

House Resolution 462

By: Representatives Roberts of the 52<sup>nd</sup>, Draper of the 90<sup>th</sup>, Park of the 107<sup>th</sup>, Tran of the 80<sup>th</sup>,  
and Campbell of the 35<sup>th</sup>

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that the people of the State of  
2 Georgia shall have the power to enact, repeal, or amend general statutory law by direct  
3 initiative and referendum process; to provide for amendments to the Constitution by direct  
4 initiative process; to provide procedures and restrictions connected therewith; to provide  
5 exceptions; to authorize the General Assembly to provide for additional statutory procedures  
6 not in conflict with the provisions herein; to provide for the submission of this amendment  
7 for ratification or rejection; and for other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article III of the Constitution is amended by revising Section I as follows:

11 **"SECTION I.**

12 **LEGISLATIVE POWER**

13 Paragraph I. *Power vested in General Assembly.* Except as provided in Section XI of  
14 this Article, the ~~The~~ legislative power of the state shall be vested in a General Assembly  
15 which shall consist of a Senate and a House of Representatives."



40 (7) Relating to any matter the General Assembly is deprived authority on in  
41 Paragraph V of Section VI of this article.

42 Paragraph II. *Direct initiative and referendum process.* (a) A direct initiative or  
43 referendum shall put on the ballot if a number of registered electors equal to 8 percent or  
44 more of the total number of electors who were registered and eligible to vote in Georgia  
45 for candidates for the office of presidential elector in the last preceding presidential election  
46 in the state sign a petition for such direct initiative or referendum, thus certifying the  
47 petition. Petition signatures must be collected within the boundaries of at least one-half of  
48 the state's congressional districts for the petition to be certified.

49 (b) The petition for a direct initiative or referendum proposing a statute, amendment to  
50 a statute, or repeal of a statute shall state the full text of the statute or amendment to be  
51 enacted or repealed and shall contain the following enacting clause: 'BE IT ENACTED BY  
52 THE PEOPLE OF THE STATE OF GEORGIA:'. No statute or section of the Official  
53 Code of Georgia Annotated shall be amended or repealed by mere reference to its title or  
54 to the number of the section of the Official Code of Georgia Annotated, but the amending  
55 or repealing Act shall distinctly describe the law to be amended or repealed as well as the  
56 alteration to be made. A direct initiative or referendum petition proposing a statute or  
57 amendment to a statute or the repeal of a statute or an amendment to a statute shall not refer  
58 to more than one subject matter and shall not contain matter different from what is  
59 expressed in the title thereof. A direct initiative or referendum petition shall also include  
60 the wording of the ballot question that will be submitted to the voters for approval if such  
61 petition is certified; provided, however, that such ballot questions shall be unambiguous  
62 and understandable for the voters and subject to a yes or no vote.

63 (c) A direct initiative or referendum petition shall be filed with the Secretary of State not  
64 less than 180 days before a general election in which members of the General Assembly  
65 are to be elected. The Secretary of State shall immediately proceed to examine the filed  
66 petition and compute and verify whether or not a sufficient number of signatures are

67 captured. If the petition contains less than the required number of signatures, the Secretary  
68 of State shall reject the petition; provided, however, that the General Assembly by law may  
69 provide for a period to cure such deficiencies. If the petition appears to contain the  
70 required number of signatures, the Secretary of State shall certify the petition, and shall put  
71 the direct initiative or referendum on the ballot at the next general election at which  
72 members of the General Assembly are to be elected, using the ballot question outlined in  
73 the petition.

74 (d) If such ballot question is approved by at least 60 percent of the electors qualified to  
75 vote for members of the General Assembly voting thereon in such general election, such  
76 proposal shall become law and shall go into effect on the first day of July immediately  
77 following such election, unless an earlier effective date is provided for in the direct  
78 initiative or referendum and is clearly stated in the ballot question.

79 (e) If such ballot question is rejected by the electors voting in such general election, such  
80 proposal shall not become law, and the same or a substantially similar proposal by direct  
81 initiative or referendum shall not be authorized for a period of three years from the date of  
82 such election.

83 Paragraph III. *Provisions of statutory procedures.* The General Assembly shall provide  
84 by law for procedures to facilitate the operation of this section, and such procedures shall  
85 include, but not be limited to, providing for the formatting, sponsorship, circulation, and  
86 review of petitions, necessity for fiscal review of proposed statutory changes, and  
87 procedures for appealing adverse decisions related thereto."

88 **SECTION 3.**

89 Article X, Section I of the Constitution is amended by revising Paragraphs I and II as  
90 follows:

91 "Paragraph I. *Proposals to amend the Constitution; new Constitution.* Amendments to  
92 this Constitution or a new Constitution may be proposed by the General Assembly, by

93 direct initiative of the people, or by a constitutional convention, as provided in this article.  
94 Only amendments which are of general and uniform applicability throughout the state shall  
95 be proposed, passed, or submitted to the people.

96 Paragraph II. *Proposals by the General Assembly; proposals by direct initiative of the*  
97 *people; submission to the people.* (a) A proposal by the General Assembly to amend this  
98 Constitution or to provide for a new Constitution shall originate as a resolution in either the  
99 Senate or the House of Representatives and, if approved by two-thirds of the members to  
100 which each house is entitled in a roll-call vote entered on their respective journals, shall be  
101 submitted to the electors of the entire state at the next general election which is held in the  
102 even-numbered years. A summary of such proposal shall be prepared by the Attorney  
103 General, the Legislative Counsel, and the Secretary of State and shall be published in the  
104 official organ of each county and, if deemed advisable by the 'Constitutional Amendments  
105 Publication Board,' in not more than 20 other newspapers in the state designated by such  
106 board which meet the qualifications for being selected as the official organ of a county.  
107 Said board shall be composed of the Governor, the Lieutenant Governor, and the Speaker  
108 of the House of Representatives. Such summary shall be published once each week for  
109 three consecutive weeks immediately preceding the day of the general election at which  
110 such proposal is to be submitted. The language to be used in submitting a proposed  
111 amendment or a new Constitution shall be in such words as the General Assembly may  
112 provide in the resolution, or, in the absence thereof, in such language as the Governor may  
113 prescribe. A copy of the entire proposed amendment or of a new Constitution shall be filed  
114 in the office of the judge of the probate court of each county and shall be available for  
115 public inspection; and the summary of the proposal shall so indicate. The General  
116 Assembly is hereby authorized to provide by law for additional matters relative to the  
117 publication and distribution of proposed amendments and summaries not in conflict with  
118 the provisions of this Paragraph.

119 (b) If such proposal is ratified by a majority of the electors qualified to vote for members  
120 of the General Assembly voting thereon in such general election, such proposal shall  
121 become a part of this Constitution or shall become a new Constitution, as the case may be.

122 (c)(1) A proposal to amend this Constitution by direct initiative of the people shall be  
123 put on the ballot if a number of registered electors equal to 10 percent or more of the total  
124 number of electors who were registered and eligible to vote in Georgia for candidate for  
125 the office of presidential elector in the last preceding presidential election in the state sign  
126 a petition for direct initiative, thus certifying the petition. Petition signatures must be  
127 collected within the boundaries of at least one-half of the state's congressional districts  
128 for the petition to be certified.

129 (2) The language to be used in submitting a proposed amendment shall be in such  
130 words as provided in the direct initiative process.

131 (3) Summaries and notice of such proposed amendments shall be prepared and  
132 provided in the same manner provided for in subparagraph (a) of this Paragraph for  
133 proposals by the General Assembly.

134 (4) If such proposal is ratified by a two-thirds' majority of the electors qualified to vote  
135 for members of the General Assembly voting thereon in such general election, such  
136 proposal shall become a part of this Constitution.

137 (5) If such proposal is rejected by the electors voting in such general election, such  
138 proposal shall not become part of this Constitution, and the same or a substantially  
139 similar amendment shall not be proposed by direct initiative for a period of three years  
140 from the date of such election.

141 (6) The General Assembly shall provide by law for procedures to facilitate the  
142 operation of this subsection, and such procedures shall include, but not be limited to,  
143 providing for the formatting, sponsorship, circulation, and review of petitions, and  
144 procedures for appealing adverse decisions related thereto.

145 (d) Any proposal so approved shall take effect as provided in Paragraph VI of this article.  
146 When more than one amendment is submitted at the same time, they shall be so submitted  
147 as to enable the electors to vote on each amendment separately, provided that one or more  
148 new articles or related changes in one or more articles may be submitted as a single  
149 amendment."

150 **SECTION 4.**

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

154 "( ) YES Shall the Constitution of Georgia be amended so as to provide that the people  
155 ( ) NO of the State of Georgia shall have a limited power through direct initiative and  
156 referendum petition to enact, repeal, or amend statutes and to amend this  
157 Constitution?"

158 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

159 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
160 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
161 become a part of the Constitution of this state.