

The Senate Committee on Ethics offered the following substitute to HR 1113:

A RESOLUTION

Proposing an amendment to the Constitution so as to abolish the existing Judicial Qualifications Commission; to require the General Assembly to create and provide by general law for the composition, manner of appointment, and governance of a new Judicial Qualifications Commission, with such commission having the power to discipline, remove, and cause involuntary retirement of judges; to require the Judicial Qualifications Commission to have procedures that provide for due process of law; to provide for Supreme Court review of Judicial Qualifications Commission advisory opinions and procedures; to provide for the General Assembly by general law to allow the Judicial Qualifications Commission to be open to the public in some manner in conducting its business; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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

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

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

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

SECTION 2.

Article VI, Section VII, Paragraph VII of the Constitution is amended by revising subparagraph (4) of subparagraph (b) as follows:

"(4)(A) The findings and records of the commission and the fact that the public official has or has not been suspended shall not be admissible in evidence in any court for any purpose.

(B) The findings and records of the commission shall not be open to the public except as provided by the General Assembly by general law."

SECTION 3.

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

"() YES Shall the Constitution of Georgia be amended so as to abolish the existing Judicial Qualifications Commission; require the General Assembly to create and provide by general law for the composition, manner of appointment, and governance of a new Judicial Qualifications Commission, with such commission having the power to discipline, remove, and cause involuntary retirement of judges; require the Judicial Qualifications Commission to have procedures that provide for due process of law and review by the Supreme Court of its advisory opinions; and allow the Judicial Qualifications Commission to be open to the public in some manner?"

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