

House Bill 380

By: Representatives Richardson of the 26th, O'Neal of the 117th, Massey of the 24th and Westmoreland of the 86th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a referendum election to be held throughout the State of Georgia for the
2 purpose of determining whether the qualified electors of Georgia desire that the "Current
3 Georgia State Flag" be changed; to determine which flag, the "Pre-1956 Georgia State Flag"
4 or the "Post-1956 Georgia State Flag," the qualified electors of Georgia prefer in the event
5 that a majority of the qualified electors of Georgia are in favor of changing the "Current
6 Georgia State Flag"; to provide for legislative findings and intent; to provide for definitions;
7 to provide for conditions, procedures, and requirements with respect to such referendum
8 election; to provide for powers, duties, and authority of certain officials in connection with
9 the foregoing; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 The General Assembly finds that the official flag of the State of Georgia is an important state
14 symbol. It is, therefore, the purpose of this Act to provide for a state-wide referendum
15 election to be held to inform the Governor and the General Assembly whether the qualified
16 electors of this state desire that the "Current Georgia State Flag" be changed and, if so, which
17 flag, the "Pre-1956 Georgia State Flag" or the "Post-1956 Georgia State Flag," such electors
18 prefer as the official state flag.

19 style="text-align:center">**SECTION 2.**

20 As used in this Act, the term:

- 21 (1) "Current Georgia State Flag" means the state flag as described in an Act approved
22 January 31, 2001 (Ga. L. 2001, p.1).
23 (2) "Post-1956 Georgia State Flag" means the former state flag as described in an Act
24 approved February 13, 1956 (Ga. L. 1956, p. 38).

1 (3) "Pre-1956 Georgia State Flag" means the former state flag as described in an Act
2 approved February 19, 1951 (Ga. L. 1951, p. 311).

3 **SECTION 3.**

4 (a) It shall be the duty of the Secretary of State to issue the call for the referendum election
5 provided under this Act to determine whether the qualified electors of the State of Georgia
6 desire that the "Current Georgia State Flag" be changed, and, if so, which flag, the "Pre-1956
7 Georgia State Flag" or the "Post-1956 Georgia State Flag," they prefer. The Secretary of
8 State shall conduct the referendum election as provided in this section on the date of the 2004
9 presidential preference primary. Except as otherwise provided in this section, the Secretary
10 of State shall issue the call and conduct that referendum election as provided by general law.
11 A summary of this Act shall be prepared by the Legislative Counsel and the Secretary of
12 State. Such summary, along with the questions as stated in paragraph (1) of subsection (b)
13 of this section, shall be published in the official organ of each county and, if deemed
14 advisable by the Secretary of State, in not more than 20 other newspapers in the state to be
15 designated by the Secretary of State which meet the qualifications for being selected as the
16 official organ of a county. Such summary and questions and the date of the referendum
17 election shall be published once each week for two consecutive weeks immediately
18 preceding the date on which the referendum election is to be held.

19 (b)(1) Except as provided in paragraph (2) of this subsection, the ballot shall display the
20 flags described below, in color, in the same manner as the respective flags are described
21 in Ga. L. 2001, p. 1; Ga. L. 1956, p. 38; and Ga. L. 1951, p. 311 and shall have printed or
22 displayed thereon substantially the following:

23 **REFERENDUM ELECTION**

24 YOU MUST ANSWER **BOTH** OF THE FOLLOWING QUESTIONS IN ORDER
25 FOR YOUR VOTE TO BE TABULATED:

26 **Question No. 1**

27 Vote either Yes or No for the question below:

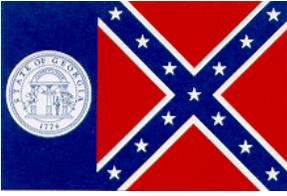
<p>28 () YES</p> <p>29</p> <p>30 () NO</p>	<p>Should the current flag of the State of Georgia be changed?</p> <p>"Current Georgia State Flag"</p> 
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31 NO MATTER HOW YOU VOTED ON QUESTION NO. 1, IN ORDER FOR YOUR
32 VOTE TO BE TABULATED, YOU MUST ALSO SELECT YOUR PREFERENCE OF

1 THE FOLLOWING OPTIONS IF THE "CURRENT GEORGIA STATE FLAG" IS TO BE
2 CHANGED:

3 **Question No. 2**

4 If the "Current Georgia State Flag" were to be changed, select which of the following two
5 flags you would favor. Vote for only one of the options below:

<p>6 OPTION 1</p> <p>7 _____ Pre-1956 Flag</p>	<p>"Pre-1956 Georgia State Flag"</p> 
<p>8 OPTION 2</p> <p>9 _____ Post-1956 Flag</p>	<p>"Post-1956 Georgia State Flag"</p> 

10 (2) In the case of absentee and provisional ballots, the Secretary of State shall provide for
11 an appropriate sized insert to accompany such ballots which indicates clearly that the flag
12 shown in Question No. 1 is the "Current Georgia State Flag"; the flag shown in Option 1
13 of Question No. 2 is the "Pre-1956 Georgia State Flag"; and the flag shown in Option 2 of
14 Question No. 2 is the "Post-1956 Georgia State Flag."

15 (c) No person shall vote for more than one of the options in Question No. 2. All persons
16 desiring that the "Current Georgia State Flag" be changed shall vote "Yes" on Question No.
17 1 and those persons desiring to vote against so changing the "Current Georgia State Flag"
18 shall vote "No" on Question No. 1. It shall be the duty of the Secretary of State to tabulate
19 separately and certify the results of Question No. 1 and Option 1 and Option 2 of Question
20 No. 2 of the referendum election and report said results to the Governor and the General
21 Assembly immediately following such certification. The Secretary of State shall only
22 tabulate the votes of those electors who have answered both Question No. 1 and Question
23 No. 2. The superintendent, as defined in paragraph (35) of Code Section 21-2-2 of the
24 O.C.G.A., of each county shall cause each direct recording electronic unit and each optical
25 scanning tabulator which is to be used in the referendum election under this Act to be
26 programmed so that if an elector fails to vote on both questions or votes for more than one
27 choice on either of the questions, such votes shall be invalid and void and no vote on either

1 question shall be recorded or tabulated. The expense of such election shall be borne by the
2 State of Georgia.

3 (d) Any campaign committee which accepts contributions or makes expenditures designed
4 to propose, oppose, or otherwise advocate any position with respect to the referendum
5 election under this Act shall comply with all requirements otherwise applicable to a
6 campaign committee which accepts contributions or makes expenditures designed to bring
7 about the approval or rejection by the voters of a proposed constitutional amendment or a
8 state-wide referendum under Chapter 5 of Title 21 of the O.C.G.A., the "Ethics in
9 Government Act." Any violation of this subsection shall be subject to the same enforcement
10 and same remedies as otherwise provided with respect to violations by campaign committees
11 which accept contributions or make expenditures designed to bring about the approval or
12 rejection by voters of a proposed constitutional amendment or a state-wide referendum under
13 Chapter 5 of Title 21 of the O.C.G.A., the "Ethics in Government Act."

14 (e) Adequate funds to carry out the advisory referendum election shall be included in the
15 "General Appropriations Act" for Fiscal Year 2004.

16 (f) It is found, determined, and declared that the holding of the referendum election provided
17 for in this Act is in all respects for the benefit of the people of the State of Georgia and is for
18 a public purpose and is an essential governmental function for which public funds may be
19 expended.

20

SECTION 4.

21 All laws and parts of laws in conflict with this Act are repealed.