

House Resolution 413

By: Representatives Bearden of the 68th, Benton of the 31st, Talton of the 145th, Everson of the 106th, Reese of the 98th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to declare English as the official language
 2 of the State of Georgia; to provide for findings; to provide that official state actions be in
 3 English; to prohibit any requirement that any language other than English be used in any
 4 documents, regulations, orders, transactions, proceedings, meetings, programs, or
 5 publications; to prohibit discrimination, penalties, or other limits on participation against
 6 persons who speak only English; to provide for exceptions; to provide for certain rights of
 7 action; to provide for severability; to provide for the submission of this amendment for
 8 ratification or rejection; and for other purposes.

9 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Article I, Section II of the Constitution is amended by adding a new Paragraph X to read as
 12 follows:

13 "Paragraph X. *English as Official Language.* (a) The people of Georgia find and
 14 declare that:

15 (1) English is the common language of the State of Georgia and of the United States.
 16 The use of a common language removes barriers of misunderstanding and helps to unify
 17 the people of this state and of the United States, and a compelling state interest exists in
 18 promoting, preserving, and strengthening the use of English;

19 (2) The government should promote proficiency in English in order to enable the full
 20 economic and civic participation of all its citizens;

21 (3) Proficiency in English and in languages other than English benefits the state both
 22 commercially and culturally and should be encouraged; and

23 (4) Among the powers reserved to each state is the power to establish English as its
 24 official language and otherwise to promote the use of English within the state.

25 (b)(1) English is the official language of the State of Georgia.

1 (2) Official actions of this state which bind or commit the state or which give the
2 appearance of presenting the official views of the state shall be taken in English.

3 (3) No law, ordinance, decree, program, or policy of this state or any of its political
4 subdivisions shall require the use of any language other than English for any documents,
5 regulations, orders, transactions, proceedings, meetings, programs, or publications except
6 as provided in subparagraph (c) of this paragraph.

7 (4) A person who speaks only English shall be eligible to participate in all programs,
8 benefits, and opportunities, including employment, provided by this state or its political
9 subdivisions, except when required to speak another language as provided in
10 subparagraph (c) of this paragraph.

11 (5) No law, ordinance, decree, program, or policy of this state or its political subdivisions
12 shall penalize or impair the rights, obligations, or opportunities available to any person
13 solely because a person speaks only English.

14 (c) The state and its political subdivisions may use a language other than English for any
15 of the following purposes:

16 (1) To teach or encourage the learning of languages other than English;

17 (2) To protect the public health or safety;

18 (3) To teach English to those who are not fluent in the language;

19 (4) To comply with the federal Native American Languages Act, the federal Individuals
20 with Disabilities Education Act, or any other federal law;

21 (5) To protect the rights of criminal defendants and victims of crime;

22 (6) To promote trade, commerce, and tourism;

23 (7) To create or promote state or agency mottoes, inscribe public monuments, and
24 perform other acts involving the customary use of a language other than English; and

25 (8) To utilize terms of art or terms or phrases from other languages which are commonly
26 used in communications otherwise in English.

27 (d) The declaration and use of English as the official language of the State of Georgia
28 shall not be construed as infringing upon the rights of any person to use a language other
29 than English in private communications or actions, including the right of government
30 officials, including elected officials, to communicate with others while not performing
31 official actions of the state.

32 (e) Any person who is a resident of or doing business in the State of Georgia shall have
33 standing to sue any agency or official of the State of Georgia to seek a declaratory
34 judgment as to whether this Paragraph as been violated and to seek injunctive relief. A
35 qualified person may file suit even if the Attorney General or other appropriate official of
36 the state has not filed such a suit, and the suit may be brought on behalf of all citizens of

1 the state. A person who prevails, in whole or in part, in such a suit shall, be entitled to the
2 costs of bringing and maintaining the suit, including reasonable attorney fees.

3 (f) If any provision of this Paragraph or the applicability of any provision of this
4 Paragraph to any person or circumstance shall be held to be invalid by a court of competent
5 jurisdiction, the remainder of this Paragraph shall not be affected and shall be given effect
6 to the fullest extent practicable.

7 (g) Nothing in this Paragraph shall be interpreted as conflicting with the laws of the
8 United States."

9 **SECTION 2.**

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

13 "() YES Shall the Constitution of Georgia be amended so as to provide that English
14 () NO is the official language of the State of Georgia?"

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