

1 HB312
2 172825-3
3 By Representatives Fridy, Weaver, Hill (M) and Mooney
4 (Constitutional Amendment)
5 RFD: Judiciary
6 First Read: 24-FEB-16

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8 SYNOPSIS: Under existing law, generally, vacancies in
9 judicial office are filled by appointment by the
10 Governor and the appointee holds office until the
11 first Monday after the second Tuesday in January
12 following the first general election held more than
13 one year after the appointee takes office.

14 Notwithstanding the general provision,
15 vacancies in the Office of Circuit Court Judge and
16 District Court Judge in the 18th Judicial Circuit,
17 comprised of Shelby County, are filled by the
18 Governor based on nominations made by the Shelby
19 County Judicial Commission and the appointee holds
20 office until the next general election for any
21 state officer held at least six months after the
22 vacancy occurs. Thereafter, a successor is elected
23 for the remainder of the unexpired term of the
24 original judgeship.

25 This bill would propose an amendment to
26 Amendment 804 of the Constitution of Alabama of
27 1901, now appearing as Local Amendments, Shelby

1 County, Section 4.10 of the Official Recompilation
2 of the Constitution of Alabama of 1901, as amended,
3 specifying that when a vacancy in the office of
4 circuit or district judge in the 18th Judicial
5 Circuit is filled by an appointment, the term of
6 office of the appointed judge would be the same as
7 for judicial vacancies generally.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 Relating to Shelby County; to propose an amendment
14 to Amendment 804 of the Constitution of Alabama of 1901, now
15 appearing as Local Amendments, Shelby County, Section 4.10 of
16 the Official Recompilation of the Constitution of Alabama of
17 1901, as amended; to revise the term of office of a circuit
18 court judge or district court judge appointed to fill a
19 vacancy in the 18th Judicial Circuit so that the term will
20 correspond to the general provisions of Section 153 of the
21 Constitution.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. The following amendment to the
24 Constitution of Alabama of 1901, is proposed and shall become
25 valid as a part of the Constitution when all requirements of
26 this act are fulfilled:

27 PROPOSED AMENDMENT

1 Amendment 804 to the Constitution of Alabama of
2 1901, now appearing as Local Amendments, Shelby County,
3 Section 4.10 of the Official Recompilation of the Constitution
4 of Alabama of 1901, as amended, to read as follows:

5 "Amendment 804.

6 "All vacancies in the office of the judge of the
7 circuit court and the office of the judge of the district
8 court of the 18th Judicial Circuit shall be filled in the
9 manner and for the time as herein provided.

10 "The Shelby County Judicial Commission is hereby
11 created for the purpose of nominating to the Governor persons
12 for appointment to a vacancy. The commission shall be composed
13 of five members. The members of the commission shall be as
14 follows: Two persons who are members of the Alabama State Bar;
15 two persons who are not members of the Alabama State Bar; and
16 the presiding judge of the 18th Judicial Circuit.

17 "All members of the commission shall reside in the
18 territorial jurisdiction of the 18th Judicial Circuit.

19 "The two members of the commission who are required
20 to be members of the Alabama State Bar shall be elected by the
21 members of the bar who are regularly licensed and qualified to
22 practice law in this state. The Executive Committee of the
23 Shelby County Bar Association, or its successor body in such
24 capacity, is authorized and directed to make rules, not
25 inconsistent with this amendment, for the election of the two
26 members of the commission who are required to be members of
27 the Alabama State Bar. The executive committee shall certify

1 in writing to the Judge of Probate of Shelby County the names
2 of the persons elected as members of the commission by the
3 members of the bar and the name of the presiding judge of the
4 circuit court who shall serve on the commission by virtue of
5 his or her position as presiding judge.

6 "The members of the Legislature representing Shelby
7 County shall elect the two members of the commission who are
8 required not to be members of the Alabama State Bar.

9 "The members of the Legislature representing Shelby
10 County shall certify in writing to the judge of probate the
11 names of the persons elected by them as members.

12 "The terms of office of all members of the
13 commission shall be six years, except that the terms of office
14 of the two members of the State Bar first elected shall be for
15 one and two years respectively, and of the two members first
16 elected by the members of the Legislature representing Shelby
17 County shall be for three and four years respectively; the
18 length of the terms of office of the members of the commission
19 being indicated by the respective electing bodies. The terms
20 of the initial members of the commission shall begin on
21 January 1, 2009. A vacancy in the office of a member of the
22 commission shall be filled for the unexpired term in the same
23 manner as that member was originally chosen.

24 "The Judge of Probate of Shelby County shall record
25 all certificates of election and shall safely and permanently
26 keep the original certificates. Upon receipt and recordation

1 of each certificate, the judge of probate shall send to the
2 Governor a certified copy of each certificate.

3 "No member of the commission shall be eligible to
4 succeed himself or herself as a member or for nomination to
5 the Governor for appointment as judge of the circuit or
6 district court during the term of office for which the member
7 shall have been selected.

8 "The members of the commission shall not receive any
9 salary or other compensation for their services as members. No
10 member of the commission other than the member who is the
11 presiding judge of the 18th Judicial Circuit shall hold any
12 public office and no member of the commission shall hold any
13 official position in any political party.

14 "If, subsequent to January 1, 2009, a vacancy occurs
15 in the office of judge of the circuit or district court in the
16 18th Judicial Circuit, the commission shall nominate to the
17 Governor three persons having the qualifications for the
18 office. The nomination shall be made only by the concurrence
19 of a majority of the members of the commission. The Governor
20 shall appoint to the office in which the vacancy exists one of
21 the three persons so nominated for the office. ~~The appointee
22 shall hold office until the next general election for any
23 state officer held at least six months after the vacancy
24 occurs and until his or her successor is elected and
25 qualified; the successor shall hold office for the unexpired
26 term and until his or her successor is elected and qualified.~~
27 The term of office of a judge appointed to fill a vacancy

1 shall be as otherwise provided in Section 153 of this
2 constitution. The judicial authority of any person appointed
3 to fill a judicial vacancy in the judicial circuit prior to
4 January 16, 2017, is ratified and confirmed.

5 "Any vacancy occurring in the office of judge of the
6 18th Judicial Circuit, which is required to be filled by
7 appointment on nominations made by the commission, shall be
8 ~~made~~ filled within 90 days from the date of the submission of
9 the nominations. In the event the Governor fails to fill the
10 vacancy from the nominations within that period, the
11 appointment shall be made by the Chief Justice of the Supreme
12 Court of Alabama."

13 Section 2. An election upon the proposed amendment
14 shall be held in accordance with Amendment 555 to the
15 Constitution of Alabama of 1901, now appearing as Section
16 284.01 of the Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, and the election laws of this
18 state.

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

24 "Relating to Shelby County, proposing an amendment
25 to Amendment 804 to the Constitution of Alabama of 1901, to
26 revise the term of office of a person appointed to fill a
27 vacancy in the office of circuit or district judge in the 18th

1 Judicial Circuit so that the term will correspond with the
2 general provisions of Section 153 of the Constitution.

3 "Proposed by Act _____"

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."