

# Information on 2020 Ballot Referendums

**Nov 2020 General Election**

## About this Scorecard

At the end of many ballots are referendums, which allow voters have a direct say in legislation.

In the State of Georgia, only amendments to the State Constitution can appear as state-level referendums. These amendments must pass both houses of the General Assembly by a 66% “yes” vote and an over 50% approval by voters.

This year there are 3 state-wide referendums on the ballot. Always written in legal jargon, they are difficult to parse. Herein we provide a plain text translation, a brief overview of the pros and cons, and their potential effect on science.

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## [HR 164: Georgia Dedicating Tax and Fee Revenue Amendment](#)

“Shall the Constitution of Georgia be amended so as to authorize the General Assembly to dedicate revenues derived from fees or taxes to the public purpose for which such fees or taxes were intended?”

### Translation

Certain taxes and fees that consumers pay are intended to fund specific public services. However, there is no law that prevents diversion of this money, even when Georgia residents are told that the money will be used to fund specific projects. Should the GA constitution be revised to prevent such funds from being reallocated for unintended purposes?

### Background

Under current law, when some taxes and fines are issued, they are designated to specific trust funds intended for public services. For example, the \$1 fee for new tires is [supposed to go to the Georgia Solid Waste Trust Fund](#) to fund tire cleanups and recycling, and landfill fees should be used for hazardous waste management. Often these funds are diverted to the Georgia General Fund or other programs.

In late 2015, an audit by the Georgia Department of Audits and Accounts found the number of tire cleanups and other projects funded by the Solid Waste Trust fund has decreased over the past decade even though tire fees remain the same. [The audit found](#) that the program should have been sufficiently funded by the tire fee, but instead, they found a struggling program that cleaned up only two-thirds of tire dumps.

The Solid Waste Trust fund isn't the only program that has had intended funds redirected; other programs have similar experiences. [Many other fees](#) are tacked on to other services only to have their funds diverted. In the past, state officials have diverted these funds for other purposes such as balancing the state budget and paying off debt. While this may have prevented raising taxes on Georgia residents, residents were unaware of the diversion of funds. Supporters of this ballot resolution claim that the current diversion practice is a misappropriation of funds.

This proposal was passed by the House (91% “yes”) and Senate (95% “yes”).

### Science Impact

Passing this measure will financially support the Solid Waste Trust Fund (TF), Brain and Spinal Injury TF, Indigent Care TF, and the Georgia Outdoor Stewardship TF and other established trust funds. Many of these TFs support responsible stewardship of resources or care of individuals, which are supported by science facts.

### What a YES vote means

A YES vote means that you are in favor of changing the current law and making sure funds are not diverted from their intended purpose. This means that you want trust funds to receive the taxes and fines collected for their intended purpose. Passing this resolution restricts state officials' power to reallocate funds.

### What a NO vote means

A NO vote will continue to allow diversion of funds from their intended projects.

### Resources

[Resource 1](#), [Resource 2](#), [Resource 3](#), [Resource 4](#)



## HR 1023: Georgia Allow Residents to Seek Declaratory Relief from Certain Laws Amendment

“Shall the Constitution of Georgia be amended to waive sovereign immunity and allow the people of Georgia to petition the superior court for relief from governmental acts done outside the scope of lawful authority or which violate the laws of this state, the Constitution of Georgia, or the Constitution of the United States?”

### Translation

Should the constitution of GA be amended to allow citizens to have the ability to challenge (bring a lawsuit against) the state, local, and other public entities? Additionally, if the law is deemed unconstitutional the court can grant relief from (i.e. issue an injunction and no longer enforce) the law. The court will still be unable to award damages to the parties who bring the lawsuit.

### Background

Sovereign immunity prevents the state from being sued without the state’s consent. The goal of sovereign immunity is to allow public entities to practice public service freely without the risk of being blamed for the repercussions of said service. This doctrine makes it difficult for GA residents to file lawsuits against the State.

Versions of this bill have passed through the GA Assembly twice and vetoed in both cases; the first in 2016 by Governor Nathan Deal, and second by Governor Brian Kemp in 2019. Governor Kemp supported former Governor Deal’s reasoning that, [“while the concept of sovereign immunity is relatively simple on its face, it is complex in application.”](#) Governor Kemp cites that sovereign immunity can already be waived for breached contracts and tort claims against individuals representing the state and that several court cases have led to alternative paths of relief even in the case of sovereign immunity.

The measure is now being considered as a constitutional amendment because Governors do not have the power to veto amendments. Amendments are decided on by voters. Sovereign immunity became an issue in 2017 when the GA Supreme Court rejected *Lathrop vs. Deal* in 2017 on the grounds that citizens could not sue the state without the state’s permission. This court case reinforced sovereign immunity.

This proposed amendment had 50 Yes votes and 0 No votes in the GA State Senate and 194 Yes votes and 0 No votes in the GA State House. [This was an approximate 90% Yes vote in both chambers.](#)

### Science Impact

Enabling advocacy groups to challenge the state government on policies opens the door on challenges that may be grounded in science evidence. For example, an environmental conservation group may challenge a policy that is destructive by supporting their argument with scientific evidence or a health advocates may challenge a policy that goes against best-practices.

### What a YES vote means

A YES vote means that you support that the government’s sovereign immunity can be waived. This will make it easier for citizens to sue their state and state officials if they believe a law or enforcement is unconstitutional. This will allow local and state courts to analyze the constitutionality of a law.

### What a NO vote means

A NO vote means that the status quo will be maintained. This means that the government cannot have its sovereign immunity waived in most cases, and the state will have to give consent before being sued.

### Resources

[Resource 1](#), [Resource 2](#), [Resource 3](#),



## HB 344: Georgia Property Tax Exemption for Certain Charities Measure

“Shall the Act be approved which provides an exemption from ad valorem taxes for all real property owned by a purely public charity, if such charity is exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code and such real property is held exclusively for the purpose of building or repairing single-family homes to be financed by such charity to individuals using loans that shall not bear interest?”

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### Translation

Should we allow certain non-profits, such as Habitat for Humanity, to be exempt from property taxes on the homes they are building or repairing to then provide to individuals/families? Qualifying non-profits will be required to use the exempt property solely to build, fix, and lease single-family homes. Loans offered by the non-profit on these homes shall offer zero-interest loans to individuals. This does not affect the properties these charities may be using as offices or corporate locations.

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### Background

Habitat for Humanity is a 501(c)(3) non-profit organization that assists families with obtaining affordable housing by obtaining homes and then offering these to qualifying families via zero-interest loans. Exemption from property taxes on the homes that will be offered for sale will allow Habitat for Humanity to support more homes and increase the charity’s potential to contribute to society. Currently, the requirement to pay property taxes depends on the county. This referendum will effectively exempt qualifying non-profits from paying property taxes in the state of GA regardless of the county the property resides in.

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### Science Impact

Many studies reported by researchers and doctors show that housing insecurity is detrimental to a person’s wellbeing and health. Some common problems induced by insecurity include having elevated blood pressure, poor nutrition, and other symptoms of poor mental and physical health. Additional affordable housing opportunities may mitigate some of these health effects.

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### What a YES vote means

A YES vote means that you agree that affordable housing charities such as Habitat for Humanity will be exempt from paying property taxes on homes that are to be provided to individuals and families. This will increase a charity’s giving potential by using the extra funds to support more affordable housing.

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### What a NO vote means

A NO vote means that the status quo will be maintained. This means that affordable housing charities must obey property tax laws accordingly to the county that the property belongs in.

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### Resources

[Resource 1](#), [Resource 2](#)