85 (e) To make any inquiries and conduct any business that
86 may assist the commission in developing the new designs for the
87 Mississippi State Flag; however, the new design for the
88 Mississippi State Flag recommended by the commission shall not
89 include the design of the Confederate Battle Flag, but shall
90 include the words "In God We Trust";

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

93 (g) To make a written recommendation for the new
94 designs for the official Mississippi State Flag, which shall be
95 presented to the Governor and the Legislature not later than
96 January 1, 2021.

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

101 **SECTION 2.** (1) There shall be a statewide special election
102 for the purpose of determining whether to retain the present state
103 flag or which of the three (3) new designs for the Mississippi
104 State Flag recommended by the commission shall be the design for
105 the official Mississippi State Flag. The special election shall



106 be held on Tuesday, April 6, 2021, concurrent with municipal
107 primary elections in Mississippi and shall be conducted in the
108 same manner as general elections are held. The question put
109 before the voters at the special election shall read on the
110 ballots as follows:

111 **PROPOSITION A**

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

113 **The current Mississippi flag shall be removed as the official**
114 **State Flag.**

115 **'YES': _____ 'NO': _____"**

116 **PROPOSITION B**

117 **"ONLY IF YOU VOTE 'YES' ON PROPOSITION A, PLEASE VOTE 'YES' OR**
118 **'NO' ON WHICH OF THE FOLLOWING DESIGNS SHALL BE THE OFFICIAL**

119 **MISSISSIPPI STATE FLAG:**

120 **DESIGN NO. 1: 'YES': _____ 'NO': _____**

121 **DESIGN NO. 2: 'YES': _____ 'NO': _____**

122 **DESIGN NO. 3: 'YES': _____ 'NO': _____"**

123 **THE BALLOT SHALL INCLUDE A PICTURE OF EACH DESIGN RECOMMENDED**
124 **BY THE COMMISSION IN COLOR WHICH SHALL BE PRINTED NEXT TO EACH**
125 **DESIGN NUMBER. THE QUALIFIED ELECTORS MAY INDICATE THEIR**
126 **PREFERENCE ON THE LINE FOLLOWING THE ANSWER THAT THEY PREFER.**

127 If a majority of the qualified electors voting on Proposition
128 "A" in the special election vote "Yes" as certified by the
129 Secretary of State, then the Legislature shall enact into law the
130 new design receiving the largest number of votes on Proposition



131 "B" as the official Mississippi State Flag during the next regular
132 session of the Legislature after the election. If a majority of
133 the qualified electors voting on Proposition "A" in the special
134 election vote "No" as certified by the Secretary of State, then
135 the official state flag in present law described in Section
136 3-3-16, Mississippi Code of 1972, shall continue to be the state
137 flag of Mississippi.

138 (2) The statewide special election for voting on the design
139 for the official Mississippi State Flag shall be administered by
140 means of ballots containing a uniform representation of the new
141 designs for the official Mississippi State Flag recommended by the
142 commission, which shall be provided by the Secretary of State to
143 the election commissioners of each county. The Secretary of State
144 shall determine whether, in each county, it would be more
145 efficient to administer the election by paper ballots, voting
146 machines, electronic voting systems, optical mark reading
147 equipment or other mechanized equipment. The method used in each
148 county shall be as uniform as practicable when compared to any
149 other county in which the same method is used. In any event, the
150 Secretary of State shall include a color picture or drawing of the
151 new designs for the Mississippi State Flag on all ballots provided
152 for in this section. The Secretary of State is authorized to
153 enter into any necessary contracts for providing the required
154 color picture or drawing of the new designs for the official
155 Mississippi State Flag on all ballots in all counties of this



156 state. The costs incurred in providing the ballots that are
157 required to include a color picture or drawing of the new design
158 for the official Mississippi State Flag shall be borne by the
159 State of Mississippi, and the Legislature shall appropriate the
160 funds necessary for this purpose. The Secretary of State shall
161 determine whether, in each county, it would be more efficient to
162 administer the election by paper ballots or voting machines, and
163 shall determine if the question put before the voters shall be
164 included on the ballot for municipal primary elections, in order
165 to save costs. All other costs associated with the holding of the
166 statewide special election shall be borne by each individual
167 county.

168 (3) The county election commissioners shall transmit to the
169 Secretary of State, in the same manner as the vote for state
170 officers is transmitted, a statement of the total number of votes
171 cast for Proposition "A" and Proposition "B" in the statewide
172 special election for voting on the design for the official
173 Mississippi State Flag. The Secretary of State shall tabulate
174 those returns and certify the results to the Governor and to each
175 house of the Legislature.

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

178 23-15-351. It shall be the duty of the chair of the election
179 commission of each county to have printed all necessary ballots
180 for use in elections, except ballots in municipal elections which



181 shall be printed as herein provided by the authorities of the
182 respective municipalities; and the election commissioner shall
183 cause the official ballot to be printed by a printer sworn to keep
184 the ballots secret under the penalties prescribed by law. The
185 printer shall deliver to the election commissioners for holding
186 elections, a certificate of the number of ballots printed for each
187 precinct, and shall not print any additional ballots, except on
188 instruction of proper election commissioners; and failure to
189 observe either of these requirements shall be a misdemeanor.

190 In the case of a statewide special election on the design for
191 the official Mississippi State Flag provided for in Section 2 of
192 this act, the provisions of this article regarding the printing
193 and distribution of the official ballots shall be governed by the
194 provisions of Section 2(3) of this act.

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

197 23-15-355. Ballots in all elections shall be printed and
198 distributed at public expense and shall be known as "official
199 ballots." The expense of printing the ballots shall be paid out
200 of the county treasury, except that in municipal elections such
201 expenses shall be paid by the respective cities, towns and
202 villages.

203 In the case of a statewide special election on the design for
204 the official Mississippi State Flag provided for in Section 2 of
205 this act, the provisions of this section regarding payment of the



206 expenses of printing the official ballots shall be governed by the
207 provisions of Section 2(3) of this act.

208 **SECTION 5.** This act shall take effect and be in force from
209 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO ESTABLISH THE COMMISSION TO REDESIGN THE
2 MISSISSIPPI STATE FLAG; TO PRESCRIBE THE MEMBERSHIP OF THE
3 COMMISSION AND TO PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO
4 PROVIDE THAT THE COMMISSION SHALL ADOPT THREE NEW DESIGNS FOR THE
5 MISSISSIPPI STATE FLAG WHICH SHALL NOT INCLUDE THE DESIGN OF THE
6 CONFEDERATE BATTLE FLAG, BUT SHALL INCLUDE THE WORDS "IN GOD WE
7 TRUST"; TO PROVIDE THAT THE COMMISSION SHALL MAKE ITS
8 RECOMMENDATION FOR THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG
9 BY JANUARY 1, 2021; TO PROVIDE THAT THE NEW DESIGNS FOR THE
10 MISSISSIPPI STATE FLAG RECOMMENDED BY THE COMMISSION SHALL BE
11 PLACED ON THE BALLOT IN A SPECIAL ELECTION TO BE HELD ON APRIL 6,
12 2021; TO PRESCRIBE THE PROPOSITIONS TO BE PLACED ON THE BALLOT; TO
13 PROVIDE THAT IF A MAJORITY OF THE QUALIFIED ELECTORS VOTE FOR A
14 NEW DESIGN, THEN THE LEGISLATURE SHALL ENACT INTO LAW THE NEW
15 DESIGN RECEIVING THE MOST VOTES AS THE OFFICIAL MISSISSIPPI STATE
16 FLAG; TO REQUIRE THAT THE SPECIAL ELECTION BE ADMINISTERED BY
17 MEANS OF BALLOTS CONTAINING A COLOR PICTURE OR DRAWING OF THE NEW
18 DESIGNS FOR THE MISSISSIPPI STATE FLAG; TO REQUIRE THE SECRETARY
19 OF STATE TO PROVIDE THOSE BALLOTS TO THE ELECTION COMMISSIONERS OF
20 EACH COUNTY; TO AMEND SECTIONS 23-15-351 AND 23-15-355,
21 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;
22 AND FOR RELATED PURPOSES.

