

1 HB443
2 115669-2
3 By Representative Black (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 26-JAN-10

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8 SYNOPSIS: Currently, the Constitution of Alabama of
9 1901, provides for filling of vacancies in judicial
10 offices. Several judicial circuits have local
11 constitutional amendments relating to procedures
12 for filling vacant judicial offices.

13 This bill would enact a statewide plan
14 establishing judicial vacancy commissions for the
15 filling of judicial office vacancies, except those
16 judicial circuits having judicial vacancy
17 commissions provided by local constitutional
18 amendments to the Constitution. If a local
19 constitutional amendment creating a judicial
20 vacancy commission is repealed, the county would be
21 subject to the statewide judicial vacancy process
22 in this amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To repeal and add Section 6.14 as added by Amendment
2 328 of the Constitution of Alabama of 1901, now appearing as
3 Section 153 of the Official Recompilation of the Constitution
4 of Alabama of 1901, as amended; to provide for the filling of
5 vacant judicial offices throughout the state, to specifically
6 exempt judicial vacancy commissions provided by local
7 constitutional amendment; and to provide if a local judicial
8 vacancy constitutional amendment is repealed, the county would
9 be subject to the statewide judicial vacancy process in this
10 amendment.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. The following amendment to the
13 Constitution of Alabama of 1901, is proposed and shall become
14 valid as a part thereof when approved by a majority of the
15 qualified electors voting thereon and in accordance with
16 Sections 284, 285, and 287 of the Constitution of Alabama of
17 1901, now appearing as Sections 284, 285, and 286 of the
18 Official Recompilation of the Constitution of Alabama of 1901,
19 as amended:

20 PROPOSED AMENDMENT

21 Section 6.14 as added by Amendment 328 of the
22 Constitution of Alabama of 1901, now appearing as Section 153
23 of the Official Recompilation of the Constitution of Alabama
24 of 1901, as amended, is hereby repealed.

25 Section 6.14 is added to Amendment 328 to the
26 Constitution of Alabama of 1901, to read as follows:

27 Section 6.14. Vacancies in Judicial Office.

1 (a) General Provisions. The office of a justice or
2 judge shall be vacant if he or she dies, resigns, voluntarily
3 or involuntarily retires under Section 6.18 of Amendment 328
4 of this constitution, as amended by Amendment 581, or is
5 removed from office under that section or Section 173 of this
6 constitution. The office of a newly created judgeship shall be
7 deemed vacant if the newly created judgeship position is to be
8 filled by an election and no person has qualified to seek
9 election to the newly created judgeship position. Vacancies in
10 the office of justice or judge shall be filled in the manner
11 and for the time herein provided. The nominating and
12 appointing authorities established pursuant to this amendment
13 shall strive to be inclusive in their nominations and
14 appointments and shall give due consideration to the diverse
15 geographic areas of the state, including urban and rural
16 areas, and to the racial, gender, and ethnic diversity of the
17 state, without regard to political affiliations. Except as may
18 be otherwise provided in any of the local amendments
19 heretofore adopted as referenced in subdivision (2)a., or as
20 may be adopted at the same election at which this amendment is
21 adopted, a person appointed to fill a vacancy hereunder shall
22 serve an initial term lasting until the first Monday after the
23 second Tuesday in January following the next general election
24 held after he or she has completed one year in office. At that
25 election, the judicial office shall be filled for a full term
26 of office beginning at the end of the appointed term.

1 (1) Vacancies in the office of Justice of the
2 Supreme Court, Judge of the Court of Civil Appeals, or Judge
3 of the Court of Criminal Appeals shall be filled by
4 appointment by the Governor from a list of three persons
5 nominated by the Appellate Court Nominating Commission
6 established by subsection (b).

7 (2) Vacancies in the office of circuit court judge
8 or district court judge shall be filled by appointment of the
9 Governor from a list of nominees submitted by the respective
10 judicial nominating commission for the judicial circuit or
11 county in which the vacancy occurs, as follows:

12 a. Vacancies in the office of circuit court judge or
13 district court judge occurring in Jefferson County-Birmingham
14 Division, Madison County, Mobile County, Talladega County,
15 Baldwin County, Tuscaloosa County, or Shelby County shall be
16 filled as provided in local amendments heretofore adopted to
17 the Alabama Constitution of 1901. If a local constitutional
18 amendment relating to filling judicial vacancies in a county
19 is repealed, the county shall be subject to the vacancy
20 filling process provided in this amendment. Judicial vacancies
21 for the counties listed shall be filled as follows:

22 1. In the case of a vacancy occurring in the office
23 of judge of the circuit court in the Tenth Judicial Circuit or
24 in the office of district court judge in the Birmingham
25 Division of Jefferson County, as provided in Amendments 83 and
26 110, applicable only to courts holding at Birmingham.

1 2. In the case of any vacancy occurring in the
2 office of judge of the circuit court of the Twenty-third
3 Judicial Circuit or in the office of judge of the district
4 court holding in Madison County, as now provided in Amendment
5 334, as further amended by Amendment 607.

6 3. In the case of any vacancy occurring in the
7 office of judge of the circuit court in the Thirteenth
8 Judicial Circuit or in the office of the district court of
9 Mobile County, as now provided in Amendment 408.

10 4. In the case of any vacancy occurring in the
11 office of judge of the circuit court of the Twenty-ninth
12 Judicial Circuit or in the office of the district court in
13 Talladega County, as now provided in Amendment 615.

14 5. In the case of any vacancy occurring in the
15 office of judge of the circuit court of the Twenty-eighth
16 Judicial Circuit or in the office of judge of the district
17 court of Baldwin County, as now provided in Amendment 660.

18 6. In the case of any vacancy occurring in the
19 office of judge of the circuit court of the Sixth Judicial
20 Circuit or in the office of judge of the district court of
21 Tuscaloosa County, as now provided in Amendment 741.

22 7. In the case of any vacancy occurring in the
23 office of judge of the circuit court of the Eighteenth
24 Judicial Circuit and the office of judge of the district court
25 of Shelby County as now provided in Amendment 804.

26 b. Vacancies occurring in the office of circuit
27 court judge and district court judge in any circuit consisting

1 of a single county other than one of those for which a local
2 amendment already exists as referenced in subdivision (2)a. of
3 this subsection (a) shall be filled by appointment by the
4 Governor from a list of three persons nominated by the
5 five-member judicial nominating commission for that circuit
6 and county established by subsection (c) of this amendment.

7 c. Vacancies occurring in the office of circuit
8 court judge or district court judge in the Bessemer Division
9 of Jefferson County in the Tenth Judicial Circuit shall be
10 filled by appointment by the Governor from a list of three
11 persons nominated by the five-member judicial nominating
12 commission for the Bessemer Division as established in
13 subsection (d) of this amendment.

14 d. Vacancies occurring in the office of circuit
15 court judge and district court judge in a judicial circuit
16 consisting of more than one county shall be filled by
17 appointment by the Governor from a list of three persons
18 nominated by the circuit and district court judicial
19 nominating commission of three or more members for each such
20 circuit, established by subsection (e).

21 (b) Appellate Court Judicial Nominating Commission.
22 The Appellate Court Judicial Nominating Commission
23 (commission) is hereby established to nominate and submit to
24 the Governor names of persons for appointment to vacancies on
25 the Supreme Court, the Court of Civil Appeals, and the Court
26 of Criminal Appeals. The Governor shall fill any vacancy in an
27 office of Supreme Court Justice, Court of Civil Appeals Judge,

1 or Court of Criminal Appeals Judge, by appointing one person
2 nominated by the commission for that office. The commission
3 shall nominate three qualified persons who seek appointment to
4 the office for each vacancy. No appellate judicial officer
5 shall be eligible for nomination or appointment to an
6 appellate judicial office as a result of a vacancy arising
7 from his or her own resignation, retirement, or removal from
8 that office. If the Governor fails to fill a vacancy within 30
9 days from the day the nominees are submitted, the presiding
10 judge of the court for which the vacancy exists shall appoint
11 one of the nominated persons, and if no presiding judge is
12 sitting in that court, the appointment of one the nominated
13 persons shall be made by the Chief Justice of the Alabama
14 Supreme Court. The appointment of members of the commission,
15 and the activities and operation of the commission, shall be
16 governed by the following provisions:

17 (1) Membership. The Appellate Court Judicial
18 Nominating Commission shall consist of nine members who shall
19 be qualified voters of Alabama. No member shall be eligible
20 for appointment to a state appellate judicial office while
21 that member serves on the commission, or for one year
22 thereafter. With the exception of the Chief Justice, no member
23 of the commission may hold office under the United States, the
24 State of Alabama, or any other governmental entity, for which
25 compensation is received, other than as a member of a military
26 reserve component, and no member shall hold any official
27 position with any political party.

1 All appointments and elections of members to the
2 commission established by this subsection, and to the other
3 commissions established pursuant to this amendment, shall be
4 inclusive and shall be made with due consideration to the
5 geographic, including both rural and urban geographic areas,
6 gender, racial, and ethnic diversity of the state, and without
7 regard to political affiliation.

8 a. Non-lawyer members. Four members of the Appellate
9 Court Judicial Nominating Commission shall be Alabama
10 citizens, including at least one who is a minority and one who
11 is a woman, who are not lawyers, appointed jointly by the
12 Governor, the Lieutenant Governor, and the Speaker of the
13 House.

14 b. Lawyer members. Three lawyer members, at least
15 one of whom is a woman, who are licensed to practice law in
16 the State of Alabama shall be elected by the Board of Bar
17 Commissioners of the Alabama State Bar. One of these members
18 shall be primarily and substantially engaged in a plaintiff
19 practice and shall be a member of the Alabama Trial Lawyers
20 Association. One of these members shall be primarily and
21 substantially engaged in a defense civil practice and shall be
22 a member of the Alabama Defense Lawyers Association or its
23 successor. The third of these members shall be a practicing
24 attorney who shall not be a member of either of these
25 associations.

26 One additional lawyer member who is licensed to
27 practice law in the State of Alabama shall be appointed by the

1 Alabama Lawyers Association, or its successor, by means of a
2 process which that association authorizes.

3 c. Judicial member. One member shall be the
4 incumbent Chief Justice or Acting Chief Justice of the Supreme
5 Court. This member shall serve as chairperson of the
6 commission and may vote only in the event of a tie.

7 (2) Terms of office. The term of office for members
8 of the commission shall be as provided below:

9 a. Term of Office Other than Judicial Member. The
10 term of office for each non-judicial member shall be a period
11 of four years for initial terms of office.

12 b. Initial Term. In order that membership terms of
13 the commission be staggered, the initial terms of the members
14 shall be as follows:

15 1. Non-Attorney Members. The initial terms of the
16 members who are not attorneys jointly appointed by the
17 Governor, Lieutenant Governor, Speaker of the House, and
18 President Pro Tempore of the Senate, shall be determined by
19 lot as follows:

20 (i) One member - one year

21 (ii) One member - two years

22 (iii) One member - three years

23 (iv) One member - four years

24 2. Attorney Members. The initial terms for attorney
25 members elected by the Board of Bar Commissioners shall be
26 determined by lot as follows:

27 (i) One member - one year

1 (ii) One member - two years

2 (iii) One member - three years

3 3. The attorney selected the Alabama Lawyers
4 Association shall serve an initial term of four years.

5 b. Judicial Member. The term of office of the
6 incumbent Chief Justice or Acting Chief Justice serving as a
7 member of the commission shall be concurrent with his or her
8 term as Chief Justice or Acting Chief Justice.

9 c. Subsequent terms.

10 1. After the initial term, all appointments except
11 to fill vacancies as provided in item 2. below shall be for a
12 full term. No person shall serve more than one full term.
13 Neither an initial term for less than four years nor an
14 appointment to fill a vacancy under item 2. below shall be
15 deemed a "full term."

16 2. Vacancies on the appellate judicial nominating
17 commission. If a vacancy on the appellate judicial nominating
18 commission occurs, the designated appointing or selecting
19 authority shall select a qualified person to complete the
20 unexpired portion of the term.

21 (c) Filling a Vacancy in Office of Circuit Court
22 Judge or District Court Judge; Single County Judicial
23 Circuits. In each judicial circuit consisting of a single
24 county, other than one of those for which a local amendment
25 already exists as referenced subdivision 2.a. of subsection
26 (a), or is adopted concurrently with this amendment, a
27 five-member county judicial nominating commission is hereby

1 established to nominate and submit to the Governor names of
2 persons for appointment to vacancies in the office of circuit
3 judge in the judicial circuit or in the office of district
4 judge for the county. The Governor shall fill any vacancy in
5 the office of circuit judge or district judge by appointing
6 one person nominated by the county judicial nominating
7 commission for the circuit and county. The county judicial
8 nominating commission shall nominate three qualified persons
9 who seek appointment to the office for each vacancy. If the
10 Governor fails to fill a vacancy within 30 days from the day
11 the nominees are submitted, the appointment of one the
12 nominated persons shall be made by the Chief Justice or Acting
13 Chief Justice of the Alabama Supreme Court. The appointment of
14 members of each five-member county judicial nominating
15 commission established under this subsection, and the
16 activities and operation of each such commission, shall be
17 governed by the following provisions:

18 (1) Each five-member county judicial nominating
19 commission shall consist of:

20 a. Two members who are members of the Alabama State
21 Bar.

22 b. Two members who are not members of the Alabama
23 State Bar.

24 c. The Presiding Judge or Acting Presiding Judge of
25 the circuit shall be known as the judicial member. The
26 judicial member shall preside over the meetings of the
27 commission and vote only in the event of a tie vote among the

1 other four members of the commission. In the event there is no
2 Presiding Judge or Acting Presiding Judge, the judicial member
3 shall be an active service or retired circuit court or
4 district court judge appointed by the Chief Justice or acting
5 Chief Justice of the Alabama Supreme Court. The Presiding
6 Judge, Acting Presiding Judge, Chief Justice, or acting Chief
7 Justice, as the case may be, shall certify in writing to the
8 judge of probate of such county the name of the person who
9 serves as judicial member of the commission.

10 (2) The two members who are required to be members
11 of the Alabama State Bar shall be selected through a procedure
12 established by the executive committee of the bar association
13 for the county, whether election by the lawyers regularly
14 licensed to practice law in the county under rules established
15 by the executive committee of the county bar association or
16 appointment by the executive committee of the county bar
17 association. The persons selected must be persons who
18 regularly practice law in such county. The executive committee
19 shall certify to the judge of probate of the county the names
20 of the persons selected as members of the commission by the
21 members of the bar.

22 (3) The two members of the commission who are not
23 members of the state bar shall be selected jointly by the
24 members of the House of Representatives and Senate
25 representing the county, irrespective of whether they reside
26 in the county. The members of the county legislative
27 delegation shall certify in writing to the judge of probate of

1 the county the names of the two non-lawyer persons appointed
2 to the commission.

3 (4) The judge of probate of the county shall record
4 all certificates of selection to commission membership and
5 shall safely and permanently keep the original certificates.
6 Forthwith upon his or her receipt and recordation of every
7 such certificate, the judge of probate shall send to the
8 Governor a certified copy of each such certificate.

9 (5) No member of a commission shall be eligible for
10 nomination to the Governor for appointment as a judge of the
11 circuit court or the district court while that person serves
12 on the commission, or for one year thereafter.

13 (6) The terms of office of all members of a
14 commission, other than the judicial member, shall be four
15 years. No member of a commission shall be eligible to succeed
16 himself or herself. A vacancy in the office of a member of
17 such a commission shall be filled for the unexpired term in
18 the same manner as the member was originally chosen.

19 (7) All commission members shall be qualified voters
20 of Alabama and reside in the territorial jurisdiction of the
21 respective circuit and county.

22 (8) With the exception of the judicial member, no
23 member of a county judicial nominating commission may hold
24 office under the United States, the State of Alabama, or any
25 other governmental entity, for which compensation is received,
26 other than as a member of a military reserve component, or
27 hold any official position in any political party. The members

1 of a commission shall not receive any salary or other
2 compensation for their services as members.

3 (d) Filling a Vacancy in Office of Circuit Court
4 Judge or District Court Judge; Bessemer Division, Tenth
5 Judicial Circuit. In the Bessemer Division of the Tenth
6 Judicial Circuit, a five-member Bessemer Division Judicial
7 Nominating Commission is hereby established to nominate and
8 submit to the Governor names of persons for appointment to
9 vacancies in the office of circuit judge in the Bessemer
10 Division or in the office of district judge for the Bessemer
11 Division. The Governor shall fill any vacancy in the office of
12 circuit judge or the office of district judge by appointing
13 one person nominated by the Bessemer Division Judicial
14 Nominating Commission. The commission shall nominate three
15 qualified persons who seek appointment to the office for each
16 vacancy. If the Governor fails to fill a vacancy within 30
17 days from the day the nominees are submitted, the appointment
18 of one of the nominated persons shall be made by the Chief
19 Justice or acting Chief Justice of the Alabama Supreme Court.
20 The appointment of members of the Bessemer Division Judicial
21 Nominating Commission established under this subsection, and
22 the activities and operation of such commission, shall be
23 governed by the following provisions:

24 (1) The commission shall consist of:

25 a. Two members who are members of the Alabama State
26 Bar.

1 b. Two members who are not members of the Alabama
2 State Bar.

3 c. The most senior circuit judge of the Bessemer
4 Division who shall be known as the judicial member, who shall
5 preside over the meetings of the commission and vote only in
6 the event of a tie vote among the other four members of the
7 commission. In the event there is no sitting circuit judge in
8 the Bessemer Division, then a judicial member, who shall be an
9 active service or retired circuit or district judge, shall be
10 appointed by the Chief Justice or Acting Chief Justice of the
11 Alabama Supreme Court. The Presiding Judge, Acting Presiding
12 Judge, Chief Justice, or Acting Chief Justice, as the case may
13 be, shall certify in writing to the Jefferson County Deputy
14 Judge of Probate for the Bessemer Division the name of the
15 person who serves as judicial member of the commission.

16 (2) The two members who are required to be members
17 of the Alabama State Bar shall be selected through a procedure
18 established by the Executive Committee of the Bessemer Bar
19 Association, by the lawyers regularly licensed to practice law
20 in the Bessemer Division. The persons selected must be persons
21 who regularly practice law in the Bessemer Division. The
22 executive committee shall certify to the Jefferson County
23 Deputy Judge of Probate for the Bessemer Division the names of
24 the persons selected as members of the commission by such
25 members of the bar.

26 (3) The two members who are not members of the State
27 Bar shall be selected jointly by the members of the House of

1 Representatives and Senate elected from districts that are in
2 whole or in part within the territorial boundaries of the
3 Bessemer Division, irrespective of whether they reside within
4 such territorial limits. The members of the legislative
5 delegation shall certify in writing to the Jefferson County
6 Deputy Judge of Probate for the Bessemer Division the names of
7 the two persons selected as members of the commission.

8 (4) The Jefferson County Deputy Judge of Probate for
9 the Bessemer Division shall record all certificates of
10 selection to commission membership and shall safely and
11 permanently keep the original certificates. Forthwith upon his
12 or her receipt and recordation of every such certificate, the
13 deputy judge of probate shall send to the Governor a certified
14 copy of each such certificate.

15 (5) No member of the commission shall be eligible
16 for nomination to the Governor for appointment as a judge of
17 the circuit court or the district court while that person
18 serves on such commission, or for one year thereafter.

19 (6) The terms of office of all members of the
20 commission, other than the judicial member, shall be four
21 years. No member of the commission shall be eligible to
22 succeed himself or herself. A vacancy in the office of a
23 member of the commission shall be filled for the unexpired
24 term in the same manner as such member was originally chosen.

25 (7) All commission members shall be qualified voters
26 of Alabama and reside in the territorial jurisdiction of the
27 Bessemer Division.

1 (8) With the exception of the judicial member, no
2 member of the commission may hold office under the United
3 States, the State of Alabama, or any other governmental
4 entity, for which compensation is received, other than as a
5 member of a military reserve component, or hold any official
6 position in any political party. The members of the commission
7 shall not receive any salary or other compensation for their
8 services as members.

9 (e) Multicounty Circuit Court Nominating
10 Commissions. In each judicial circuit consisting of more than
11 one county there is hereby established a multicounty circuit
12 court and district court judicial nominating commission of
13 three members to nominate and submit to the Governor names of
14 persons for appointment to vacancies in the office of circuit
15 judge and district court judge in such judicial circuit. The
16 Governor shall fill any vacancy in the office of circuit or
17 district judge in such judicial circuit by appointing one
18 person nominated by the commission for the circuit. The
19 commission shall nominate three qualified persons who seek
20 appointment to the office for each vacancy. If the Governor
21 fails to fill a vacancy within 30 days from the day the
22 nominees are submitted, the appointment of one of the
23 nominated persons shall be made by the Chief Justice or Acting
24 Chief Justice of the Alabama Supreme Court. The appointment of
25 members of a commission established under this subsection, and
26 the activities and operation of such a commission, shall be
27 governed by the following provisions:

1 (1) Each multicounty circuit court judicial
2 nominating commission shall consist of:

3 a. One member of the Alabama State Bar from each
4 county in the circuit.

5 b. One member from each county in the circuit who is
6 not a member of the Alabama State Bar.

7 c. The Presiding Judge or Acting Presiding Judge of
8 such circuit, who shall be designated as the judicial member,
9 who shall preside over the meetings of the commission and vote
10 only in the event of a tie vote among the other members of the
11 commission. In the event there is no Presiding Judge or Acting
12 Presiding Judge of the circuit, then the judicial member, who
13 shall be an actively serving or retired circuit or district
14 judge, shall be appointed by the Chief Justice or acting Chief
15 Justice of the Alabama Supreme Court. The Presiding Judge,
16 Acting Presiding Judge, Chief Justice, or acting Chief
17 Justice, as the case may be, shall certify in writing to the
18 judge of probate of each county in the circuit the name of the
19 person who serves as judicial member of the multicounty
20 commission.

21 (2) Each member of the commission who is required to
22 be a member of the Alabama State Bar shall be selected through
23 a procedure established by the executive committee of the bar
24 association for each county, whether by election by the
25 lawyers regularly licensed to practice law in the county under
26 rules established by the executive committee of the county bar
27 association, or by appointment by the executive committee of

1 the county bar association. The persons selected must be
2 persons who regularly practice law in such county. The
3 executive committee shall certify to the judge of probate of
4 the county the names of the persons selected as members of the
5 commission by the members of the bar. The executive committee
6 shall certify in writing to the judge of probate of the county
7 the name of the person selected as a member of the commission.
8 The bar association members will rotate among the counties in
9 the circuit in alphabetical order by the terms set forth in
10 subsection (6).

11 (3) Each member of the commission from one of the
12 counties in the circuit who is not a member of the Alabama
13 State Bar shall be selected jointly by the members of the
14 House of Representatives and Senate representing such county,
15 irrespective of whether they reside in the county. The members
16 of the county legislative delegation shall certify in writing
17 to the judge of probate of the county the name of the
18 non-lawyer person appointed to the commission.

19 (4) The judge of probate of each county with whom a
20 certificate of selection to commission membership is filed
21 shall record all such certificates and shall safely and
22 permanently keep the original certificates. Forthwith upon his
23 or her receipt and recordation of every certificate, the judge
24 of probate shall send to the Governor a certified copy of each
25 such certificate.

26 (5) No member of a commission shall be eligible for
27 nomination to the Governor for appointment as a judge of the

1 circuit court or the district court while that person serves
2 on the commission, or for one year thereafter.

3 (6) The terms of office of all members of a
4 commission, other than the judicial member, shall be four
5 years. No member of a commission shall be eligible to succeed
6 himself or herself. A vacancy in the office of a member of a
7 commission shall be filled for the unexpired term in the same
8 manner as the member was originally chosen.

9 (7) All commission members shall be qualified voters
10 of the State of Alabama and reside in the territorial
11 jurisdiction of the respective circuit and county for which
12 that member was selected.

13 (8) With the exception of the judicial member, no
14 member of such judicial nominating commission may hold office
15 under the United States, the State of Alabama, or any other
16 governmental entity, for which compensation is received, other
17 than as a member of a military reserve component, or hold any
18 official position in any political party. The members of a
19 commission shall not receive any salary or other compensation
20 for their services as members.

21 (f) This amendment shall be self-executing.

22 Section 2. An election upon the proposed amendment
23 shall be held in accordance with Sections 284 and 285 of the
24 Constitution of Alabama of 1901, now appearing as Sections 284
25 and 285 of the Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, and the election laws of this
27 state.

1 Section 3. The appropriate election official shall
2 assign a ballot number for the proposed constitutional
3 amendment on the election ballot and shall set forth the
4 following description of the substance or subject matter of
5 the proposed constitutional amendment:

6 "Proposing an amendment to provide for a system for
7 the filling of vacant judicial offices, except those local
8 judicial vacancy commissions currently provided for by local
9 constitutional amendments, or any other local constitutional
10 amendment adopted at the same election as this amendment is
11 adopted.

12 "Proposed by Act _____."

13 This description shall be followed by the following
14 language:

15 "Yes () No ()."