HB505

199687-3

By Representatives Faulkner and Fridy (Constitutional Amendment)

RFD: Constitution, Campaigns and Elections

First Read: 23-APR-19
A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to amend Section 6.14 of Amendment 328 of the Constitution of Alabama of 1901, now appearing as Section 153 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to further provide for the initial term of judges, except judges of probate, appointed to fill vacancies.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

   Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

   PROPOSED AMENDMENT

   Section 6.14 of Amendment 328 of the Constitution of Alabama of 1901, is amended to read as follows:


   "The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial
office shall be filled by appointment by the governor; however, except for the provisions for the initial term of a judge appointed to fill a vacancy as provided herein, vacancies occurring in any judicial office in Jefferson county shall be filled as now provided by amendments 83 and 110 to the Constitution of Alabama of 1901 and vacancies occurring in Shelby, Madison, Wilcox, Monroe, Conecuh, Clarke, Washington, Henry, Etowah, Walker, Tallapoosa, Pickens, Greene, Tuscaloosa, St. Clair county shall be filled as provided in the Constitution of 1901 with amendments now or hereafter adopted, or as may be otherwise established by a properly advertised and enacted local law. A Notwithstanding any other provision of any amendment to this Constitution, a judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year two years in office or the remainder of the original term of the judge elected to the office which is vacant, whichever is longer. At such the election such the judicial office shall be filled for a full term of office beginning at the end of the appointed term."

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state.
Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901, to provide that a judge, other than a judge of probate, appointed to fill a vacancy would serve an initial term until the first Monday after the second Tuesday in January following the next general election after the judge has completed two years in office or the remainder of the original term of the judge elected to the office, whichever is longer.

"Proposed by Act ________." This description shall be followed by the following language:

"Yes ( ) No ( )."
House of Representatives

Read for the first time and referred to the House of Representatives committee on Constitution, Campaigns and Elections ............... 23-APR-19

Read for the second time and placed on the calendar 1 amendment ............... 02-MAY-19

Read for the third time and passed as amended......................... 23-MAY-19

Yeas 97, Nays 0, Abstains 0

Jeff Woodard
Clerk