

1 HB28
2 112959-1
3 By Representative Mitchell (Constitutional Amendment)
4 RFD: Constitution and Elections
5 First Read: 12-JAN-10
6 PFD: 09/23/2009

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8 SYNOPSIS: Currently, the Constitution of Alabama of
9 1901, does not require circuit judges and district
10 judges to be elected from districts.

11 This bill would require circuit judges and
12 district judges in a county in which a Class 2
13 municipality is located to be elected from
14 districts.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Sections 6.04, and 6.05 as added by
21 Amendment 328 of the Constitution of Alabama of 1901, now
22 appearing as Sections 142 and 143 of the Official
23 Recompilation of the Constitution of Alabama of 1901, as
24 amended; to provide that in a county in which a Class 2
25 municipality is located, the circuit judges and district
26 judges would be elected from districts.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 "(b) The circuit court shall exercise general
2 jurisdiction in all cases except as may otherwise be provided
3 by law. The circuit court may be authorized by law to review
4 decisions of state administrative agencies and decisions of
5 inferior courts. It shall have authority to issue such writs
6 as may be necessary or appropriate to effectuate its powers,
7 and shall have such other powers as may be provided by law.

8 "6.05. District court.

9 "(1) The district court shall be a court of limited
10 jurisdiction and shall exercise uniform original jurisdiction
11 in such cases, and within such geographical boundaries, as
12 shall be prescribed by law, provided that the district court
13 shall hold court in each county seat and at such other places
14 as prescribed by law. The district court shall have
15 jurisdiction of all cases arising under ordinances of
16 municipalities in which there is no municipal court and shall
17 hold court in each incorporated municipality of a population
18 of 1000 or more where there is no municipal court at places
19 prescribed by law.

20 "(2) The Legislature shall divide each county in
21 which a Class 2 municipality is located which has multiple
22 district judges into districts commensurate with the number of
23 district judges as may be prescribed by law for the county and
24 there shall be elected one judge for and from each district by
25 the qualified electors of the district at a time and in the
26 manner provided by law. The adoption of this amendment shall
27 not abridge the term of any individual then holding office who

1 shall continue to hold office until the expiration of the term
2 for which the individual was elected.

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 Sections 6.04 and 6.05 of
15 the Judicial Article as added by Amendment 328 to the
16 Constitution of Alabama of 1901, to provide that circuit
17 judges and district judges in a county in which a Class 2
18 municipality is located would be elected from districts and
19 allowing all incumbent judges.

20 "Proposed by Act _____."

21 This description shall be followed by the following
22 language:

23 "Yes () No ()."