

1 HB490  
2 176182-1  
3 By Representative Pettus (Constitutional Amendment)  
4 RFD: Local Legislation  
5 First Read: 05-APR-16

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8 SYNOPSIS: Under existing law, generally, vacancies in  
9 judicial office are filled by appointment by the  
10 Governor and the appointee holds office until the  
11 first Monday after the second Tuesday in January  
12 following the first general election held more than  
13 one year after the appointee takes office.

14 Notwithstanding the general provision,  
15 vacancies in the Office of Circuit Court Judge and  
16 District Court Judge in Lauderdale County, are  
17 filled by the Governor based on nominations made by  
18 the Lauderdale County Judicial Commission and the  
19 appointee holds office until the next general  
20 election for any state officer held at least six  
21 months after the vacancy occurs. Thereafter, a  
22 successor is elected for a full term.

23 This bill would propose an amendment to  
24 Amendment 819 of the Constitution of Alabama of  
25 1901, now appearing as Local Amendments, Lauderdale  
26 County, Section 4.10 of the Official ReCompilation  
27 of the Constitution of Alabama of 1901, as amended,

1 specifying that when a vacancy in the office of  
2 circuit or district judge in Lauderdale County is  
3 filled by an appointment, the term of office of the  
4 appointed judge would be the same as for judicial  
5 vacancies generally.

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 Relating to Lauderdale County; to propose an  
12 amendment to Amendment 819 of the Constitution of Alabama of  
13 1901, now appearing as Local Amendments, Lauderdale County,  
14 Section 4.10 of the Official Recompilation of the Constitution  
15 of Alabama of 1901, as amended; to revise the term of office  
16 of a circuit court judge or district court judge appointed to  
17 fill a vacancy in Lauderdale County so that the term will  
18 correspond to the general provisions of Section 153 of the  
19 Constitution.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. The following amendment to the  
22 Constitution of Alabama of 1901, is proposed and shall become  
23 valid as a part of the Constitution when all requirements of  
24 this act are fulfilled:

25 PROPOSED AMENDMENT

26 Amendment 819 to the Constitution of Alabama of  
27 1901, now appearing as Local Amendments, Lauderdale County,

1 Section 4.10 of the Official ReCompilation of the Constitution  
2 of Alabama of 1901, as amended, to read as follows:

3 "Amendment 819.

4 "All vacancies in the office of judge of the circuit  
5 court and the office of judge of the district court holding in  
6 Lauderdale County shall be filled in the manner and for the  
7 time as herein provided.

8 "The Lauderdale County Judicial Commission is  
9 created for the purpose of nominating to the Governor persons  
10 for appointment to a vacancy. The commission shall be composed  
11 of five members, two of whom shall be appointed by the members  
12 of the bar residing in the county, two shall be appointed by  
13 the members of the county commission, and one, who shall be  
14 the chair, shall be appointed by the Chief Justice or the  
15 Acting Chief Justice of the Alabama Supreme Court.

16 "All members of the commission shall reside in the  
17 territorial jurisdiction of the circuit court holding in  
18 Lauderdale County.

19 "The Lauderdale County Bar Association, the  
20 Lauderdale County Commission, and the Chief Justice or Acting  
21 Chief Justice of the Alabama Supreme Court shall each certify  
22 in writing to the Judge of Probate of Lauderdale County the  
23 names of the persons selected as members of the commission.

24 "The terms of office of all members of the  
25 commission shall be six years. In the event that an initial  
26 appointment or vacancy of a member of the commission is not  
27 filled in 30 days, the appointment or vacancy shall be filled

1 by the Chief Justice or Acting Chief Justice of the Alabama  
2 Supreme Court within 10 days. A vacancy in the office of a  
3 member of the commission shall be filled for the unexpired  
4 term in the same manner as the member was originally chosen.

5 "The Judge of Probate of Lauderdale County shall  
6 record all certificates of election and shall safely and  
7 permanently keep the original certificates. Forthwith upon his  
8 or her receipt and recordation of every certificate, the judge  
9 of probate shall send to the Governor a certified copy of  
10 every certificate.

11 "No member of the commission shall be eligible for  
12 nomination to the Governor for appointment as judge of the  
13 circuit court or the district court during the term of office  
14 of the commission member.

15 "The members of the commission shall not receive any  
16 salary or other compensation for their services as members. No  
17 member of the commission shall hold any public office, and no  
18 member of the commission shall hold any official position in  
19 any political party.

20 "If a vacancy occurs in the office of judge of the  
21 circuit court or the office of judge of the district court  
22 holding in Lauderdale County, the commission shall nominate  
23 within 30 days to the Governor three persons having the  
24 qualifications for the office. If the commission fails to  
25 nominate three names during the 30-day period, the names shall  
26 be selected by the Chief Justice or Acting Chief Justice of  
27 the Alabama Supreme Court within 10 days. The names of all

1 persons considered for nomination shall be available for  
2 review by the public and shall be deemed a public record. The  
3 Governor shall appoint to the office in which the vacancy  
4 exists one of the three persons so nominated for the office.  
5 If the Governor fails to make an appointment from the list  
6 within 30 days from the date it is presented to the Governor,  
7 the appointment shall be made by the Chief Justice or the  
8 Acting Chief Justice of the Alabama Supreme Court from the  
9 same list. ~~The appointee shall hold the office until the next~~  
10 ~~general election for any state officer held at least six~~  
11 ~~months after the vacancy occurs and until a successor is~~  
12 ~~elected and qualified. At the general election, the judicial~~  
13 ~~office shall be filled for a full term of office to commence~~  
14 ~~on the first Monday after the second Tuesday in January~~  
15 ~~following the general election. The term of office of a judge~~  
16 ~~appointed to fill a vacancy shall be as otherwise provided in~~  
17 ~~Section 153 of the Constitution of Alabama of 1901.~~"

18 Section 2. An election upon the proposed amendment  
19 shall be held in accordance with Amendment 555 to the  
20 Constitution of Alabama of 1901, now appearing as Section  
21 284.01 of the Official Recompilation of the Constitution of  
22 Alabama of 1901, as amended, and the election laws of this  
23 state.

24 Section 3. The appropriate election official shall  
25 assign a ballot number for the proposed constitutional  
26 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of  
2 the proposed constitutional amendment:

3 "Relating to Lauderdale County, proposing an  
4 amendment to Amendment 819 to the Constitution of Alabama of  
5 1901, to revise the term of office of a person appointed to  
6 fill a vacancy in the office of circuit or district judge in  
7 Lauderdale County so that the term will correspond with the  
8 general provisions of Section 153 of the Constitution.

9 "Proposed by Act \_\_\_\_\_"

10 This description shall be followed by the following  
11 language:

12 "Yes ( ) No ( )."