1   SB30

2   163925-1

3   By Senator Coleman (Constitutional Amendment)

4   RFD: Constitution, Ethics and Elections

5   First Read: 03-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

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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:

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 ( )."