

## House Resolution 256

By: Representatives Wiles of the 34<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Westmoreland of the 104<sup>th</sup>, Richardson of the 26<sup>th</sup>, Smith of the 19<sup>th</sup> and others

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to prohibit discipline of judges or other  
 2 judicial candidates for discussion of issues during judicial election campaigns; to provide for  
 3 submission of this amendment for ratification or rejection; and for other purposes.

4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Article VI, Section VII, Paragraph VII of the Constitution is amended by striking in its  
 7 entirety subparagraph (a) and inserting in lieu thereof the following:

8 "(a) Any judge may be removed, suspended, or otherwise disciplined for willful  
 9 misconduct in office, or for willful and persistent failure to perform the duties of office, or  
 10 for habitual intemperance, or for conviction of a crime involving moral turpitude, or for  
 11 conduct prejudicial to the administration of justice which brings the judicial office into  
 12 disrepute. No judge who is a candidate for election or reelection to a judicial office shall  
 13 be disciplined for discussion of issues during a campaign for judicial office. Any judge  
 14 may be retired for disability which constitutes a serious and likely permanent interference  
 15 with the performance of the duties of office. The Supreme Court shall adopt rules of  
 16 implementation."

17 **SECTION 2.**

18 Said article is further amended by inserting a new paragraph to read as follows:

19 "Paragraph IX. *Campaigns for judicial office.* No candidate for judicial office shall be  
 20 disciplined or penalized in any manner by the Judicial Qualifications Commission or the  
 21 State Bar of Georgia for discussion of issues during a campaign for judicial office."

22 **SECTION 3.**

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

1     " YES   Shall the Constitution be amended so as to prohibit discipline of judges and  
2                    other candidates for judicial office for discussion of issues during a  
3      NO    campaign for judicial office?"

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