

1 SB274
2 155793-1
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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8 SYNOPSIS: Under Amendment 425 to the Constitution of
9 Alabama of 1901, as amended by Amendment 555 to the
10 Constitution of Alabama of 1901, the Legislature
11 may propose a local constitutional amendment that
12 affects only one county or a municipality in one or
13 more counties. If the local constitutional
14 amendment receives at least three-fifths of the
15 vote in each house, does not receive a negative
16 vote, and is approved by a majority of the Local
17 Constitutional Amendment Commission, it is voted on
18 only in that county or counties. If the measure
19 receives a negative vote in either house or is not
20 approved by a majority vote of the commission, it
21 is voted on statewide.

22 The amendment would repeal those amendments
23 and add a new section to Article XVIII of the
24 Constitution of Alabama of 1901, Mode of Amending
25 the Constitution, containing similar language
26 except that a local constitutional amendment that
27 is passed by a three-fifths vote of each house and

1 a majority vote of the Local Constitutional
2 Amendment Commission would be voted on statewide if
3 three or more Senators or nine or more House
4 Members voted against it.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

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

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. Amendments 425 and 555 to the Constitution of
26 Alabama of 1901, are repealed.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) Any proposed constitutional
4 amendment which affects or applies to only one county shall be
5 adopted as a valid part of the Constitution by a favorable
6 vote of a majority of the qualified electors of the affected
7 county who vote on the amendment. Any proposed constitutional
8 amendment which affects or applies to only one political
9 subdivision within a county or counties shall be adopted as a
10 valid part of the Constitution by a favorable vote of a
11 majority of the qualified electors of both the county and the
12 political subdivision affected by the amendment who vote on
13 the amendment. The proposed amendment may provide for a
14 separate referendum in a political subdivision of less than a
15 county if a simultaneous referendum is not possible because of
16 conflicting voting precincts.

17 (b) The proposed amendment shall first be approved
18 by at least a three-fifths vote of the elected members of each
19 house of the Legislature with no more dissenting votes cast
20 than are permitted under subsection (d) and approved by a
21 majority vote of the Local Constitutional Amendment
22 Commission. The commission shall be composed of the Governor,
23 Presiding Officer of the Senate, Attorney General, Secretary
24 of State, and Speaker of the House of Representatives. The
25 Legislature may by general act specify procedures for the
26 Local Constitutional Amendment Commission, but may not expand
27 its role beyond deciding whether the amendment affects more

1 than one county or more than one political subdivision in one
2 or more counties.

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

9 (d) In the event any constitutional amendment
10 proposed for adoption pursuant to this amendment is approved
11 by at least a three-fifths vote of the elected members of each
12 house of the Legislature but with dissenting votes cast by
13 three or more members of the Senate or by nine or more members
14 of the House of Representatives, the amendment shall be
15 treated as a statewide amendment as described in subsection
16 (e).

17 (e) If, after having been approved by at least a
18 three-fifths vote of the elected members of each house of the
19 Legislature with no more dissenting votes cast than are
20 permitted by subsection (d), the proposed amendment is not
21 approved by a majority vote of the Local Constitutional
22 Amendment Commission, it shall automatically be submitted in a
23 statewide referendum in accordance with the procedures for
24 proposed statewide constitutional amendments under Sections
25 284 and 285 of the Constitution of Alabama of 1901. If the
26 proposed amendment is submitted in a statewide referendum, it
27 shall not become effective unless approved at a referendum by

1 a majority of the qualified voters of the affected county
2 voting on the proposition and the affected political
3 subdivision voting on the proposition, if it affects less than
4 the whole county. The referendum in a political subdivision
5 may be held at the same time as the election for the
6 ratification of the proposed amendment, or at another time if
7 provided by the proposed amendment.

8 (f) Notwithstanding any provision of the
9 Constitution to the contrary, all constitutional amendments
10 that have been adopted by a majority vote of the appropriate
11 electorate pursuant to Amendment No. 425 to the Constitution
12 of Alabama of 1901, are hereby ratified and confirmed.

13 Section 2. An election upon the proposed amendment
14 shall be held in accordance with Sections 284 and 285 of the
15 Constitution of Alabama of 1901, now appearing as Sections 284
16 and 285 of the Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, and the election laws of this
18 state.

19 Section 3. The appropriate election official shall
20 assign a ballot number for the proposed constitutional
21 amendment on the election ballot and shall set forth the
22 following description of the substance or subject matter of
23 the proposed constitutional amendment:

24 "Proposing an amendment to the Constitution of
25 Alabama of 1901, to revise the procedure for adoption of local
26 constitutional amendments to require negative votes of three

1 or more Senators or nine or more Representatives to require
2 the local amendment to be voted on statewide.

3 "Proposed by Act _____."

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."