

1 HB295
2 163925-1
3 By Representative Scott (Constitutional Amendment)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 17-MAR-15

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8 SYNOPSIS: Under Amendment 425 to the Constitution of
9 Alabama of 1901, as amended by Amendment 555 to the
10 Constitution of Alabama of 1901, the Legislature
11 may propose a local constitutional amendment that
12 affects only one county or a municipality in one or
13 more counties. If the local constitutional
14 amendment receives at least three-fifths of the
15 vote in each house, does not receive a negative
16 vote, and is approved by a majority of the Local
17 Constitutional Amendment Commission, it is voted on
18 only in that county or counties. If the measure
19 receives a negative vote in either house or is not
20 approved by a majority vote of the commission, it
21 is voted on statewide.

22 The amendment would repeal those amendments
23 and add a new section to Article XVIII of the
24 Constitution of Alabama of 1901, Mode of Amending
25 the Constitution, providing that a local
26 constitutional amendment that is passed by a
27 three-fifths vote of each house and determined by

1 vote of a majority of each house to affect or apply
2 to only one county or a political subdivision in
3 one or more counties shall be voted on only in that
4 county or political subdivision and county or
5 counties. The amendment would abolish the Local
6 Constitutional Amendment Commission but would
7 require a statewide referendum if, after passage by
8 a three-fifths vote, at least one member of the
9 Legislature determines by vote that the amendment,
10 other than an amendment that applies to a political
11 subdivision in more than one county, affects or
12 applies to more than one county.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT
17

18 To repeal Amendments 425 and 555 to the Constitution
19 of Alabama of 1901, now appearing as Section 284.01 of the
20 Official Recompilation of the Constitution of Alabama of 1901,
21 as amended, relating to local constitutional amendments, and
22 to a new add Section 284.01 to Article XVIII of the
23 Constitution of Alabama of 1901, providing for local
24 constitutional amendments.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The following amendment to the
27 Constitution of Alabama of 1901, as amended, is proposed and

1 shall become valid as a part thereof when approved by a
2 majority of the qualified electors voting thereon and in
3 accordance with Sections 284, 285, and 287 of the Constitution
4 of Alabama of 1901, as amended:

5 PROPOSED AMENDMENT

6 I. Amendments 425 and 555 to the Constitution of
7 Alabama of 1901, are repealed.

8 II. Section 284.01 is added to the Constitution of
9 Alabama of 1901, to read as follows:

10 Section 284.01. (a) The Legislature shall determine
11 whether a proposed constitutional amendment affects or applies
12 to only one county or a political subdivision within one or
13 more counties under the procedures set out herein. If the
14 Legislature determines that a proposed constitutional
15 amendment affects or applies to only one county or a political
16 subdivision within one or more counties, the amendment may be
17 adopted as a valid part of the constitution only by a
18 favorable vote of a majority of the qualified electors of the
19 affected county or, if applicable, the political subdivision
20 and the county or counties in which the political subdivision
21 is located, who vote on the amendment as provided in
22 subsections (b) and (c). If the Legislature fails to determine
23 that a proposed constitutional amendment affects or applies to
24 only one county or a political subdivision within one or more
25 counties pursuant to the procedures set out in subsection (b),
26 the amendment may be adopted as a valid part of the
27 constitution only by a favorable vote of a majority of the

1 qualified electors who vote on the amendment in a statewide
2 referendum, as provided in subsection (d), and a majority of
3 the qualified voters of the affected county or counties voting
4 on the amendments, as provided in subsection (d).

5 (b) To determine whether a proposed amendment shall
6 be placed on the ballot in only one county or a political
7 subdivision within one or more counties and the affected
8 county or counties, as provided in subsection (a), the
9 proposed amendment shall be approved by each house of the
10 Legislature under the following process:

11 (1) The proposed amendment must first be approved,
12 if at all, by at least three-fifths of all the members elected
13 to the house in which it originates.

14 (2) Immediately following approval under subdivision
15 (1), the house shall consider a resolution of local
16 application declaring that the proposed amendment affects or
17 applies to only one county or a political subdivision within
18 one or more counties specifying by proper name the county or
19 the political subdivision and the county or counties within
20 which the political subdivision is located.

21 (3) The proposed amendment shall then be sent to the
22 other house for consideration and, if at least three-fifths of
23 all the members elected to that house vote in favor of the
24 proposed amendment, that house shall likewise immediately
25 proceed to consider a resolution of local application as
26 provided in subdivision (2).

1 In the event that both houses of the Legislature
2 approve the amendment by at least a three-fifths vote of their
3 elected members and also determine by vote without dissent
4 that the proposed amendment affects or applies to only one
5 county or a political subdivision within one or more counties,
6 the proposed amendment shall be placed on the ballot only in
7 the county or political subdivision and county or counties
8 affected.

9 (c) If after having been approved by at least a
10 three-fifths vote of the elected members of either house of
11 the Legislature, there is at least one dissenting vote cast on
12 the resolution in either house on the question of whether the
13 proposed amendment affects or applies to only one county or
14 only to a political subdivision within one or more counties,
15 the proposed amendment shall automatically be submitted in a
16 statewide referendum in accordance with the procedures for
17 proposed statewide constitutional amendments under Sections
18 284 and 285 of the Constitution of Alabama of 1901. If the
19 proposed amendment is submitted in a statewide referendum, it
20 shall not become effective unless approved by a majority of
21 the qualified voters voting on the amendment statewide and a
22 majority of the voters of any county or political subdivision
23 named in the resolution voting on the amendment.

24 (d) Notice of the election, together with the
25 proposed amendment, shall be given by proclamation of the
26 Governor, which proclamation shall be published once a week
27 for four successive weeks next preceding the day appointed for

1 the election in each newspaper qualified to run legal notices
2 in the county or counties affected.

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

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

14 "Proposing an amendment to the Constitution of
15 Alabama of 1901, to revise the procedure for adoption of local
16 constitutional amendments to provide that a proposed
17 constitutional amendment the Legislature determines without a
18 dissenting vote applies to only one county or a political
19 subdivision within one or more counties shall be adopted as a
20 valid part of the constitution by a favorable vote of a
21 majority of the qualified electors of the affected county or
22 the political subdivision and county or counties in which the
23 political subdivision is located, who vote on the amendment.

24 "Proposed by Act _____."

25 This description shall be followed by the following
26 language:

27 "Yes () No ()."

