

1 HB637
2 212270-2
3 By Representative Lovvorn (Constitutional Amendment)
4 RFD: Lee County Legislation
5 First Read: 20-APR-21

8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, relating to Lee
10 County, to establish the Lee County Judicial
11 Commission and provide for the filling of vacancies
12 in the office of judge of the circuit court and
13 judge of the district court.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to Lee County; proposing an amendment to
20 the Constitution of Alabama of 1901, to establish the Lee
21 County Judicial Commission and provide for the filling of
22 vacancies in the office of judge of the circuit court and
23 judge of the district court.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The following amendment to the
26 Constitution of Alabama of 1901, is proposed and shall become

1 valid as a part of the Constitution when all requirements of
2 this act are fulfilled:

3 PROPOSED AMENDMENT

4 (a) In Lee County, all vacancies in the office of
5 judge of the circuit court and the office of judge of the
6 district court shall be filled in the manner and for the time
7 as provided in this amendment.

8 (b) The Lee County Judicial Commission is created
9 for the purpose of nominating to the Governor individuals for
10 appointment to any vacancy in the offices of judge of the
11 circuit court and judge of the district court.

12 (c) The eight members of the commission shall
13 consist of the following:

14 (1) The presiding judge of the Circuit Court of Lee
15 County, as a nonvoting ex officio member who may only vote in
16 the event of a tie vote among the other six members of the
17 commission. The presiding judge shall preside over all
18 meetings of the commission.

19 (2) A practicing attorney in Lee County in good
20 standing with the Alabama State Bar, who is a member of the
21 Lee County Bar Association, and whose practice specializes in
22 criminal prosecution.

23 (3) A practicing attorney in Lee County in good
24 standing with the Alabama State Bar, who is a member of the
25 Lee County Bar Association, and whose practice specializes in
26 criminal defense.

1 (4) A practicing attorney in Lee County in good
2 standing with the Alabama State Bar, who is a member of the
3 Lee County Bar Association, and whose practice specializes in
4 domestic relations.

5 (5) A practicing attorney in Lee County in good
6 standing with the Alabama State Bar, who is a member of the
7 Lee County Bar Association, and whose practice specializes in
8 civil defense litigation.

9 (6) A practicing attorney in Lee County in good
10 standing with the Alabama State Bar, who is a member of the
11 Lee County Bar Association, and whose practice specializes in
12 civil plaintiff litigation.

13 (7) A practicing attorney in Lee County in good
14 standing with the Alabama State Bar, who is a member of the
15 Lee County Bar Association, and whose practice specializes in
16 probate law.

17 (8) One resident of Lee County who is not a member
18 of the Alabama State Bar.

19 (d) (1) The seven members of the commission who are
20 required to be members of the Alabama State Bar and the Lee
21 County Bar Association shall be nominated by the Lee County
22 Bar Association Executive Committee and be elected by the
23 members of the Lee County Bar Association whose primary
24 practice or principal office is located in the territorial
25 jurisdiction of Lee County.

26 (2) The Executive Committee of the Lee County Bar
27 Association, or its successor body, shall adopt rules, not

1 inconsistent with this amendment, for the election of the
2 members of the commission as required in subdivision (1).

3 (3) The Executive Committee of the Lee County Bar
4 Association shall certify in writing, to the Judge of Probate
5 of Lee County, the names of the individuals elected as members
6 of the commission by the Lee County Bar Association.

7 (e) The one non-lawyer member of the commission
8 shall be appointed by mutual consent of the members of the
9 Legislature who represent Lee County.

10 (f) The term of office shall be for six years. A
11 member may not serve more than two consecutive terms.

12 (g) The Judge of Probate of Lee County shall record
13 all certificates of election and shall safely and permanently
14 retain the original and all subsequent certifications of
15 election. Upon receipt and recordation of a certificate of
16 election, the Judge of Probate shall immediately send a
17 certified copy to the Governor.

18 (h) A member of the commission may not seek
19 appointment in the office of judge of the circuit court or
20 judge of the district court while serving as a member of the
21 commission.

22 (i) The members of the commission may not receive
23 any salary or other compensation for their service as members.

24 (j) The members of commission may not hold any
25 elected public office nor hold any official position in a
26 political party.

1 (k) If a vacancy occurs in the office of judge of
2 the circuit court or judge of the district court, the
3 presiding judge of the Circuit Court of Lee County shall call
4 a meeting of the commission to fill the vacancy. The
5 commission shall nominate three individuals who meet the
6 qualifications for the vacant office. The nominations shall be
7 made only by the concurrence of a majority of the members of
8 the commission. The presiding judge of the Circuit Court of
9 Lee County shall certify the three nominees to the Governor,
10 who shall appoint one of the three nominees to the vacant
11 office. If the Governor fails to make an appointment within 30
12 days from the date of submission, the appointment shall be
13 made by the Chief Justice of the Supreme Court.

14 (l) The appointment shall hold office for an initial
15 term as provided by law.

16 Section 2. An election upon the proposed amendment
17 shall be held at the next general election in accordance with
18 Section 284.01 of the Constitution of Alabama of 1901, now
19 appearing as Section 284.01 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended, and the
21 election laws of this state.

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

1 "Relating to Lee County, proposing an amendment to
2 the Constitution of Alabama of 1901, to establish the Lee
3 County Judicial Commission and provide for the filling of
4 vacancies in the office of judge of the circuit court and
5 judge of the district court.

6 "Proposed by Act _____"

7 This description shall be followed by the following
8 language:

9 "Yes () No ()."