

House Bill 250

By: Representatives Smith of the 113<sup>th</sup>, Amerson of the 9<sup>th</sup>, Hamilton of the 23<sup>rd</sup>, Graves of the 12<sup>th</sup>, Loudermilk of the 14<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the holding of a Convention of the people of Georgia for the purpose of  
2 proposing amendments to the Constitution of this state relating to state and local taxation and  
3 finance; to provide special elections for delegates to such Convention; to provide for a  
4 state-wide referendum; to provide for election districts; to provide for voter and delegate  
5 eligibility; to provide for submission and ratification of amendments proposed by the  
6 Convention; to provide for administrative matters related to the Convention; to provide for  
7 abolishment of the Convention; to provide for submission under the federal Voting Rights  
8 Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for  
9 other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 This Act is enacted pursuant to Article X, Section I, Paragraph IV of the Constitution of  
13 Georgia.

14 **SECTION 2.**

15 There shall be a special election held in 2009 in each election district provided by Section  
16 4 of this Act for the election of delegates to a Convention of the people of Georgia for the  
17 purpose of proposing amendments to any or all provisions of the Constitution of this state  
18 relating to state and local taxation and finance. Such Convention shall convene in the City  
19 of Atlanta on the fourth Monday following the certification of the results of such elections  
20 by the Secretary of State, except as otherwise provided by Section 8 of this Act.

21 **SECTION 3.**

22 Unless prohibited by the federal Voting Rights Act of 1965, as amended, said special  
23 elections shall be called and conducted by the Secretary of State on the same and earliest date  
24 practicable in 2009 under Code Section 21-2-540 of the O.C.G.A. in accordance with the  
25 laws of the state and in the same manner and at the same places as special elections to fill  
26 vacancies in the offices of members of the Senate as are now held in this state, including but  
27 not limited to the manner of qualifying, except as otherwise provided by this Act. The  
28 Secretary of State shall cause the date and purpose of the special election to be published in  
29 the official organ of each county in the state once a week for two weeks immediately  
30 preceding the date of the election. The returns of said special elections shall be forwarded  
31 to the Secretary of State, and the Secretary of State shall issue a certificate of election to each  
32 person chosen as delegate to said Convention who received the highest number of votes in  
33 his or election district.

34 **SECTION 4.**

35 There shall be 56 delegates to the Convention. Each senatorial district in this state, as such  
36 districts are now provided for by Code Section 28-2-2 of the O.C.G.A., shall constitute an  
37 election district from which a delegate to said Convention shall be elected.

38 **SECTION 5.**

39 In said special elections every person shall be entitled to vote who is entitled to vote for  
40 members of the General Assembly under the present Constitution and laws of this state.

41 **SECTION 6.**

42 Amendments to the Constitution proposed by the aforesaid Convention pursuant to this Act,  
43 if any, shall be submitted to the people of Georgia for ratification or rejection in accordance  
44 with Article X, Section I, Paragraph IV of the Constitution.

45 **SECTION 7.**

46 The Convention shall organize itself and elect from among its delegates a President and  
47 Vice-President thereof and such other officers as it may deem appropriate. The delegates to  
48 the Convention shall serve without compensation. The Legislative Services Committee shall  
49 provide space in the Capitol or the Legislative Office Building in Atlanta for meetings of the  
50 Convention. For purposes of any amendments to the Constitution to be proposed by the  
51 Convention pursuant to this Act, the Office of Legislative Counsel shall provide drafting  
52 services and advice and counsel to Convention delegates the same as provided for members  
53 of the General Assembly under subsection (b) of Code Section 28-4-3 of the O.C.G.A., and

54 the provisions of Code Section 50-18-75 of the O.C.G.A. shall apply in providing such  
 55 services to Convention delegates the same as to members of the General Assembly. The  
 56 Convention shall stand abolished upon its adjournment sine die or on July 1, 2012, whichever  
 57 first occurs.

58 **SECTION 8.**

59 There shall be a state-wide referendum held in conjunction with the elections of delegates  
 60 provided for by this Act, such that there shall be written or printed on the ballots the words:

61 "( ) YES Shall a Convention of the people of Georgia be held for the purpose of  
 62 proposing amendments to the Constitution of this state relating to state and

63 ( ) NO local taxation and finance?

64 All persons desiring to vote for approval of holding the Convention shall vote "Yes," and  
 65 those persons desiring to vote for rejection of holding the Convention shall vote "No." If  
 66 more than one-half of the votes cast state wide on such question are for approval of holding  
 67 the Convention, the Secretary of State shall, by proclamation, so declare and order the  
 68 delegates so elected to assemble, according to the provisions of this Act; and if holding the  
 69 Convention is not so approved or if the referendum is not conducted as provided in this Act,  
 70 it shall be the duty of the Secretary of State, by proclamation, so to declare and order that any  
 71 delegates so elected do not assemble, the Convention shall not be held, and this Act shall  
 72 stand repealed on January 1, 2010.

73 **SECTION 9.**

74 The Attorney General shall cause this Act to be submitted for preclearance under the federal  
 75 Voting Rights Act of 1965, as amended; and such submission shall be made to the United  
 76 States Department of Justice or filed with the appropriate court no later than 30 days after the  
 77 date on which this Act becomes effective.

78 **SECTION 10.**

79 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 80 without such approval.

81 **SECTION 11.**

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