

House Bill 380 (COMMITTEE SUBSTITUTE)

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 certain determinations with respect to the state flag of Georgia; to amend Title
2 50 of the Official Code of Georgia Annotated, relating to state government, so as to change
3 the state flag; to provide for the holding of a referendum election to determine whether the
4 qualified electors of the State of Georgia desire a further change in the state flag; to further
5 amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so
6 as to provide for certain flag designs; to provide that if a majority of the voters at said
7 referendum election favor a change in the state flag, such flag designs shall be submitted to
8 the voters at another referendum election; to provide that the choice of the voters at such
9 second referendum election shall determine the state flag; to provide for legislative findings;
10 to provide for legislative control and review with respect to the choice of a state flag; to
11 provide for related matters; to provide for effectiveness of provisions and the dates thereof;
12 to provide for severability; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **PART I**
15 **SECTION 1-1.**

16 (a) Title 50 of the Official Code of Georgia Annotated, relating to state government, is
17 amended in Code Section 50-3-1, relating to the state flag and public monuments, by striking
18 subsection (a) and inserting in its place a new subsection to read as follows:

19 ~~"(a) The flag of the State of Georgia shall be a blue field, centered upon which shall be~~
20 ~~placed a representation of that side of the great seal of the state described at subsection (c)~~
21 ~~of Code Section 50-3-30, centered in a circle of 13 equally spaced white mullets or~~
22 ~~five-pointed stars, and beneath the same shall be an escroll or ribbon, gold, two-thirds of~~
23 ~~the length of the field, bearing the words 'Georgia's History' and charged below said words~~
24 ~~with a representation of five flags horizontally presented as follows: the first, to the left,~~
25 ~~being that version of the flag of the United States of America consisting of a field of 13 red~~

~~and white stripes and, centered in a canton of blue, a circle of 13 equally spaced white
 mullets or five-pointed stars, as adopted by the Continental Congress in 1777 and
 commonly known as the 'Stars and Stripes' or the '1777 Flag'; to the right thereof a flag
 consisting of a field of blue, centered upon which shall be placed a representation of the
 coat of arms of the state as the same appeared on the great seal of the state adopted in 1799,
 and which flag is commonly known as the 'Pre-1879 Georgia State Flag'; to the right
 thereof a flag consisting of a vertical band of blue occupying the leftmost one-third of the
 entire flag, on which shall be placed a representation of that side of the great seal of the
 state approved in 1914 which contained the coat of arms of the state, and the remainder of
 which flag shall consist of a scarlet field horizontally bisected by a white band such that
 said band shall be equal in width to the remainder of the scarlet field both above and below,
 which flag is commonly known as the 'Pre-1956 Georgia State Flag'; to the right thereof
 the flag of the State of Georgia as approved at Ga. L. 1956, p. 38, Section 1; and to the
 right thereof that version of the flag of the United States of America consisting of a field
 of 13 red and white stripes and a canton of blue bearing 50 white mullets or five-pointed
 stars, such that such flag shall represent the flag of the United States of America as the
 same appeared on July 4, 1960. And under the horizontal representation of the five flags,
 the phrase 'In God We Trust' shall be written in the blue section and in the same gold color
 as the state seal. be three horizontal bands. The bottom horizontal band shall be red and
 shall occupy one-third of the entire flag. The center horizontal band shall be white and
 shall occupy two-thirds of the length of the flag and shall bear the words 'IN GOD WE
 TRUST' which words shall be the same blue color as the square field of blue. The top
 horizontal band shall be red and shall occupy two-thirds of the length of the flag. The
 remainder of the space shall be a square, one-third of the length of the flag, nearest to the
 flagstaff, consisting of a field of blue, centered upon which shall be placed a representation
 of the great seal containing the coat of arms of the state, and such seal shall be encircled
 by 13 white five-pointed stars. Every force of the organized militia shall carry this flag
 when on parade or review."~~

(b) This Section 1-1 and Sections 1-2 and 1-3 of this Act shall become effective upon approval of this Act by the Governor or upon this Act's becoming law without such approval.

SECTION 1-2.

(a) It shall be the duty of the Secretary of State to issue the call for the referendum election provided under this part to determine whether the qualified electors of the State of Georgia desire that the state flag adopted under Section 1-1 of this Act be changed. The Secretary of State shall conduct the referendum election as provided in this part on the date of the 2004

1 presidential preference primary election. The Secretary of State shall issue the call and
2 conduct that referendum election as provided by general law.

3 (b) The ballot at the referendum election provided under this part shall have displayed or
4 printed thereon the following:

5 "() YES Should the State of Georgia keep the current state flag adopted at the 2003
6 () NO session of the Georgia General Assembly? Vote 'YES' if you favor keeping
the current state flag. If a majority vote 'YES' the state will keep the current
flag. If a majority vote 'NO' there will be another election for the voters to
choose between the pre-1956 state flag and the post-1956 state flag."

7 The Secretary of State shall include a picture of the state flag adopted under Section 1-1 of
8 this Act in an appropriate position on the ballot to assist the voters and facilitate the voting
9 process. All persons desiring to vote in favor of the proposition shall vote "Yes." All
10 persons desiring to vote against the proposition shall vote "No."

11 (c) It shall be the duty of the Secretary of State to tabulate and certify the results of the
12 referendum election and report said results to the Governor and the General Assembly
13 immediately following such certification.

14 SECTION 1-3.

15 If a majority of the votes cast at the referendum election provided for in Section 1-2 of this
16 Act are in favor of the keeping the current state flag, then Part II of this Act shall not become
17 effective. If a majority of the votes cast at the referendum election provided for in Section
18 1-2 of this Act are opposed to keeping the current state flag, then Part II of this Act shall
19 become effective.

20 PART II

21 SECTION 2-1.

22 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
23 in Code Section 50-3-1, relating to the state flag and public monuments, by striking
24 subsection (a) and inserting in its place a new subsection to read as follows:

25 "(a) The flag of the State of Georgia shall be ~~three horizontal bands. The bottom~~
26 ~~horizontal band shall be red and shall occupy one-third of the entire flag. The center~~
27 ~~horizontal band shall be white and shall occupy two-thirds of the length of the flag and~~
28 ~~shall bear the words 'IN GOD WE TRUST' which words shall be the same blue color as~~
29 ~~the square field of blue. The top horizontal band shall be red and shall occupy two-thirds~~
30 ~~of the length of the flag. The remainder of the space shall be a square, one-third of the~~
31 ~~length of the flag, nearest to the flagstaff, consisting of a field of blue, centered upon which~~

1 shall be placed a representation of the great seal containing the coat of arms of the state,
 2 and such seal shall be encircled by 13 white five-pointed stars. consist of a vertical band
 3 of blue occupying the leftmost one-third of the entire flag, on which shall be placed a
 4 representation of that side of the great seal of the state approved in 1914 which contains the
 5 coat of arms of the state, and the remainder of which flag shall consist of a scarlet field
 6 horizontally bisected by a white band such that said band shall be equal in width to the
 7 remainder of the scarlet field both above and below, which flag is commonly known as the
 8 'Pre-1956 Georgia State Flag.' Every force of the organized militia shall carry this flag
 9 when on parade or review."

10 SECTION 2-2.

11 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 12 in Code Section 50-3-1, relating to the state flag and public monuments, by striking
 13 subsection (a) and inserting in its place a new subsection to read as follows:

14 "(a) The flag of the State of Georgia shall be ~~three horizontal bands. The bottom~~
 15 ~~horizontal band shall be red and shall occupy one-third of the entire flag. The center~~
 16 ~~horizontal band shall be white and shall occupy two-thirds of the length of the flag and~~
 17 ~~shall bear the words 'IN GOD WE TRUST' which words shall be the same blue color as~~
 18 ~~the square field of blue. The top horizontal band shall be red and shall occupy two-thirds~~
 19 ~~of the length of the flag. The remainder of the space shall be a square, one-third of the~~
 20 ~~length of the flag, nearest to the flagstaff, consisting of a field of blue, centered upon which~~
 21 ~~shall be placed a representation of the great seal containing the coat of arms of the state,~~
 22 ~~and such seal shall be encircled by 13 white five-pointed stars. contain a vertical band of~~
 23 blue occupying one-third of the entire flag nearest to the flagstaff. The remainder of the
 24 space shall be a square, two-thirds the length of the flag, having a red background with a
 25 broad saltire of blue bordered with white on which 13 white mullets or five-pointed stars,
 26 corresponding in number to that of the Confederate States of America as recognized by the
 27 Confederate States Congress, are emblazoned; so that such remainder shall be the same as
 28 the union of the flag of the Confederate States as approved and cited in Statutes at Large
 29 of the Confederate States Congress, 1st and 2nd Sessions, 1862-63, 1863-64, and approved
 30 May 1, 1863, such remainder being popularly known as the Battle Flag of the Confederacy.
 31 On the blue field shall be stamped, painted, or embroidered the coat of arms of the state.
 32 Such flag is commonly known as the 'Post-1956 Georgia State Flag.' Every force of the
 33 organized militia shall carry this flag when on parade or review."

1 with the subject matter of this Act by further legislative Act; and the General Assembly
2 intends that the subject matter of this Act may be subject to further legislative review at the
3 2005 session of the General Assembly or thereafter as deemed appropriate by the General
4 Assembly.

5 **SECTION 3-2.**

6 In the event any section or subsection of this Act shall be declared or adjudged invalid or
7 unconstitutional, such adjudication shall in no manner affect the other sections or subsections
8 of this Act, which shall remain in full force and effect as if the section or subsection so
9 declared or adjudged invalid or unconstitutional were not originally a part hereof. The
10 General Assembly declares that it would have passed the remaining provisions of this Act
11 if it had known that such provision or provisions hereof would be declared or adjudged
12 invalid or unconstitutional.

13 **SECTION 3-3.**

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