

By: Representatives Gunn, White

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.

