

By: Representative Hines

To: Rules

HOUSE BILL NO. 433

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 5, 2019, 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, 2021; 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 5, 2019, 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 2021 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, 2021.

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, 2019.

