

House Resolution 405

By: Representative Ralston of the 6<sup>th</sup>

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that the people of the State of  
 2 Georgia shall have the power to enact, by the initiative petition process, statutes and  
 3 amendments to statutes and amendments to the Constitution and to repeal statutes and  
 4 amendments to statutes; to provide procedures and restrictions connected therewith; to  
 5 provide exceptions; to provide that the provisions shall be self-executing; to provide for  
 6 related matters; to provide for the submission of this amendment for ratification or rejection;  
 7 and for other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 9 SECTION 1.

10 Article III of the Constitution of Georgia is amended by adding at the end thereof a new  
 11 Section XI to read as follows:

### 12 "SECTION XI.

### 13 PUBLIC INITIATIVE

14 Paragraph I. *Power vested in the people.* Notwithstanding any other provision of this  
 15 Constitution, the people of Georgia reserve to themselves the power, through the process  
 16 set forth in this section, which shall be known as the initiative petition process, to enact or  
 17 reject statutes and amendments to statutes and amendments to the Constitution and to  
 18 repeal statutes and amendments to statutes. The people, through the initiative petition  
 19 process, shall have the power to make all laws consistent with this Constitution, and not  
 20 repugnant to the Constitution of the United States, which they shall deem necessary and  
 21 proper for the welfare of the state.

22 Paragraph II. *Initiative petitions process.* (a) An initiative petition shall be signed in  
 23 each congressional district by a number of registered electors equal to 10 percent or more  
 24 of the total number of electors who were registered and eligible to vote for candidates for  
 25 the office of Governor in the last preceding gubernatorial election in that congressional

1 district, and the total number of registered electors signing the initiative petition shall be  
2 equal to 10 percent or more of the total number of electors within the state who were  
3 registered and eligible to vote for candidates for the office of Governor in the last preceding  
4 gubernatorial election.

5 (b) An initiative petition shall be approved as to its form by the Secretary of State prior  
6 to such petition being circulated for signatures.

7 (c)(1) An initiative petition proposing a constitutional amendment shall state the full text  
8 of the constitutional amendment, shall state the language which is to appear on the ballot,  
9 and shall contain the following enacting clause: 'BE IT RESOLVED BY THE PEOPLE  
10 OF THE STATE OF GEORGIA:'. An initiative petition proposing an amendment to the  
11 Constitution shall not refer to more than one subject matter and shall not contain matter  
12 different from what is expressed in the title thereof.

13 (2) An initiative petition proposing a statute, amendment to a statute, or repeal of a  
14 statute or amendment to a statute shall state the full text of the statute or amendment to  
15 a statute to be enacted or the statute or amendment to a statute to be repealed and shall  
16 contain the following enacting clause: 'BE IT ENACTED BY THE PEOPLE OF THE  
17 STATE OF GEORGIA:'. No statute or section of the Official Code of Georgia  
18 Annotated shall be amended or repealed by mere reference to its title or to the number of  
19 the section of the Official Code of Georgia Annotated, but the amending or repealing Act  
20 shall distinctly describe the law to be amended or repealed as well as the alteration to be  
21 made. An initiative petition proposing a statute or amendment to a statute or the repeal  
22 of a statute or an amendment to a statute shall not refer to more than one subject matter  
23 and shall not contain matter different from what is expressed in the title thereof.

24 (d) Each elector signing an initiative petition shall affix thereto his or her signature,  
25 residence address, and the name of the county in which he or she is a registered elector.  
26 An elector who has signed a petition may strike his or her name from the petition at any  
27 time prior to the presentation of the petition to the Secretary of State. The petition may  
28 consist of one or more documents, but each document shall contain only the signatures of  
29 electors residing in the same county, and each document shall have affixed thereto an  
30 affidavit made by the circulator of such document to the effect that all of the signatures are  
31 genuine and that each individual who signed such document was at the time of signing a  
32 registered elector in the county of his or her residence. The affidavit shall be executed  
33 before a person authorized by law to administer oaths in the State of Georgia.

34 (e) Any person who signs a name other than his or her own on an initiative petition, or  
35 who knowingly signs his or her name more than once for the same proposition at one  
36 election, or who signs a petition knowing that he or she is not a qualified registered elector  
37 shall be guilty of a misdemeanor. Any person who gives or receives money or anything

1 of value for signing an initiative petition, for obtaining the signatures of others on an  
2 initiative petition, for striking a signature from an initiative petition, or for obtaining the  
3 retraction of signatures of others on an initiative petition shall be guilty of a misdemeanor.  
4 Each petition shall include a warning statement setting forth the preceding sentences.

5 (f)(1) Such initiative petition shall be filed with the Secretary of State not less than 60  
6 days before a regular legislative session of the General Assembly. The Secretary of State  
7 shall immediately proceed to examine each petition filed and compute and verify whether  
8 or not the proper number of signatures appear on the petition. If the petition contains less  
9 than the required number of signatures, the Secretary of State shall reject the petition and  
10 no further action shall be taken on such petition. No petition may be amended or  
11 supplemented after such petition is submitted to the Secretary of State for verification.  
12 If the petition appears to contain the required number of signatures, the Secretary of State  
13 shall certify the total number of signatures appearing on the petition and the total for each  
14 congressional district.

15 (2) If any citizen shall furnish proof satisfactory to the Secretary of State within 30  
16 days following the date on which the Secretary of State certifies the total number of  
17 signatures appearing on the petition that 300 or more signatures appearing on the petition  
18 are not the signatures of registered electors or are duplicate signatures or are not the  
19 genuine signatures of such persons, or any combination thereof, the Secretary of State  
20 shall provide the voter registration officials of each county with a certified copy of the  
21 petition or appropriate portions thereof. Such county voter registration officials shall  
22 examine the signatures appearing on the petition and shall certify the number of valid  
23 signatures of registered electors which appear on the petition to the Secretary of State  
24 within 30 days following the receipt of the copy of such petition. The Secretary of State  
25 shall tabulate and certify the total number of valid signatures appearing on the petition  
26 and shall certify whether the necessary number of signatures appear on the petition. If  
27 an insufficient number of signatures appear on the petition, the Secretary of State shall  
28 reject the petition and no further action shall be taken on such petition. If the required  
29 number of signatures appear on the petition, the Secretary of State shall proceed to send  
30 the petition to the General Assembly.

31 (g) The General Assembly shall have two regular legislative sessions within which to act  
32 on the proposal in the petition. The General Assembly shall have the option to enact either  
33 an identical constitutional amendment, statute, or amendment to a statute or one with minor  
34 modifications which do not subvert the main intent of the petition, to repeal the statute or  
35 amendment to a statute, or to reject the proposed constitutional amendment, statute, or  
36 amendment to a statute or to reject the proposed repeal of a statute or amendment to a  
37 statute. If the General Assembly enacts the proposed constitutional amendment, statute,

1 or amendment to a statute in language identical to that of the petition, the initiative petition  
2 process shall end. If the General Assembly repeals the statute or amendment to a statute,  
3 the initiative petition process also shall end. If the General Assembly enacts the  
4 constitutional amendment, statute, or amendment to a statute with modifications to the  
5 language of the petition, any elector of the state may bring a direct action in the Supreme  
6 Court of Georgia to challenge whether the modifications subvert the main intent of the  
7 petition. If such an action results in a ruling which declares that the modifications subvert  
8 the main intent of the petition, the petition as originally written shall be submitted for  
9 approval or disapproval by the electors of the entire state at the next regular general  
10 election which is more than 90 days after the date of such ruling. If the General Assembly  
11 rejects or fails to act on the proposed constitutional amendment, statute, or amendment to  
12 a statute or proposed repeal of a statute or amendment to a statute within two regular  
13 legislative sessions, the petition shall be submitted for approval or disapproval by the  
14 electors of the entire state at the next general election which is more than 90 days after the  
15 end of the second regular General Assembly session.

16 (h) The Secretary of State shall cause the entire text of the proposed constitutional  
17 amendment, statute, or amendment to a statute or proposed repeal of a statute or  
18 amendment to a statute to be published in a newspaper of general circulation in each  
19 congressional district of the state as provided by law once each week for three consecutive  
20 weeks immediately preceding the date of the general election at which such proposed  
21 amendment is to be submitted.

22 (i)(1) Amendments to the Constitution proposed by initiative petition shall appear on the  
23 ballots in the same form as other proposed amendments. The provisions of Article X,  
24 Section I, Paragraph VI of the Constitution, relating to effective dates of amendments to  
25 the Constitution, shall be applicable to amendments proposed by initiative petition,  
26 except that any amendment affecting taxation or relating to the raising of revenue shall  
27 become effective on the first day of July of the second year following its ratification.

28 (2) The Secretary of State, the Attorney General, and the Governor shall examine each  
29 statute and each amendment to a statute and each repeal of a statute or amendment to a  
30 statute proposed by an initiative petition and shall adopt language to appear on the ballot  
31 which shall adequately identify the measure to be voted upon. Such language shall be in  
32 the form of a question and shall not imply or suggest the approval or rejection of such  
33 proposal. All electors desiring to vote in favor of such proposed statute or amendment  
34 to a statute becoming the law of the state or in favor of such repeal of a statute or  
35 amendment to a statute shall vote 'Yes' and those electors desiring to vote against the  
36 proposed statute or amendment to a statute becoming the law of the state or repeal of a  
37 statute or amendment to a statute shall vote 'No.' It shall be the duty of the Secretary of

1 State to tabulate the results of such election and to declare and certify the results thereof.  
 2 If a majority of the electors voting on such question at such election vote for approval of  
 3 such proposed statute or amendment to a statute or of such repeal of a statute or  
 4 amendment to a statute, it shall become law and take effect on the first day of January  
 5 immediately following the election, except that any proposed statute or amendment to a  
 6 statute which affects taxation or relates to the raising of revenue shall become effective  
 7 on the first day of July in the second year following the election. If a majority of such  
 8 electors vote for disapproval of such statute or amendment to a statute or repeal of a  
 9 statute or amendment to a statute, no further action shall be taken on such petition. An  
 10 initiative measure approved by the electors shall have the same force of authority as a law  
 11 enacted by the General Assembly.

12 (j) If conflicting initiative petitions submitted to the electors at the same general election  
 13 are approved, the petition receiving the highest number of affirmative votes shall become  
 14 law. If an initiative petition is defeated by the electors voting in a general election, an  
 15 initiative petition which contains essentially the same provisions shall not be submitted to  
 16 the electors at the next two general elections.

17 (k) Any person or committee which accepts contributions or makes expenditures  
 18 designed to bring about the approval or rejection of any initiative petition shall be subject  
 19 to requirements for public disclosure and reporting of such contributions and expenditures  
 20 as provided by general law; provided, however, that no individual, partnership, committee,  
 21 association, corporation, or other organization or group of individuals shall be allowed to  
 22 contribute an aggregate amount in excess of \$500.00 to any person or committee which  
 23 accepts contributions or makes expenditures designed to bring about the approval or  
 24 rejection of any initiative petition.

25 Paragraph III. *Provisions of section self-executing; legislative procedures.* The  
 26 provisions of this section are self-executing but the General Assembly may provide by law  
 27 for procedures to facilitate the operation thereof."

## 28 SECTION 2.

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

32 "( ) YES Shall the Constitution be amended so as to provide that the people of the  
 33 State of Georgia shall have a limited power through initiative petition to  
 34 ( ) NO enact statutes, amendments to statutes, and amendments to the Constitution  
 35 and to repeal statutes and amendments to statutes?"

- 1 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
- 2 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
- 3 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
- 4 become a part of the Constitution of this state.