

House Bill 1038

By: Representatives Griffin of the 149th, Hugley of the 141st, Miller of the 62nd, Davis of the 87th, Berry of the 56th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide for the repeal of Article 2 of Chapter 2B, the "Georgia Promise Scholarship Act";
3 to provide for the holding of an advisory referendum election to determine whether the
4 qualified electors of the State of Georgia desire the repeal of the "Georgia Promise
5 Scholarship Act"; to provide for legislative control and review with respect to providing for
6 the appropriation and use of state funds for education to be used for qualified education
7 expenses; to provide for related matters; to provide for severability; to provide for effective
8 dates and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
12 repealing Article 2 of Chapter 2B, the "Georgia Promise Scholarship Act."

13 **SECTION 2.**

14 (a) It shall be the duty of the Secretary of State to issue the call for an advisory referendum
15 election to determine whether the qualified electors of the State of Georgia desire that the

16 "Georgia Promise Scholarship Act," provided for in Article 2 of Chapter 2B of Title 20 of
17 the Official Code of Georgia Annotated, be repealed. The Secretary of State shall conduct
18 the advisory referendum election in 2026 on the date of the November election, as such term
19 is defined in Code Section 21-2-2. The Secretary of State shall issue the call and conduct
20 such advisory referendum election as provided by general law.

21 (b) The ballot at the advisory referendum election provided under this section shall have
22 written or printed thereon the following:

23 "() YES Should the General Assembly repeal the Georgia Promise Scholarship Act,
24 () NO which, during the 2025-2026 school year, provided up to \$6,500.00 in state
25 funds to students to be used for qualified education expenses, including
26 private school tuition? Vote 'YES' if you favor repealing the Georgia
27 Promise Scholarship Act."

28 All persons desiring to vote in favor of the proposition shall vote "Yes." All persons desiring
29 to vote against the proposition shall vote "No."

30 (c) It shall be the duty of the Secretary of State to tabulate and certify the results of the
31 advisory referendum election and report said results to the Governor and the General
32 Assembly immediately following such certification. The expense of such election shall be
33 borne by the State of Georgia.

34 **SECTION 3.**

35 The provisions of Sections 1 and 2 of this Act may operate according to their terms without
36 further action by the General Assembly. The General Assembly shall retain the authority to
37 deal with the subject matter of this Act, including, but not limited to, providing for the
38 appropriation and use of state funds for education to be used for qualified education
39 expenses, by further legislative Act; and the General Assembly intends that the subject matter
40 of this Act may be subject to further legislative review at the 2027 regular session of the
41 General Assembly or thereafter as deemed appropriate by the General Assembly.

42 **SECTION 4.**

43 In the event any section or subsection of this Act shall be declared or adjudged invalid or
44 unconstitutional, such adjudication shall in no manner affect the other sections or subsections
45 of this Act, which shall remain in full force and effect as if the section or subsection so
46 declared or adjudged invalid or unconstitutional were not originally a part hereof. The
47 General Assembly declares that it would have passed the remaining provisions of this Act
48 if it had known that such provision or provisions hereof would be declared or adjudged
49 invalid or unconstitutional.

50 **SECTION 5.**

51 Section 1 of this Act shall become effective June 30, 2027, and shall apply to all school years
52 beginning with the 2027-2028 school year. All other sections of this Act shall become
53 effective upon the approval of this Act by the Governor or upon its becoming law without
54 such approval.

55 **SECTION 6.**

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