

1 SB88
2 115771-2
3 By Senator Coleman (Constitutional Amendment)
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

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8 SYNOPSIS: Amendment 555 to the Constitution of
9 Alabama of 1901, now appearing as Section 284.01 of
10 the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, provides that a
12 constitutional amendment which affects or applies
13 to only one county or a political subdivision of a
14 county shall be adopted by a favorable vote of the
15 qualified electors of the county or political
16 subdivision who vote on the amendment. If there is
17 a dissenting vote in the Legislature regarding the
18 proposed amendment, the amendment is subject to a
19 statewide vote.

20 This proposed amendment would provide that
21 any proposed amendment would be subject to a
22 statewide vote if there are 15 or more dissenting
23 votes in the House of Representatives and five or
24 more dissenting votes in the Senate.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Proposing an amendment to Amendment 555 of the
4 Constitution of Alabama of 1901, now appearing as Section
5 284.01 of the Official Recompilation of the Constitution of
6 Alabama of 1901, as amended; to increase the number of
7 dissenting votes in the Legislature necessary to require that
8 a local constitutional amendment be subject to a statewide
9 vote.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 PROPOSED AMENDMENT

18 "Amendment of Amendment 555.

19 "(a) Any proposed constitutional amendment which
20 affects or applies to only one county shall be adopted as a
21 valid part of the constitution by a favorable vote of a
22 majority of the qualified electors of the affected county who
23 vote on the amendment. Any proposed constitutional amendment
24 which affects or applies to only one political subdivision
25 within a county or counties shall be adopted as a valid part
26 of the constitution by a favorable vote of a majority of the
27 qualified electors of both the county and the political

1 subdivision affected by the amendment who vote on the
2 amendment. The proposed amendment may provide for a separate
3 referendum in a political subdivision of less than a county if
4 a simultaneous referendum is not possible because of
5 conflicting voting precincts.

6 "(b) The proposed amendment shall first be approved
7 by at least a three-fifths vote of the elected members of each
8 house of the Legislature with ~~no~~ less than 15 dissenting votes
9 cast in the House of Representatives and less than five
10 dissenting ~~vote~~ votes cast in the Senate and approved by a
11 majority vote of the Local Constitutional Amendment
12 Commission. The commission shall be composed of the Governor,
13 Presiding Officer of the Senate, Attorney General, Secretary
14 of State, and Speaker of the House of Representatives. The
15 Legislature may by general act specify procedures for the
16 Local Constitution Amendment Commission, but may not expand
17 its role beyond deciding whether the amendment affects more
18 than one county or more than one political subdivision in one
19 or more counties.

20 "(c) Notice of the election, together with the
21 proposed amendment, shall be given by proclamation of the
22 Governor, which proclamation shall be published once a week
23 for four successive weeks next preceding the day appointed for
24 the election in each newspaper qualified to run legal notices
25 in the county or counties affected.

26 "(d) In the event any constitutional amendment
27 proposed for adoption pursuant to this amendment is approved

1 by at least a three-fifths vote of the elected members of each
2 house of the Legislature but with ~~one or more~~ at least 15
3 dissenting votes cast in the House of Representatives or at
4 least five dissenting votes cast in the Senate, the amendment
5 shall be treated as a statewide amendment as described in
6 subsection (e).

7 "(e) If after having been approved by at least a
8 three-fifths vote of the elected members of each house of the
9 Legislature ~~without a~~ with less than 15 dissenting ~~vote~~ votes
10 cast in the House of Representatives and less than five
11 dissenting votes cast in the Senate the proposed amendment is
12 not approved by a majority vote the Local Constitutional
13 Amendment Commission, it shall automatically be submitted in a
14 statewide referendum in accordance with the procedures for
15 proposed statewide constitutional amendments under Sections
16 284 and 285 of the Constitution of Alabama of 1901. If the
17 proposed amendment is submitted in a statewide referendum, it
18 shall not become effective unless approved at a referendum by
19 a majority of the qualified voters of the affected county
20 voting on the proposition and the affected political
21 subdivision voting on the proposition, if it affects less than
22 the whole county. The referendum in a political subdivision
23 may be held at the same time as the election for the
24 ratification of the proposed amendment, or at another time if
25 provided by the proposed amendment.

26 "(f) Notwithstanding any provision of the
27 Constitution of Alabama of 1901, to the contrary, all

1 constitutional amendments which have been adopted by a
2 majority vote of the appropriate electorate pursuant to
3 Amendment No. 425 to the Constitution of Alabama of 1901, are
4 hereby ratified and confirmed."

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 Amendment 555 of the
17 Constitution of Alabama of 1901, to remove the existing
18 provision that requires a statewide referendum on any local
19 constitutional amendment which receives at least one
20 dissenting vote in the Legislature and to provide that the
21 statewide referendum on local constitutional amendments will
22 only be necessary in the event of at least 15 dissenting votes
23 in the Alabama House of Representatives or at least five
24 dissenting votes in the Alabama Senate.

25 "Proposed by Act _____."

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

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"Yes () No ()."