

Senate Resolution 370

By: Senators Seabaugh of the 28th, Rogers of the 21st, Pearson of the 51st, Johnson of the 1st, Williams of the 19th and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that the Supreme Court shall
 2 consist of one Justice elected from and by the voters of each congressional district and the
 3 Court of Appeals shall consist of one Judge elected from and by the voters of each
 4 congressional district; to provide for related matters; to provide for submission of this
 5 amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Article VI of the Constitution is amended by revising Paragraph I of Section V as follows:

9 "Paragraph I. ***Composition of Court of Appeals; Chief Judge.*** The Court of Appeals shall
 10 consist of ~~not less than nine Judges~~ one Judge elected from and by the voters of each
 11 congressional district in the state who shall elect from among themselves a Chief Judge.
 12 Each Judge shall be elected only by the voters of his or her congressional district, and not
 13 by the voters of the state at large, in a nonpartisan election as provided by law. In order to
 14 be eligible for election, a candidate for Judge must be a resident of the congressional
 15 district from which he or she seeks election and must remain a resident of that district
 16 during his or her term of office, except that if a sitting Judge is removed from his or her
 17 congressional district during a term as a result of a change in congressional district lines,
 18 the Judge shall be eligible to complete the term of office for which he or she was elected
 19 and to seek reelection from the district in which or she resides at the time of qualification
 20 for reelection."

21 SECTION 2.

22 Said article is further amended by revising Paragraph I of Section VI as follows:

23 "Paragraph I. ***Composition of Supreme Court; Chief Justice; Presiding Justice;***
 24 ***quorum; substitute judges.*** The Supreme Court shall consist of ~~not more than nine Justices~~
 25 one Justice elected from and by the voters of each congressional district in the state who
 26 shall elect from among themselves a Chief Justice as the chief presiding and administrative

1 officer of the court and a Presiding Justice to serve if the Chief Justice is absent or is
 2 disqualified. A majority shall be necessary to hear and determine cases. If a Justice is
 3 disqualified in any case, a substitute judge may be designated by the remaining Justices to
 4 serve. Each Justice shall be elected only by the voters of his or her congressional district,
 5 and not by the voters of the state at large, in a nonpartisan election as provided by law. In
 6 order to be eligible for election, a candidate for Justice must be a resident of the
 7 congressional district from which he or she seeks election and must remain a resident of
 8 that district during his or her term of office, except that if a sitting Justice is removed from
 9 his or her congressional district during a term as a result of a change in congressional
 10 district lines, the Justice shall be eligible to complete the term of office for which he or she
 11 was elected and to seek reelection from the district in which or she resides at the time of
 12 qualification for reelection."

13 SECTION 3.

14 Said article is further amended by revising Paragraph I of Section VII as follows:

15 "Paragraph I. *Election; term of office.* (a) All superior court and state court judges shall
 16 be elected on a nonpartisan basis for a term of four years. ~~All~~ Except as otherwise provided
 17 in subparagraph (b) of this Paragraph, the Justices of the Supreme Court and the Judges
 18 of the Court of Appeals shall be elected on a nonpartisan basis for a term of six years. The
 19 terms of all judges thus elected shall begin the next January 1 after their election. All other
 20 judges shall continue to be selected in the manner and for the term they were selected on
 21 June 30, 1983, until otherwise provided by local law.

22 (b) All Justices of the Supreme Court and Judges of the Court of Appeals serving in office
 23 on January 1, 2008, for a term extending beyond that year or taking office in January, 2008,
 24 for a term beginning that year shall continue to serve until midnight on December 31, 2012,
 25 at which time they shall cease to hold office. Any person appointed prior to January 1,
 26 2013, to fill a vacancy in a term of office on the Supreme Court or Court of Appeals, shall
 27 likewise cease to hold office at midnight on December 31, 2012. The provisions of this
 28 subparagraph shall operate as stated, notwithstanding the fact that this subparagraph may
 29 result in lengthening or shortening the term of office to which a Justice of Judge was
 30 elected. There shall be no election of Justices of the Supreme Court and Judges of the
 31 Court of Appeals in 2010. The first election of Justices of the Supreme Court and Judges
 32 of the Court of Appeals by congressional districts shall be in 2012. The Justices and
 33 Judges so elected and their successors shall serve for terms of office expiring as follows:

34 (1) Congressional Districts 1, 4, 7, 10, and 13: terms of six years;

35 (2) Congressional Districts 2, 5, 8, and 11: terms of four years for those elected in 2012
 36 and terms of six years for those elected thereafter; and

1 (3) Congressional Districts 3, 6, 9, and 12: terms of two years for those elected in 2012
 2 and terms of six years for those elected thereafter.

3 (c) When a new position on the appellate courts is created as a result of the creation of a
 4 new congressional district, the term of office shall initially be such as will result in
 5 consistency with the foregoing schedule, such that a Judge or Justice elected to represent
 6 a fourteenth congressional district upon its creation will serve an initial term such that
 7 thereafter the term of office will coincide with those specified in subparagraph (b)(2); a
 8 Judge or Justice elected to represent a fifteenth congressional district upon its creation will
 9 serve an initial term such that thereafter the term of office will coincide with those
 10 specified in subparagraph (b)(3); a Judge or Justice elected to represent a sixteenth
 11 congressional district upon its creation will serve an initial term such that thereafter the
 12 term of office will coincide with those specified in subparagraph (b)(1); and according to
 13 the same rotation for any other new districts.

14 (d) If the number of congressional districts in the state is reduced, the positions on the
 15 appellate courts for that congressional district shall be eliminated, but a Justice or Judge
 16 from the district eliminated who is sitting at the time of district's elimination shall complete
 17 the term of office for which he or she was elected."

18 SECTION 4.

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

22 "() YES Shall the amendment to the Constitution of Georgia be ratified which
 23 provides that the Supreme Court of Georgia shall consist of one Justice
 24 () NO elected from and by the voters of each congressional district and the
 25 Georgia Court of Appeals shall consist of one Judge elected from and by the
 voters of each congressional district?"

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