



## **Moving Towards Democracy: Mississippi's Ballot Measures Two and Three**

**By Nina Larbi, December 2021**

Voting rights and democracy have been important topics within America, especially in the past two elections. States from east to west have been fighting their own battles to keep and expand voting rights. One of these states is California.

This country's politics are hopeless to many of us hoping for change. Every day, we are presented with headlines indicating a new chip away at our rights, like restrictive abortion laws and obstructions to the vote. Because of all these negative headlines, we don't often see the democracy wins happening every year.

On November 3rd, 2020, Mississippi voters “[overwhelmingly](#)” passed [Ballot Measures two and three](#), which change the process for electing state-held officials to a popular vote system as opposed to an electoral vote system; and confirmed the new state flag design, featuring the state flower, the Magnolia, as instead of to the Confederate flag. According to [Brandon Jones](#), Mississippi Policy Director at the Southern Poverty Law Center, “Mississippians made a powerful statement at the ballot box on Tuesday, overwhelmingly voting to overturn two

Jim Crow-era decisions that have cast a shadow over the state for more than a hundred years.”

Measure two [removes](#) the two-tiered electoral vote process for state office and provides for runoff elections. Hence, state office will be decided by popular vote. The measure was on the ballot in 2020 because the issue of Mississippi’s state elections was brought to Federal Court in 2019 by a group of Black voters and civil rights organizations in the case [McLemore v. Hosemann](#). They affirmed that the original law was created in [1890](#) with the express purpose of reducing the voting power of Black Mississippians and preventing a Black candidate from attaining a position in the state legislature. The original law required candidates to win the popular vote and a majority of State House districts. If candidates were unable to do so, the State House of Representatives [decided](#). The Jim Crow law had indeed served its original purpose: there had been not a single Black state legislator since [1896](#), despite Black Mississippians making up [37.8](#) percent of the population. Jarvis Dortch, Executive Director at the American Civil Liberties Union (ACLU) of Mississippi, found that a “Black-preferred candidate” would need more than [55](#) percent of votes to win the majority of electoral votes in the House, compared to candidates preferred by white voters due to the electoral system.

The National Redistricting Committee supported their cause, citing violations of the 14th and 15th Amendments of the Constitution and the Voting Rights Act. “The scheme has its basis in racism — a 1890 post-Reconstruction attempt to keep African Americans out of statewide office. In the 21st century, it’s finally time to say that this provision should be struck down” said former U.S. Attorney General Eric Holder, chairman of the Committee, to [ABC News](#). Though

the district court found that the law likely encroached upon the national constitutional guarantee of “one person, one vote,” they did not issue a preliminary injunction and gave the Mississippi legislature the chance to amend the state constitution. The Mississippi legislature proposed an amendment to change the election scheme, it was put on the ballot in November 2020, and it passed.

Passing Ballot Measure two is a historic move for the state of Mississippi. In the words of [Vangela Wade](#), President and CEO of the Mississippi Center for Justice, one of the original plaintiffs, “Jim Crow is on the ballot. This is our opportunity to remove some of the vestiges of slavery and white supremacy from our constitution.” Mississippians overwhelmingly made the choice to remove such a discriminatory law from their state constitution, providing for more fair elections in the future. Though Mississippi remains one of the most restrictive states to vote in, efforts are being [made](#) to knock down voter suppression and disenfranchisement, particularly towards felons.

Measure three also confronts Mississippi’s history of racism. In plain [text](#), it “[a]sks voters to approve or reject a new state flag design created by the Commission to Redesign the Mississippi State Flag.” Mississippi’s former state flag featured the Confederate flag, a symbol of white supremacy, as it represents pride in a regime that staunchly refused to stop the enslavement of Black individuals and seceded in order to continue doing so.

Many Southern states’ flags previously featured the Confederate flag. Mississippi was the last to remove the flag from its design, having done so in early 2020 via [House Bill 1796](#). The Bill established a commission to redesign the state

flag, direct its membership, and provide for its organization and meetings. It [states](#) “the commission shall not include the design of the Confederate battle flag, but shall include the words “In God we trust.” The measure was introduced, sent through two different rule committees, put through the amendment process, debated, and then voted to pass, bipartisanly but not unanimously, in five hours, according to the [Jackson Free Press](#).

Although the Bill passed through the legislature quickly, in 2001, there was a referendum on whether or not to change the flag, and voters [two to one](#) voted to keep the Confederate flag. In an article for NBC News, Savannah Smith [cites the](#) 2015 mass shooting of the Emanuel African Methodist Episcopal Church, in which nine Black church members were killed during a Bible study session, deliberately targeted by the white supremacist gunman, as a turning point for white state legislators’ opinion on the flag. Universities stopped flying the flag, bills were introduced to remove it, but none passed. The flag remained up for debate.

In 2016, judge and attorney Carlos Moore filed a lawsuit against the state, arguing that the flag violated the [equal](#) protection clause of the 14th Amendment. The case [specifies that](#) “He alleges that this hate speech damages him personally along with all other African-American residents of Mississippi, causing him to suffer physical and emotional injuries, and “incit[ing] private citizens to commit acts of racial violence.” The suit continued until November 2017, at which point he had filed appeals to the 5th U.S. Circuit Court of Appeals and the Supreme Court, but was [dismissed](#) because “he lacked the standing to file it.” His appeal [expresses that](#) “the state’s continued expression of its message of racial disparagement sends a message to African-American citizens of Mississippi that

they are second class citizens.” In the years following the suit, most legislators were able to agree that the flag was at least divisive. But they did not just change their minds: civil rights groups and religious organizations [lobbied legislators](#), convincing them to change the flag. Additionally, the Black Lives Matter movement worked tirelessly to help many understand the white supremacy inherent in the flag.

Presented as a color image on the ballot with a simple yes or no question, the new flag was approved by [79 percent](#) of the population. According to the [designers of the new flag](#), “The New Magnolia also represents Mississippi’s sense of hope and rebirth, as the Magnolia often blooms more than once and has a long blooming season. The New Magnolia is sleek and updated to represent the forwards progression of Mississippi.” Upon voting to change the flag, State Senator John Horhn [said](#), “It will not solve all of our residual problems, it will not settle our differences, we are not waving a magic wand in the belief that racial conflict, poverty, health disparities, violence or economic strife will disappear. It is a big step, however, on the journey we are on to recognize everybody's humanity.” Thus, Mississippi removed a vestige of a proudly racist regime and chose a flag that represented them and what they envisioned for their state.

Mississippi remains one of the most restrictive states to vote in in the United States. Certain felonies carry lifelong voting bans, a deliberately antiblack law, as [one in six](#) Black Mississippi residents cannot vote. Residents cannot vote early, nor can they register online. Absentee ballots must be notarized, even. But this does not mean that no one is fighting these laws. Lawyers, churches,

nonprofits, and the average concerned citizen have all pushed the state forward, rallying against discriminatory laws.

Our democracy is never lost as long as we do not stop fighting. With the current attacks on voting rights in the wake of President Biden's win over Donald Trump, our democracy can certainly feel hopeless. But even under these circumstances, change is possible.

As Fannie Lou Hamer, Mississippian civil rights activist, organizer, and leader, said: "Nobody's free until everybody's free." From America's conception, democracy was never granted to all. Therefore, our nation has never been a true democracy. But, as we push towards ensuring that voting is easy and accessible for all, we inch closer and closer to achieving the democracy we've always wanted.

Mississippians are still fighting hard to abolish discriminatory voting restrictions and we should take their lead and join them. Learn more about what you can do for democracy in your state at [DemocracyMovement.us](https://DemocracyMovement.us).