

1 HB4
2 112960-1
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 the Associate Justices of
10 the Alabama Supreme Court, appellate judges,
11 circuit judges, and district judges to be elected
12 from districts.

13 This bill would require the Associate
14 Justices of the Alabama Supreme Court, appellate
15 judges, circuit judges, and district judges to be
16 elected from districts.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Sections 6.02, 6.03, 6.04, and 6.05 as
23 added by Amendment 328 of the Constitution of Alabama of 1901,
24 now appearing as Sections 140, 141, 142, and 143 of the
25 Official Recompilation of the Constitution of Alabama of 1901,
26 as amended; to provide that the Associate Justices of the

1 Alabama Supreme Court, appellate judges, circuit judges, and
2 district judges would be elected from districts.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the
5 Constitution of Alabama of 1901, as amended, is proposed and
6 shall become valid as a part thereof when approved by a
7 majority of the qualified electors voting thereon and in
8 accordance with Sections 284, 285, and 287 of the Constitution
9 of Alabama of 1901, as amended:

10 PROPOSED AMENDMENT

11 Sections 6.02, 6.03, 6.04, and 6.05 as added by
12 Amendment 328 of the Constitution of Alabama of 1901, now
13 appearing as Sections 140, 141, 142, and 143 of the Official
14 Recompilation of the Constitution of Alabama of 1901, as
15 amended, are amended to read as follows:

16 "6.02. The supreme court.

17 "(a) (1) The supreme court shall be the highest court
18 of the state and shall consist of one chief justice and such
19 number of associate justices as may be prescribed by law.

20 "(2) The Legislature shall divide the state into
21 Supreme Court districts for each associate justice
22 commensurate with the number of associate justices as may be
23 prescribed by law and there shall be elected one associate
24 justice for and from each district by the qualified electors
25 thereof at a time and in the manner provided by law; however,
26 the removal of an associate justice to the state capital
27 during his or her term of office shall not render him or her

1 ineligible as his or her own successor for the district from
2 which he or she was previously elected. The adoption of this
3 amendment shall not abridge the term of any individual then
4 holding office who shall continue to hold office until the
5 expiration of the term for which the individual was elected.

6 "The chief justice shall be elected statewide.

7 "(b) The supreme court shall have original
8 jurisdiction (1) of cases and controversies as provided by
9 this Constitution, (2) to issue such remedial writs or orders
10 as may be necessary to give it general supervision and control
11 of courts of inferior jurisdiction, and (3) to answer
12 questions of state law certified by a court of the United
13 States.

14 "(c) The supreme court shall have such appellate
15 jurisdiction as may be provided by law.

16 "6.03. Courts of appeals.

17 "(a) (1) The court of criminal appeals shall consist
18 of such number of judges as may be provided by law and shall
19 exercise appellate jurisdiction under such terms and
20 conditions as shall be provided by law and by rules of the
21 supreme court.

22 "(2) The Legislature shall divide the state into
23 court of criminal appeals districts commensurate with the
24 number of judges as may be prescribed by law and there shall
25 be elected one judge for and from each district by the
26 qualified electors thereof at a time and in the manner
27 provided by law; however, the removal of a judge to the state

1 capital during his or her term of office shall not render him
2 or her ineligible as his or her own successor for the district
3 from which he or she was previously elected. The adoption of
4 this amendment shall not abridge the term of any individual
5 then holding office who shall continue to hold office until
6 the expiration of the term for which the individual was
7 elected.

8 "(b) (1) The court of civil appeals shall consist of
9 such number of judges as may be provided by law and shall
10 exercise appellate jurisdiction under such terms and
11 conditions as shall be provided by law and by rules of the
12 supreme court.

13 "(2) The Legislature shall divide the state into
14 court of civil appeals districts commensurate with the number
15 of judges as may be prescribed by law and there shall be
16 elected one judge for and from each district by the qualified
17 electors thereof at a time and in the manner provided by law;
18 however, the removal of a judge to the state capital during
19 his or her term of office shall not render him or her
20 ineligible as his or her own successor for the district from
21 which he or she was previously elected. The adoption of this
22 amendment shall not abridge the term of any individual then
23 holding office who shall continue to hold office until the
24 expiration of the term for which the individual was elected.

25 "(c) The court of criminal appeals and the court of
26 civil appeals shall have no original jurisdiction except the

1 power to issue all writs necessary or appropriate in aid of
2 appellate jurisdiction of the courts of appeals.

3 "(d) The court of criminal appeals shall have and
4 exercise original jurisdiction in the issuance and
5 determination of writs of quo warranto and mandamus in
6 relation to matters in which said court has appellate
7 jurisdiction. Said court shall have authority to issue writs
8 of injunction, habeas corpus and such other remedial and
9 original writs as are necessary to give it a general
10 superintendence and control of jurisdiction inferior to it and
11 in matters over which it has exclusive appellate jurisdiction;
12 to punish for contempts by the infliction of a fine as high as
13 one hundred dollars, and imprisonment not exceeding ten days,
14 one or both, and to exercise such other powers as may be given
15 to said court by law.

16 "6.04. Circuit court.

17 "(a) (1) The state shall be divided into judicial
18 circuits. For each circuit, there shall be one circuit court
19 having such divisions and consisting of such number of judges
20 as shall be provided by law.

21 "(2) The Legislature shall divide each judicial
22 circuit that has multiple circuit judges into districts
23 commensurate with the number of circuit judges as may be
24 prescribed by law for the judicial district and there shall be
25 elected one judge for and from each district by the qualified
26 electors thereof at a time and in the manner provided by law.
27 The adoption of this amendment shall not abridge the term of

1 any individual then holding office who shall continue to hold
2 office until the expiration of the term for which the
3 individual was elected.

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

11 "6.05. District court.

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

23 "(2) The Legislature shall divide each county that
24 has multiple district judges into districts commensurate with
25 the number of district judges as may be prescribed by law for
26 the county and there shall be elected one judge for and from
27 each district by the qualified electors of the district at a

1 time and in the manner provided by law. The adoption of this
2 amendment shall not abridge the term of any individual then
3 holding office who shall continue to hold office until the
4 expiration of the term for which the individual was elected.

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

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

16 "Proposing an amendment to Sections 6.02, 6.03,
17 6.04, and 6.05 of the Judicial Article as added by Amendment
18 328 to the Constitution of Alabama of 1901, to provide that
19 the Associate Justices of the Alabama Supreme Court, appellate
20 judges, certain circuit judges, and certain district judges
21 would be elected from districts and allowing all incumbent
22 judges and justices to complete their current elected terms of
23 office.

24 "Proposed by Act _____."

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

27 "Yes () No ()."

