

1 SB82
2 216192-1
3 By Senators Givhan and Barfoot (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 13-JAN-22

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8 SYNOPSIS: The Constitution of Alabama of 1901,
9 provides that all judges shall be elected except
10 when a vacancy arises.

11 This bill would propose an amendment to the
12 Constitution of Alabama of 1901, that would provide
13 that the Legislature may make an initial
14 appointment of a judge to a newly created judgeship
15 to be filled in the same manner as filling a
16 vacancy.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To propose an amendment to Section 6.13 of Amendment
23 328 to the Constitution of Alabama of 1901, now appearing as
24 Section 152 of the Official Recompilation of the Constitution
25 of Alabama of 1901, as amended, to provide that the
26 Legislature may provide for the initial appointment of a judge

1 to a newly created judgeship in the same manner as filling a
2 vacancy.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 PROPOSED AMENDMENT

11 "Section 152.

12 "All judges shall be elected by vote of the electors
13 within the territorial jurisdiction of their respective
14 courts; provided, however, that the Legislature may provide
15 for the initial appointment of a judge to a newly created
16 judgeship to be filled in the same manner as a vacancy as
17 provided in Section 6.14 as added by Amendment 328, as amended
18 by Amendment 950, of the Constitution of Alabama of 1901, now
19 appearing as Section 153 of the Official Recompilation of the
20 Constitution of Alabama of 1901, as amended."

21 Section 2. An election upon the proposed amendment
22 shall be held in accordance with Sections 284 and 285 of the
23 Constitution of Alabama of 1901, now appearing as Sections 284
24 and 285 of the Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, and the election laws of this
26 state.

1 Section 3. The appropriate election official shall
2 assign a ballot number for the proposed constitutional
3 amendment on the election ballot and shall set forth the
4 following description of the substance or subject matter of
5 the proposed constitutional amendment:

6 "Proposing an amendment to the Constitution of
7 Alabama of 1901, to provide that the Legislature may provide
8 for the initial appointment of a judge to a newly created
9 judgeship to be filled in the same manner as filling a vacancy
10 in a judgeship."

11 "Proposed by Act _____."

12 This description shall be followed by the following
13 language:

14 "Yes () No ()."