

House Resolution 564

By: Representatives Dubnik of the 29<sup>th</sup>, Jones of the 47<sup>th</sup>, Erwin of the 32<sup>nd</sup>, Jones of the 25<sup>th</sup>, Jasperse of the 11<sup>th</sup>, and others

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for the election of members of  
2 the State Board of Education by the members of the House of Representatives and Senate  
3 whose respective districts are embraced or partly embraced by each congressional district of  
4 this state; to provide for appointment of the State School Superintendent by the State Board  
5 of Education and other matters relative to the foregoing changes; to provide for submission  
6 of this amendment for ratification or rejection; and for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 8 SECTION 1.

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

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

16 (b) Upon indictment for a felony by a grand jury of this state or by the United States,  
17 which felony indictment relates to the performance or activities of the office of any public

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

45 the public official is acquitted, or if after conviction the conviction is later overturned as  
46 a result of any direct appeal or application for a writ of certiorari, the officer shall be  
47 immediately reinstated to the office from which he was suspended. While a public official  
48 is suspended under this Paragraph, the officer shall not be entitled to receive the  
49 compensation from his or her office. If the officer is reinstated to office, he or she shall be  
50 entitled to receive any compensation withheld under the provisions of this Paragraph."

51 **SECTION 2.**

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

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

61 **SECTION 3.**

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

63 "Paragraph I. *Other executive officers, how elected.* The Secretary of State, Attorney  
64 General, ~~State School Superintendent~~, Commissioner of Insurance, Commissioner of  
65 Agriculture, and Commissioner of Labor shall be elected in the manner prescribed for the  
66 election of members of the General Assembly and the electors shall be the same. Such  
67 executive officers shall be elected at the same time and hold their offices for the same term  
68 as the Governor."

69 **SECTION 4.**

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

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

79 **SECTION 5.**

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

81 "Paragraph I. *'Elected constitutional executive officer,' how defined.* As used in this  
82 section, the term 'elected constitutional executive officer' means the Governor, the  
83 Lieutenant Governor, the Secretary of State, the Attorney General, ~~the State School~~  
84 ~~Superintendent~~, the Commissioner of Insurance, the Commissioner of Agriculture, and the  
85 Commissioner of Labor."

86 **SECTION 6.**

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

89 "Paragraph I. *State Board of Education.* (a) There shall be a State Board of Education  
90 ~~which shall consist of one member from each congressional district in the state appointed~~  
91 ~~by the Governor and confirmed by the Senate~~ composed of as many members as there are  
92 congressional districts in the state. The member of the board from each congressional  
93 district shall be elected by a majority vote of the members of the House of Representatives

94 and Senate whose respective districts are embraced or partly embraced within such  
 95 congressional district meeting in caucus. The members of the board in office on June 30,  
 96 2023, shall serve out the remainder of their respective terms. The General Assembly shall  
 97 provide by law the procedure for the election of members and for filling vacancies on the  
 98 board. Members shall serve for terms of two years and until their successors are elected  
 99 and qualified. The Governor shall not be a member of said board. The ten members in  
 100 office on June 30, 1983, shall serve out the remainder of their respective terms. As each  
 101 term of office expires, the Governor shall appoint a successor as herein provided. The  
 102 terms of office of all members appointed after the effective date of this Constitution shall  
 103 be for seven years. Members shall serve until their successors are appointed and qualified.  
 104 In the event of a vacancy on the board by death, resignation, removal, or any reason other  
 105 than expiration of a member's term, the Governor shall fill such vacancy; and the person  
 106 so appointed shall serve until confirmed by the Senate and, upon confirmation, shall serve  
 107 for the unexpired term of office."

108

### SECTION 7.

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

110 "Paragraph I. *State School Superintendent.* There shall be a State School  
 111 Superintendent, who shall be the executive officer of the State Board of Education, elected  
 112 ~~at the same time and in the same manner and for the same term as that of the Governor.~~  
 113 The State School Superintendent shall be appointed by the State Board of Education. The  
 114 State School Superintendent shall serve a term of office congruous with the Governor's  
 115 term, or until his or her removal from office; provided, however, that the person elected as  
 116 State School Superintendent in 2022 shall serve for the term to which such person was  
 117 elected. The State School Superintendent shall have such qualifications and shall be paid  
 118 such compensation as may be fixed by law. No member of the State Board of Education

119 shall be eligible for ~~election~~ appointment as State School Superintendent during the ~~time~~  
120 term for which such member shall have been ~~appointed~~ elected."

121 **SECTION 8.**

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

125 "( ) YES Shall the Constitution be amended so as to provide for the election of  
126 members to the State Board of Education by members of the House of  
127 ( ) NO Representatives and Senate for each congressional district and for  
128 appointment of the State School Superintendent by the State Board of  
129 Education?"

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

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