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Senate Resolution 675

By: Senator McKoon of the 29th

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.

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:

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13 "Paragraph X. English as Official Language. (a) The people of Georgia find and

- 14 <u>declare that:</u>
- 15 (1) English is the common language of the State of Georgia and of the United States.
- The use of a common language removes barriers of misunderstanding and helps to unify
- the people of this state and of the United States, and a compelling state interest exists in
- promoting, preserving, and strengthening the use of English;
- 19 (2) Since the designation by statutory law in 1996 of the English language as the
- 20 <u>official language of the State of Georgia, the state has experienced great economic</u>
- 21 growth, including being named as the number one state to do business in 2014 and 2015;
- 22 (3) The government should promote proficiency in English in order to enable the full
- 23 <u>economic and civic participation of all its citizens;</u>
- 24 (4) Proficiency in English and in languages other than English benefits the state both
- 25 <u>commercially and culturally and should be encouraged; and</u>
- 26 (5) Among the powers reserved to each state is the power to establish English as its
- 27 <u>official language and otherwise to promote the use of English within the state.</u>

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- 28 (b)(1) English is the official language of the State of Georgia.
- 29 (2) Official actions of this state which bind or commit the state or which give the
- 30 <u>appearance of presenting the official views of the state shall be taken in English.</u>
- 31 (3) No law, ordinance, decree, program, or policy of this state or any of its political
- 32 <u>subdivisions, including, but not limited to, the administration of driver's license</u>
- 33 <u>examinations for all classes of licenses by the Department of Driver Services, shall use</u>
- 34 any language other than English for any documents, regulations, orders, transactions,
- proceedings, meetings, programs, or publications except as provided in subparagraph (c)
- 36 <u>of this Paragraph.</u>
- 37 (4) A person who speaks only English shall be eligible to participate in all programs,
- benefits, and opportunities, including employment, provided by this state or its political
- 39 <u>subdivisions</u>, except when required to speak another language as provided in
- 40 <u>subparagraph (c) of this Paragraph.</u>
- 41 (5) No law, ordinance, decree, program, or policy of this state or its political
- 42 <u>subdivisions shall penalize or impair the rights, obligations, or opportunities available to</u>
- 43 <u>any person solely because a person speaks only English.</u>
- 44 (c) The state and its political subdivisions may use a language other than English for any
- 45 <u>of the following purposes:</u>
- 46 (1) To teach or encourage the learning of languages other than English;
- 47 (2) To protect the public health or safety;
- 48 (3) To teach English to those who are not fluent in the language;
- 49 (4) To permit the use of American Sign Language and to comply with any other
- 50 <u>applicable federal law;</u>
- 51 (5) To protect the rights of victims of crime and criminal defendants;
- 52 (6) To ensure equality of access to a court of competent jurisdiction;
- 53 (7) To promote diplomacy, trade, commerce, and tourism;
- 54 (8) To create or promote state or agency mottos, inscribe public monuments, and
- 55 perform other acts involving the customary use of a language other than English; and
- 56 (9) To utilize terms of art or terms of phrases from other languages which are
- 57 commonly used in communications otherwise in English.
- 58 (d) The declaration and use of English as the official language of the State of Georgia
- 59 <u>shall not be construed as infringing upon the rights of any person to use a language other</u>
- 60 than English in private communications or actions, including the right of government
- officials, including elected officials, to communicate with others while not performing
- 62 <u>official actions of the state.</u>
- (e) Any person who is a resident of or doing business in the State of Georgia shall have
- 64 standing to sue any agency or official of the State of Georgia to seek a declaratory

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judgment as to whether this Paragraph has been violated and to seek injunctive relief. A
qualified person may file suit even if the Attorney General or other appropriate official of
the state has not filed such a suit. A person who prevails, in whole or in part, in such a suit
shall be entitled to the costs of bringing and maintaining the suit, including reasonable

- 70 (f) If any provision of this Paragraph or the applicability of any provision of this
- 71 Paragraph to any person or circumstance shall be held to be invalid by a court of competent
- 72 jurisdiction, the remainder of this Paragraph shall not be affected and shall be given effect
- 73 <u>to the fullest extent practicable.</u>
- 74 (g) Nothing in this Paragraph shall be interpreted as conflicting with the laws of the
- 75 <u>United States.</u>"

attorney fees.

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- 76 SECTION 2.
- 77 The above proposed amendment to the Constitution shall be published and submitted as
- 78 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
- above proposed amendment shall have written or printed thereon the following:
- 80 "() YES Shall the Constitution of Georgia be amended so as to provide that English
- 81 () NO is the official language of the State of Georgia?"
- 82 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
- 83 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
- such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
- 85 become a part of the Constitution of this state.