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

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

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 written or printed thereon the following:

"( ) YES Shall the Constitution
( ) NO 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.

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

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the General Assembly by general law may impose additional penalties for the offenses 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; may impose assessments on adult entertainment establishments; and may provide for the allocation of such additional penalties and assessments to the Safe Harbor for Sexually Exploited Children Fund, as provided by law, for the purpose of providing care and rehabilitative and social services to individuals in this state who 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.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article III, Section IX, Paragraph VI of the Constitution is amended by adding a new subparagraph to read as follows:

"(o) The General Assembly may provide by general law for additional penalties in any case in any court in this state 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 may impose assessments on adult entertainment establishments as defined by law; and such appropriated amount shall not lapse as required by Article III, Section IX, Paragraph IV(c) and shall not be subject to the limitations of subparagraph (a) of this Paragraph, Article III, Section 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 for the specified purpose of meeting any and all costs, or any portion of the costs, of providing care and rehabilitative and social services to individuals in this state who have been or may be sexually exploited. The General Assembly may provide by general law for the administration of such fund by such authority as the General Assembly shall determine."

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 written or printed thereon the following:

"( ) YES Shall the Constitution
( ) NO 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 assessments on adult entertainment establishments to fund 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?"

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.

House Resolution No. 1113
Resolution Act No. 537
Ga. L. 2016, p. 896

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. 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 issued by 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 (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
( ) NO 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.

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

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the proceeds of excise taxes on the sale of fireworks or consumer fireworks in this state be dedicated to the funding of trauma care, fire services, and local public safety purposes in the State of Georgia; 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.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article III, Section IX, Paragraph VI of the Constitution is amended by adding a new subparagraph to read as follows:

"(o) The proceeds of any excise tax imposed by general law on the sale of fireworks or consumer fireworks in this state shall be dedicated to the provision of trauma care, fire services, and local public safety purposes in Georgia. The General Assembly shall provide by general law for the use, dedication, and deposit of revenues raised from any such excise tax on fireworks or consumer fireworks. Contributions and revenues deposited for such purposes shall not lapse and shall not be subject to the limitations of subparagraph (a) of this Paragraph or of Article VII, Section III, Paragraph II."

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 written or printed thereon the following:

"( ) YES Shall the Constitution
( ) NO 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?"

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 ( ) NO 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 ( ) NO 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 assessments on adult entertainment establishments to fund 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?"

Summary

This proposal authorizes the General Assembly to provide for additional penalties for various criminal sexual exploitation offenses and assessments on adult entertainment establishments and to dedicate revenue derived therefrom to the Safe Harbor for Sexually Exploited Children Fund for the purpose of providing care and rehabilitative and social services to sexually exploited persons. It amends Article III, Section IX, Paragraph VI 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.

- 3 -

Reforms and re-establishes the Judicial Qualifications Commission and provides for its composition, governance, and powers.

House Resolution No. 1113
Resolution Act No. 537
Ga. L. 2016, p. 896

"( ) YES ( ) NO 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.

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
( ) NO 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 proceeds of excise taxes on the sale of fireworks or consumer fireworks be dedicated to funding trauma care, fire services, and local public safety purposes. It amends Article III, Section IX, Paragraph VI 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.