

1 SB227
2 217070-1
3 By Senators Figures, Williams and Sessions (Constitutional
4 Amendment)
5 RFD: Mobile County Legislation
6 First Read: 16-FEB-22

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide for a judicial nominating commission in Mobile County, to provide for the composition, duties, and powers of the commission; and to provide that this amendment be self-executing.

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

(a) All vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile County which shall occur subsequent to January 15,

1 2023, shall be filled in the manner and for the time provided
2 by this amendment.

3 (b) (1) The Mobile County Judicial Commission is
4 hereby created for the purpose of nominating to the Governor
5 persons for appointment to a vacancy. The members of the
6 commission shall be all of the following:

7 a. Two individuals who are members of the Alabama
8 State Bar.

9 b. Two individuals who are not members of the
10 Alabama State Bar.

11 c. One judge of the circuit court of Mobile County.

12 (2) All members of the commission must reside in the
13 territorial jurisdiction of the circuit court of Mobile
14 County.

15 (c) (1) a. The two members of the commission who are
16 required to be members of the Alabama State Bar shall be
17 elected by the members of the bar who are regularly licensed
18 and qualified to practice law in this state and who reside in
19 the territorial jurisdiction of the circuit court of Mobile
20 County.

21 b. The executive committee of the Mobile County Bar
22 Association, or its successor body in that capacity, shall
23 adopt policies and procedures consistent with this amendment
24 for the election of the members of the commission that are
25 required to be members of the Alabama State Bar.

26 c. The executive committee shall certify in writing
27 to the judge of probate of Mobile County the names of the

1 persons elected as members of the commission by the members of
2 the bar.

3 (2) The members of the Legislature from Mobile
4 County shall elect the two members of the commission who are
5 required not to be members of the Alabama State Bar. The
6 senators and representatives shall certify in writing to the
7 judge of probate the names of the persons elected by them as
8 members.

9 (3) The judges of the circuit court of Mobile County
10 shall elect the member of the commission who is required to be
11 a judge of the circuit court. The judges of the circuit court
12 shall certify in writing to the judge of probate the name of
13 the circuit judge elected by the circuit judges as member. The
14 judge member shall serve as chair of the commission.

15 (4) The judge of probate of Mobile County shall
16 record all the certificates of election and shall safely and
17 permanently keep the original certificates. Upon receipt and
18 recordation of every certificate, he or she shall send to the
19 Governor a certified copy of every certificate.

20 (d)a. The terms of office of all members of the
21 commission shall be six years, except that the initial terms
22 of office of the two members of the state bar first elected
23 shall be for one and two years respectively, and of the two
24 members first elected by the senators and representatives in
25 the Legislature from Mobile County shall be for three and four
26 years respectively, and the term of the circuit judge elected
27 by the circuit judges shall be for five years; the length of

1 the terms of office of the members of the commission being
2 indicated by the respective electing bodies.

3 b. The terms of the initial members of the
4 commission shall begin on January 16, 2023.

5 (e) No member of the commission, having served a
6 full term, shall be eligible to succeed himself or herself as
7 member. No member of the commission shall be eligible for
8 nomination to the Governor for appointment as judge of the
9 circuit court or district court during the term of office for
10 which the member has been selected to serve.

11 (f) The members of the commission shall not receive
12 any salary or other compensation for their services as
13 members. No member of the commission other than the member
14 required to be a judge of the circuit court shall hold any
15 public office, and no member of the commission shall hold any
16 official position in any political party.

17 (g) (1) If, subsequent to January 15, 2023, a vacancy
18 occurs or, in the opinion of the chair of the commission, a
19 vacancy is likely to occur in the office of judge of the
20 circuit court or in the office of judge of the district court
21 of Mobile County, the commission shall nominate to the
22 Governor three persons having the qualifications for that
23 office.

24 (2) The nomination shall be made only by the
25 concurrence of a majority of the members of the commission.

1 (3) The Governor shall appoint to the office in
2 which the vacancy exists one of the three persons nominated
3 pursuant to this subsection for that office.

4 (4) Any vacancy occurring in the office of judge of
5 the circuit or district court of Mobile County, which is
6 required to be filled by appointment on nominations made by a
7 judicial commission, shall be made within 90 days from the
8 date of the submission of the nominations.

9 (5) In the event the Governor fails to fill the
10 vacancy from the nominations within the 90-day period provided
11 in subdivision (4), the appointment shall be made by the Chief
12 Justice of the Supreme Court of Alabama.

13 (6) The commission shall establish procedures
14 consistent with this amendment for nominating candidates to
15 the Governor.

16 (h) This amendment shall be self-executing.

17 Upon ratification of this constitutional amendment
18 and contingent upon the ratification of the Constitution of
19 Alabama of 2022, the Code Commissioner shall number and place
20 this amendment as appropriate in the constitution based upon a
21 logical sequence and the particular subject or topic of the
22 amendment. In this amendment, the Code Commissioner may change
23 capitalization, spelling, and punctuation for the purpose of
24 style and uniformity; correct manifest grammatical, clerical,
25 and typographical errors; and correct incorrect
26 cross-references. When publishing the Constitution of Alabama

1 of 2022, as amended, the Code Commissioner may omit this
2 instructional paragraph.

3 Section 2. An election upon the proposed amendment
4 shall be held in accordance with Section 284.01 of the
5 Constitution of Alabama of 1901, now appearing as Section
6 284.01 of the Official ReCompilation of the Constitution of
7 Alabama of 1901, as amended, and the election laws of this
8 state.

9 Section 3. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description of the substance or subject matter of
13 the proposed constitutional amendment:

14 "Relating to Mobile County; proposing an amendment
15 to the Constitution of Alabama of 1901, as amended, to provide
16 for a judicial nominating commission in Mobile County, to
17 provide for the composition, duties, and powers of the
18 commission; and to provide that this amendment be
19 self-executing.

20 "Proposed by Act _____"

21 This description shall be followed by the following
22 language:

23 "Yes () No ()."