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

Τ	19968/-1:n:U4/23/2019:FC/tj LSA2019-1483	
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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
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To propose an amendment to the Constitution of

Alabama of 1901, to amend Section 6.14 of Amendment 328 of the

Constitution of Alabama of 1901, now appearing as Section 153

of the Official Recompilation of the Constitution of Alabama

of 1901, as amended, to further provide for the initial term

of judges, except judges of probate, appointed to fill

vacancies.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

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

"6.14. Vacancies in judicial office.

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

Henry, Etowah, Walker, Tallapoosa, Pickens, Greene, 1 2 Tuscaloosa, St. Clair county shall be filled as provided in the Constitution of 1901 with amendments now or hereafter 3 adopted, or as may be otherwise established by a properly 4 5 advertised and enacted local law. A Notwithstanding any other provision of any amendment to this Constitution, a judge, 6 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 the remainder of the original term of the judge elected to the 11 office which is vacant, whichever is longer. At such the 12 13 election such the judicial office shall be filled for a full term of office beginning at the end of the appointed term." 14

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

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

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

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of probate, appointed to fill a vacancy would serve an initial
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        term until the first Monday after the second Tuesday in
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        January following the next general election after the judge
        has completed two years in office or the remainder of the
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        original term of the judge elected to the office, whichever is
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 6
        longer.
                  "Proposed by Act ____."
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                  This description shall be followed by the following
 8
        language:
 9
10
                  "Yes ( ) No ( )."
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