

1 HB315
2 204671-2
3 By Representative Chestnut (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 25-FEB-20

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ENROLLED, An Act,

To propose an amendment to the Constitution of Alabama 1901, to provide that vacancies in the Office of District Court Judge in Dallas County, are filled by the Governor based on nominations made by the Dallas County Judicial Commission and the appointee holds office until the successor elected at the next general election for any state officer takes office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

All vacancies in the Office of Judge of the District Court of Dallas County which occur subsequent to January 15, 2021, shall be filled pursuant to the provisions of this amendment.

Section 2. (a) The Dallas County Judicial Commission is created for the purpose of nominating to the Governor, persons for appointment to any vacancy in the Office of Judge of the District Court of Dallas County. The commission shall be composed of the following:

1 (1) Two persons who are members of the Alabama State
2 Bar to be elected by attorneys licensed to practice law in
3 this state who reside in Dallas County. The executive
4 committee of the Dallas County local bar association or its
5 successor body in the capacity, is authorized and directed to
6 make rules, not inconsistent with this amendment, for the
7 election of the two members. The executive committee shall
8 certify in writing to the Judge of Probate of Dallas County
9 the names of the two persons elected.

10 (2) Two persons who are not members of the Alabama
11 State Bar to be elected by the members of the Dallas County
12 Legislative Delegation. The members of the Dallas County
13 Legislative Delegation shall certify in writing to the Judge
14 of Probate of Dallas County the names of the two persons
15 elected.

16 (3) One judge of the Circuit Court of the Fourth
17 Judicial Circuit to be elected by the Circuit Judges of the
18 Fourth Judicial Circuit. The judges of the circuit court shall
19 certify in writing to the Judge of Probate of Dallas County
20 the name of the circuit judge elected.

21 (b) The Judge of Probate of Dallas County shall
22 record all certificates of election and safely and permanently
23 keep the original certificates. Upon receipt and recordation
24 of each certificate, the judge of probate shall send a
25 certified copy of the certificate to the Governor.

1 (c) All members of the commission, except the
2 circuit judge, shall reside in the territorial jurisdiction of
3 the District Court of Dallas County.

4 Section 3. The terms of office of all members of the
5 commission shall be six years, except that the initial terms
6 of office of the two members of the state bar shall be one and
7 two years respectively, and the initial terms of office for
8 the two members who are not members of the state bar shall be
9 three and four years respectively, and the initial term of the
10 circuit judge elected by the circuit judges shall be for five
11 years. The length of each initial term of office shall be
12 designated by the electing bodies. The terms of the initial
13 members of the commission shall begin on January 16, 2021. A
14 vacancy in the office of a member of the commission shall be
15 filled for the unexpired term in the same manner as the member
16 was originally chosen. No member of the commission shall be
17 eligible to serve consecutive terms.

18 Section 4. A member of the commission may not
19 receive any salary or other compensation for serving as a
20 member. A member of the commission other than the member
21 required to be a judge of the circuit court may not hold any
22 public office or any official position in any political party.
23 A member of the commission is not eligible for nomination to
24 the Governor for appointment as judge of the district court
25 within six months of being a member of the commission.

1 Section 5. If, subsequent to January 15, 2021, a
2 vacancy occurs in the Office of Judge of the District Court of
3 Dallas County, the commission, within 60 days, shall nominate
4 to the Governor three persons having the qualifications for
5 the office. The nominations shall be made only by the
6 concurrence of a majority of the members of the commission. If
7 the commission fails to nominate three persons during the
8 60-day period, the names shall be selected by the Chief
9 Justice or Acting Chief Justice of the Alabama Supreme Court
10 within 10 days. The Governor shall appoint to the office in
11 which the vacancy exists one of the three persons nominated.
12 The appointee shall hold the office until a successor elected
13 at the next general election for any state officer held at
14 least six months after the vacancy occurs takes office.

15 Section 6. An election upon the proposed amendment
16 shall be held in accordance with Section 284.01 of the
17 Constitution of Alabama of 1901, now appearing as Section
18 284.01 of the Official ReCompilation of the Constitution of
19 Alabama of 1901, as amended, and the election laws of this
20 state.

21 Section 7. The appropriate election official shall
22 assign a ballot number for the proposed constitutional
23 amendment on the election ballot and shall set forth the
24 following description of the substance or subject matter of
25 the proposed constitutional amendment:

1 "Relating to Dallas County, proposing an amendment
2 to the Constitution of Alabama of 1901, to provide that
3 vacancies in the Office of District Court Judge in Dallas
4 County, are filled by the Governor based on nominations made
5 by the Dallas County Judicial Commission and the appointee
6 holds office until the next general election for any state
7 officer held at least six months after the vacancy occurs.

8 "Proposed by Act _____"

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

11 "Yes () No ()."

12 Section 8. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 05-MAR-20.

Jeff Woodard
Clerk

Senate

06-MAY-20

Passed