

Senate Resolution 613

By: Senators Shafer of the 48th, Black of the 8th, Anderson of the 24th, Mullis of the 53rd,
Watson of the 1st 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 in which to do business in 2016
22 and 2017;

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

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

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

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

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

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

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

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

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

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

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

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

50 (4) To permit the use of American Sign Language and to comply with any other
51 applicable federal law;

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

53 (6) To ensure equality of access to a court of competent jurisdiction;

54 (7) To promote diplomacy, trade, commerce, and tourism;

55 (8) To create or promote state or agency mottos, inscribe public monuments, and
56 perform other acts involving the customary use of a language other than English; and

57 (9) To utilize terms of art or terms of phrases from other languages which are
58 commonly used in communications otherwise in English.

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

64 (e) Any person who is a resident of or doing business in the State of Georgia shall have
 65 standing to sue any agency or official of the State of Georgia to seek a declaratory
 66 judgment as to whether this Paragraph has been violated and to seek injunctive relief. A
 67 qualified person may file suit even if the Attorney General or other appropriate official of
 68 the state has not filed such a suit. A person who prevails, in whole or in part, in such a suit
 69 shall be entitled to the costs of bringing and maintaining the suit, including reasonable
 70 attorney fees.

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

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

77 **SECTION 2.**

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

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

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