

House Resolution 44

By: Representatives Hembree of the 46th and Joyce of the 2nd

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for public initiative
 2 referendums; to provide for procedures, number of signatures required, verification methods,
 3 form of petition, form of ballot question, and other related matters; to provide for the
 4 submission of this amendment for ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article II of the Constitution is amended by adding a new Section IV to read as follows:

8 "SECTION IV.

9 PUBLIC INITIATIVE

10 **Paragraph I. *Public Initiative.*** Public initiative is the ability of the electors of this state
 11 to enact amendments to this Constitution and to enact laws of general application through
 12 public initiative referendums as provided in this section.

13 **Paragraph II. *Procedure.*** (a) An initiative measure may be proposed by presenting to
 14 the Secretary of State a petition that sets forth the text of the proposed constitutional
 15 amendment or statute and contains a number of signatures of electors of this state equal to
 16 at least 10 percent of the total number of votes cast for the office of Governor in the last
 17 gubernatorial general election. The Secretary of State shall verify the petition as to form
 18 and whether such petition contains a sufficient number of valid signatures. If the Secretary
 19 of State finds the petition to be valid as to form and number of signatures, the Secretary of
 20 State shall proceed to call for a special election to be held in conjunction with the next
 21 state-wide general election that is more than 120 days after the date on which the Secretary
 22 of State verifies the petition; provided, however, that the Governor may issue a writ of
 23 election for the measure and, if so, the Secretary of State shall call for a state-wide special
 24 election to be held on the date specified in the writ of election.

25 (b) An initiative measure shall not embrace more than one subject matter.

1 (c) An initiative measure shall not include or exclude any political subdivision of this
 2 state from the application or effect of its provisions based upon the approval or disapproval
 3 of the initiative measure by the electors of such political subdivision or based upon the
 4 casting of a specified percentage of votes in favor of the measure by the electors of such
 5 political subdivision.

6 (d) An initiative measure shall not contain alternative or cumulative provisions wherein
 7 one or more of such provisions would become law depending upon the casting of a
 8 specified percentage of votes for or against the measure.

9 (e) An initiative measure shall not name any individual to hold any office nor shall it
 10 name or identify any private corporation or business to perform any function or to have any
 11 power or duty.

12 (f) Prior to the circulation of an initiative petition, the petition shall be submitted to the
 13 Attorney General who shall prepare a title and summary of the proposed measure which
 14 shall be included in the petition.

15 **Paragraph III. *Effective date.*** (a) An amendment to this Constitution or statute that is
 16 proposed by public initiative and approved by a majority of the electors voting on such
 17 question shall take effect on the first day of January immediately following the election.

18 (b) If provisions of two or more measures approved at the same election conflict, those
 19 of the measure receiving the highest number of affirmative votes shall prevail.

20 (c) The General Assembly may amend or repeal statutes enacted by public initiative in
 21 the same manner as other laws.

22 **Paragraph IV. *Procedures; forms, content, and manner of circulation and***
 23 ***presentation; form of ballot.*** The General Assembly may by general law, consistent with
 24 this section, provide for additional procedures; for forms, content, and manner of
 25 circulation and presentation of petitions; and for the form of the ballot and question to be
 26 presented."

27 SECTION 2.

28 The above proposed amendment to the Constitution shall be published and submitted as
 29 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 30 above proposed amendment shall have written or printed thereon the following:

31 "() YES Shall the Constitution be amended so as to provide for the enactment of
 32 () NO statutes and amendments to the Georgia Constitution by public initiative?"

33 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
 34 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 35 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 36 become a part of the Constitution of this state.