

1 SB227
2 217070-2
3 By Senators Figures, Williams and Sessions (Constitutional
4 Amendment)
5 RFD: Mobile County Legislation
6 First Read: 16-FEB-22

1 SB227

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4 ENROLLED, An Act,

5 Relating to Mobile County; proposing an amendment to
6 the Constitution of Alabama of 1901, as amended, to provide
7 for a judicial nominating commission in Mobile County, to
8 provide for the composition, duties, and powers of the
9 commission; and to provide that this amendment be
10 self-executing.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. The following amendment to the
13 Constitution of Alabama of 1901, is proposed and shall become
14 valid as a part of the Constitution when all requirements of
15 this act are fulfilled:

16 PROPOSED AMENDMENT

17 (a) All vacancies in the office of judge of the
18 circuit court and the office of judge of the district court of
19 Mobile County which shall occur subsequent to January 15,
20 2023, shall be filled in the manner and for the time provided
21 by this amendment.

22 (b) (1) The Mobile County Judicial Commission is
23 hereby created for the purpose of nominating to the Governor
24 persons for appointment to a vacancy. The members of the
25 commission shall be all of the following:

1 a. Two individuals who are members of the Alabama
2 State Bar.

3 b. Two individuals who are not members of the
4 Alabama State Bar.

5 c. One judge of the circuit court of Mobile County.

6 (2) All members of the commission must reside in the
7 territorial jurisdiction of the circuit court of Mobile
8 County.

9 (c) (1) a. The two members of the commission who are
10 required to be members of the Alabama State Bar shall be
11 elected by the members of the bar who are regularly licensed
12 and qualified to practice law in this state and who reside in
13 the territorial jurisdiction of the circuit court of Mobile
14 County.

15 b. The executive committee of the Mobile County Bar
16 Association, or its successor body in that capacity, shall
17 adopt policies and procedures consistent with this amendment
18 for the election of the members of the commission that are
19 required to be members of the Alabama State Bar.

20 c. The executive committee shall certify in writing
21 to the judge of probate of Mobile County the names of the
22 persons elected as members of the commission by the members of
23 the bar.

24 (2) The members of the Legislature from Mobile
25 County shall elect the two members of the commission who are

1 required not to be members of the Alabama State Bar. The
2 senators and representatives shall certify in writing to the
3 judge of probate the names of the persons elected by them as
4 members.

5 (3) The judges of the circuit court of Mobile County
6 shall elect the member of the commission who is required to be
7 a judge of the circuit court. The judges of the circuit court
8 shall certify in writing to the judge of probate the name of
9 the circuit judge elected by the circuit judges as member. The
10 judge member shall serve as chair of the commission.

11 (4) The judge of probate of Mobile County shall
12 record all the certificates of election and shall safely and
13 permanently keep the original certificates. Upon receipt and
14 recordation of every certificate, he or she shall send to the
15 Governor a certified copy of every certificate.

16 (d)a. The terms of office of all members of the
17 commission shall be six years, except that the initial terms
18 of office of the two members of the state bar first elected
19 shall be for one and two years respectively, and of the two
20 members first elected by the senators and representatives in
21 the Legislature from Mobile County shall be for three and four
22 years respectively, and the term of the circuit judge elected
23 by the circuit judges shall be for five years; the length of
24 the terms of office of the members of the commission being
25 indicated by the respective electing bodies.

1 b. The terms of the initial members of the
2 commission shall begin on January 16, 2023.

3 (e) No member of the commission, having served a
4 full term, shall be eligible to succeed himself or herself as
5 member. No member of the commission shall be eligible for
6 nomination to the Governor for appointment as judge of the
7 circuit court or district court during the term of office for
8 which the member has been selected to serve.

9 (f) The members of the commission shall not receive
10 any salary or other compensation for their services as
11 members. No member of the commission other than the member
12 required to be a judge of the circuit court shall hold any
13 public office, and no member of the commission shall hold any
14 official position in any political party.

15 (g) (1) If, subsequent to January 15, 2023, a vacancy
16 occurs or, in the opinion of the chair of the commission, a
17 vacancy is likely to occur in the office of judge of the
18 circuit court or in the office of judge of the district court
19 of Mobile County, the commission shall nominate to the
20 Governor three persons having the qualifications for that
21 office.

22 (2) The nomination shall be made only by the
23 concurrence of a majority of the members of the commission.

1 (3) The Governor shall appoint to the office in
2 which the vacancy exists one of the three persons nominated
3 pursuant to this subsection for that office.

4 (4) Any vacancy occurring in the office of judge of
5 the circuit or district court of Mobile County, which is
6 required to be filled by appointment on nominations made by a
7 judicial commission, shall be made within 90 days from the
8 date of the submission of the nominations.

9 (5) In the event the Governor fails to fill the
10 vacancy from the nominations within the 90-day period provided
11 in subdivision (4), the appointment shall be made by the Chief
12 Justice of the Supreme Court of Alabama.

13 (6) The commission shall establish procedures
14 consistent with this amendment for nominating candidates to
15 the Governor.

16 (h) This amendment shall be self-executing.

17 Upon ratification of this constitutional amendment
18 and contingent upon the ratification of the Constitution of
19 Alabama of 2022, the Code Commissioner shall number and place
20 this amendment as appropriate in the constitution based upon a
21 logical sequence and the particular subject or topic of the
22 amendment. In this amendment, the Code Commissioner may change
23 capitalization, spelling, and punctuation for the purpose of
24 style and uniformity; correct manifest grammatical, clerical,
25 and typographical errors; and correct incorrect

1 cross-references. When publishing the Constitution of Alabama
 2 of 2022, as amended, the Code Commissioner may omit this
 3 instructional paragraph.

4 Section 2. An election upon the proposed amendment
 5 shall be held in accordance with Section 284.01 of the
 6 Constitution of Alabama of 1901, now appearing as Section
 7 284.01 of the Official Recompilation of the Constitution of
 8 Alabama of 1901, as amended, and the election laws of this
 9 state.

10 Section 3. The appropriate election official shall
 11 assign a ballot number for the proposed constitutional
 12 amendment on the election ballot and shall set forth the
 13 following description of the substance or subject matter of
 14 the proposed constitutional amendment:

15 "Relating to Mobile County; proposing an amendment
 16 to the Constitution of Alabama of 1901, as amended, to provide
 17 for a judicial nominating commission in Mobile County, to
 18 provide for the composition, duties, and powers of the
 19 commission; and to provide that this amendment be
 20 self-executing.

21 "Proposed by Act _____"

22 This description shall be followed by the following
 23 language:

24 "Yes () No ()."

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB227

Senate 22-FEB-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 10-MAR-22

By: Senator Figures