

House Resolution 174

By: Representatives Dubnik of the 29th, Jones of the 47th, Erwin of the 32nd, Wade of the 9th, and Corbett of the 174th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for appointment of the state
2 school superintendent by the State Board of Education effective not later than
3 January 1, 2031, and other matters relative to the foregoing changes; to provide for the
4 election of members of the State Board of Education for two-year terms by the members of
5 the House of Representatives and Senate whose respective districts are embraced or partly
6 embraced by each congressional district of this state; to provide for submission of this
7 amendment for ratification or rejection; and for other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article II, Section III, Paragraph I of the Constitution is amended by revising
11 subparagraphs (a) and (b) as follows:

12 "Paragraph I. ***Procedures for and effect of suspending or removing public officials***
13 ***upon felony indictment.*** (a) As used in this Paragraph, the term 'public official' means the
14 Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, the State
15 School Superintendent elected for such office in 2026, the Commissioner of Insurance, the
16 Commissioner of Agriculture, the Commissioner of Labor, and any member of the General
17 Assembly.

18 (b) Upon indictment for a felony by a grand jury of this state or by the United States,
19 which felony indictment relates to the performance or activities of the office of any public
20 official, the Attorney General or district attorney shall transmit a certified copy of the
21 indictment to the Governor or, if the indicted public official is the Governor, to the
22 Lieutenant Governor who shall, subject to subparagraph (d) of this Paragraph, appoint a
23 review commission. If the indicted public official is the Governor, the commission shall
24 be composed of the Attorney General, the Secretary of State, the State School
25 Superintendent elected for such office in 2026, the Commissioner of Insurance, the
26 Commissioner of Agriculture, and the Commissioner of Labor. If the indicted public
27 official is the Attorney General, the commission shall be composed of three other public
28 officials who are not members of the General Assembly. If the indicted public official is
29 not the Governor, the Attorney General, or a member of the General Assembly, the
30 commission shall be composed of the Attorney General and two other public officials who
31 are not members of the General Assembly. If the indicted public official is a member of
32 the General Assembly, the commission shall be composed of the Attorney General and one
33 member of the Senate and one member of the House of Representatives. If the Attorney
34 General brings the indictment against the public official, the Attorney General shall not
35 serve on the commission. In place of the Attorney General, the Governor shall appoint a
36 retired Supreme Court Justice or a retired Court of Appeals Judge. The commission shall
37 provide for a speedy hearing, including notice of the nature and cause of the hearing,
38 process for obtaining witnesses, and the assistance of counsel. Unless a longer period of
39 time is granted by the appointing authority, the commission shall make a written report
40 within 14 days. If the commission determines that the indictment relates to and adversely
41 affects the administration of the office of the indicted public official and that the rights and
42 interests of the public are adversely affected thereby, the Governor or, if the Governor is
43 the indicted public official, the Lieutenant Governor shall suspend the public official
44 immediately and without further action pending the final disposition of the case or until the

45 expiration of the officer's term of office, whichever occurs first. During the term of office
46 to which such officer was elected and in which the indictment occurred, if a nolle prosequi
47 is entered, if the public official is acquitted, or if after conviction the conviction is later
48 overturned as a result of any direct appeal or application for a writ of certiorari, the officer
49 shall be immediately reinstated to the office from which he or she was suspended. While
50 a public official is suspended under this Paragraph, the officer shall not be entitled to
51 receive the compensation from his or her office. If the officer is reinstated to office, he or
52 she shall be entitled to receive any compensation withheld under the provisions of this
53 Paragraph."

54 **SECTION 2.**

55 Article V, Section II, Paragraph VIII of the Constitution is amended by revising
56 subparagraph (b) as follows:

57 "(b) In case of the death or withdrawal of a person who received a majority of votes cast
58 in an election for the office of Secretary of State, Attorney General, ~~State School~~
59 ~~Superintendent~~, Commissioner of Insurance, Commissioner of Agriculture, or
60 Commissioner of Labor, the Governor elected at the same election, upon becoming
61 Governor, shall have the power to fill such office by appointing, subject to the confirmation
62 of the Senate, an individual to serve until the next general election and until a successor for
63 the balance of the unexpired term shall have been elected and qualified."

64 **SECTION 3.**

65 Article V, Section III of the Constitution is amended by revising Paragraph I as follows:

66 "Paragraph I. *Other executive officers, how elected.* The Secretary of State, Attorney
67 General, ~~State School Superintendent~~, Commissioner of Insurance, Commissioner of
68 Agriculture, and Commissioner of Labor shall be elected in the manner prescribed for the
69 election of members of the General Assembly and the electors shall be the same. Such

70 executive officers shall be elected at the same time and hold their offices for the same term
71 as the Governor."

72 **SECTION 4.**

73 Article V, Section III, Paragraph II of the Constitution is amended by revising
74 subparagraph (a) as follows:

75 "Paragraph II. ***Qualifications.*** (a) No person shall be eligible to the office of the
76 Secretary of State, Attorney General, ~~State School Superintendent~~, Commissioner of
77 Insurance, Commissioner of Agriculture, or Commissioner of Labor unless such person
78 shall have been a citizen of the United States for ten years and a legal resident of the state
79 for four years immediately preceding election or appointment and shall have attained the
80 age of 25 years by the date of assuming office. All of said officers shall take such oath and
81 give bond and security, as prescribed by law, for the faithful discharge of their duties."

82 **SECTION 5.**

83 Article V, Section IV of the Constitution is amended by revising Paragraph I as follows:

84 "Paragraph I. ***'Elected constitutional executive officer,' how defined.*** As used in this
85 section, the term 'elected constitutional executive officer' means the Governor, the
86 Lieutenant Governor, the Secretary of State, the Attorney General, the State School
87 Superintendent elected for such office in 2026, the Commissioner of Insurance, the
88 Commissioner of Agriculture, and the Commissioner of Labor."

89 **SECTION 6.**

90 Article VIII, Section II, Paragraph I of the Constitution is amended by revising
91 subparagraph (a) as follows:

92 "Paragraph I. ***State Board of Education.*** (a) There shall be a State Board of Education
93 which shall consist of one member from each congressional district in the state appointed

94 by the Governor and confirmed by the Senate. The member of the board from each
 95 congressional district shall be elected by a majority vote of the members of the House of
 96 Representatives and Senate whose respective districts are embraced or partly embraced
 97 within such congressional district meeting in caucus. The members of the board in office
 98 on December 31, 2026, shall serve out the remainder of their respective terms. The
 99 General Assembly shall provide by law the procedure for the election of members and for
 100 filling vacancies on the board. Members shall serve for terms of two years and until their
 101 successors are elected and qualified. The Governor shall not be a member of said board.
 102 ~~The ten members in office on June 30, 1983, shall serve out the remainder of their~~
 103 ~~respective terms. As each term of office expires, the Governor shall appoint a successor~~
 104 ~~as herein provided. The terms of office of all members appointed after the effective date~~
 105 ~~of this Constitution shall be for seven years. Members shall serve until their successors are~~
 106 ~~appointed and qualified. In the event of a vacancy on the board by death, resignation,~~
 107 ~~removal, or any reason other than expiration of a member's term, the Governor shall fill~~
 108 ~~such vacancy, and the person so appointed shall serve until confirmed by the Senate and,~~
 109 ~~upon confirmation, shall serve for the unexpired term of office."~~

110

SECTION 7.

111 Article VIII, Section III of the Constitution is amended by revising Paragraph I as follows:

112 "Paragraph I. **State School Superintendent school superintendent.** There shall be a
 113 ~~State School Superintendent~~ state school superintendent, who shall be the executive officer
 114 of the State Board of Education, ~~elected at the same time and in the same manner and for~~
 115 ~~the same term as that of the Governor. The person elected as state school superintendent~~
 116 in 2026 shall be elected at the same time and in the same manner and for the same term as
 117 that of the Governor and shall serve for the term to which such person was elected or until
 118 his or her withdrawal, resignation, or removal from office. Effective upon the earlier of
 119 January 1, 2031, or the death or withdrawal, resignation, or removal from office of the

120 person elected as state school superintendent in 2026, the state school superintendent shall
 121 be appointed by the State Board of Education. The person appointed by the State Board
 122 of Education to serve as state school superintendent shall be employed by the State Board
 123 of Education as provided by general law. The ~~State School Superintendent~~ state school
 124 superintendent shall have such qualifications and shall be paid such compensation as may
 125 be fixed by law. No member of the State Board of Education shall be eligible for election
 126 or appointment as ~~State School Superintendent~~ state school superintendent during the time
 127 for which such member shall have been appointed member's term of office."

128 **SECTION 8.**

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

132 "() YES Shall the Constitution be amended so as to provide for appointment of the
 133 state school superintendent by the State Board of Education effective no later
 134 () NO than January 1, 2031, and to provide for the election of members to the State
 135 Board of Education for two-year terms by members of the House of
 136 Representatives and Senate for each congressional district?"

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

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