

Senate Resolution 692

By: Senators McKoon of the 29th and Jones of the 25th

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 IV to read as follows:

8 SECTION IV.  
 9 PUBLIC INITIATIVES

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

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

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

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

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

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

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

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

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

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

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

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

54 **SECTION 2.**

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

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

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