

House Resolution 47

By: Representatives Lindsey of the 54th, Tumlin of the 38th, Teilhet of the 40th, Benfield of the 85th, Mumford of the 95th, and others

A RESOLUTION

1 Creating the Joint Legislative Study Committee on Judicial Election Reform; and for other
2 purposes.

3 WHEREAS, the rule of law is fundamental to our concept of legitimate government; and

4 WHEREAS, the linchpin of the rule of law in our society is a judiciary that above all both
5 appears to be and is truly independent and impartial; and

6 WHEREAS, judicial election campaigns in our state are currently financed exclusively by
7 private sources and there is no voluntary alternative means for the public financing of judicial
8 elections in this state; and

9 WHEREAS, expenditures on judicial campaigns, driven by growing politicization and
10 increased donations by special interests, have for over a decade been escalating dramatically,
11 thereby increasing the dependence of judicial candidates on private contributions to gain or
12 maintain judicial office; and

13 WHEREAS, campaign contributions have historically originated from sources frequently
14 perceived to have an economic or political interest in the outcome of cases which are to be
15 decided by the courts; and

16 WHEREAS, many highly qualified individuals are deterred from seeking judicial office
17 because they do not wish to feel beholden to special interest donors; and

18 WHEREAS, the vested interests of campaign contributors with cases before the court and
19 the growing dependence of judicial candidates on private donations to meet escalating
20 campaign costs threatens the independence and impartiality of the judiciary by increasing the
21 potential for improper influence on decision making and by fostering a widespread public
22 perception of improper influence on decision making; and

1 WHEREAS, many judges, lawyers, litigants, and partisans seek to eliminate any inference
2 that campaign contributions are made with an expectation of favoritism; and

3 WHEREAS, the American Bar Association Commission on Public Financing of Judicial
4 Campaigns in 2001 unanimously recommended that states that elect judges in contested
5 elections finance judicial elections with public funds; and

6 WHEREAS, North Carolina recently adopted measures to provide for voluntary public
7 funding of statewide judicial races; and

8 WHEREAS, the level of political parties, independent committees, lawyers, and litigants'
9 involvement in judicial races is the source of sharp policy disagreement as to their positive
10 or negative effect on an independent and fair judiciary.

11 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
12 GEORGIA that there is created the Joint Legislative Study Committee on Judicial Election
13 Reform to be composed of six members. The Speaker of the House of Representatives shall
14 appoint three members of the House of Representatives as members of the committee. The
15 Lieutenant Governor shall appoint three members of the Senate as members of the
16 committee. The Governor shall designate a member of the committee as chairperson. The
17 chairperson shall call all meetings of the committee. The charge to the Joint Legislative
18 Study Committee on Judicial Election Reform shall be to undertake a thorough study,
19 assessment, and evaluation of the financing of judicial elections with public funds as a means
20 of addressing the widely perceived or potential influence of private contributions made by
21 individuals or organizations with a vested interest in matters before the court. The study
22 committee is further charged to examine the role of political parties in judicial elections, the
23 role of special interest groups and tax-exempt organizations such as political organizations
24 as defined in Section 527(e) of the Internal Revenue Code of 1986 in judicial elections, and
25 how conflicts of interest due to campaign contributions are handled by the courts. The study
26 committee is further charged with making a recommendation regarding the feasibility and
27 method of public financing as a remedy for enhancing the confidence of citizens in their
28 judicial system.

29 BE IT FURTHER RESOLVED that advising, attached, and suborned to the Joint Legislative
30 Study Committee on Judicial Election Reform shall be an Advisory Board to the Joint
31 Legislative Study Commission that shall be composed of 16 members as follows: the
32 president or the president's designee of the State Bar of Georgia, The Chief Justice of the

1 Georgia Supreme Court or the Chief Justice's designee; the Chief Judge of the Court of
2 Appeals or the Chief Judge's designee; the presidents or the presidents' designees of the
3 Council of Superior Court Judges and Council of State Court Judges; the presidents or the
4 presidents' designees of the Georgia Trial Lawyers Association, the Georgia Defense
5 Lawyers Association, the Georgia Association of Criminal Defense Lawyers, and the
6 chairperson of the Prosecuting Attorneys' Council of Georgia; the president of the Georgia
7 Chamber of Commerce or the president's designee; the president or the president's designee
8 of the Medical Association of Georgia; the president or the president's designee of the
9 Independent Insurance Agents of Georgia, Inc.; the Secretary of State or the Secretary of
10 State's designee; and three appointees of the Governor who are not to be active members of
11 the State Bar of Georgia. The Advisory Board of the Joint Legislative Study Committee on
12 Judicial Election Reform shall provide to the committee expert and lay advice from members
13 of the academy, bench, bar, and public who bear expertise critical to the work of the
14 committee or who will be directly affected by any alteration of the existing mode of
15 campaign finance.

16 BE IT FURTHER RESOLVED that the committee shall undertake a comprehensive study
17 of the conditions, needs, issues, and problems mentioned above or related thereto and
18 recommend any action or legislation which the committee deems necessary or appropriate.
19 The committee may conduct such meetings at such places and at such times as it may deem
20 necessary or convenient to enable it to exercise fully and effectively its powers, perform its
21 duties, and accomplish the objectives and purposes of this resolution. The members of the
22 Joint Legislative Study Committee on Judicial Election Reform and Advisory Board shall
23 receive the allowances provided for legislative members of interim legislative committees
24 but shall receive the same for not more than five days unless additional days are authorized.
25 The funds necessary to carry out the provisions of this resolution shall come from funds
26 appropriated to the House of Representatives and the Senate. The Joint Legislative Study
27 Committee on Judicial Election Reform shall make a publicly available report of its findings
28 and recommendations, with suggestions for proposed legislation, if any, and the report shall
29 be made on or before December 31, 2007. The committee shall stand abolished on
30 December 31, 2007.