

House Bill 908

By: Representative Mobley of the 58th

A BILL TO BE ENTITLED
AN ACT

1 To provide for an advisory referendum election to be held throughout the State of Georgia
2 for the purpose of determining whether the qualified electors of the State of Georgia desire
3 the prohibition of the use of hand-held mobile communication devices when driving a motor
4 vehicle with exceptions for use of such devices by law enforcement and in emergency
5 situations; to provide for legislative findings and intent; to provide for conditions,
6 procedures, and requirements with respect to such referendum election; to provide for
7 powers, duties, and authority of certain officials in connection with the foregoing; to provide
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 The General Assembly finds that the use of hand-held mobile communication devices in
12 traffic is an important issue. It is, therefore, the purpose of this Act to provide for a
13 state-wide advisory referendum election to be held to inform the General Assembly whether
14 the qualified electors of this state desire the prohibition of the use of hand-held mobile
15 communication devices when driving a motor vehicle with exceptions for use of such devices
16 by law enforcement and in emergency situations.

17 **SECTION 2.**

18 (a) It shall be the duty of the Secretary of State to issue the call for the advisory referendum
19 election provided under this Act to determine whether the qualified electors of the State of
20 Georgia desire the prohibition of the use of hand-held mobile communication devices when
21 driving a motor vehicle with exceptions for use of such devices by law enforcement and in
22 emergency situations. The Secretary of State shall conduct the advisory referendum election
23 as provided in this section on the date of the 2004 presidential preference primary. Except
24 as otherwise provided in this section, the Secretary of State shall issue the call and conduct
25 that advisory referendum election as provided by general law. A summary of this Act shall

1 be prepared by the Legislative Counsel and the Secretary of State. Such summary, along
 2 with the question as stated in paragraph (1) of subsection (b) of this section, shall be
 3 published in the official organ of each county and, if deemed advisable by the Secretary of
 4 State, in not more than 20 other newspapers in the state to be designated by the Secretary of
 5 State which meet the qualifications for being selected as the official organ of a county. Such
 6 summary and question and the date of the advisory referendum election shall be published
 7 once each week for two consecutive weeks immediately preceding the date on which the
 8 referendum election is to be held.

9 (b)(1) The ballot shall have printed thereon the following:

10 **REFERENDUM ELECTION**

11 PLEASE ANSWER THE FOLLOWING QUESTION:

12 Vote either "Yes" or "No" for the question below:

- 13 () YES "Should the General Assembly prohibit the use of hand-held mobile
 14 communication devices when driving a motor vehicle with exceptions for
 15 () NO use of such devices by law enforcement and in emergency situations?"

16 (2) It shall be the duty of the Secretary of State to tabulate and certify the results of the
 17 advisory referendum election and report said results to the General Assembly
 18 immediately following such certification.

19 (c) Any campaign committee which accepts contributions or makes expenditures designed
 20 to propose, oppose, or otherwise advocate any position with respect to the referendum
 21 election under this Act shall comply with all requirements otherwise applicable to a
 22 campaign committee which accepts contributions or makes expenditures designed to bring
 23 about the approval or rejection by the voters of a proposed constitutional amendment or a
 24 state-wide referendum under Chapter 5 of Title 21 of the O.C.G.A., the "Ethics in
 25 Government Act." Any violation of this subsection shall be subject to the same enforcement
 26 and same remedies as otherwise provided with respect to violations by campaign committees
 27 which accept contributions or make expenditures designed to bring about the approval or
 28 rejection by voters of a proposed constitutional amendment or a state-wide referendum under
 29 Chapter 5 of Title 21 of the O.C.G.A., the "Ethics in Government Act."

30 **SECTION 3.**

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