

House Resolution 1113 (COMMITTEE SUBSTITUTE)

By: Representatives Willard of the 51st, Jones of the 47th, Burns of the 159th, Oliver of the 82nd, Meadows of the 5th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to abolish the existing Judicial
 2 Qualifications Commission; to require the General Assembly to create and provide by
 3 general law for the composition, manner of appointment, and governance of a new Judicial
 4 Qualifications Commission, with such commission having the power to discipline, remove,
 5 and cause involuntary retirement of judges; to require the Judicial Qualifications
 6 Commission to have procedures that provide for due process of law; to provide for Supreme
 7 Court review of Judicial Qualifications Commission advisory opinions and procedures; to
 8 provide for the submission of this amendment for ratification or rejection; and for other
 9 purposes.

10 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 Section VII of Article VI of the Constitution is amended by revising Paragraph VI as
 13 follows:

14 "Paragraph VI. *Judicial Qualifications Commission; power; composition.* (a) The
 15 General Assembly shall by general law create and provide for the composition, manner of
 16 appointment, and governance of a Judicial Qualifications Commission, with such
 17 commission having the power to discipline, remove, and cause involuntary retirement of
 18 judges as provided by this Article shall be vested in the Judicial Qualifications
 19 Commission. It shall consist of seven members, as follows:

20 (1) ~~Two judges of any court of record, selected by the Supreme Court;~~

21 (2) ~~Three members of the State Bar of Georgia who shall have been active status~~
 22 ~~members of the state bar for at least ten years and who shall be elected by the board of~~
 23 ~~governors of the state bar; and~~

24 (3) ~~Two citizens, neither of whom shall be a member of the state bar, who shall be~~
 25 ~~appointed by the Governor.~~

26 (b) The procedures of the Judicial Qualifications Commission shall comport with due
 27 process. Such procedures and advisory opinions issued by the Judicial Qualifications
 28 Commission shall be subject to review by the Supreme Court.

29 (c) The Judicial Qualifications Commission which existed on December 31, 2016, is
 30 hereby abolished."

31 **SECTION 2.**

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

35 "() YES Shall the Constitution of Georgia be amended so as to abolish the existing
 36 () NO Judicial Qualifications Commission; require the General Assembly to create
 37 and provide by general law for the composition, manner of appointment,
 38 and governance of a new Judicial Qualifications Commission, with such
 39 commission having the power to discipline, remove, and cause involuntary
 40 retirement of judges; and require the Judicial Qualifications Commission to
 41 have procedures that provide for due process of law and review by the
 42 Supreme Court of its advisory opinions?"

43 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

44 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 45 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 46 become a part of the Constitution of this state.