HOUSE BILL NO. 524

AN ACT TO PROVIDE FOR A STATEWIDE SPECIAL ELECTION FOR THE PURPOSE OF SELECTING THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI; TO SET THE DATE OF APRIL 17, 2001, FOR THE STATEWIDE SPECIAL ELECTION; TO ALLOW THE ELECTORATE TO VOTE FOR ONE OF TWO FLAG DESIGNS; TO SPECIFY THAT ONE OF THE DESIGNS SHALL BE THE 1894 FLAG DESIGN AND THAT THE OTHER SHALL BE A PROPOSED NEW DESIGN; TO REQUIRE THE ELECTION TO BE ADMINISTERED BY MEANS OF BALLOTS CONTAINING A COLOR PICTURE OR DRAWING OF THE CHOICE OF DESIGNS PROPOSED FOR THE OFFICIAL STATE FLAG; TO REQUIRE THE SECRETARY OF STATE TO PROVIDE SUCH BALLOTS TO THE ELECTION COMMISSIONERS OF EACH COUNTY; TO MAKE, AS A CONDITION OF THE SELECTION OF THE PROPOSED NEW DESIGN, A PROHIBITION AGAINST THE ALTERATION OF CERTAIN HISTORICAL MONUMENTS AND MEMORIALS; TO REQUIRE THAT ANY INDIVIDUAL OR POLITICAL COMMITTEE MAKING CERTAIN CONTRIBUTIONS OR EXPENDITURES IN SUPPORT OF A CERTAIN FLAG DESIGN MUST FILE CERTAIN REPORTS DISCLOSING THOSE CONTRIBUTIONS AND EXPENDITURES; TO AMEND SECTIONS 23-15-351, 23-15-355 AND 23-15-805, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) There shall be a statewide special election for the purpose of selecting the official flag of the State of Mississippi, to be held on Tuesday, April 17, 2001, and conducted in the same manner as regular general elections are held, except as otherwise provided in subsection (2) of this section and in Section 6 of this act. The question put before the voters at such statewide special election shall read on the ballots as follows:

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

THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI SHALL HAVE THE FOLLOWING DESIGN:

PROPOSITION 'A'

(Herein shall be inserted the color picture or drawing, which the Secretary of State has provided to county election commissioners, of the flag design which was adopted by the Mississippi Legislature in the 1894 Special Session, under which shall appear the words '1894 state flag design.')
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
include a color picture or drawing of each of the proposed official flag designs on all ballots provided for in this section. The Secretary of State is authorized to enter into any necessary contracts for providing the required color picture or drawing of each of the proposed official flag designs on all ballots in all counties of this state. The costs incurred in providing the ballots which are required to include a color picture or drawing of each of the proposed official flag designs shall be borne by the State of Mississippi, and the Legislature shall appropriate the funds necessary for this purpose. All other costs associated with the holding of the statewide special election for the purpose of selecting the official state flag shall be borne by each individual county.

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

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

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

[If a majority of the qualified electors voting in the statewide special election for the purpose of selecting the official state flag, as provided in Section 1 of this act, vote in
favor of Proposition 'A', this Section 3-3-16 shall read as

follows:

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

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

3-3-16. (1) The official flag of the State of Mississippi shall have the following design: with width two-thirds (2/3) of its length; the union (canton) to be square, bordered with white on the fly side and the bottom side, in width two-thirds (2/3) the width of the flag, the ground of the union to be old glory blue, and emblazoned with an outer circle of thirteen (13) five-pointed stars, an inner circle of six (6) five-pointed stars and a single large five-pointed star in the center; the stars in the inner and outer circle to be one-twelfth (1/12) the width of the flag, and the center star to be one-eighth (1/8) the width of the flag, with all stars to be pointed upward; the field to be divided into three bars of equal width, the upper one old glory blue, the center one white and the lower one old glory red. The nineteen (19) stars surrounding the center star represent the first nineteen
(19) states admitted to the United States. The center star represents the State of Mississippi and symbolizes that Mississippi was the twentieth state admitted to the United States.

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

(3) None of the following items, structures or areas may be relocated, removed, disturbed, altered, renamed or rededicated:

- Any Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish-American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, Native-American or African-American historical statue, monument, memorial or nameplate, which has been erected on public property of the state or any of its political subdivisions; and any statue, monument, memorial, nameplate, street, bridge, building, park, preserve, reserve or other public item, structure or area of the state or any of its political subdivisions, which has been dedicated in memory of or named for any historical figure or historical event.

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

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

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

23-15-351. It shall be the duty of the chairman of the election commission of each county to have printed all necessary ballots for use in elections, except ballots in municipal
elections which shall be printed as herein provided by the
authorities of the respective municipalities; and the said
election commissioner shall cause the official ballot to be
printed by a printer sworn to keep the ballots secret under the
penalties prescribed by law. The printer shall deliver to the
election commissioners for holding elections, a certificate of the
number of ballots printed for each precinct, and shall not print
any additional ballots, except on instruction of proper election
commissioners; and failure to observe either of these requirements
shall be a misdemeanor.

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

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

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

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

23-15-805. (a) Candidates for state, state district, and
legislative district offices, and every political committee, which
makes reportable contributions to or expenditures in support of or
in opposition to a candidate for any such office or makes
reportable contributions to or expenditures in support of or in opposition to a statewide ballot measure, shall file all reports required under this article with the Office of the Secretary of State.

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

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

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

(e) The provisions of this section applicable to the reporting by a political committee of contributions and expenditures regarding statewide ballot measures shall apply to the statewide special election for the purpose of selecting the official state flag provided for in Section 1 of this act.
SECTION 6. The Secretary of State, the circuit clerks of each county and the election commissioners of each county are authorized to take any necessary actions to prepare the official ballots for the statewide special election for the selection of the official state flag in advance of the effectuation of Sections 1 through 5 of this act. If Sections 1 through 5 of this act are not effectuated, the State of Mississippi shall be responsible for payment of expenses incurred by those officials in taking such actions to the same extent as if Sections 1 through 5 of this act had been effectuated.

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

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