

1 SB216  
2 197669-4  
3 By Senators Orr and Ward (Constitutional Amendment)  
4 RFD: Judiciary  
5 First Read: 02-APR-19

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8 SYNOPSIS: Under the existing constitution, a district  
9 court is required to hold court in each  
10 incorporated municipality with a population of  
11 1,000 or more where there is no municipal court.

12 This bill would propose a constitutional  
13 amendment to delete that requirement.

14 Under the existing constitution, vacancies  
15 in the office of judge are filled by appointment by  
16 the Governor, but in certain counties, vacancies in  
17 the office of judge are filled as prescribed by  
18 local law.

19 This bill would propose a constitutional  
20 amendment to authorize the procedure for the  
21 filling of vacancies in the office of a judge to be  
22 changed by statewide or local constitutional  
23 amendment.

24 Under the existing constitution, and except  
25 as provided for appointments to the office of  
26 supernumerary judge, a person is restricted from

1 being elected or appointed to a judicial office  
2 after reaching the age of 70 years.

3 This bill would propose a constitutional  
4 amendment to increase the age restriction to 75  
5 years.

6 This bill would delete a provision of the  
7 Constitution of Alabama of 1901, relating to the  
8 holding of more than one office of profit by a  
9 person elected to the position of constable.

10 This bill would repeal a section of the  
11 constitution that provided for the temporary  
12 maintenance of the prior judicial system while the  
13 Legislature worked to implement the present-day  
14 judicial system.

15 This bill would repeal a section of the  
16 constitution that provided for the office of  
17 circuit solicitor.

18 This bill would make certain nonsubstantive  
19 stylistic changes.

20 This bill would propose a constitutional  
21 amendment to revise the manner in which justices of  
22 the Supreme Court, judges of the courts of appeal,  
23 judges of the district and circuit courts, judges  
24 of the probate courts, and judges of other courts  
25 from which an appeal may be taken directly to the  
26 Supreme Court are disciplined.

1 Under the existing constitution, the  
2 Judicial Inquiry Commission conducts  
3 investigations, receives and initiates complaints  
4 concerning any judge in the state judicial system,  
5 and prosecutes the complaints.

6 This bill would propose an amendment to the  
7 constitution to increase the membership of the  
8 commission and provide for the appointment of the  
9 additional members.

10 Under the existing constitution, the Court  
11 of the Judiciary hears complaints filed by the  
12 Judicial Inquiry Commission and has the authority  
13 to remove, suspend without pay, or censure a judge  
14 for a violation of a Canon of Judicial Ethics,  
15 misconduct in office, or failure to perform his or  
16 her duties. The Court of the Judiciary may also  
17 suspend, with or without pay, or retire a judge who  
18 is physically or mentally unable to perform his or  
19 her duties.

20 This bill would propose an amendment to the  
21 constitution to further provide for the membership  
22 of the court.

23 Under the existing constitution, without  
24 loss of salary, a judge is disqualified from acting  
25 as a judge during the time there is pending an  
26 indictment for a crime punishable as a felony or a

1 complaint against the judge with the Court of the  
2 Judiciary filed by the Judicial Inquiry Commission.

3 This bill would propose an amendment to the  
4 constitution to provide for the disqualification of  
5 a judge without loss of pay because of a pending  
6 complaint filed by the Judicial Inquiry Commission  
7 only if the complaint was adopted by a two-thirds  
8 vote of the commission and the complaint alleges  
9 the judge is physically or mentally unable to  
10 perform his or her duties or poses a substantial  
11 threat of serious harm to the public or the  
12 administration of justice and the recommendation of  
13 disqualification is approved by the Chief Judge of  
14 the Court of the Judiciary.

15 Under the existing constitution, justices of  
16 the Supreme Court and judges of the courts of  
17 appeal may be impeached and judges of the district  
18 and circuit courts, judges of the probate courts,  
19 and judges of other courts from which an appeal may  
20 be taken directly to the Supreme Court may be  
21 removed by the Supreme Court for willful neglect of  
22 duty, corruption in office, incompetence,  
23 intemperance, or for an offense involving mortal  
24 turpitude.

25 This bill would propose an amendment to the  
26 constitution to delete those provisions.

1 Under the existing constitution, the Chief  
2 Justice of the Supreme Court of Alabama has the  
3 authority to appoint an Administrative Director of  
4 Courts.

5 This bill would propose an amendment to the  
6 constitution to delete the authority of the Chief  
7 Justice to appoint an Administrative Director of  
8 Courts; provide the Supreme Court of Alabama with  
9 the authority to appoint an Administrative Director  
10 of Courts; and require the Legislature to establish  
11 procedures for the appointment of the  
12 Administrative Director of Courts.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT  
17

18 Proposing an amendment to the Constitution of  
19 Alabama of 1901, to amend Section 6.05 of Amendment 328;  
20 Section 6.09 of Amendment 328, as further amended by Amendment  
21 426; Sections 6.10, 6.12, 6.14, and 6.16 of Amendment 328;  
22 Sections 6.17 and 6.18 of Amendment 328, as amended by  
23 Amendment 581; Sections 6.19 and 6.20 of Amendment 328, and  
24 Sections 173 and 174 of the Constitution of Alabama of 1901,  
25 now appearing as Sections 143, 148, 149, 151, 153, 155, 156,  
26 157, 159, 160, 162, 173, and 174 of the Official Recompilation  
27 of the Constitution of Alabama of 1901, as amended, to delete

1 the requirement that a district court hold court in each  
2 incorporated municipality with a population of 1,000 or more  
3 where there is no municipal court; to provide that the  
4 procedure for the filling of vacancies in the office of a  
5 judge may be changed by statewide or local constitutional  
6 amendment; to increase the age restriction on elected or  
7 appointed judicial officers to 75 years; to delete certain  
8 language relating to a constable holding more than one state  
9 office; to delete a provision providing for the temporary  
10 maintenance of the prior judicial system; to repeal the office  
11 of circuit solicitor; to make certain nonsubstantive stylistic  
12 changes; to increase the membership of the Judicial Inquiry  
13 Commission; to further provide for the appointment of the  
14 commission's members; to further provide for the appointment  
15 of the membership of the Court of the Judiciary; to provide  
16 further for the process of disqualifying an active judge; and  
17 to remove provisions authorizing the impeachment of the  
18 justices of the Supreme Court and judges of the appellate  
19 courts; to remove provisions authorizing the Supreme Court to  
20 remove judges of the district and circuit courts, judges of  
21 the probate courts, and judges of certain other courts; to  
22 delete the authority of the Chief Justice of the Supreme Court  
23 to appoint an Administrative Director of Courts; to provide  
24 the Supreme Court of Alabama with authority to appoint an  
25 Administrative Director of Courts; and to require the  
26 Legislature to establish procedures for the appointment of the  
27 Administrative Director of Courts; and to repeal Amendment

1 580, Section 6.21 of Amendment 328, and Amendment 226 of the  
2 Constitution of Alabama of 1901, now appearing as Sections  
3 158, 161, and 162 of the Official Recompilation of the  
4 Constitution of Alabama of 1901, as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 PROPOSED AMENDMENT

13 (a) The following amendments to the Constitution of  
14 Alabama of 1901 are repealed:

15 (1) Amendment 580 of the Constitution of Alabama of  
16 1901, now appearing as Section 158 of the Official  
17 Recompilation of the Constitution of Alabama of 1901, as  
18 amended.

19 (2) Section 6.21 of Amendment 328 of the  
20 Constitution of Alabama of 1901, now appearing as Section 161  
21 of the Official Recompilation of the Constitution of Alabama  
22 of 1901, as amended.

23 (3) Amendment 226 of the Constitution of Alabama of  
24 1901, now appearing as Section 162 of the Official  
25 Recompilation of the Constitution of Alabama of 1901, as  
26 amended.

1 (b) Section 6.05 of Amendment 328; Section 6.09 of  
2 Amendment 328, as further amended by Amendment 426; Sections  
3 6.10, 6.12, 6.14, and 6.16 of Amendment 328; Sections 6.17 and  
4 6.18 of Amendment 328, as amended by Amendment 581; Sections  
5 6.19 and 6.20 of Amendment 328, and Sections 173 and 174 of  
6 the Constitution of Alabama of 1901, now appearing as Sections  
7 143, 148, 149, 151, 153, 155, 156, 157, 159, 160, 162, 173,  
8 and 174 of the Official Recompilation of the Constitution of  
9 Alabama of 1901, as amended, are amended to read as follows:

10 "Amendment 328.

11 "Section 6.05.

12 "(a) The district court shall be a court of limited  
13 jurisdiction and shall exercise uniform original jurisdiction  
14 in such cases~~7~~ and within ~~such~~ the geographical boundaries~~7~~ as  
15 shall be prescribed by law~~7~~; provided, that the district court  
16 shall hold court in each county seat and at ~~such~~ other places  
17 as prescribed by law.

18 "(b) The district court shall have jurisdiction of  
19 all cases arising under ordinances of municipalities in which  
20 there is no municipal court ~~and shall hold court in each~~  
21 ~~incorporated municipality of a population of 1000 or more~~  
22 ~~where there is no municipal court at places prescribed by law.~~

23 "Amendment 328, as amended by Amendment 426.

24 "Section 6.09.

25 "(a) A state judicial compensation commission is  
26 ~~hereby~~ created which shall recommend the salary and expense  
27 allowances to be paid from the ~~state treasury~~ State Treasury

1 for all the judges of this state, except for judges of the  
2 probate court. The commission shall consist of five members:  
3 ~~one~~ One shall be appointed by the ~~governor~~ Governor, one by  
4 the ~~president~~ President of the ~~senate~~ Senate, one by the  
5 ~~speaker~~ Speaker of the ~~house~~ House, and two by the governing  
6 body of the Alabama ~~state bar~~ State Bar.

7 "(b) Members of the judicial compensation commission  
8 shall serve for terms of four years. Any vacancy on the  
9 commission shall be filled in the same manner in which ~~such~~  
10 the position was originally filled. The ~~legislature~~  
11 Legislature shall appropriate sufficient funds for the  
12 expenses of the commission.

13 "(c) No member of the commission shall hold any  
14 other public office, or office in any political party, and no  
15 member of the commission shall be eligible for appointment to  
16 a state judicial office so long as he or she is a member of  
17 the commission and for two years thereafter.

18 "(d) The commission may submit a report to the  
19 ~~legislature~~ Legislature at any time within the first five  
20 calendar days of any session. The recommendations of the  
21 commission shall become law upon confirmation by a joint  
22 resolution or such recommendations may be altered by an act of  
23 the ~~legislature~~ Legislature at the session to which the report  
24 is submitted. The compensation of a judge shall not be  
25 diminished during his or her official term.

26 "Amendment 328.

27 "Section 6.10.

1           "(a) The ~~chief justice~~ Chief Justice of the ~~supreme~~  
2 ~~court~~ Supreme Court shall be the administrative head of the  
3 judicial system. ~~He shall appoint an administrative director~~  
4 ~~of courts and other needed personnel to assist him with his~~  
5 ~~administrative tasks.~~ The Supreme Court shall appoint an  
6 Administrative Director of Courts according to procedures  
7 provided by general law. The Administrative Director of Courts  
8 shall assist the Chief Justice with his or her administrative  
9 tasks. The ~~chief justice~~ Chief Justice may assign appellate  
10 justices and judges to any appellate court for temporary  
11 service and may assign trial judges, supernumerary justices  
12 and judges, and retired trial judges and retired appellate  
13 judges for temporary service in any court.

14           "(b) The Legislature shall provide adequate ~~Adequate~~  
15 and reasonable financing for the entire unified judicial  
16 system ~~shall be provided.~~ Adequate and reasonable  
17 appropriations shall be made by the ~~legislature~~ Legislature  
18 for the entire unified judicial system, exclusive of probate  
19 courts and municipal courts. The ~~legislature~~ Legislature shall  
20 receive recommendations for appropriations for the trial  
21 courts from the ~~administrative director of courts~~  
22 Administrative Director of Courts and for the appellate courts  
23 from each such court. The Legislature shall establish  
24 procedures for the appointment of the Administrative Director  
25 of Courts.

26           "Amendment 328.

27           "Section 6.12.

1           "(a) The ~~supreme court~~ Supreme Court shall establish  
2 criteria for determining the number and boundaries of judicial  
3 circuits and districts, and the number of judges needed in  
4 each circuit and district. If the ~~supreme court~~ Supreme Court  
5 finds that a need exists for increasing or decreasing the  
6 number of circuit or district judges, or for changing the  
7 boundaries of judicial circuits or districts, ~~it shall,~~ at the  
8 beginning of any session of the ~~legislature~~ Legislature, the  
9 court shall certify its findings and recommendations to the  
10 ~~legislature~~ Legislature.

11           "(b) If a bill is introduced at any session of the  
12 ~~legislature~~ Legislature to increase or decrease the number of  
13 circuit or district judges, or to change the boundaries of any  
14 judicial circuit or district, the ~~supreme court~~ Supreme Court  
15 must, within three weeks, shall report to the ~~legislature~~  
16 Legislature its recommendations on the proposed change. No  
17 change shall be made in the number of circuit or district  
18 judges, or the boundaries of any judicial circuit or district,  
19 unless authorized by an act adopted after the recommendation  
20 of the ~~supreme court~~ Supreme Court on such proposal has been  
21 filed with the ~~legislature~~ Legislature.

22           "(c) An act decreasing the number of circuit or  
23 district judges shall not affect the right of any judge to  
24 hold his or her office for his or her full term.

25           "Amendment 328.

26           "Section 6.14.

1           "The office of a judge shall be vacant if he or she  
2 dies, resigns, retires, or is removed. Vacancies in any  
3 judicial office shall be filled by appointment by the ~~governor~~  
4 ~~;~~ ~~however, vacancies occurring in any judicial office in~~  
5 ~~Jefferson county shall be filled as now provided by amendments~~  
6 ~~83 and 110 to the Constitution of Alabama of 1901 [Jefferson~~  
7 ~~County §§ 8 and 9] and vacancies occurring in Shelby, Madison,~~  
8 ~~Wilcox, Monroe, Conecuh, Clarke, Washington, Henry, Etowah,~~  
9 ~~Walker, Tallapoosa, Pickens, Greene, Tuscaloosa, St. Clair~~  
10 ~~county shall be filled as provided in the Constitution of 1901~~  
11 ~~with amendments now or hereafter adopted, or as may be~~  
12 ~~otherwise established by a properly advertised and enacted~~  
13 ~~local law~~ Governor, except as specified by a separate local  
14 constitutional amendment now existing or hereafter adopted  
15 that affects only one county or a political subdivision within  
16 one or more counties. A judge, other than a probate judge,  
17 appointed to fill a vacancy, shall serve an initial term  
18 lasting until the first Monday after the second Tuesday in  
19 January following the next general election held after he or  
20 she has completed one year in office. At such election, such  
21 judicial office shall be filled for a full term of office  
22 beginning at the end of the appointed term.

23           "Amendment 328.

24           "Section 6.16.

25           The ~~legislature~~ Legislature shall provide by law for  
26 the retirement of judges, including supernumerary judges, with  
27 such conditions, retirement benefits, and pensions for ~~them~~

1 the judges and their dependents as ~~it~~ the Legislature may  
2 prescribe. No person shall be elected or appointed to a  
3 judicial office after reaching the age of ~~seventy~~ 75 years,  
4 provided that a judge over the age of ~~seventy~~ 70 years may be  
5 appointed to the office of supernumerary judge if he or she is  
6 not eligible to receive state judicial retirement benefits.

7 "Amendment 328, as amended by Amendment 581.

8 "Section 6.17.

9 "(a) A Judicial Inquiry Commission is created  
10 consisting of ~~nine~~ 11 members. The Supreme Court shall appoint  
11 one appellate judge who shall not be a Justice on the Supreme  
12 Court; the Circuit Judges' Association shall appoint two  
13 judges of the circuit court; the Governor shall appoint three  
14 persons who are not lawyers, who shall be subject to Senate  
15 confirmation before serving; ~~the Lieutenant Governor shall~~  
16 ~~appoint one district judge who shall be subject to Senate~~  
17 ~~confirmation~~ the District Judges' Association shall appoint  
18 one judge of the district court; the Probate Judges'  
19 Association shall appoint one judge of the probate court; the  
20 Municipal Judges' Association organized under the Alabama  
21 League of Municipalities shall appoint one judge of the  
22 municipal court; and the governing body of the Alabama State  
23 Bar shall appoint two members of the state bar to serve as  
24 members of the commission. The nominating authorities shall  
25 make every effort to coordinate their appointments to assure  
26 commission membership is inclusive and reflects the racial,  
27 gender, geographic, urban, rural, and economic diversity of

1 ~~the state without regard to political affiliation. Provided,~~  
2 ~~however, that on January 1, 2005, the appointment authority~~  
3 ~~granted to the Lieutenant Governor shall revert to the~~  
4 ~~Governor and the Governor shall thereafter be entitled to~~  
5 ~~appoint three persons who are not lawyers and one district~~  
6 ~~judge, all subject to Senate confirmation.~~ The commission  
7 shall select its own chair. The terms of the members of the  
8 commission shall be four years and each member may serve no  
9 more than two consecutive terms. A vacancy on the commission  
10 shall be filled for a full term in the manner the original  
11 appointment was made.

12           "(b) The commission shall be convened permanently  
13 with authority to conduct investigations and receive or  
14 initiate complaints concerning any judge of a court of the  
15 judicial system of this state. The commission shall file a  
16 complaint with the Court of the Judiciary in the event that a  
17 majority of the members of the commission decide that a  
18 reasonable basis exists, (1) to charge a judge with violation  
19 of any Canon of Judicial Ethics, misconduct in office, or  
20 failure to perform his or her duties, or (2) to charge that  
21 the judge is physically or mentally unable to perform his or  
22 her duties. All proceedings of the commission shall be  
23 confidential except the filing of a complaint with the Court  
24 of the Judiciary. The commission shall prosecute the  
25 complaints.

26           "(c) The Supreme Court shall adopt rules governing  
27 the procedures of the commission.

1           "(d) The commission shall have subpoena power and  
2 authority to appoint and direct its staff. Members of the  
3 commission who are not judges shall receive per diem  
4 compensation and necessary expenses; members who are judges  
5 shall receive necessary expenses only. The Legislature shall  
6 appropriate funds for the operation of the commission.

7           "Amendment 328, as amended by Amendment 581.

8           "Section 6.18.

9           "(a) The Court of the Judiciary is created  
10 consisting of one judge of an appellate court, other than the  
11 Supreme Court, who shall be selected by the Supreme Court and  
12 shall serve as Chief Judge of the Court of the Judiciary; two  
13 judges of the circuit court, who shall be selected by the  
14 Circuit Judges' Association; and one ~~district~~ judge of the  
15 district court, who shall be selected by the District Judges'  
16 Association. Other members of the Court of the Judiciary shall  
17 consist of two members of the state bar, who shall be selected  
18 by the governing body of the Alabama State Bar; ~~two~~ and three  
19 persons who are not lawyers, who shall be appointed by the  
20 Governor; ~~and one person appointed by the Lieutenant Governor.~~  
21 The nominating authorities shall make every effort to  
22 coordinate their appointments to assure court membership is  
23 inclusive and reflects the racial, gender, geographic, urban,  
24 rural, and economic diversity of the state without regard to  
25 political affiliation. Members appointed by the Governor ~~and~~  
26 ~~Lieutenant Governor~~ shall be subject to Senate confirmation  
27 before serving. ~~Provided, however, that on January 1, 2005,~~

1 ~~the appointment authority granted to the Lieutenant Governor~~  
2 ~~shall revert to the Governor and the Governor shall thereafter~~  
3 ~~be entitled to appoint three persons who are not lawyers,~~  
4 ~~subject to Senate confirmation.~~ The court shall be convened to  
5 hear complaints filed by the Judicial Inquiry Commission. The  
6 court shall have authority, after notice and public hearing,  
7 to do either of the following:

8 (1) ~~to remove~~ Remove from office, suspend, with or  
9 without pay, or censure a judge, or apply ~~such~~ any other  
10 sanction as may be prescribed by law, for a violation of a  
11 Canon of Judicial Ethics, misconduct in office, or failure to  
12 perform his or her duties~~7.~~

13 (2) ~~to suspend~~ Suspend, with or without pay, or ~~to~~  
14 retire a judge who is physically or mentally unable to perform  
15 his or her duties.

16 "(b) A judge aggrieved by a decision of the Court of  
17 the Judiciary may appeal to the Supreme Court. The Supreme  
18 Court shall review the record of the proceedings on the law  
19 and the facts.

20 "(c) The Supreme Court shall adopt rules governing  
21 the procedures of the Court of the Judiciary.

22 "(d) The Court of the Judiciary ~~shall have power to~~  
23 may issue subpoenas. The Legislature shall provide by law for  
24 the expenses of the court.

25 "Amendment 328.

26 "Section 6.19.

1           "(a) A judge shall be disqualified from acting as a  
2 judge, without loss of salary, ~~while there is pending in~~  
3 either of the following circumstances:

4           "(1) ~~an~~ An indictment or ~~an~~ information charging him  
5 or her in the United States with a crime punishable as a  
6 felony under a state or federal law, ~~or is pending.~~

7           "(2) ~~a~~ A complaint against him ~~filed by the judicial~~  
8 ~~inquiry commission with the court of the judiciary.~~ or her  
9 recommending disqualification adopted by a two-thirds vote of  
10 the Judicial Inquiry Commission is pending with the Court of  
11 the Judiciary and both of the following conditions are met:

12           "a. The complaint alleges the judge is physically or  
13 mentally unable to perform his or her judicial duties or poses  
14 a substantial threat of serious harm to the public or the  
15 administration of justice.

16           "b. The recommendation of disqualification is  
17 approved by the Chief Judge of the Court of the Judiciary.

18           "(b) A judge who is suspended pursuant to  
19 subdivision (2) of subsection (a) shall have the opportunity  
20 to request a review of the suspension pursuant to rules of  
21 procedure adopted by the Supreme Court to govern the Court of  
22 the Judiciary.

23           "Amendment 328.

24           "Section 6.20.

25           "(a) A district attorney for each judicial circuit  
26 shall be elected by the qualified electors of those counties  
27 in such circuit. ~~Such~~ The district attorney shall be licensed

1 to practice law in this state and ~~shall~~, at the time of his or  
2 her election and during his or her continuance in office,  
3 shall reside in his or her circuit. ~~His~~ The term of office  
4 shall be for six years and he or she shall receive ~~such~~  
5 compensation as provided by law. Vacancies in the office of  
6 district attorney and in his or her staff shall be filled as  
7 provided by law.

8 "(b) Clerks of the circuit courts shall be elected  
9 by the qualified electors in each county for a term of six  
10 years. If the office of register in chancery continues to be  
11 provided by law, then the clerk of the circuit court may also  
12 fill such office in a manner prescribed by law. Vacancies in  
13 the office of clerk of the circuit court shall be filled by  
14 the judge or judges of the circuit court who have jurisdiction  
15 over the county in which the office of clerk of the circuit  
16 court is located.

17 ~~"(c) Persons elected to the position of constable to~~  
18 ~~assist the courts of the state as provided by law shall be~~  
19 ~~subject to the same restrictions, rights and limitations as~~  
20 ~~are specified in section 280 of the Constitution of 1901, and~~  
21 ~~no law shall prohibit the receipt of fees for the performance~~  
22 ~~of official duties of said position while holding any other~~  
23 ~~elected or appointed office.~~

24 ~~"(d)~~ (c) The revenue from fines, forfeitures, and  
25 court costs produced in district courts from the exercise of  
26 jurisdiction under municipal ordinances shall be apportioned

1 between the municipality and the state as shall be provided by  
2 law.

3 "Section 173.

4 "(a) The Governor, Lieutenant Governor, Attorney  
5 General, State Auditor, Secretary of State, State Treasurer,  
6 members of the State Board of Education, and Commissioner of  
7 Agriculture and Industries, ~~and justices of the supreme court~~  
8 may be removed from office for willful neglect of duty,  
9 corruption in office, incompetency, or intemperance in the use  
10 of intoxicating liquors or narcotics to such an extent, in  
11 view of the dignity of the office and importance of its  
12 duties, as unfits the officer for the discharge of such duties  
13 for any offense involving moral turpitude while in office, or  
14 committed under color thereof, or connected therewith.

15 "(b) The House of Representatives shall present  
16 articles or charges of impeachment against those persons  
17 identified in subsection (a), specifying the cause to the  
18 Senate.

19 "(c) The Senate, sitting as a court of impeachment,  
20 shall take testimony under oath on articles or charges  
21 preferred by the House of Representatives.

22 "(d) The Lieutenant Governor shall preside over the  
23 Senate when sitting as a court of impeachment, provided,  
24 however, that if the Governor or Lieutenant Governor is  
25 impeached, the Chief Justice, or if the Chief Justice be  
26 absent or disqualified, then one of the associate justices of  
27 the supreme court, to be selected by the court, shall preside

1 over the Senate when sitting as a court of impeachment. No  
2 person may be convicted by the Senate sitting as a court of  
3 impeachment without the concurrence of two-thirds of the  
4 members present.

5 "(e) If at any time when the Legislature is not in  
6 session, a majority of all the members elected to the House of  
7 Representatives shall certify in writing to the Secretary of  
8 State their desire to meet to consider the impeachment of the  
9 Governor, Lieutenant Governor, or other officer administering  
10 the office of Governor, it shall be the duty of the Secretary  
11 of State immediately to notify the Speaker of the House who,  
12 within 10 days after receipt of the notice, shall summon the  
13 members of the House to assemble at the capitol on a day to be  
14 fixed by the Speaker, but not later than 15 days after receipt  
15 of the notice by the Speaker from the Secretary of State, to  
16 consider the impeachment of the Governor, Lieutenant Governor,  
17 or other officer administering the office of Governor.

18 "(f) If the House of Representatives prefers  
19 articles of impeachment, the Speaker of the House shall  
20 forthwith notify the Lieutenant Governor, unless he or she is  
21 the officer impeached, in which event the President Pro  
22 Tempore of the Senate shall be notified, who shall summon the  
23 members of the Senate to assemble at the capitol on a  
24 specified day not later than 10 days after receipt of the  
25 notice from the Speaker of the House, for the purpose of  
26 hearing and trying the articles of impeachment against the  
27 Governor, Lieutenant Governor, or other officer administering

1 the office of Governor, as may be preferred by the House of  
2 Representatives.

3 "Section 174.

4 ~~"The judges of the district and circuit courts,~~  
5 ~~judges of the probate courts, and judges of other courts from~~  
6 ~~which an appeal may be taken directly to the supreme court,~~  
7 ~~district District attorneys,~~ and sheriffs, may be removed from  
8 office for any of the causes specified in Section 173 or  
9 elsewhere in this constitution, by the supreme court, or under  
10 such regulations as may be prescribed by rule of the Supreme  
11 Court of Alabama or law. The Legislature may provide for the  
12 impeachment or removal of other officers than those named in  
13 this article."

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

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

25 "Proposing an amendment to the Constitution of  
26 Alabama of 1901, to increase the membership of the Judicial  
27 Inquiry Commission and further provide for the appointment of

1 the additional members; further provide for the membership of  
2 the Court of the Judiciary and further provide for the  
3 appointment of the additional members; further provide for the  
4 process of disqualifying an active judge; repeal provisions  
5 providing for the impeachment of Supreme Court Justices and  
6 appellate judges and the removal for cause of the judges of  
7 the district and circuit courts, judges of the probate courts,  
8 and judges of certain other courts by the Supreme Court;  
9 delete the authority of the Chief Justice of the Supreme Court  
10 to appoint an Administrative Director Courts; provide the  
11 Supreme Court of Alabama with authority to appoint an  
12 Administrative Director of Courts; require the Legislature to  
13 establish procedures for the appointment of the Administrative  
14 Director of Courts; delete the requirement that a district  
15 court hold court in each incorporated municipality with a  
16 population of 1,000 or more where there is no municipal court;  
17 provide that the procedure for the filling of vacancies in the  
18 office of a judge may be changed by local constitutional  
19 amendment; increase the age restriction on elected or  
20 appointed judicial officers to 75 years; delete certain  
21 language relating to the position of constable holding more  
22 than one state office; delete a provision providing for the  
23 temporary maintenance of the prior judicial system; repeal the  
24 office of circuit solicitor; and make certain nonsubstantive  
25 stylistic changes.

26 "Proposed by Act \_\_\_\_\_."

1                    This description shall be followed by the following  
2    language:  
3                    "Yes ( ) No ( )."