

By: Representatives Gunn, White, Johnson, Anderson (110th), Karriem, Williams-Barnes, Hines, Banks, Paden, Brown (70th), Porter, Mickens, McCray, Foster, Summers, Burnett, Clark, Crudup, Evans (91st), Denton, Reynolds, Scott, Anthony, Gibbs (72nd), Holloway, Ford (73rd), Osborne, Rosebud, Bell (65th), Harness, Walker, Hudson, Taylor, McGee, Faulkner

To: Rules

HOUSE BILL NO. 1796

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 NEW DESIGN FOR THE MISSISSIPPI STATE FLAG  
 5 RECOMMENDED BY THE COMMISSION 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 SEPTEMBER 14, 2020; TO PROVIDE THAT THE NEW DESIGN 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 NOVEMBER  
 12 3, 2020; TO PROVIDE THAT IF A MAJORITY OF THE QUALIFIED ELECTORS  
 13 VOTE FOR THE NEW DESIGN, THEN THE LEGISLATURE SHALL ENACT INTO LAW  
 14 THE NEW DESIGN AS THE OFFICIAL MISSISSIPPI STATE FLAG; TO PROVIDE  
 15 THAT IF A MAJORITY OF THE QUALIFIED ELECTORS VOTE AGAINST THE NEW  
 16 DESIGN, THEN THE COMMISSION SHALL RECONVENE TO RECOMMEND ANOTHER  
 17 NEW DESIGN FOR THE MISSISSIPPI STATE FLAG TO BE PRESENTED TO THE  
 18 LEGISLATURE DURING THE 2021 REGULAR SESSION; TO REQUIRE THAT THE  
 19 SPECIAL ELECTION BE ADMINISTERED BY MEANS OF BALLOTS CONTAINING A  
 20 COLOR PICTURE OR DRAWING OF THE NEW DESIGN FOR THE MISSISSIPPI  
 21 STATE FLAG; TO REQUIRE THE SECRETARY OF STATE TO PROVIDE THOSE  
 22 BALLOTS TO THE ELECTION COMMISSIONERS OF EACH COUNTY; TO AMEND  
 23 SECTIONS 23-15-351 AND 23-15-355, MISSISSIPPI CODE OF 1972, TO  
 24 CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION 3-3-16,  
 25 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE DESIGN FOR THE  
 26 OFFICIAL FLAG OF THE STATE OF MISSISSIPPI; AND FOR RELATED  
 27 PURPOSES.

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

29 **SECTION 1.** (1) There is established the Commission to  
 30 Redesign the Mississippi State Flag (commission) for the sole



31 purpose of developing, designing and reporting to the Governor and  
32 the Legislature its recommendation for the new design for the  
33 official Mississippi State Flag not later than September 14, 2020.  
34 The new design for the Mississippi State Flag recommended by the  
35 commission shall be placed on the ballot in a statewide special  
36 election as provided for in Section 2 of this act. The new design  
37 for the Mississippi State Flag recommended by the commission shall  
38 not include the design of the Confederate Battle Flag, but shall  
39 include the words "In God We Trust." The commission is charged  
40 with a sensitive and responsible task that it shall conduct in an  
41 objective manner. The new design for the Mississippi State Flag  
42 shall honor the past while embracing the promise of the future.

43 (2) The Commission to Redesign the Mississippi State Flag  
44 shall consist of nine (9) members, to be appointed as follows:

45 (a) Three (3) members appointed by the Speaker of the  
46 House;

47 (b) Three (3) members appointed by the Lieutenant  
48 Governor;

49 (c) Three (3) members appointed by the Governor, to  
50 include:

51 (i) A representative from the Mississippi Economic  
52 Council;

53 (ii) A representative from the Mississippi Arts  
54 Commission;



55 (iii) A representative from the Board of Trustees  
56 of the Mississippi Department of Archives and History.

57 All appointments to the commission shall be made not later  
58 than July 15, 2020. The chair of the commission shall be chosen  
59 by majority vote of the members of the commission. The commission  
60 shall meet as soon as practicable after the appointments have been  
61 made upon the joint call of the Speaker and the Lieutenant  
62 Governor, and shall organize for business. A majority vote of the  
63 members of the commission shall be required for the adoption of  
64 any reports and recommendations. The Mississippi Department of  
65 Archives and History shall provide meeting space and clerical  
66 support for the operation of the commission.

67 (3) The commission shall have the following functions and  
68 duties:

69 (a) To hold regular public meetings when and where it  
70 sees fit;

71 (b) To receive written public comments in a manner and  
72 under the terms and conditions as it sees fit;

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

76 (d) To consult with experts, representatives of  
77 organizations and associations, and others, as it sees fit, whose  
78 knowledge or expertise may assist the commission in making its  
79 recommendation;



80 (e) To make any inquiries and conduct any business that  
81 may assist the commission in developing the new design for the  
82 Mississippi State Flag; however, the new design for the  
83 Mississippi State Flag recommended by the commission shall not  
84 include the design of the Confederate Battle Flag, but shall  
85 include the words "In God We Trust";

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

88 (g) To make a written recommendation for the new design  
89 for the official Mississippi State Flag, which shall be presented  
90 to the Governor and the Legislature not later than September 14,  
91 2020.

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

96 **SECTION 2.** (1) There shall be a statewide special election  
97 for the purpose of determining whether the new design for the  
98 Mississippi State Flag recommended by the commission shall be the  
99 design for the official Mississippi State Flag. The special  
100 election shall be held on Tuesday, November 3, 2020, and shall be  
101 conducted in the same manner as general elections are held. The  
102 question put before the voters at the special election shall read  
103 on the ballots as follows:



104 "PLEASE VOTE 'YES' OR 'NO' ON WHETHER THE FOLLOWING DESIGN SHALL  
105 BE THE OFFICIAL MISSISSIPPI STATE FLAG

106 'YES': \_\_\_\_\_ 'NO': \_\_\_\_\_"

107 The qualified electors may indicate their preference on the  
108 line following the answer that they prefer.

109 If a majority of the qualified electors voting on the  
110 question in the special election vote "Yes," then the Legislature  
111 shall enact into law the new design as the official Mississippi  
112 State Flag during the next regular session of the Legislature  
113 after the election.

114 (2) If a majority of the qualified electors voting on the  
115 question in the special election vote "No," then the commission  
116 shall reconvene to perform the functions described in Section 1 of  
117 this act. The commission shall make its recommendation for  
118 another new design for the official Mississippi State Flag, which  
119 shall be presented to the Governor and the Legislature during the  
120 next regular session of the Legislature after the election. The  
121 new design for the Mississippi State Flag recommended by the  
122 commission shall be placed on the ballot in a statewide special  
123 election for the purpose of allowing the qualified electors to  
124 determine whether the new design recommended by the commission  
125 shall be the design for the official Mississippi State Flag. The  
126 special election shall be held on the first Tuesday after the  
127 first Monday in November of the year in which the commission  
128 presents its recommendation to the Legislature, and shall be



129 conducted in the same manner as general elections are held. The  
130 question on the ballot shall be the same question as provided in  
131 subsection (1) of this section, and the results of the election  
132 shall determine which of the procedures described in this section  
133 shall be followed in the future in determining the new design for  
134 the official Mississippi State Flag.

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



154 required to include a color picture or drawing of the new design  
155 for the Mississippi State Flag shall be borne by the State of  
156 Mississippi, and the Legislature shall appropriate the funds  
157 necessary for this purpose. All other costs associated with the  
158 holding of the statewide special election shall be borne by each  
159 individual county.

160 (4) The county election commissioners shall transmit to the  
161 Secretary of State, in the same manner as the vote for state  
162 officers is transmitted, a statement of the total number of votes  
163 cast in the statewide special election for voting on the new  
164 design for the official Mississippi State Flag. The Secretary of  
165 State shall tabulate those returns and certify the results to the  
166 Governor and to each house of the Legislature.

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

169 23-15-351. It shall be the duty of the chair of the election  
170 commission of each county to have printed all necessary ballots  
171 for use in elections, except ballots in municipal elections which  
172 shall be printed as herein provided by the authorities of the  
173 respective municipalities; and the election commissioner shall  
174 cause the official ballot to be printed by a printer sworn to keep  
175 the ballots secret under the penalties prescribed by law. The  
176 printer shall deliver to the election commissioners for holding  
177 elections, a certificate of the number of ballots printed for each  
178 precinct, and shall not print any additional ballots, except on



179 instruction of proper election commissioners; and failure to  
180 observe either of these requirements shall be a misdemeanor.

181 In the case of a statewide special election on the new design  
182 for the official Mississippi State Flag provided for in Section 2  
183 of this act, the provisions of this article regarding the printing  
184 and distribution of the official ballots shall be governed by the  
185 provisions of Section 2(3) of this act.

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

188 23-15-355. Ballots in all elections shall be printed and  
189 distributed at public expense and shall be known as "official  
190 ballots." The expense of printing the ballots shall be paid out  
191 of the county treasury, except that in municipal elections such  
192 expenses shall be paid by the respective cities, towns and  
193 villages.

194 In the case of a statewide special election on the new design  
195 for the official Mississippi State Flag provided for in Section 2  
196 of this act, the provisions of this section regarding payment of  
197 the expenses of printing the official ballots shall be governed by  
198 the provisions of Section 2(3) of this act.

199 **SECTION 5.** Section 3-3-16, Mississippi Code of 1972, which  
200 provides the design for the official flag of the State of  
201 Mississippi, is repealed.

202 **SECTION 6.** Upon the effective date of this act, the  
203 Department of Archives and History shall immediately develop a





204 plan for the prompt, dignified and respectful removal of the  
205 former official Mississippi State Flag described in  
206 Section 3-3-16, Mississippi Code of 1972, and the removal of the  
207 flag shall take place not later than fifteen (15) days from the  
208 effective date of this act.

209         **SECTION 7.** This act shall take effect and be in force from  
210 and after its passage.

