

1 HB60
2 113729-1
3 By Representative Gordon (Constitutional Amendment)
4 RFD: Government Appropriations
5 First Read: 12-JAN-10
6 PFD: 12/08/2009

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, to create two
10 additional district judgeships, designated district
11 judgeship number 6 and district judgeship number 7,
12 in the Thirteenth Judicial Circuit, comprised of
13 Mobile County. The bill would provide for each
14 municipality in the judicial circuit to pay a
15 percentage of the necessary funding for
16 compensation and benefits for the judgeships and
17 the Mobile County Commission to pay the balance for
18 the first 24 months and would exempt certain
19 municipalities from payment of their share.

20 This bill would allow incumbent district
21 judges for district judgeships numbers 1, 2, and 5
22 to run at large; would require any person who is
23 not an incumbent to run from a school district for
24 judgeships numbers 1, 2, 5, 6, and 7, and would
25 provide for election at large for district
26 judgeships numbers 3 and 4.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To create two additional district judgeships in the
6 Thirteenth Judicial Circuit comprised of Mobile County; to
7 provide for the election of the first judges to fill the
8 positions; to provide for a percentage of necessary funding
9 for compensation and benefits for the judgeships to be paid by
10 each municipality and the balance paid by the Mobile County
11 Commission for the first 24 months; to defer certain
12 municipalities from payment of the funding; to allow incumbent
13 district judges for district judgeships numbers 1, 2, and 5 to
14 run at large; to require any person who is not an incumbent to
15 run from a school district for judgeships numbers 1, 2, 5, 6,
16 and 7; and to provide for election at large for district
17 judgeships numbers 3 and 4.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. The following amendment to the
20 Constitution of Alabama of 1901, is proposed and shall become
21 valid as a part of the Constitution when all requirements of
22 this act are fulfilled:

23 PROPOSED AMENDMENT

24 (a) There are created two additional district
25 judgeships for the Thirteenth Judicial Circuit which shall be
26 designated as judgeship number 6 and judgeship number 7.
27 Judgeship number 6 and judgeship number 7 shall be elected

1 pursuant to subsection (i) and (j), respectively, following
2 their preclearance under Section 5 of the Voting Rights Act of
3 1965, 42 U.S.C. §1973c. The municipalities in Mobile County
4 and the Mobile County Commission shall provide the necessary
5 funding for the first two years for compensation and benefits
6 pursuant to subsection (c). The first judges elected pursuant
7 to this amendment shall serve for a six-year term, holding
8 office from the first Monday following the second Tuesday in
9 January after the general election at which judges are
10 elected.

11 (b) The judges provided in subsection (a) shall have
12 and shall exercise all the jurisdiction, power, rights, and
13 authority and shall possess all of the qualifications, perform
14 all of the duties, and shall be subject to all of the
15 responsibilities and duties of the office to which other
16 district judges are subject.

17 (c) The annual compensation of the district judges
18 shall be in accordance with Chapter 10A, Title 12, Code of
19 Alabama 1975, including, but not limited to, the provisions
20 that no district judge first elected or appointed to office
21 after October 1, 2001, shall be provided a salary supplement
22 or expense allowance.

23 (d) For the first two years, necessary funding for
24 compensation and benefits for judgeships provided for by this
25 amendment shall be as follows: Ten percent of the funds for
26 each additional judgeship shall be paid by the City of Mobile,
27 five percent of the funds shall be paid by each remaining

1 municipality within Mobile County, and the balance shall be
2 paid by the Mobile County Commission. A payment by a
3 municipality other than the City of Mobile may be deferred
4 upon a demonstration of financial hardship to the county
5 commission.

6 (e) District judges in Mobile County shall be
7 elected as provided in this amendment.

8 (f) At an election for district judge for judgeships
9 numbers 1, 2, and 5 at which a district judge serving on the
10 effective date of this amendment without a break in service is
11 a candidate, the following rules apply:

12 (1) The election shall be at large.

13 (2) A candidate who is not a district judge serving
14 on the effective date of this amendment without a break in
15 service shall be a resident of the appropriate school district
16 identified in subsection (k).

17 (3) The district judge serving on the effective date
18 of this amendment without a break in service may be a
19 candidate without regard to whether he or she is a resident of
20 the appropriate district identified in subsection (k).

21 (g) At an election for district judge for judgeships
22 numbers 1, 2, and 5 at which a district judge serving on the
23 effective date of this amendment without a break in service is
24 not a candidate and at an election for district judge for
25 judgeships numbers 6 and 7, the following rules apply:

26 (1) The election shall be held by the appropriate
27 school district as identified in subsection (k).

1 (2) Any candidate shall be a resident of the
2 district for which the election is being held.

3 (h) An election for district judge for judgeships
4 numbers 3 and 4 shall be at large and a candidate may be a
5 resident of any school district identified in subsection (k).

6 (i) An election for district judge for judgeship
7 number 6 shall be from school district 3 and the initial
8 election to that judgeship shall be held at the general
9 election in 2012 and any candidate shall be a resident of
10 school district 3.

11 (j) An election for district judge for judgeship
12 number 7 shall be from school district 4 and the initial
13 election to that judgeship shall be held at the general
14 election in 2012 and any candidate shall be a resident of
15 school district 4.

16 (k) For purposes of subsections (b) and (c), the
17 following school districts are established for district
18 judgeships numbers 1, 2, 5, 6, and 7:

19 (1) District judgeship number 1 shall be school
20 district number 1.

21 (2) District judgeship number 2 shall be school
22 district number 2.

23 (3) District judgeship number 5 shall be school
24 district number 5.

25 (4) District judgeship number 6 shall be school
26 district number 3.

1 (5) District judgeship number 7 shall be school
2 district number 4.

3 (1) Any person nominated to fill a vacancy for
4 district judgeship number 1, 2, 5, 6, or 7 pursuant to
5 Amendment 408 to the Constitution of Alabama of 1901, now
6 appearing as Local Amendments, Mobile County, Section 16,
7 Official Recompilation of the Constitution of Alabama of 1901,
8 as amended, shall be a resident of the school district in
9 which the person must reside to run for election for the
10 district judgeship.

11 Section 2. An election upon the proposed amendment
12 shall be held in accordance with Amendment 555 to the
13 Constitution of Alabama of 1901, now appearing as Section
14 284.01 of the Official Recompilation of the Constitution of
15 Alabama of 1901, as amended, and the election laws of this
16 state.

17 Section 3. The appropriate election official shall
18 assign a ballot number for the proposed constitutional
19 amendment on the election ballot and shall set forth the
20 following description of the substance or subject matter of
21 the proposed constitutional amendment:

22 "Relating to Mobile County, proposing an amendment
23 to the Constitution of Alabama of 1901, to create two
24 additional judgeships in the Thirteenth Judicial Circuit
25 comprised of Mobile County; to provide for funding,
26 compensation, and benefits to be paid by each municipality and
27 the balance paid by the Mobile County Commission for the first

1 24 months; to exempt certain municipalities; to allow
2 incumbent district judges for district judgeships numbers 1,
3 2, 3, 4, and 5 to run at large; to require any person who is
4 not an incumbent to run from school districts 1, 2, 3, 4, and
5 5; and to provide for election at large for district
6 judgeships numbers 3 and 4.

7 "Proposed by Act _____"

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

10 "Yes () No ()."