

Georgia Government Summary

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Introduction

Georgia's state government was formed in 1776, and since that time the State Constitution has been rewritten 10 times and amended hundreds of times. To amend the Georgia Constitution today, both houses of the Georgia General Assembly must pass the proposed Constitutional amendment by a two-thirds vote. The amendment ratification is voted on by the people in the next general election, and a majority of the voters must approve. Georgia's state government and its politics have been shaped by its history.

2011 is the sesquicentennial of the beginning of the Civil War. President Lincoln and General Sherman, as hated Republicans, left a simmering anger as the Civil War and slavery came to an end. The Democratic Party dominated Georgia politics until the period after the Civil War known as Reconstruction. Reconstruction brought the freed slaves into the political process as Republicans, and they gained many elected offices from 1865 until 1877. When the *Posse Comitatus* Act was passed by Congress and Federal troops could no longer enforce state and local laws, the political winds shifted. From 1877 until 1954, "Jim Crow" laws enforced segregation in Georgia while the Democrats dominated the politics of Georgia under the banner of "state rights". Many Caucasian voters in Georgia were "Yellow Dog" Democrats – they would vote Democrat even if the candidate was a yellow dog.

With the Supreme Court's reversal of *Plessy v Ferguson* as a result of *Brown v Board of Education of Topeka Kansas*, coupled with the emergence of Dr. Martin Luther

King's civil rights movement, and culminating in the passage of the Civil Rights Act of 1964, Georgia was set into turmoil as the national Democrats pursued civil rights for African-Americans. Gradually, starting with the 1964 Presidential election, Caucasian voters began to abandon the Democratic Party and vote Republican. At first, it was a paradoxical shift – voting Republican for President while state politics continued to be dominated by Democrats. Gradually, then dramatically, in 2002 the Republicans became the majority party in Georgia. In 2010, every statewide elected official was Republican even though the Census showed gains in minority populations for African-Americans up to 31 percent from 27 percent and for Hispanics from 2 percent to 5 percent of the state's population. The state constitution continues to play a key role in the political process in Georgia.

Under Georgia's current constitution that was ratified in 1982 and implemented in 1983, there are three distinct branches of government (Legislative, Executive, and Judicial) that mirror the federal government's branches of government. The basic roles of the three branches of state government are also the same as the federal government in that the Legislative branch makes law, the Executive branch implements law and the Judicial branch interprets law. The roles of the branches are slightly different at the state level in that the state branches are concerned with making state law, implementing state law, and interpreting state law or the state constitution.

Georgia's 10th Constitution, which is the current Constitution, is one of the newest State Constitutions in the United States. State Constitutions tend to be much longer and more detailed than the Federal Constitution. In general, State Constitutions are also amended more frequently than the Federal Constitution because the process to amend

most state constitutions is significantly easier than the process to amend the Federal Constitution. In addition, State Constitutions often have a significant amount of provisions that are included in them that are handled by statute at the Federal level. The State of Georgia has amended the current Constitution 70 times since the ratification in 1982. The proposed amendment must be a topic that is relevant to all of Georgia and have general applicability throughout the state to be considered a possible Constitutional amendment.

In an attempt to streamline the previous State Constitution (1976 Constitution), the current Constitution had a few items that made it unique to previous constitutions in that it attempted to consolidate the expansive court system in Georgia by streamlining the classification of courts (Article VI.). The current Constitution also allowed for greater implementation of home rule, which is the idea that state governments are allowed to amend or change their charter without approval from the state government as long as the local governments are consistent with the governing authority of the state constitution (Article IX., Section II.). The state branches will be explored to understand the unique nature of the state branches of government and their constitutional basis.

The Executive branch

The Executive branch, which is responsible for implementing state policy decisions of Georgia, is led by the Governor-elect. According to the Georgia Constitution, the Governor of Georgia is considered the Chief Executive and Commander in Chief (Article V., Section II.). In pragmatic terms, the Georgia Governor has the power to initiate a legislative agenda, propose a state budget, exert a legislative veto, implement a line-item veto, and fill federal vacancies through the appointment power.

The qualifications of the Governor are outlined in the Georgia Constitution and require that the Georgia Governor must be a citizen of the United States for fifteen years and a state resident for six years and at least thirty years old by the time of taking office (Article V., Section I.). According to the Georgia Constitution, the Governor serves a four year term and is limited to serving two consecutive four year terms (Article V., Section I.). The Governor is the only term-limited member of the Executive branch.

Along with the Governor, the Constitution mandates that several other positions are to be directly elected by the voters (Article V., Section III.). Having many independently elected individuals on the Executive branch is known as a “plural executive” format of government. Independently elected leaders of Georgia’s Executive branch include the Governor, Lt. Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor (Article V., Section III.). The large number of independently elected individuals on the plural executive format in Georgia is quite unique and only North Dakota has more statewide elected individuals to the Executive Branch with a total of 12. The large plural executive format in Georgia has the potential to serve as a barrier to allowing the Governor to accomplish his political agenda because there are no assurances that the individuals serving on the Executive branch are of the same party as the Governor. It is quite possible for a Governor to serve on the Executive branch with members of another party that have served in their positions for many years and, as such, have very little interest in helping the Governor achieve his policy objectives.

One of the members of the plural executive is the Lieutenant Governor. The role of the Lieutenant Governor is provided for by the State Constitution and the

qualifications for the Lieutenant Governor are the same as the Governor. The Lieutenant Governor and the governor do not run together on the same ticket, and the office of the Lieutenant Governor is not term-limited. The State Constitution asserts that the Lieutenant Governor is the President of the Senate and is supposed to serve in the role of the Governor if the Governor is unable to perform his duties (Article V., Section I.)

Table 1. Plural Executive offices that are directly elected by the voters of Georgia

Executive Offices	Elected Representatives
Governor	Nathan Deal (R)
Lieutenant Governor	Casey Cagle (R)
Secretary of State	Brian Kemp
Attorney General	Sam Olens
State School Superintendent	John Barge
Agriculture Commissioner	Gary Black
Insurance Commissioner	Ralph Hudgens
Labor Commissioner	Mark Butler
Source: Compiled by the authors	

The Legislative Branch

The Legislative Branch is responsible for making laws for the citizens of Georgia, and according to the Georgia Constitution those laws must be consistent with the Constitution of the State and the United States Constitution (Article III., Section VI.).

The Legislative Branch, according to the Georgia Constitution, is referred to as the Georgia General Assembly; it is composed of a Senate and a House of Representatives, which is referred to as a bi-cameral legislature (Article III., Section I.). The Senate, which can be referred to as the “upper house”, is constitutionally limited to 56 members that must be selected from single-member districts; the House, which can be referred to as the “lower house”, is limited to 180 representatives (Article III., Section II). A bill must pass through both bodies in order to then go to the Governor for acceptance or Veto. A Gubernatorial veto can be over-ridden by a 2/3’s vote in both the House and the Senate. Both branches function very similarly in powers except the Senate has the power of advice and consent over Gubernatorial nominations and appropriations bills must originate in the House.

To be qualified to be in the Senate, one must be a United States citizen, a citizen of Georgia for at least 2 years, and at least 25 years old; to be in the House, one must be a United States citizen, a citizen of Georgia for at least 2 years, and at least 21 years old (Article III., Section II.). The elected representatives of both the House and Senate serve two year terms, and they are not term-limited (Article III., Section II).

The Georgia General Assembly is considered to be a part-time legislature that is constitutionally required to meet on the second Monday in January for 40 working days (Article III., Section IV). The Governor has the power to extend the congressional session or call a special congressional session especially for the federal congressional redistricting process.

The Constitution provides for leadership positions within the Georgia General Assembly (Article III., Section III). The President of the Senate is the Lieutenant

Governor and the President Pro Tempore, according to the Constitution, is the temporary presiding officer of the Senate in the absence of the President of the Senate (Article III., Section III.). According to the Constitution, the Speaker of the House of Representatives is elected by the members of the House (Article III., Section II). In practical terms, the Speaker is a member of the majority party and serves in a powerful leadership role for the House. The Constitution clearly spells out two other legislative institutions including the Secretary of the Senate and the Clerk of the House of Representatives (Article III., Section II). Both the Secretary of the Senate and the Clerk of the House of Representatives serve a clerical role in preparing and archiving the mounds of paperwork that are a required part of opening the legislative process up to the public. Several other positions are not constitutionally created but rather have evolved based on need in both chambers including a minority leader, majority leader, minority whip, and majority whip. The majority leader and minority leader are elected leaders of their respective party and are considered powerful representatives of their party. The whips are responsible for disseminating party strategy and ensuring party members participate in key votes. The Governor also has administration floor leaders that are appointed by the Governor and serve as his legislative policy representatives. Essentially the floor leaders attempt to ensure that the Governor’s legislative agenda is actively pursued and achieved.

Table 2. Georgia General Assembly elected leadership of the House

House Legislative Leadership Role	Elected Representative
Speaker of the House	David Ralston
Speaker Pro Tempore	Jan Jones

Majority Leader	Larry O’Neal
Minority Leader	Stacey Abrams
Majority Whip	Edward Lindsey
Minority Whip	Carolyn Hugley
Source: www.georgia.gov	

Table 3. Georgia General Assembly elected leadership of the Senate

Senate Legislative Leadership Role	Elected Representative
President of the Senate (Lieutenant Governor)	Casey Cagle
President Pro Tempore	David Shafer
Majority Leader	Ronnie Chance
Minority Leader	Steve Henson
Majority Whip	Cecil Staton
Minority Whip	Vincent Fort
Source: www.georgia.gov	

The Judicial Branch

The Judicial Branch of Georgia is responsible for interpreting the law. There are many classes of courts in the state of Georgia including: magistrate courts, probate courts, juvenile courts, state courts, superior courts, Court of Appeals, and Supreme Court (Article VI, Section I.). Most judges in Georgia are elected in non-partisan elections.

Courts of limited jurisdiction include magistrate, probate, juvenile, and state courts and are generally considered trial courts (Article VI., Section III.). Magistrate courts are likened to a small claims court and they typically hear civil cases and misdemeanor violations. Probate courts have exclusive jurisdiction over wills and estates, marriage licenses, and guardianship. Juvenile courts have exclusive jurisdiction in all cases with minor individuals under the age of 18. Every county in the state has a magistrate, probate, and juvenile court per the Georgia Constitution. Superior Court is the primary trial court in the state and has general jurisdiction (Article VI., Section IV.). Superior courts have exclusive jurisdiction over trials in felony cases, cases involving title to land, divorce cases, and equity cases (Article VI., Section IV.).

The appellate courts in Georgia include the Supreme Court and the Court of Appeals. The Supreme Court is constitutionally limited to having no more than nine justices and is currently served by seven (Article VI., Section VI.). The justices are supposed to elect a Chief Justice from amongst themselves; the Chief Justice then serves as the chief officer of the court. The decisions of the State Supreme Court according to the State Constitution are binding and serve as a precedent for all lower courts (Article VI., Section VI.). According to the Constitution, the State Supreme Court has both exclusive appellate and general appellate jurisdiction. Exclusive appellate jurisdiction means the Supreme Court has the sole right to hear the following types of cases that involve a state or national treaty, or a case in which election results are contested (Article VI., Section VI.). The Supreme Court also has General Appellate jurisdiction meaning the following types of appeal cases are allowed: cases involving title to land, equity cases, cases involving wills, habeas corpus cases, extraordinary remedy cases, divorce

and alimony cases, cases certified by the court of appeals, and death penalty cases (Article VI., Section VI.).

The Court of Appeals is constitutionally made up of not less than nine judges and they must sit in panels of not less than three judges (Article VI., Section V). The purpose of the Court of Appeals is an appellate and review function, and the court shall have a binding precedent for lower courts clearly excluding the higher State Supreme Court (Article VI., Section V.).

The State Constitution details the selection process and terms of office for most state judges (Article VI., Section VII.). State Court and Superior Court judges are selected in nonpartisan elections and serve four year terms (Article VI., Section VII.). The Supreme Court and Court of Appeals judges are elected in nonpartisan elections and serve six year terms (Article VI., Section VII.). According to the State Constitution the selection process for all other judges is determined by local law (Article VI., Section VII.). The Governor has the power to fill vacancies through the appointment process until a successor is selected through an election or the process provided by local law fills the vacancy with a qualified successor (Article VI., Section VII.).

Table 4. State of Georgia Supreme Court Justices

Title	Elected Justice
Chief Justice	Carol W. Hunstein
Presiding Justice	George Carley
Justice	Robert Benham
Justice	Hugh Thompson

Justice	P. Harris Hines
Justice	Harold Melton
Justice	David Nahmias
Source: www.georgia.gov	

Local Government and the State

The relationship between the state and local or sub-divisional forms of government is quite simple in that the local forms of government exist and are under the governing confines of the state government, and this theory of governance is often expressed in Dillon's rule. Dillon's rule notes local governments only have the powers that specifically allocated to them by the state government which is often clearly asserted in the local charter. The state is not only a governing authority over local entities per Dillon's rule, but is also clearly reiterated in the States subscription to home rule which allows local governments to amend their charters without state approval as long as the local governments operate within the confines of the State Constitution. Georgia allows for home rule as a practical requirement to maintain its part-time legislative status. Without home rule, much of the time of the Georgia General Assembly would be spent passing or reviewing local ordinances. The Constitution not only allows for home rule, but also has stipulations on the amount of Counties. The Constitution limits the number of Counties to 159 within the state of Georgia (Article IX., Section I).

Georgia has 159 county governments, 180 school systems, and over 400 cities. Cities and school boards are authorized by charter through the Georgia General Assembly. Local government is the largest government employer, with the schools being

the most frequent employer. Public safety personnel including police, fire fighters, and emergency medical personnel make up the bulk of local government employees. Local government is closest to the citizen and provides important public goods such as education, public safety, roads, sewer, and other utilities.

The State of Georgia relies on income and sales taxes for revenue. The income tax is categorized as a progressive form of taxation and as such it affects upper income brackets more heavily and is considered a stable source of revenue for the State. The sales tax is categorized as a regressive form of taxation and as such it affects lower income brackets more heavily and is a more volatile source of revenue for the state. The State spends the largest portion of the gathered revenue on education.

Local governments are funded through a combination of property taxes, sales tax, Special Purpose Local Option Sales Tax (SPLOST), and franchise fees. Out of the typical 7% sales tax, 4% goes to the state, 1% is shared by the city/county, 1% is School SPLOST, and 1% is City/County SPLOST. Property taxes are based on the assessed value of the property times a locally set “millage rate”. The maximum millage rate under state law for School Boards is 20 mils or .0002. A typical \$100,000 home would be assessed at 40% of its value (\$40,000) and then taxed by the local school system at 20 mils or \$800 per year. State and local governments in Georgia are essential to the citizens and provide valuable services.

