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STATE GOVERNMENT

State Flag, Seal, and Other Symbols: Designate English as the Official Language of the State of Georgia

CODE SECTION:	O.C.G.A. § 50-3-100 (new)
BILL NUMBER:	SB 519
ACT NUMBER:	1045
GEORGIA LAWS:	1996 Ga. Laws 1631
SUMMARY:	The Act designates English as the official language of the State of Georgia and provides guidance for construction of this Code section. The Act also authorizes the use and printing of official documents in other languages.
EFFECTIVE DATE:	July 1, 1996

History

This bill has been introduced in the Georgia General Assembly four times since 1992.[1] In 1995, the bill passed, but Governor Zell Miller vetoed it[2] because a sentence in the bill provided civil recourse for anyone discriminated against for using a language other than the official language during private conduct.[3] The Attorney General warned that a flurry of lawsuits would result from this provision and that there were already protections available under state law.[4]

The goal of the bill was to control the escalating costs of operating the government in multiple languages.[5] Schools were spending millions of dollars a year to educate in foreign languages, and voting ballots, deeds, and other documents were printed each year in foreign languages.[6] Title insurance companies, in many cases, had to hire interpreters to translate deeds recorded in foreign languages.[7] Even the Internal Revenue Service was printing documents in foreign

1. Telephone Interview with Sen. Mike Crotts, Senate District No. 17 (Mar. 25, 1996) [hereinafter Crotts Interview]; Record of Proceedings on the Senate Floor (Jan. 29, 1996) (remarks by Sen. Mike Crotts) [hereinafter Crotts Remarks].

2. *How They Voted*, ATLANTA CONST., Feb. 8, 1996, at R12; Cynthia Tucker, Editorial, *General Assembly: Is This Really the Best Way to Spend a Session?*, ATLANTA CONST., Feb. 7, 1996, at A8; Crotts Interview, *supra* note 1; Crotts Remarks, *supra* note 1.

3. Crotts Interview, *supra* note 1.

4. *Id.*

5. *Id.*

6. Crotts Remarks, *supra* note 1.

7. Crotts Interview, *supra* note 1.

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languages.[8] The Georgia tax booklet was printed in five or more languages.[9] Thus, it had become increasingly expensive to operate the government.[10]

SB 519

The provision about which the Attorney General warned was deleted and the bill was reintroduced during the 1996 session.[11] In the course of working with the senators who authored this bill, the American Civil Liberties Union (ACLU) and representatives from the Hispanic community in Georgia sought to remove the following sentence from the bill:[12] "The English language is designated as the official language of the State of Georgia."[13] Although the ACLU did not oppose the requirement that public meetings be conducted in English or that original documents be filed in English, it asserted that when English is designated as the "official language," the state sends and sanctions a discriminatory message.[14] However, Senator Crotts, who authored the Act, determined that such a measure would emasculate the entire bill, and therefore the provision was retained.[15]

The main purpose of the Act is to declare that all government forms and documents must be printed in English and that all public meetings and other governmental affairs must be conducted in English.[16] However, the Act does not restrict local government entities from deviating from this requirement if they have the ability to do so, so long as they cover any expense relating to non-English usage themselves.[17] In addition, the Act allows a person to file or record a document in a foreign language, but that person bears the burden of simultaneously filing the deed in English.[18]

The Act is not to be construed to deny a person's state or federal constitutional rights due to an inability to communicate in the official language.[19] In addition, the Act provides exceptions for the teaching of foreign languages, teaching English to those with limited proficiency,

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8. Crotts Remarks, *supra* note 1.
9. Crotts Interview, *supra* note 1.
10. *Id.*
11. *Id.*
12. Crotts Remarks, *supra* note 1.
13. O.C.G.A. § 50-3-100(a) (Supp. 1996).
14. Telephone Interview with Teresa Nelson, Executive Director, American Civil Liberties Union of Georgia (June 6, 1996) [hereinafter Nelson Interview].
15. Crotts Remarks, *supra* note 1.
16. O.C.G.A. § 50-3-100(a) (Supp. 1996); Crotts Interview, *supra* note 1.
17. O.C.G.A. § 50-3-100(c) (Supp. 1996); Crotts Interview, *supra* note 1.
18. O.C.G.A. § 50-3-100(c) (Supp. 1996); Crotts Interview, *supra* note 1; Crotts Remarks, *supra* note 1.
19. O.C.G.A. § 50-3-100(b) (Supp. 1996).

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promotion of international commerce, or when public safety, health, or justice requires the use of other languages.[20]

The driving forces behind the Act are said to be two-fold: officially, it is necessary to save taxpayers money; unofficially, our country's motto, "E pluribus unum" (one out of many), implies that a common language is necessary to unite us all.[21] While Senator Crotts propounded the Act because it is cost effective and efficient, one of the Act's main sponsors and strongest supporters, Senator Steve Langford, espoused a different view.[22] Senator Langford endorsed the bill because he believes that if our society is to continue to thrive and communicate at an "optimum level," it is essential that we speak a common language.[23] Moreover, he believes our society has become so amenable to recognizing all cultures that few common interests remain,[24] and language is the easiest interest to keep in common.[25]

A spokesperson for the ACLU, opposed to the bill, stated that declaring English as the "official language" is not necessary, because English is already the State's common language.[26] The ACLU contends that there are already sufficient societal and economic pressures to speak and write in English without declaring English the official language; if one wants to be affluent in this country, he or she must first learn English.[27]

As many as twenty other states have passed similar legislation.[28] At least one lawsuit has been filed challenging the constitutionality of such laws, resulting in a federal court of appeals holding that such laws "obstruct[ ] the free flow of information and adversely affect[ ] the rights of many private persons by requiring the incomprehensible to replace the intelligible."[29] The Supreme Court granted certiorari, but

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20. *Id.* § 50-3-100(d).

21. Telephone Interview with Sen. Don Balfour, Senate District No. 9 (June 21, 1996).

22. Telephone Interview with Sen. Steve Langford, Senate District No. 29 (May 9, 1996).

23. *Id.*

24. *Id.*

25. *Id.*

26. Nelson Interview, *supra* note 14. Moreover, there are people who are desperate to learn English, but currently there are not enough opportunities to do so, and there are long waiting lists for the English courses that are available. *Id.*

27. *Id.*

28. *Justices to Review English-only Law: Violations of Free Speech Claimed*, ATLANTA J., Mar. 25, 1996, at A6 [hereinafter *English-only Law*].

29. *Id.; see* Yniguez v. Arizona, 69 F.3d 920 (9th Cir. 1995) (holding that constitutional article making English the official language of Arizona is facially overbroad and that a state cannot prohibit people within its borders from speaking the language of their choice).

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no decision has been received.[30] Georgia was the last southeastern state to enact a bill of this kind.[31]

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30. *English-only Law, supra* note 28; *see* Arizonans for Official English v. Arizona, 116 S. Ct. 1316 (1996) (granting certiorari of *Yniguez*).

31. Crotts Interview, *supra* note 1. Florida, Alabama, and North Carolina are among the other states in the region that have passed official language laws. *See* ALA. CONST. amend. 509; FLA. CONST. art. 2, § 9; N.C. GEN. STAT. § 145-12 (1994).

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