

Senate Resolution 254

By: Senator McKoon of the 29th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for public initiative
2 referendums; to provide for procedures, number of signatures required, verification methods,
3 form of petition, form of ballot question, and other related matters; to provide for the
4 submission of this amendment for ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article II of the Constitution is amended by adding a new section to read as follows:

8 SECTION IV.
9 PUBLIC INITIATIVES

10 Paragraph I. *Public initiative.* As used in this section, the term 'public initiative' means
11 the ability of the electors of this state to enact amendments to this Constitution and to enact
12 laws of general application through public initiative referendums as provided in this
13 section.

14 Paragraph II. *Procedure.* (a) A public initiative may be proposed by presenting to the
15 Secretary of State a petition that sets forth the text of the proposed constitutional
16 amendment or statute and contains a number of signatures of electors of this state equal to
17 at least 10 percent of the total number of votes cast for the office of Governor in the last
18 gubernatorial general election. The Secretary of State shall verify the petition as to form
19 and whether such petition contains a sufficient number of valid signatures. If the Secretary
20 of State finds the petition to be valid as to form and number of signatures, the Secretary of
21 State shall proceed to call for a special election to be held in conjunction with the next
22 state-wide general election that is more than 120 days after the date on which the Secretary
23 of State verifies the petition; provided, however, that the Governor may issue a writ of
24 election for the measure and, if so, the Secretary of State shall call for a state-wide special
25 election to be held on the date specified in the writ of election.

26 (b) A public initiative shall not grant any donation or gratuity, forgive any debt or
 27 obligation owing to the public, or obligate any funds of the state.

28 (c) A public initiative shall not embrace more than one subject matter.

29 (d) A public initiative shall not include or exclude any political subdivision of this state
 30 from the application or effect of its provisions based upon the approval or disapproval of
 31 the public initiative by the electors of such political subdivision or based upon the casting
 32 of a specified percentage of votes in favor of the initiative by the electors of such political
 33 subdivision.

34 (e) A public initiative shall not contain alternative or cumulative provisions such that one
 35 or more of such provisions would become law depending upon the casting of a specified
 36 percentage of votes for or against the initiative.

37 (f) A public initiative shall not name any individual to hold any office nor shall it name
 38 or identify any private corporation or business to perform any function or to have any
 39 power or duty.

40 (g) Prior to the circulation of a public initiative petition, the petition shall be submitted
 41 to the Attorney General who shall prepare a title and summary of the proposed measure
 42 which shall be included in the petition.

43 Paragraph III. *Effective date.* (a) An amendment to this Constitution or statute that is
 44 proposed by public initiative and approved by a majority of the electors voting on such
 45 question shall take effect on the first day of January immediately following the election.

46 (b) If provisions of two or more initiatives approved at the same election conflict, the
 47 initiative receiving the highest number of affirmative votes shall prevail.

48 (c) The General Assembly may amend or repeal statutes enacted by public initiative in
 49 the same manner as other laws.

50 Paragraph IV. *Procedures; forms, content, and manner of circulation and*
 51 *presentation; form of ballot.* The General Assembly may by general law, consistent with
 52 this section, provide for additional procedures; for forms, content, and manner of
 53 circulation and presentation of petitions; and for the form of the ballot and question to be
 54 presented."

55 **SECTION 2.**

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

59 "() YES Shall the Constitution of Georgia be amended so as to provide for the
 60 () NO enactment of statutes and amendments to the Georgia Constitution by public
 61 initiative?"

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