

PROPOSED
CONSTITUTIONAL AMENDMENTS
AND
STATE-WIDE REFERENDUM QUESTIONS
GENERAL ELECTION
NOVEMBER 8, 2022

Constitutional Amendments 1-2
Summaries of Amendments and
State-wide Referendum Questions A-B

This booklet contains copies of the two proposed amendments to the Constitution in their entirety. These amendments will be submitted at the general election on November 8, 2022. As required by the Constitution, these proposed amendments in their entirety are on file in the office of the judge of the probate court in each county and are available for public inspection. This booklet also includes summaries of the two proposals as prepared by Attorney General Christopher Carr, Secretary of State Brad Raffensperger, and Legislative Counsel Rick Ruskell and published in the newspaper which is each county's official legal organ. In addition, summaries of the state-wide referendum questions prepared by Secretary of State Brad Raffensperger are included.

CONSTITUTIONAL
AMENDMENTS

1-2

Senate Resolution No. 134
Resolution Act No. 304
Ga. L. 2021, p. 939

A RESOLUTION

Proposing an amendment to the Constitution so as to provide for the suspension of compensation for certain public officers who are suspended because of indictment for a felony; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article II, Section III of the Constitution is amended by revising Paragraph I as follows:

"Paragraph I. **Procedures for and effect of suspending or removing public officials upon felony indictment.** (a) As used in this Paragraph, the term 'public official' means the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, the State School Superintendent, the Commissioner of Insurance, the Commissioner of Agriculture, the Commissioner of Labor, and any member of the General Assembly.

(b) Upon indictment for a felony by a grand jury of this state or by the United States, which felony indictment relates to the performance or activities of the office of any public official, the Attorney General or district attorney shall transmit a certified copy of the indictment to the Governor or, if the indicted public official is the Governor, to the Lieutenant Governor who shall, subject to subparagraph (d) of this Paragraph, appoint a review commission. If the indicted public official is the

Governor, the commission shall be composed of the Attorney General, the Secretary of State, the State School Superintendent, the Commissioner of Insurance, the Commissioner of Agriculture, and the Commissioner of Labor.

If the indicted public official is the Attorney General, the commission shall be composed of three other public officials who are not members of the General Assembly. If the indicted public official is not the Governor, the Attorney General, or a member of the General Assembly, the commission shall be composed of the Attorney General and two other public officials who are not members of the General Assembly. If the indicted public official is a member of the General Assembly, the commission shall be composed of the Attorney General and one member of the Senate and one member of the House of Representatives. If the Attorney General brings the indictment against the public official, the Attorney General shall not serve on the commission. In place of the Attorney General, the Governor shall appoint a retired Supreme Court Justice or a retired Court of Appeals Judge. The commission shall provide for a speedy hearing, including notice of the nature and cause of the hearing, process for obtaining witnesses, and the assistance of counsel. Unless a longer period of time is granted by the appointing authority, the commission shall make a written report within 14 days. If the commission determines that the indictment relates to and adversely affects the administration of the office of the indicted public official and that the rights and interests of the public are adversely affected thereby, the Governor or, if the Governor is the indicted public official, the Lieutenant Governor shall suspend the public official immediately and without further

action pending the final disposition of the case or until the expiration of the officer's term of office, whichever occurs first. During the term of office to which such officer was elected and in which the indictment occurred, if a nolle prosequi is entered, if the public official is acquitted, or if after conviction the conviction is later overturned as a result of any direct appeal or application for a writ of certiorari, the officer shall be immediately reinstated to the office from which he was suspended. While a public official is suspended under this Paragraph, the officer shall not be entitled to receive the compensation from his or her office. If the officer is reinstated to office, he or she shall be entitled to receive any compensation withheld under the provisions of this Paragraph.

(c) Unless the Governor is the public officer under suspension, for the duration of any suspension under this Paragraph, the Governor shall appoint a replacement officer except in the case of a member of the General Assembly. If the Governor is the public officer under suspension, the provisions of Article V, Section I, Paragraph V of this Constitution shall apply as if the Governor were temporarily disabled. Upon a final conviction with no appeal or review pending, the office shall be declared vacant and a successor to that office shall be chosen as provided in this Constitution or the laws enacted in pursuance thereof.

(d) No commission shall be appointed for a period of 14 days from the day the indictment is received. This period of time may be extended by the Governor. During this period of time, the indicted public official may, in writing, authorize the Governor or, if the Governor is the indicted public official, the Lieutenant Governor to suspend

him or her from office. Any such voluntary suspension shall be subject to the same conditions for review, reinstatement, or declaration of vacancy as are provided in this Paragraph for a nonvoluntary suspension.

(e) After any suspension is imposed under this Paragraph, the suspended public official may petition the appointing authority for a review. The Governor or, if the indicted public official is the Governor, the Lieutenant Governor may reappoint the commission to review the suspension. The commission shall make a written report within 14 days. If the commission recommends that the public official be reinstated, he or she shall immediately be reinstated to office.

(f) The report and records of the commission and the fact that the public official has or has not been suspended shall not be admissible in evidence in any court for any purpose. The report and record of the commission shall not be open to the public.

(g) The provisions of this Paragraph shall not apply to any indictment handed down prior to January 1, 1985.

(h) If a public official who is suspended from office under the provisions of this Paragraph is not first tried at the next regular or special term following the indictment, the suspension shall be terminated and the public official shall be reinstated to office. The public official shall not be reinstated under this subparagraph if he or she is not so tried based on a continuance granted upon a motion made only by the defendant."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have

written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to suspend the compensation of the Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, or any member of the General Assembly while such individual is suspended from office following indictment for a felony?"

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

- 2 -

House Resolution No. 594
Resolution Act No. 803
Ga. L. 2022, p. 837

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the governing authorities of counties, municipalities, and consolidated governments and the board of education of each independent and county school system shall be authorized to grant temporary tax relief to properties severely damaged or destroyed as a result of a disaster and located within a nationally declared disaster area; to provide

for implementing legislation; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VII, Section I of the Constitution is amended by revising subparagraph (a) of Paragraph III and adding a new subparagraph to read as follows:

"(a) All taxes shall be levied and collected under general laws and for public purposes only. Except as otherwise provided in subparagraphs (b), (c), (d), (e), (f), and (h) of this Paragraph, all taxation shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax."

"(h) The governing authority of each county, municipality, and consolidated government and the board of education of each independent and county school system in this state shall be authorized to grant temporary tax relief to properties within its jurisdiction which are severely damaged or destroyed as a result of a disaster and which are located within a nationally declared disaster area. The General Assembly shall provide by general law for the eligibility, procedures for obtaining, and all other matters regarding such temporary tax relief."

SECTION 2.

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

"() YES Shall the Constitution of Georgia be amended so as to provide that the governing authority of each county, municipality, and consolidated government and the board of education of each independent and county school system in this state shall be authorized to grant temporary tax relief to properties within its jurisdiction which are severely damaged or destroyed as a result of a disaster and located within a nationally declared disaster area?"

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

SUMMARIES OF PROPOSED
CONSTITUTIONAL AMENDMENTS
AND
STATE-WIDE REFERENDUM QUESTIONS
ON THE GENERAL ELECTION BALLOT
NOVEMBER 8, 2022

**SUMMARIES OF
PROPOSED
CONSTITUTIONAL
AMENDMENTS**

Pursuant to requirements of the Georgia Constitution, Attorney General Christopher Carr, Secretary of State Brad Raffensperger, and Legislative Counsel Rick Ruskell hereby provide the summaries of the proposed constitutional amendments that will appear on the November 8, 2022, general election ballot for consideration by the people of Georgia (short captions are those adopted by the Constitutional Amendments Publication Board):

- 1 -

Provides for suspension of compensation of certain State officers and members of General Assembly.

Senate Resolution No. 134
Resolution Act No. 304
Ga. L. 2021, p. 939

"() YES Shall the Constitution of Georgia be amended so as to suspend the compensation of the Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of

Labor, or any member of the General Assembly while such individual is suspended from office following indictment for a felony?"

Summary

This proposal provides for the suspension of compensation for certain public officers who are suspended because of indictment for a felony. It amends Article II, Section III, Paragraph I of the Georgia Constitution in subparagraphs (b), relating to felony indictment of certain public officials, (d), relating to the period for appointment of a review commission, (e), relating to petition for review of suspension, and (h), relating to termination of suspension not first tried at the next regular or special term following indictment.

A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 2 -

Provides for temporary local tax relief after disasters.

House Resolution No. 594
Resolution Act No. 803
Ga. L. 2022, p. 837

"() YES Shall the Constitution of Georgia be amended so as to provide that the governing authority of each county, municipality, and consolidated government and the board of education of each independent and county school system in this state shall be authorized to grant temporary tax relief to properties within its jurisdiction which are severely damaged or destroyed as a result of a disaster and located within a nationally declared disaster area?"

Summary

This proposal provides that the governing authorities of counties, municipalities, and consolidated governments and the board of education of each independent and county school system shall be authorized to grant temporary tax relief to properties severely damaged or destroyed as a result of a disaster and located within a nationally declared disaster area. It authorizes the Georgia General Assembly by general law to provide for the eligibility, procedures for obtaining, and all other matters regarding such temporary tax relief. It amends Article VII, Section I, Paragraph III of the Georgia Constitution by revising the current text of

subparagraph (a) and adding a new subparagraph (h).

A copy of this entire proposed constitutional amendment is on file in the office of the judge of the probate court and is available for public inspection.

**SUMMARIES OF
PROPOSED STATE-WIDE
REFERENDUM
QUESTIONS**

Pursuant to Code Section 21-2-4 of the O.C.G.A., the Secretary of State is authorized to include with the summaries of proposed constitutional amendments summaries of any state-wide referendum questions to be voted on at the same general election:

products of certain entities and adds dairy products and unfertilized poultry eggs to the exemption. It amends Code Section 48-5-41.1 of the Official Code of Georgia Annotated in paragraphs (2) and (9) of subsection (a).

If approved by a majority of the voters, the Act becomes effective on January 1, 2023, and applies to all tax years beginning on or after that date.

If approved by a majority of the voters, the Act becomes effective on January 1, 2023, and applies to all tax years beginning on or after that date.

- B -

- A -

Provides tax exemption for agricultural equipment and certain farm products in certain circumstances.

Provides tax exemption for certain equipment used by timber producers.

House Bill No. 498
Act No. 260
Ga. L. 2021, p. 602

House Bill No. 997
Act No. 859
Ga. L. 2022, p. 736

"() YES Shall the Act be approved which expands a state-wide exemption from ad valorem taxes for agricultural equipment and certain farm products held by certain entities to include entities comprising two or more family owned farm entities, and which adds dairy products and unfertilized eggs of poultry as qualified farm products with respect to such exemption?"

"() YES Shall the Act be approved which grants a state-wide exemption from all ad valorem taxes for certain equipment used by timber producers in the production or harvest of timber?"

Summary

This proposal authorizes a new exemption from ad valorem taxes for certain equipment used by timber producers in the production or harvest of timber. It enacts new Code Section 48-5-41.3 of the Official Code of Georgia Annotated.

If approved by a majority of the voters, the Act becomes

Summary

This proposal expands an existing ad valorem tax exemption for agricultural equipment and certain farm