

Senate Resolution 587

By: Senators McKoon of the 29th, Gooch of the 51st, Beach of the 21st, Shafer of the 48th, Mullis of the 53rd 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) Since the designation by statutory law in 1996 of the English language as the
 20 official language of the State of Georgia, the state has experienced great economic
 21 growth, including being named as the number one state to do business in 2016 and 2017;

22 (3) The government should promote proficiency in English in order to enable the full
 23 economic and civic participation of all its citizens;

24 (4) Proficiency in English and in languages other than English benefits the state both
 25 commercially and culturally and should be encouraged; and

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

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 appearance of presenting the official views of the state shall be taken in English.

31 (3) No law, ordinance, decree, program, or policy of this state or any of its political
 32 subdivisions, including, but not limited to, the administration of driver's license
 33 examinations for all classes of licenses by the Department of Driver Services, shall use
 34 any language other than English for any documents, regulations, orders, transactions,
 35 proceedings, meetings, programs, or publications except as provided in subparagraph (c)
 36 of this Paragraph.

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

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

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

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 applicable federal law;

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 shall not be construed as infringing upon the rights of any person to use a language other
 60 than English in private communications or actions, including the right of government
 61 officials, including elected officials, to communicate with others while not performing
 62 official actions of the state.

63 (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

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

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 to the fullest extent practicable.

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

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
 79 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
 84 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.