

1 SB274  
2 160137-4  
3 By Senators Coleman, Figures, Beasley, Dunn, and Singleton  
4 (Constitutional Amendment)  
5 RFD: Constitution, Campaign Finance, Ethics, and Elections  
6 First Read: 23-JAN-14

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To repeal Amendments 425 and 555 to the Constitution  
12 of Alabama of 1901, now appearing as Section 284.01 of the  
13 Official Recompilation of the Constitution of Alabama of 1901,  
14 as amended, relating to local constitutional amendments, and  
15 to a new add Section 284.01 to Article XVIII of the  
16 Constitution of Alabama of 1901, providing for local  
17 constitutional amendments.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 PROPOSED AMENDMENT

26 I. Amendments 425 and 555 to the Constitution of  
27 Alabama of 1901, are repealed.

1                   II. Section 284.01 is added to the Constitution of  
2 Alabama of 1901, to read as follows:

3                   Section 284.01. (a) The Legislature shall determine  
4 whether a proposed constitutional amendment affects or applies  
5 to only one county or a political subdivision within one or  
6 more counties under the procedures set out herein. If the  
7 Legislature determines that a proposed constitutional  
8 amendment affects or applies to only one county or a political  
9 subdivision within one or more counties, the amendment shall  
10 be adopted as a valid part of the constitution only by a  
11 favorable vote of a majority of the qualified electors of the  
12 affected county or, if applicable, the political subdivision  
13 and the county or counties in which the political subdivision  
14 is located, who vote on the amendment as provided in  
15 subsections (b) and (c). If the Legislature fails to determine  
16 that a proposed constitutional amendment affects or applies to  
17 only one county or a political subdivision within one or more  
18 counties pursuant to the procedures set out in subsection (b),  
19 the amendment shall be adopted as a valid part of the  
20 constitution only by a favorable vote of a majority of the  
21 qualified electors who vote on the amendment in a statewide  
22 referendum, as provided in subsection (d), and a majority of  
23 the qualified voters of the affected county or counties voting  
24 on the amendments, as provided in subsection (d).

25                   (b) To determine whether a proposed amendment shall  
26 be placed on the ballot in only one county or a political  
27 subdivision within one or more counties and the affected

1 county or counties, as provided in subsection (a), the  
2 proposed amendment shall be approved by each house of the  
3 Legislature under the following process:

4 (1) The proposed amendment must first be approved,  
5 if at all, by at least three-fifths of all the members elected  
6 to the house in which it originates.

7 (2) Immediately following approval under subdivision  
8 (1), the house shall consider a resolution declaring that the  
9 proposed amendment affects or applies to only one county or a  
10 political subdivision within one or more counties specifying  
11 by proper name the county or political subdivision and county  
12 or counties.

13 (3) The proposed amendment shall then be sent to the  
14 other house for consideration and, if at least three-fifths of  
15 all the members elected to that house vote in favor of the  
16 proposed amendment, that house shall likewise immediately  
17 proceed to consider a resolution of local application as  
18 provided in subdivision (2).

19 In the event that both houses of the Legislature  
20 approve the amendment by at least a three-fifths vote of their  
21 elected members and also determine by vote without dissent  
22 that the proposed amendment affects or applies to only one  
23 county or a political subdivision within one or more counties,  
24 the proposed amendment shall be placed on the ballot only in  
25 the county or political subdivision and county or counties  
26 affected.

1           (c) Notice of the election, together with the  
2 proposed amendment, shall be given by proclamation of the  
3 Governor, which proclamation shall be published once a week  
4 for four successive weeks next preceding the day appointed for  
5 the election in each newspaper qualified to run legal notices  
6 in the county or counties affected.

7           (d) If after having been approved by at least a  
8 three-fifths vote of the elected members of either house of  
9 the Legislature, there is at least one dissenting vote cast on  
10 the resolution in either house on the question of whether the  
11 proposed amendment affects or applies to only one county or  
12 only to a political subdivision within one or more counties,  
13 the proposed amendment 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 by a majority of  
19 the qualified voters voting on the amendment statewide and a  
20 majority of the voters of any county or political subdivision  
21 named in the resolution voting on the amendment.

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 the Constitution of  
7 Alabama of 1901, to revise the procedure for adoption of local  
8 constitutional amendments to provide that a proposed  
9 constitutional amendment the Legislature determines without a  
10 dissenting vote applies to only one county or a political  
11 subdivision within one or more counties shall be adopted as a  
12 valid part of the constitution by a favorable vote of a  
13 majority of the qualified electors of the affected county, or  
14 the political subdivision and county or counties in which the  
15 political subdivision is located, who vote on the amendment.

16           "Proposed by Act \_\_\_\_\_."

17           This description shall be followed by the following  
18 language:

19           "Yes ( ) No ( )."

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Senate

Read for the first time and referred to the Senate  
committee on Constitution, Campaign Finance, Eth-  
ics, and Elections..... 23-JAN-14

Read for the second time and placed on the calen-  
dar 1 amendment..... 18-FEB-14

Read for the third time and passed as amended .... 19-MAR-14

Yeas 32  
Nays 0

Patrick Harris  
Secretary