

1 SB259
2 156009-2
3 By Senator Taylor (Constitutional Amendment)
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 21-JAN-14

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8 SYNOPSIS: Article V of the Constitution of Alabama of
9 1901, provides for the Executive Department in
10 Alabama.

11 This bill would propose an amendment to the
12 Constitution of Alabama of 1901, to repeal existing
13 Article V, and those amendments to the constitution
14 that have been recompiled as part of Article V; to
15 repeal and add amendments, relating to appointments
16 and promotions in civil service, conveyance of
17 Alabama State Docks Department property, use of
18 assets of State Retirement Systems, and health care
19 benefits for retired state and education employees,
20 respectively, to Article XVII, Miscellaneous; and
21 to readopt Article V to make nonsubstantive
22 technical amendments, including renumbering
23 sections, capitalization, and gender neutral
24 references, throughout the article and to make all
25 of the following substantive changes:

26 Section 114. The rewritten section would
27 combine Section 114 and Section 116, relating to

1 holding of elections and terms of office,
2 respectively.

3 Section 116. The rewritten Article V would
4 include the provisions of this section in Section
5 114.

6 Section 118. The rewritten section would
7 require only the Governor to reside in the state
8 capital.

9 Section 119. The rewritten Article V would
10 delete this provision which relates to increasing
11 the salary of the Governor at the session of the
12 Legislature following ratification of the
13 constitution.

14 Section 122. The rewritten section would
15 require two days' notice for calling the
16 Legislature into extraordinary session and would
17 require the notice be provided to the Clerk of the
18 House and the Secretary of the Senate.

19 Section 125. The rewritten section would
20 simplify the procedure for presenting bills to the
21 Governor for his or her signature, the veto power
22 of the Governor and the procedure for passing a
23 bill after veto by the Governor, and the effect of
24 the Governor failing to sign a bill.

25 Section 127. The rewritten section would
26 clarify provisions relating to succession to office
27 of Governor, replaces the term "disability" with

1 the term "incapacity," and deletes the requirement
2 of an election if a vacancy occurs in both the
3 office of Governor and Lieutenant Governor more
4 than 60 days before the next general election.

5 Section 128. The rewritten section would
6 replace the term "disability" with the term
7 "incapacity."

8 Section 132. The rewritten section would
9 combine Section 132, Section 134, Section 136, and
10 Section 137, relating to the qualifications,
11 duties, and vacancies in office of the Attorney
12 General, State Auditor, Secretary of State, State
13 Treasurer, and Commissioner of Agriculture and
14 Industries, would require the Attorney General to
15 be licensed to practice law in Alabama for five
16 years before election, would replace the term
17 "disability" with the term "incapacity," and would
18 replace the term "insane" with the term "of unsound
19 mind."

20 Section 134. The rewritten Article V would
21 include the provisions of this section in Section
22 132.

23 Section 136. The rewritten Article V would
24 include the provisions of this section in Section
25 132.

1 Section 137. The rewritten Article V would
2 include the provisions of this section in Section
3 132.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 Proposing an amendment to the Constitution of
10 Alabama of 1901, to repeal and readopt existing Article V
11 relating to the Executive Department, and the amendments
12 related thereto, and to repeal and move existing amendments
13 that have been recompiled as part of Article V of the
14 recompiled constitution, to Article XVII, Miscellaneous, to
15 make technical nonsubstantive changes and substantive changes
16 to provisions relating to the Executive Department.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. The following amendment to the
19 Constitution of Alabama of 1901, as amended, is proposed and
20 shall become valid as a part thereof when approved by a
21 majority of the qualified electors voting thereon and in
22 accordance with Sections 284, 285, and 287 of the Constitution
23 of Alabama of 1901, as amended:

24 PROPOSED AMENDMENT

25 I. Article V of the Constitution of Alabama of 1901;
26 that portion of Amendment 111 to the Constitution of Alabama
27 of 1901, that amends Section 137 of the Constitution of

1 Alabama of 1901; and Amendments 35, 38, 88, 282, 443, 454,
2 472, 556, and 798 to the Constitution of Alabama of 1901, are
3 repealed.

4 II. Article V is added to the Constitution of
5 Alabama of 1901, to read as follows:

6 ARTICLE V. Executive Department.

7 Section 112.

8 The executive department shall consist of a
9 Governor, Lieutenant Governor, Attorney General, State
10 Auditor, Secretary of State, State Treasurer, State
11 Superintendent of Education, Commissioner of Agriculture and
12 Industries, and a sheriff for each county.

13 Section 113.

14 The supreme executive power of this state shall be
15 vested in a chief magistrate, who shall be styled the Governor
16 of the State of Alabama.

17 Section 114.

18 The Governor, Lieutenant Governor, Attorney General,
19 State Auditor, Secretary of State, State Treasurer, and
20 Commissioner of Agriculture and Industries shall be elected by
21 the qualified electors of the state at the same time and
22 places appointed for the election of members of the
23 Legislature. They shall hold their respective offices for a
24 term of four years, commencing at 12:00 o'clock noon on the
25 first Monday after the second Tuesday in January next
26 succeeding their election and until their successors shall be
27 elected and qualified. Each officer shall be eligible to

1 succeed himself or herself in office, but no person elected to
2 a term shall be eligible to succeed himself or herself for
3 more than one additional elective term.

4 Section 115.

5 The returns of every election for Governor,
6 Lieutenant Governor, Attorney General, State Auditor,
7 Secretary of State, State Treasurer, and Commissioner of
8 Agriculture and Industries shall be sealed up and transmitted
9 by the returning officers to the seat of government, directed
10 to the Speaker of the House of Representatives, during the
11 first week of the session to which such returns shall be made,
12 who shall open and publish them in the presence of both houses
13 of the Legislature in joint convention; but the speaker's duty
14 and the duty of the joint convention shall be purely
15 ministerial. The result of the election shall be ascertained
16 and declared by the speaker from the face of the returns
17 without delay. The person having the highest number of votes
18 for any one of the offices shall be declared duly elected; but
19 if two or more persons shall have an equal and the highest
20 number of votes for the same office, the Legislature by joint
21 vote, without delay, shall choose one of the persons for the
22 office. Contested elections for Governor, Lieutenant Governor,
23 Attorney General, State Auditor, Secretary of State, State
24 Treasurer, and Commissioner of Agriculture and Industries
25 shall be determined by both houses of the Legislature in such
26 manner as may be prescribed by law.

27 Section 116.

1 The Governor and Lieutenant Governor shall each be
2 at least 30 years of age when elected, and shall have been
3 citizens of the United States 10 years and resident citizens
4 of this state at least seven years next before the date of
5 their election. The Lieutenant Governor shall be ex officio
6 President of the Senate, but shall have no right to vote
7 except in the event of a tie.

8 Section 117.

9 The Governor, Lieutenant Governor, Attorney General,
10 State Auditor, Secretary of State, State Treasurer, and
11 Commissioner of Agriculture and Industries shall receive
12 compensation to be fixed by law, which shall not be increased
13 or diminished during the term for which he or she shall have
14 been elected. The compensation of the Lieutenant Governor
15 shall be the same as that received by the Speaker of the
16 House, except while serving as Governor, during which time his
17 or her compensation shall be the same as that allowed the
18 Governor. The Governor shall reside in the state capital
19 except during emergencies.

20 Section 118.

21 The Governor shall take care that the laws be
22 faithfully executed.

23 Section 119.

24 The Governor may require information in writing,
25 under oath, from the officers of the executive department,
26 named in this article, or created by statute, on any subject,
27 relating to the duties of their respective offices, and the

1 Governor may at any time require information in writing, under
2 oath, from all officers and managers of state institutions,
3 upon any subject relating to the condition, management, and
4 expenses of their respective offices and institutions. Any
5 such officer or manager who makes a willfully false report or
6 fails without sufficient excuse to make the required report on
7 demand, is guilty of an impeachable offense.

8 Section 120.

9 (a) The Governor, by proclamation on extraordinary
10 occasions, may convene the Legislature to consider specific
11 legislation as provided in subsection (b) by issuing to the
12 Clerk of the House and the Secretary of the Senate a Special
13 Session Proclamation. The proclamation shall be issued at
14 least two days in advance of the session unless emergency
15 circumstances require otherwise.

16 (b) The Special Session Proclamation shall designate
17 the legislation to be considered. When the Legislature is
18 convened in special session, no legislation upon subjects
19 other than those designated in the proclamation may be
20 enacted, except by a vote of two-thirds of those elected to
21 each house.

22 (c) A special session called pursuant to this
23 section shall be limited to 12 legislative days within 30
24 calendar days.

25 Section 121.

26 The Governor, from time to time, shall give to the
27 Legislature information of the state of the government, and

1 recommend for its consideration such measures as he or she may
2 deem expedient; and at the commencement of each regular
3 session of the Legislature, and at the close of his or her
4 term of office, the Governor shall give information by written
5 message of the condition of the state and shall account to the
6 Legislature, as may be prescribed by law, for all moneys
7 received and paid out by him or her or by his or her order;
8 and at the commencement of each regular session, the Governor
9 shall present to the Legislature estimates of the amount of
10 money required to be raised by taxation for all purposes.

11 Section 122.

12 The Governor shall have power to grant reprieves and
13 commutations to persons under sentence of death. The
14 Legislature shall have power to provide for and to regulate
15 the administration of pardons, paroles, remission of fines,
16 and forfeitures, and may authorize the courts having criminal
17 jurisdiction to suspend sentence and to order probation. No
18 pardon shall relieve from civil and political disabilities
19 unless specifically expressed in the pardon.

20 Section 123.

21 (a) Every bill passed by both houses of the
22 Legislature, before it becomes a law, shall be presented to
23 the Governor except on questions of adjournment, the bringing
24 on of elections by the two houses, and amending this
25 constitution. If the Legislature is in session, the bill shall
26 become law if the Governor signs or fails to veto it within
27 seven calendar days after presentation.

1 (b) If the Legislature adjourns sine die before
2 presentation or during the seven-day period, the bill shall
3 become law only if the Governor signs it within 20 calendar
4 days after presentation.

5 (c) When the Governor vetoes a bill, he or she,
6 within seven calendar days after presentation, shall return it
7 to the Secretary of the Senate or Clerk of the House in which
8 the bill originated, unless the Legislature by final
9 adjournment, prevents such return or the return is prevented
10 by recess. The bill or resolution shall be returned to the
11 house in which it originated within two days after
12 reassembling, otherwise it shall become law. The bill shall be
13 reconsidered, and if a majority of the whole number of members
14 elected to each house vote for the passage of the bill, it
15 shall become law.

16 (d) The Governor, within seven calendar days after a
17 bill has been presented to him or her, may return the bill to
18 the house in which it originated in the same manner as
19 provided for vetoed bills or resolutions, with recommendations
20 for its amendment. If both houses approve the amendment, the
21 bill as amended shall become law. If either house refuses to
22 approve the amendment, then either house may reconsider the
23 original bill and repass it by a majority vote of the whole
24 number of each house. If both houses repass the original bill,
25 it shall become law without the signature of the Governor. In
26 all cases above set forth, the names of the members voting for

1 and against the bill, or amendments thereto, shall be entered
2 on the journal.

3 Section 124.

4 The Governor shall have power to approve or
5 disapprove any item or items of any appropriation bill
6 embracing distinct items, and the part or the parts of the
7 bill approved shall be the law, and the item or items
8 disapproved shall be void, unless repassed according to the
9 rules and limitations prescribed for the passage of bills over
10 the executive veto; and the Governor shall in writing state
11 specifically the item or items he or she disapproves, setting
12 the same out in full in his or her message, but in such case
13 the enrolled bill shall not be returned with the Governor's
14 objection.

15 Section 125.

16 (a) In case of the Governor's removal from office,
17 death, or resignation, the Lieutenant Governor shall become
18 Governor.

19 (b) In the event of a vacancy in the office, caused
20 by the removal from office, death, or resignation of the
21 Governor and Lieutenant Governor, pending such vacancy and
22 until their successors shall be elected and qualified, the
23 office of Governor shall be held and administered by either
24 the President Pro Tempore of the Senate, Speaker of the House
25 of Representatives, Attorney General, State Auditor, Secretary
26 of State, or State Treasurer in the order herein named.

1 (c) In case of the Governor's absence from the state
2 for more than 20 days, unsoundness of mind, or other
3 incapacity, the power and authority of the office, until the
4 Governor is restored to his or her mind, or relieved from
5 incapacity, shall devolve in the order herein named, upon the
6 Lieutenant Governor, President Pro Tempore of the Senate,
7 Speaker of the House of Representatives, Attorney General,
8 State Auditor, Secretary of State, and State Treasurer. If any
9 of these officers be under any of the incapacities herein
10 specified, the office of the Governor shall be administered in
11 the order named by such of these officers as may be free from
12 such incapacity. If the Governor shall be absent from the
13 state over 20 days, the Secretary of State shall notify the
14 Lieutenant Governor, who shall enter upon the duties of
15 Governor; if both the Governor and Lieutenant Governor shall
16 be absent from the state over 20 days, the Secretary of State
17 shall notify the President Pro Tempore of the Senate, who
18 shall enter upon the duties of Governor, and so on, in case of
19 such absence, he or she shall notify each of the other
20 officers named in their order, who shall discharge the duties
21 of the office until the Governor or other officer entitled to
22 administer the office in succession to the Governor returns.

23 (d) If the Governor-elect fails or refuses from any
24 cause to qualify, the Lieutenant Governor-elect shall qualify
25 and exercise the duties of Governor until the Governor-elect
26 qualifies; and in the event both the Governor-elect and the
27 Lieutenant Governor-elect from any cause fail to qualify, the

1 President Pro Tempore of the Senate, the Speaker of the House
2 of Representatives, the Attorney General, State Auditor,
3 Secretary of State, and State Treasurer, in like manner, in
4 the order named, shall administer the office until the
5 Governor-elect or Lieutenant Governor-elect qualifies.

6 (e) In the case of any event requiring a succession
7 to office pursuant to this section, the office shall be filled
8 by that person holding the office designated in the line of
9 succession at the time of the event giving rise to the vacancy
10 or other need for succession.

11 Section 126.

12 If the Governor or other officer administering the
13 office shall appear to be of unsound mind or suffers from
14 other incapacity, it shall be the duty of the Supreme Court of
15 Alabama, at any regular term, or at any special term, which it
16 is hereby authorized to call for that purpose, upon request in
17 writing, verified by their affidavits, of any two of the
18 officers named in Section 125, not next in succession to the
19 office of Governor, to ascertain the mental condition or
20 incapacity of the Governor or other officer administering the
21 office, and if the Governor is adjudged to be of unsound mind
22 or is otherwise incapacitated, to so decree, a copy of which
23 decree, duly certified, shall be filed in the office of the
24 Secretary of State; and in the event of such adjudication, it
25 shall be the duty of the officer next in succession to perform
26 the duties of the office until the Governor or other officer
27 administering the office is restored to his or her mind or the

1 incapacity no longer continues. If the incumbent denies that
2 the Governor or other person entitled to administer the office
3 has been restored to his or her mind, the supreme court, at
4 the instance of any officer named in Section 125, shall
5 ascertain the truth concerning the same, and if the officer
6 has been restored to his or her mind, shall so adjudge and
7 file a duly certified copy of its decree with the Secretary of
8 State; and in the event of such adjudication, the office shall
9 be restored to him or her. The supreme court shall prescribe
10 the method of taking testimony and the rules of practice in
11 such proceedings, which rules shall include a provision for
12 the service of notice of such proceedings on the Governor or
13 person acting as Governor.

14 Section 127.

15 The Lieutenant Governor, President Pro Tempore of
16 the Senate, Speaker of the House of Representatives, Attorney
17 General, State Auditor, Secretary of State, or State
18 Treasurer, while administering the office of Governor, shall
19 receive like compensation as that prescribed by law for the
20 Governor, and no other.

21 Section 128.

22 No person, at the same time, shall hold the office
23 of Governor and any other office, civil or military, under
24 this state, or the United States, or any other state or
25 government, except as otherwise provided in this constitution.

26 Section 129.

1 The Governor shall be commander-in-chief of the
2 militia and volunteer forces of this state, except when they
3 shall be called into the service of the United States, and he
4 or she may call out the same to execute the laws, suppress
5 insurrection, and repel invasion, but need not command in
6 person; and when acting in the service of the United States,
7 he or she shall appoint his or her staff, and the Legislature
8 shall fix his or her rank.

9 Section 130.

10 (a) No person shall be eligible to the office of
11 Attorney General, State Auditor, Secretary of State, State
12 Treasurer, or Commissioner of Agriculture and Industries
13 unless he or she shall have been a citizen of the United
14 States at least seven years, and shall have resided in this
15 state at least five years next preceding his or her election,
16 and shall be at least 25 years old when elected. The Attorney
17 General shall have been licensed to practice law in this state
18 for five years before assuming office.

19 (b) The Attorney General, State Auditor, Secretary
20 of State, State Treasurer, and Commissioner of Agriculture and
21 Industries shall perform such duties as may be prescribed by
22 law. The State Treasurer and State Auditor, every year, at a
23 time fixed by the Legislature, shall make a full and complete
24 report to the Governor, showing the receipts and disbursements
25 of every character, all claims audited and paid out, by items,
26 and all taxes and revenues collected and paid into the
27 Treasury, and the sources thereof. They shall make reports

1 more often upon any matters pertaining to their offices if
2 required by the Governor or the Legislature. The Attorney
3 General, State Auditor, Secretary of State, State Treasurer,
4 and Commissioner of Agriculture and Industries shall not
5 receive for their use any fees, costs, perquisites of office,
6 or other compensation than the salaries prescribed by law, and
7 all fees that may be payable for any services performed by
8 such officers shall be at once paid into the State Treasury.
9 The Legislature may require the Attorney General to defend any
10 or all suits brought against the state, or any subdivision
11 thereof, or against any state school board or the State Board
12 of Education, or against any county or city school board or
13 board of education, or against like boards or commissions by
14 whatever name designated, or against any members, officers, or
15 employees of any such boards, or against any school official
16 or employee throughout Alabama.

17 (c) The Secretary of State shall be the custodian of
18 the Great Seal of the State, and shall authenticate therewith
19 all official acts of the Governor, except his or her approval
20 of laws, resolutions, appointments to office, and
21 administrative orders. The Secretary of State shall keep a
22 register of the official acts of the Governor, and when
23 necessary, shall attest them, and lay copies of same together
24 with copies of all papers relative thereto, before either
25 house of the Legislature, when required to do so, and shall
26 perform such other duties as may be prescribed by law.

1 (d) In case the Lieutenant Governor, Attorney
2 General, Secretary of State, State Auditor, State Treasurer,
3 or Commissioner of Agriculture and Industries shall become of
4 unsound mind or suffer from other incapacity, such unsoundness
5 of mind or other incapacity shall be ascertained by the
6 supreme court upon the suggestions of the Governor, and if
7 found to be of unsound mind or unable to perform his or her
8 duties because of such other incapacity, his or her office
9 shall be vacant. Should any such office become vacant from any
10 cause, the Governor shall fill such vacancy until the
11 incapacity is removed or a successor elected and qualified.

12 Section 131.

13 There shall be a seal of the state, which shall be
14 used officially by the Governor, and the seal now in use shall
15 continue to be used until another shall have been adopted by
16 the Legislature. The seal shall be called the Great Seal of
17 the State of Alabama.

18 Section 132.

19 All grants and commissions shall be issued in the
20 name and by the authority of the State of Alabama, sealed with
21 the Great Seal of the State, signed by the Governor, and
22 countersigned by the Secretary of State.

23 Section 133.

24 A sheriff shall be elected in each county by the
25 qualified electors thereof who shall hold office for a term of
26 four years unless sooner removed, and he or she shall be
27 eligible to such office as his or her own successor. Whenever

1 any prisoner is taken from jail, or from the custody of any
2 sheriff or his or her deputy, and put to death, or suffers
3 grievous bodily harm, owing to the neglect, connivance,
4 cowardice, or other grave fault of the sheriff, the sheriff
5 may be impeached, under Section 174 of Article VII. If the
6 sheriff be impeached, and thereupon convicted, he or she shall
7 not be eligible to hold any office in this state during the
8 time for which he or she had been elected or appointed to
9 serve as sheriff.

10 III. Sections 282.1, 282.2, 282.3, and 282.4 are
11 added to Article XVII of the Constitution of Alabama of 1901,
12 to read as follows:

13 Section 282.1.

14 (a) Appointments and promotions in the civil service
15 of this state shall be made according to merit, fitness, and
16 efficiency, to be determined, so far as practicable, by
17 examination, which, so far as practicable, shall be
18 competitive under such laws as the Legislature may enact.

19 (b) The Legislature shall maintain laws necessary to
20 implement, and to provide adequate financial support for, a
21 positive program of personnel management in the state service.

22 (c) All state personnel laws now in effect that are
23 not in conflict with this section shall continue in effect
24 until they are amended or repealed as provided by law. Civil
25 service status acquired by employees under existing statutes
26 shall not be affected by this section.

27 Section 282.2.

1 (a) The State of Alabama, through the Alabama State
2 Docks Department, may convey, without consideration, title to
3 its real property, equipment, and facilities located in
4 Lauderdale county, Alabama, and known as the Alabama State
5 Docks to the Florence-Lauderdale County Port Authority, a
6 public corporation, but subject to existing leases and other
7 contractual agreements now in effect. Any laws or parts of
8 laws, or any provisions of this constitution, are revised,
9 superseded, and repealed to the extent they are in conflict
10 with this section.

11 (b) The State of Alabama, through the Alabama State
12 Docks Department, may convey, without consideration, title to
13 its real property, equipment, and facilities located in Morgan
14 County, Alabama, and known as the Alabama State Docks to the
15 Decatur-Morgan County Port Authority, a public corporation,
16 and in Walker County, Alabama, known as the State Docks in
17 Cordova in Walker county to the Walker County Commission, but
18 subject to existing leases and other contractual agreements
19 now in effect. Any laws or parts of laws, or any provisions of
20 this constitution, are revised, superseded, and repealed to
21 the extent they are in conflict with this section. This
22 section is self-executing.

23 (c) The State of Alabama, through the Alabama State
24 Docks Department, may convey, without consideration, title to
25 its real property, equipment, and facilities located in
26 Madison County, Alabama, and known as the Alabama State Docks,
27 to the Huntsville-Madison County Marina and Port Authority, a

1 public corporation. The conveyance shall be subject to
2 existing leases and other contractual agreements now in
3 effect. Any laws or parts of laws, or any provisions of this
4 constitution, are revised, superseded, and repealed to the
5 extent they are in conflict with this section.

6 Section 282.3.

7 All of the assets, proceeds, or income of the
8 teachers', employees', state police, public, and judicial
9 retirement systems of Alabama, or any successor systems
10 thereto, and all contributions and payments made to such
11 systems to provide for retirement and related benefits
12 thereunder, shall be held, invested as authorized by law, or
13 disbursed as in trust for the exclusive purpose of providing
14 for such benefits, refunds, and administrative expenses under
15 the management of the boards of control of the aforementioned
16 retirement systems. None of the assets, proceeds, income,
17 contributions, or payments shall be used, loaned, encumbered,
18 or diverted to or for any other purpose whatsoever.

19 Section 282.4.

20 All of the assets, proceeds, and income of the
21 Alabama Retired State Employees' Health Care Trust and the
22 Alabama Retired Education Employees' Health Care Trust, or any
23 successor or assignee of the trust, and all contributions and
24 payments made to the trustees of the trusts, shall be held,
25 invested as authorized by law, and disbursed for the exclusive
26 purposes of providing for administrative expenses of the
27 respective trust and health care benefits under the management

1 of the trustees of the respective trust in accordance with the
2 terms of its trust agreement. None of the assets, proceeds,
3 income, contributions, or payments shall be used, loaned,
4 encumbered, or diverted to or for any other purpose
5 whatsoever, except, that (1) a trust may be terminated, if the
6 state has no obligation to provide post-employment health care
7 benefits for which the trust was established to such persons,
8 and, in that event, the remaining assets of the trust shall
9 revert to the State Treasury to and for the credit of the
10 State Employees' Insurance Board, the Public Education
11 Employees' Health Insurance Board, or its successor or assign,
12 as the case may be, related to the terminated trust or (2) if
13 in response to a petition of the trustees of a trust
14 requesting that the respective trust agreement be amended, a
15 court of competent jurisdiction determines that the amendment
16 proposed by the trustees is necessary or otherwise advisable
17 to accomplish one or more purposes of the act authorizing and
18 directing the creation of the trusts.

19 IV. This amendment shall become operative on January
20 1, 2017.

21 Section 2. An election upon the proposed amendment
22 shall be held in accordance with Sections 284 and 285 of the
23 Constitution of Alabama of 1901, now appearing as Sections 284
24 and 285 of the Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, and the election laws of this
26 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 the Constitution of
7 Alabama of 1901, to become operative January 1, 2017, to
8 repeal and replace Article V, Executive Department, to add the
9 substance of specified amendments that have been recompiled as
10 part of Article V to Article XVII, Miscellaneous and to repeal
11 certain outdated sections of the constitution.

12 "Proposed by Act _____."

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

15 "Yes () No ()."