

1 SB407
2 199687-1
3 By Senator Givhan (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 14-MAY-19

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8 SYNOPSIS: Under existing law, a judge, except a judge
9 of probate, appointed to fill a vacancy, except as
10 otherwise provided in a local constitutional
11 amendment, serves an initial term until the next
12 term begins following the general election after
13 the judge has completed one year in office.

14 This bill would propose an amendment to the
15 Constitution of Alabama of 1901, to provide that a
16 judge appointed to fill a vacancy would serve an
17 initial term until the first Monday after the
18 second Tuesday in January following the general
19 election after the judge has completed two years in
20 office or the remainder of the original term of the
21 judge elected to office, whichever is longer.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 PROPOSED AMENDMENT

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

18 "6.14. Vacancies in judicial office.

19 "The office of a judge shall be vacant if he dies,
20 resigns, retires, or is removed. Vacancies in any judicial
21 office shall be filled by appointment by the governor;
22 however, except for the provisions for the initial term of a
23 judge appointed to fill a vacancy as provided herein,
24 vacancies occurring in any judicial office in Jefferson county
25 shall be filled as now provided by amendments 83 and 110 to
26 the Constitution of Alabama of 1901 and vacancies occurring in
27 Shelby, Madison, Wilcox, Monroe, Conecuh, Clarke, Washington,

1 Henry, Etowah, Walker, Tallapoosa, Pickens, Greene,
2 Tuscaloosa, St. Clair county shall be filled as provided in
3 the Constitution of 1901 with amendments now or hereafter
4 adopted, or as may be otherwise established by a properly
5 advertised and enacted local law. ~~A~~ Notwithstanding any other
6 provision of any amendment to this Constitution, a judge,
7 other than a probate judge, appointed to fill a vacancy, shall
8 serve an initial term lasting until the first Monday after the
9 second Tuesday in January following the next general election
10 held after he has completed ~~one year~~ two years in office or
11 the remainder of the original term of the judge elected to the
12 office which is vacant, whichever is longer. At ~~such~~ the
13 election ~~such~~ the judicial office shall be filled for a full
14 term of office beginning at the end of the appointed term."

15 Section 2. An election upon the proposed amendment
16 shall be held in accordance with Sections 284 and 285 of the
17 Constitution of Alabama of 1901, now appearing as Sections 284
18 and 285 of the Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, and the election laws of this
20 state.

21 Section 3. The appropriate election official shall
22 assign a ballot number for the proposed constitutional
23 amendment on the election ballot and shall set forth the
24 following description of the substance or subject matter of
25 the proposed constitutional amendment:

26 "Proposing an amendment to the Constitution of
27 Alabama of 1901, to provide that a judge, other than a judge

1 of probate, appointed to fill a vacancy would serve an initial
2 term until the first Monday after the second Tuesday in
3 January following the next general election after the judge
4 has completed two years in office or the remainder of the
5 original term of the judge elected to the office, whichever is
6 longer.

7 "Proposed by Act _____."

8 This description shall be followed by the following
9 language:

10 "Yes () No ()."