

1 HB315
2 204671-1
3 By Representative Chestnut (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 25-FEB-20

SYNOPSIS: Under existing law, vacancies in any judicial office are filled by appointment by the Governor, except in counties that have adopted constitutional amendments.

This bill would propose an amendment to the Constitution of Alabama 1901, to provide that vacancies in the Office of District Court Judge in Dallas County, are filled by the Governor based on nominations made by the Dallas County Judicial Commission and the appointee holds office until the successor elected at the next general election for any state officer takes office.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama 1901, to provide that vacancies in the Office of District Court Judge in Dallas County, are filled by the

1 Governor based on nominations made by the Dallas County
2 Judicial Commission and the appointee holds office until the
3 successor elected at the next general election for any state
4 officer takes office.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. The following amendment to the
7 Constitution of Alabama of 1901, is proposed and shall become
8 valid as a part of the Constitution when all requirements of
9 this act are fulfilled:

10 PROPOSED AMENDMENT

11 All vacancies in the Office of Judge of the District
12 Court of Dallas County which occur subsequent to January 15,
13 2021, shall be filled pursuant to the provisions of this
14 amendment.

15 Section 2. (a) The Dallas County Judicial Commission
16 is created for the purpose of nominating to the Governor,
17 persons for appointment to any vacancy in the Office of Judge
18 of the District Court of Dallas County. The commission shall
19 be composed of the following:

20 (1) Two persons who are members of the Alabama State
21 Bar to be elected by attorneys licensed to practice law in
22 this state who reside in Dallas County. The executive
23 committee of the Dallas County local bar association or its
24 successor body in the capacity, is authorized and directed to
25 make rules, not inconsistent with this amendment, for the
26 election of the two members. The executive committee shall

1 certify in writing to the Judge of Probate of Dallas County
2 the names of the two persons elected.

3 (2) Two persons who are not members of the Alabama
4 State Bar to be elected by the members of the Dallas County
5 Legislative Delegation. The members of the Dallas County
6 Legislative Delegation shall certify in writing to the Judge
7 of Probate of Dallas County the names of the two persons
8 elected.

9 (3) One judge of the Circuit Court of the Fourth
10 Judicial Circuit to be elected by the Circuit Judges of the
11 Fourth Judicial Circuit. The judges of the circuit court shall
12 certify in writing to the Judge of Probate of Dallas County
13 the name of the circuit judge elected.

14 (b) The Judge of Probate of Dallas County shall
15 record all certificates of election and safely and permanently
16 keep the original certificates. Upon receipt and recordation
17 of each certificate, the judge of probate shall send a
18 certified copy of the certificate to the Governor.

19 (c) All members of the commission, except the
20 circuit judge, shall reside in the territorial jurisdiction of
21 the District Court of Dallas County.

22 Section 3. The terms of office of all members of the
23 commission shall be six years, except that the initial terms
24 of office of the two members of the state bar shall be one and
25 two years respectively, and the initial terms of office for
26 the two members who are not members of the state bar shall be
27 three and four years respectively, and the initial term of the

1 circuit judge elected by the circuit judges shall be for five
2 years. The length of each initial term of office shall be
3 designated by the electing bodies. The terms of the initial
4 members of the commission shall begin on January 16, 2021. A
5 vacancy in the office of a member of the commission shall be
6 filled for the unexpired term in the same manner as the member
7 was originally chosen. No member of the commission shall be
8 eligible to serve consecutive terms.

9 Section 4. A member of the commission may not
10 receive any salary or other compensation for serving as a
11 member. A member of the commission other than the member
12 required to be a judge of the circuit court may not hold any
13 public office or any official position in any political party.
14 A member of the commission is not eligible for nomination to
15 the Governor for appointment as judge of the district court
16 within six months of being a member of the commission.

17 Section 5. If, subsequent to January 15, 2021, a
18 vacancy occurs in the Office of Judge of the District Court of
19 Dallas County, the commission, within 60 days, shall nominate
20 to the Governor three persons having the qualifications for
21 the office. The nominations shall be made only by the
22 concurrence of a majority of the members of the commission. If
23 the commission fails to nominate three persons during the
24 60-day period, the names shall be selected by the Chief
25 Justice or Acting Chief Justice of the Alabama Supreme Court
26 within 10 days. The Governor shall appoint to the office in
27 which the vacancy exists one of the three persons nominated.

1 The appointee shall hold the office until a successor elected
2 at the next general election for any state officer held at
3 least six months after the vacancy occurs takes office.

4 Section 6. 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 7. 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 Dallas County, proposing an amendment
16 to the Constitution of Alabama of 1901, to provide that
17 vacancies in the Office of District Court Judge in Dallas
18 County, are filled by the Governor based on nominations made
19 by the Dallas County Judicial Commission and the appointee
20 holds office until the next general election for any state
21 officer held at least six months after the vacancy occurs.

22 "Proposed by Act _____"

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

25 "Yes () No ()."

1 Section 8. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.