

1 SB24  
2 125816-1  
3 By Senator Brewbaker (Constitutional Amendment)  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 01-MAR-11  
6 PFD: 02/09/2011

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8 SYNOPSIS: Under Section 125 of the Constitution of  
9 Alabama of 1901, now appearing as Section 125 of  
10 the Official Recompilation of the Constitution of  
11 Alabama of 1901, as amended, a veto of a bill by  
12 the Governor may be overridden by a majority vote  
13 of the Legislature.

14 This bill would propose a constitutional  
15 amendment to change the vote requirement to  
16 two-thirds of the whole number elected to each  
17 respective house.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 Proposing an amendment to Section 125 of the  
24 Constitution of Alabama of 1901, now appearing as Section 125  
25 of the Official Recompilation of the Constitution of Alabama  
26 of 1901, as amended; increasing the vote requirement for the  
27 Legislature to override a gubernatorial veto.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 PROPOSED AMENDMENT

9 "Section 125.

10 "Every bill which shall have passed both houses of  
11 the legislature, except as otherwise provided in this  
12 Constitution, shall be presented to the governor; if he  
13 approve, he shall sign it; but if not, he shall return it with  
14 his objections to the house in which it originated, which  
15 shall enter the objections at large upon the journal and  
16 proceed to reconsider it. If the governor's message proposes  
17 no amendment which would remove his objections to the bill,  
18 the house in which the bill originated may proceed to  
19 reconsider it, and if ~~a majority~~ two-thirds of the whole  
20 number elected to that house vote for the passage of the bill,  
21 it shall be sent to the other house, which shall in like  
22 manner reconsider, and if ~~a majority~~ two-thirds of the whole  
23 number elected to that house vote for the passage of the bill,  
24 the same shall become a law, notwithstanding the governor's  
25 veto. If the governor's message proposes amendment, which  
26 would remove his objections, the house to which it is sent may  
27 so amend the bill and send it with the governor's message to

1 the other house, which may adopt, but can not amend, said  
2 amendment; and both houses concurring in the amendment, the  
3 bill shall again be sent to the governor and acted on by him  
4 as other bills. If the house to which the bill is returned  
5 refuses to make such amendment, it shall proceed to reconsider  
6 it; and if a majority of the whole number elected to that  
7 house shall vote for the passage of the bill, it shall be sent  
8 with the objections to the other house, by which it shall  
9 likewise be reconsidered, and if approved by a majority of the  
10 whole number elected to that house, it shall become a law. If  
11 the house to which the bill is returned makes the amendment,  
12 and the other house declines to pass the same, that house  
13 shall proceed to reconsider it, as though the bill had  
14 originated therein, and such proceedings shall be taken  
15 thereon as above provided. In every such case the vote of both  
16 houses shall be determined by yeas and nays, and the names of  
17 the members voting for or against the bill shall be entered  
18 upon the journals of each house, respectively. If any bill  
19 shall not be returned by the governor within six days, Sunday  
20 excepted, after it shall have been presented, the same shall  
21 become a law in like manner as if he had signed it, unless the  
22 legislature, by its adjournment, prevent the return, in which  
23 case it shall not be a law; but when return is prevented by  
24 recess, such bill must be returned to the house in which it  
25 originated within two days after the reassembling, otherwise  
26 it shall become a law, but bills presented to the governor  
27 within five days before the final adjournment of the

1 legislature may be approved by the governor at any time within  
2 ten days after such adjournment, and if approved and deposited  
3 with the secretary of state within that time shall become law.  
4 Every vote, order, or resolution to which concurrence of both  
5 houses may be necessary, except on questions of adjournment  
6 and the bringing on of elections by the two houses, and  
7 amending this Constitution, shall be presented to the  
8 governor; and, before the same shall take effect, be approved  
9 by him; or, being disapproved, shall be repassed by both  
10 houses according to the rules and limitations prescribed in  
11 the case of a bill."

12 Section 2. An election upon the proposed amendment  
13 shall be held in accordance with Sections 284 and 285 of the  
14 Constitution of Alabama of 1901, now appearing as Sections 284  
15 and 285 of the Official Recompilation of the Constitution of  
16 Alabama of 1901, as amended, and the election laws of this  
17 state.

18 Section 3. The appropriate election official shall  
19 assign a ballot number for the proposed constitutional  
20 amendment on the election ballot and shall set forth the  
21 following description of the substance or subject matter of  
22 the proposed constitutional amendment:

23 "Proposing an amendment to Section 125 of the  
24 Constitution of Alabama of 1901, now appearing as Section 125  
25 of the Official Recompilation of the Constitution of Alabama  
26 of 1901, as amended, to increase the vote requirement for the  
27 Legislature to override a gubernatorial veto.

1 "Proposed by Act \_\_\_\_\_."

2 This description shall be followed by the following

3 language:

4 "Yes ( ) No ( )."