

The Issues: Why is *regionalism* as implemented in Georgia an issue?

APPOINTED GOVERNMENT LACKS CHECKS AND BALANCES

These regional entities are ruled in part by governing councils who are not elected to serve. The voting citizens have no control over regional councils like they have with a county commission or city council.

Regional council members could be appointed by the Governor, Lt. Governor, or Speaker of the House of Representatives. Each region is governed by a number of people who were not elected to this post but have been appointed with no accountability to the voters, violating a foundational principle of our **republican form of government**. Appointed government lacks **checks and balances**.

VIOLATES THE REPUBLICAN FORM OF GOVERNMENT

Article IV, Section IV of the U.S. Constitution "guarantee[s] to every State in this Union a **Republican form of Government**." A republican form of government as defined by Black's Law Dictionary is "a government of the people; a government by representatives **chosen by the people**." In other words, a republican form of government is one in which sovereignty rests with the people and representatives are chosen by the people to represent them in public matters via a constitution.

FOURTH LEVEL OF GOVERNMENT

These regional special districts and councils comprise a **fourth layer of government** between the local city /county and the state government. This new layer of government diminishes the local control and authority of city and county governments for self-government through "**home rule**" as provided for in the Georgia Constitution. There are no provisions in the Georgia Constitution for this fourth level of government.

DIMINISHMENT OF LOCAL CONTROL (HOME RULE)

Georgia is the only state to specifically grant provisions in the **Georgia Constitution**, Article IX, Section II, for **Home Rule** for Counties and Municipalities. Home rule involves the authority of a local government to prevent state government intervention with its operations. The extent of its power, however, is subject to limitations prescribed by state constitutions and statutes. In essence, home rule is just **local self-government**. This is further buttressed by the founders' belief, "That government closest to the people governs best!"

UNEQUAL REPRESENTATION

Some people serving on these councils acquired their authority through **mal-apportionment** because Georgia voters that live within city municipalities are allowed two votes: one for the city mayor and one for the county commission chair; while voters in unincorporated parts of the county are allowed only one vote for the county commission chair. The mal-apportionment between city and unincorporated county voters is **unequal representation** and violates the "**one person, one vote**" principle. For some reason, Fulton County gets three municipal votes and the county commission chair while the other counties have just two votes.

VIOLATES ONE PERSON, ONE VOTE PRINCIPLE

The "one person, one vote" principle derives from the US Supreme Court ruling in *Reynolds v. Sims*, 377 US 533 (1964) that held state political districts of unequal size resulted in under-representation of some citizens' interests and over-representation of others'. This was considered "un-republican," per Article IV, Section 4 of the Constitution, and also unconstitutional under the **Fourteenth Amendment Equal Protection Clause** as determined by the **US Supreme Court**.

UNCONSTITUTIONAL TAXING AUTHORITY

The Transportation Investment Act is an **unconstitutional taxing authority**. The TIA was offered to the voters in a statewide referendum. However, the Georgia Constitution does not provide for a statewide referendum. Georgia is NOT a referendum state. Further, who is the taxing entity, the state or the county?

If the State of Georgia is the taxing entity, taxes must be uniform and equal across the state and the legislature cannot earmark tax revenues for transportation. If the local county is the taxing entity, the territorial limits of taxation are the county borders. Tax dollars collected in one county cannot be spent on projects in another county. If the taxing entity is a Special District, this creation of multi-county regional government is unconstitutional. Regional government is not provided for in the Georgia Constitution. Special Districts as defined in the constitution are under the purview of the local county government. They were not designed for statewide or regional taxation.

BOTTOM LINE

Our elected representatives on city, county, and state levels have all taken an oath to uphold and defend the U.S. Constitution and the State of Georgia Constitution. Clearly, regional governance is unconstitutional in Georgia and in the United States. **HB1216 and HB277 need to be repealed because they are unconstitutional on multiple accounts at both the state and federal levels.** If the issues outlined above are important to you, demand that your elected representatives *Repeal Regionalism*.