

By: Representatives Ford, Clark, Banks,
Blackmon, Holland, Jennings, West

To: Appropriations

HOUSE BILL NO. 524

1 AN ACT TO PROVIDE FOR A STATEWIDE SPECIAL ELECTION FOR THE
2 PURPOSE OF SELECTING THE OFFICIAL FLAG OF THE STATE OF
3 MISSISSIPPI; TO SET THE DATE OF APRIL 17, 2001, FOR THE STATEWIDE
4 SPECIAL ELECTION; TO ALLOW THE ELECTORATE TO VOTE FOR ONE OF TWO
5 FLAG DESIGNS; TO SPECIFY THAT ONE OF THE DESIGNS SHALL BE THE 1894
6 FLAG DESIGN AND THAT THE OTHER SHALL BE A PROPOSED NEW DESIGN; TO
7 REQUIRE THE ELECTION TO BE ADMINISTERED BY MEANS OF BALLOTS
8 CONTAINING A COLOR PICTURE OR DRAWING OF THE CHOICE OF DESIGNS
9 PROPOSED FOR THE OFFICIAL STATE FLAG; TO REQUIRE THE SECRETARY OF
10 STATE TO PROVIDE SUCH BALLOTS TO THE ELECTION COMMISSIONERS OF
11 EACH COUNTY; TO MAKE, AS A CONDITION OF THE SELECTION OF THE
12 PROPOSED NEW DESIGN, A PROHIBITION AGAINST THE ALTERATION OF
13 CERTAIN HISTORICAL MONUMENTS AND MEMORIALS; TO REQUIRE THAT ANY
14 INDIVIDUAL OR POLITICAL COMMITTEE MAKING CERTAIN CONTRIBUTIONS OR
15 EXPENDITURES IN SUPPORT OF A CERTAIN FLAG DESIGN MUST FILE CERTAIN
16 REPORTS DISCLOSING THOSE CONTRIBUTIONS AND EXPENDITURES; TO AMEND
17 SECTIONS 23-15-351, 23-15-355 AND 23-15-805, MISSISSIPPI CODE OF
18 1972, IN CONFORMITY THERETO; 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 selecting the official flag of the State of
22 Mississippi, to be held on Tuesday, April 17, 2001, and conducted
23 in the same manner as regular general elections are held, except
24 as otherwise provided in subsection (2) of this section and in
25 Section 6 of this act. The question put before the voters at such
26 statewide special election shall read on the ballots as follows:

27 **"PLEASE VOTE FOR PROPOSITION 'A' OR PROPOSITION 'B':**

28 **THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI SHALL HAVE THE**
29 **FOLLOWING DESIGN:**

30 **PROPOSITION 'A'**

31 (Herein shall be inserted the color picture or drawing, which the
32 Secretary of State has provided to county election commissioners,
33 of the flag design which was adopted by the Mississippi
34 Legislature in the 1894 Special Session, under which shall appear
35 the words '1894 state flag design.')



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1894 STATE FLAG DESIGN
FOR PROPOSITION 'A': _____

PROPOSITION 'B'

(Herein shall be inserted the color picture or drawing, which the Secretary of State has provided to county election commissioners, of the proposed new flag design, as described in subsection (1) of the second tier of Section 2 of this act, under which shall appear the words 'proposed new state flag design.')

PROPOSED NEW STATE FLAG DESIGN

FOR PROPOSITION 'B': _____"

The qualified electors may indicate their preference on the line following the proposition that they prefer.

The preference of a majority of the qualified electors voting in the election shall determine the design of the official flag of the State of Mississippi. In addition to the enactment of the official state flag as provided in Section 2 of this act, the Legislature shall take whatever other steps are necessary to effectuate the mandate of the electorate's selection of the official state flag and all other provisions of Section 2 of this act.

(2) The statewide special election for the purpose of selecting the official state flag shall be administered by means of ballots containing a uniform representation of the choice of designs proposed for the official state flag, which shall be provided by the Secretary of State to the election commissioners of each county. The Secretary of State shall determine whether, in each county, it would be more efficient to administer the election by paper ballots, voting machines, electronic voting systems, optical mark reading equipment or other mechanized equipment. The method used in each county shall be as uniform as practicable when compared to any other county in which the same method is used. In any event, the Secretary of State shall

68 include a color picture or drawing of each of the proposed
69 official flag designs on all ballots provided for in this section.
70 The Secretary of State is authorized to enter into any necessary
71 contracts for providing the required color picture or drawing of
72 each of the proposed official flag designs on all ballots in all
73 counties of this state. The costs incurred in providing the
74 ballots which are required to include a color picture or drawing
75 of each of the proposed official flag designs shall be borne by
76 the State of Mississippi, and the Legislature shall appropriate
77 the funds necessary for this purpose. All other costs associated
78 with the holding of the statewide special election for the purpose
79 of selecting the official state flag shall be borne by each
80 individual county.

81 (3) Every individual who makes contributions to or
82 expenditures in support of or in opposition to a proposition
83 presented to the electorate in the statewide special election for
84 the selection of the official state flag, in amounts aggregating
85 in excess of Two Hundred Dollars (\$200.00), shall file all reports
86 required to be filed by political committees under Sections
87 23-15-801 through 23-15-817, in the same manner and at the same
88 time as provided for political committees.

89 (4) The county election commissioners shall transmit to the
90 Secretary of State, in the same manner as the vote for state
91 officers is transmitted, a statement of the total number of votes
92 cast for each proposition in the statewide special election. The
93 Secretary of State shall tabulate such returns and certify the
94 results to the Governor and to each house of the Legislature.

95 SECTION 2. The following provision shall be codified as
96 Section 3-3-16, Mississippi Code of 1972:

97 **[If a majority of the qualified electors voting in the**
98 **statewide special election for the purpose of selecting the**
99 **official state flag, as provided in Section 1 of this act, vote in**



100 **favor of Proposition 'A', this Section 3-3-16 shall read as**
101 **follows:]**

102 3-3-16. The official flag of the State of Mississippi shall
103 have the following design: with width two-thirds (2/3) of its
104 length; with the union (canton) to be square, in width two-thirds
105 (2/3) of the width of the flag; the ground of the union to be red
106 and a broad blue saltire thereon, bordered with white and
107 emblazoned with thirteen (13) mullets or five-pointed stars,
108 corresponding with the number of the original States of the Union;
109 the field to be divided into three (3) bars of equal width, the
110 upper one blue, the center one white, and the lower one, extending
111 the whole length of the flag, red (the national colors); this
112 being the flag adopted by the Mississippi Legislature in the 1894
113 Special Session.

114 **[If a majority of the qualified electors voting in the**
115 **statewide special election for the purpose of selecting the**
116 **official state flag, as provided in Section 1 of this act, vote in**
117 **favor of Proposition 'B', this Section 3-3-16 shall read as**
118 **follows:]**

119 3-3-16. (1) The official flag of the State of Mississippi
120 shall have the following design: with width two-thirds (2/3) of
121 its length; the union (canton) to be square, bordered with white
122 on the fly side and the bottom side, in width two-thirds (2/3) the
123 width of the flag, the ground of the union to be old glory blue,
124 and emblazoned with an outer circle of thirteen (13) five-pointed
125 stars, an inner circle of six (6) five-pointed stars and a single
126 large five-pointed star in the center; the stars in the inner and
127 outer circle to be one-twelfth (1/12) the width of the flag, and
128 the center star to be one-eighth (1/8) the width of the flag, with
129 all stars to be pointed upward; the field to be divided into three
130 (3) bars of equal width, the upper one old glory blue, the center
131 one white and the lower one old glory red. The nineteen (19)
132 stars surrounding the center star represent the first nineteen



133 (19) states admitted to the United States. The center star
134 represents the State of Mississippi and symbolizes that
135 Mississippi was the twentieth state admitted to the United States.

136 (2) The flag adopted by the Mississippi Legislature in the
137 1894 Special Session shall be an official historical flag of the
138 State of Mississippi and shall be honored, protected and flown
139 wherever historical flags are flown.

140 (3) None of the following items, structures or areas may be
141 relocated, removed, disturbed, altered, renamed or rededicated:
142 Any Revolutionary War, War of 1812, Mexican War, War Between the
143 States, Spanish-American War, World War I, World War II, Korean
144 War, Vietnam War, Persian Gulf War, Native-American or
145 African-American historical statue, monument, memorial or
146 nameplate, which has been erected on public property of the state
147 or any of its political subdivisions; and any statue, monument,
148 memorial, nameplate, street, bridge, building, park, preserve,
149 reserve or other public item, structure or area of the state or
150 any of its political subdivisions, which has been dedicated in
151 memory of or named for any historical figure or historical event.

152 No person may prevent the public body responsible for
153 maintaining any of the items, structures or areas described above
154 from taking proper measures and exercising proper means for the
155 protection, preservation and care of those items, structures or
156 areas.

157 The provisions of this subsection (3) may be amended or
158 repealed only upon passage of an act that has received a
159 two-thirds (2/3) vote on final passage in each house of the
160 Legislature.

161 SECTION 3. Section 23-15-351, Mississippi Code of 1972, is
162 amended as follows:

163 23-15-351. It shall be the duty of the chairman of the
164 election commission of each county to have printed all necessary
165 ballots for use in elections, except ballots in municipal



166 elections which shall be printed as herein provided by the
167 authorities of the respective municipalities; and the said
168 election commissioner shall cause the official ballot to be
169 printed by a printer sworn to keep the ballots secret under the
170 penalties prescribed by law. The printer shall deliver to the
171 election commissioners for holding elections, a certificate of the
172 number of ballots printed for each precinct, and shall not print
173 any additional ballots, except on instruction of proper election
174 commissioners; and failure to observe either of these requirements
175 shall be a misdemeanor.

176 In the case of the statewide special election for the
177 selection of the official state flag provided for in Section 1 of
178 this act, the provisions of this article regarding the printing
179 and distribution of the official ballots, shall be governed by the
180 provisions of Section 1(2) of this act.

181 SECTION 4. Section 23-15-355, Mississippi Code of 1972, is
182 amended as follows:

183 23-15-355. Ballots in all elections shall be printed and
184 distributed at public expense and shall be known as "official
185 ballots." The expense of printing such ballots shall be paid out
186 of the county treasury, except that in municipal elections such
187 expenses shall be paid by the respective cities, towns and
188 villages. In the case of the statewide special election for the
189 selection of the official state flag provided for in Section 1 of
190 this act, the provisions of this section regarding payment of the
191 expenses of printing the official ballots shall be governed by the
192 provisions of Section 1(2) of this act.

193 SECTION 5. Section 23-15-805, Mississippi Code of 1972, is
194 amended as follows:

195 23-15-805. (a) Candidates for state, state district, and
196 legislative district offices, and every political committee, which
197 makes reportable contributions to or expenditures in support of or
198 in opposition to a candidate for any such office or makes



199 reportable contributions to or expenditures in support of or in
200 opposition to a statewide ballot measure, shall file all reports
201 required under this article with the Office of the Secretary of
202 State.

203 (b) Candidates for county or county district office, and
204 every political committee which makes reportable contributions to
205 or expenditures in support of or in opposition to a candidate for
206 such office or makes reportable contributions to or expenditures
207 in support of or in opposition to a countywide ballot measure or a
208 ballot measure affecting part of a county, excepting a municipal
209 ballot measure, shall file all reports required by this section in
210 the office of the circuit clerk of the county in which the
211 election occurs. The circuit clerk shall forward copies of all
212 reports to the Office of the Secretary of State.

213 (c) Candidates for municipal office, and every political
214 committee which makes reportable contributions to or expenditures
215 in support of or in opposition to a candidate for such office, or
216 makes reportable contributions to or expenditures in support of or
217 in opposition to a municipal ballot measure shall file all reports
218 required by this article in the office of the municipal clerk of
219 the municipality in which the election occurs. The municipal
220 clerk shall forward copies of all reports to the Office of the
221 Secretary of State.

222 (d) The Secretary of State, the circuit clerks and the
223 municipal clerks shall make all reports received under this
224 subsection available for public inspection and copying and shall
225 preserve such reports for a period of five (5) years.

226 (e) The provisions of this section applicable to the
227 reporting by a political committee of contributions and
228 expenditures regarding statewide ballot measures shall apply to
229 the statewide special election for the purpose of selecting the
230 official state flag provided for in Section 1 of this act.



231 SECTION 6. The Secretary of State, the circuit clerks of
232 each county and the election commissioners of each county are
233 authorized to take any necessary actions to prepare the official
234 ballots for the statewide special election for the selection of
235 the official state flag in advance of the effectuation of Sections
236 1 through 5 of this act. If Sections 1 through 5 of this act are
237 not effectuated, the State of Mississippi shall be responsible for
238 payment of expenses incurred by those officials in taking such
239 actions to the same extent as if Sections 1 through 5 of this act
240 had been effectuated.

241 SECTION 7. The Attorney General of the State of Mississippi
242 shall submit Sections 1 through 5 of this act, immediately upon
243 approval by the Governor, or upon approval by the Legislature
244 subsequent to a veto, to the Attorney General of the United States
245 or to the United States District Court for the District of
246 Columbia in accordance with the provisions of the Voting Rights
247 Act of 1965, as amended and extended. If there are any other
248 changes in election procedures necessitated by the provisions of
249 this act and regardless of whether such changes are being made by
250 or in a county, the Attorney General of the State of Mississippi
251 shall submit such changes along with and in the same manner as
252 Sections 1 through 5 of this act, in accordance with the
253 provisions of the Voting Rights Act of 1965, as amended and
254 extended.

255 SECTION 8. Sections 1 through 5 of this act and any other
256 changes in election procedures necessitated by this act shall take
257 effect and be in force from and after the date they are
258 effectuated under Section 5 of the Voting Rights Act of 1965, as
259 amended and extended. Section 6 of this act shall take effect and
260 be in force from and after the passage of this act.

