PROPOSED

CONSTITUTIONAL AMENDMENTS

GENERAL ELECTION

NOVEMBER 8, 2016

Constitutional Amendments 1-4
Summaries of Amendments
There are no proposed state-wide referendum questions
to be voted on at this election.
This booklet contains copies of the four proposed amendments to the Constitution in their entirety. These amendments will be submitted at the general election on November 8, 2016. As required by the Constitution, these proposed amendments in their entirety are on file in the office of the judge of the probate court in each county and are available for public inspection. This booklet also includes summaries of the four proposals as prepared by Attorney General Samuel S. Olens, Secretary of State Brian P. Kemp, and Legislative Counsel Wayne R. Allen and published in the newspaper which is each county's official legal organ.
CONSTITUTIONAL AMENDMENTS
1-4
A RESOLUTION

Proposing an amendment to the Constitution of Georgia so as to allow the General Assembly to authorize the establishment of an Opportunity School District to provide for state intervention for failing schools; to provide for related matters; 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.
Article VIII, Section V of the Constitution is amended by adding a new Paragraph to read as follows:

"Paragraph VIII. Opportunity School District. Notwithstanding the provisions of Paragraph II of this section, the General Assembly may provide by general law for the creation of an Opportunity School District and authorize the state to assume the supervision, management, and operation of public elementary and secondary schools which have been determined to be failing through any governance model allowed by law. Such authorization shall include the power to receive, control, and expend state, federal, and local funds appropriated for schools under the current or prior supervision, management, or operation of the Opportunity School District, all in the manner provided by and in accordance with general law."

SECTION 2.
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 been or may be sexually exploited; to provide that such funds shall not lapse; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

"( ) YES Shall the Constitution of Georgia be amended to allow the state to intervene in chronically failing public schools in order to improve student performance?"

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.

SECTION 2.
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 been or may be sexually exploited; to provide that such funds shall not lapse; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

"( ) YES Shall the Constitution of Georgia be amended to allow additional penalties for criminal cases in which a person is adjudged guilty of keeping a place of prostitution, pimping, pandering, pandering by compulsion, solicitation of sodomy, masturbation for hire, trafficking of persons for sexual servitude, or sexual exploitation of children and to allow assessment on adult entertainment establishments as defined by law; and such appropriated amount shall not lapse as required by Article III, Section IX, Paragraph IV(e) and shall not be subject to the limitations of subparagraph (a) of this Paragraph, Article III, Article V, Paragraph II, Article VII, Section III, Paragraph II(a), or Article VII, Section III, Paragraph IV. The General Assembly may provide by general law for the allocation of such assessments and additional penalties to the Safe Harbor for Sexually Exploited Children Fund to pay for care and rehabilitative and social services for individuals in this state who have been or may be sexually exploited?"
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 for 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 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. Appointments to the Judicial Qualifications Commission shall be subject to confirmation by the Senate as provided for by general law.

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

(c) The Judicial Qualifications Commission which existed on June 30, 2017, is hereby abolished.

SECTION 2.
Article VI, Section VII, Paragraph VII of the Constitution is amended by revising subparagraph (4) of subparagraph (a) 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."
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.
SUMMARIES OF PROPOSED
CONSTITUTIONAL AMENDMENTS
ON THE GENERAL ELECTION BALLOT
NOVEMBER 8, 2016
SUMMARIES OF PROPOSED CONSTITUTIONAL AMENDMENTS

Pursuant to requirements of the Georgia Constitution, Attorney General Samuel S. Olens, Secretary of State Brian P. Kemp, and Legislative Counsel Wayne R. Allen hereby provide the summaries of the proposed constitutional amendments that will appear on the November 8, 2016, general election ballot for consideration by the people of Georgia (short captions are those adopted by the Constitutional Amendments Publication Board):

- 1 -

Provides greater flexibility and state accountability to fix failing schools through increasing community involvement.

Senate Resolution No. 287
Resolution Act No. 309
Ga. L. 2015, p. 1498

"() YES Shall the Constitution of Georgia be amended to allow the state to intervene in chronically failing public schools in order to improve student performance?"

Summary

This proposal authorizes the General Assembly to provide for the creation of an Opportunity School District and authorizes the state to assume the supervision, management, and operation of failing public elementary and secondary schools, including the power to receive, control, and expend appropriated funds for such purposes. It amends Article VIII, Section V of the Georgia Constitution by adding a new Paragraph VIII.

A copy of this entire proposed amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 2 -

Authorizes penalties for sexual exploitation and assessments on adult entertainment to fund child victims' services.

Senate Resolution No. 7
Resolution Act No. 306
Ga. L. 2015, p. 1497

"() 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?"

Summary

This proposal abolishes the existing Judicial Qualifications Commission and requires the General Assembly to replace it with a new Judicial Qualifications Commission and provide for the composition, manner of appointment, governance, powers and duties,
procedures, and open meetings of such reformed commission, with such commission having the power to discipline, remove, and cause involuntary retirement of judges as provided in the Constitution, and for Supreme Court review of the commission’s opinions and procedures. It amends Article VI, Section VII, Paragraph VI and Article VI, Section VII, Paragraph VII of the Georgia Constitution.

A copy of this entire proposed amendment is on file in the office of the judge of the probate court and is available for public inspection.

-4-

Dedicates revenue from existing taxes on fireworks to trauma care, fire services, and public safety.

Senate Resolution No. 558
Resolution Act No. 530
Ga. L. 2016, p. 895

"( ) YES Shall the Constitution of Georgia be amended so as to provide that the proceeds of excise taxes on the sale of fireworks or consumer fireworks be dedicated to the funding of trauma care, firefighter equipping and training, and local public safety purposes?"

Summary

This proposal provides that the