

1 HB476
2 176152-1
3 By Representatives Davis, Faust, McMillan, Shiver, Baker and
4 Jackson (Constitutional Amendment)
5 RFD: Baldwin County Legislation
6 First Read: 23-MAR-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 Baldwin County, are filled
17 by the Governor based on nominations made by the
18 Baldwin 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 660 of the Constitution of Alabama of
25 1901, as amended by Amendment 780, now appearing as
26 Local Amendments, Baldwin County, Section 6 of the
27 Official ReCompilation of the Constitution of

1 Alabama of 1901, as amended, specifying that when a
2 vacancy in the office of circuit or district judge
3 in Baldwin County is filled by an appointment, the
4 term of office of the appointed judge would be the
5 same as for judicial vacancies generally.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to Baldwin County; to propose an amendment
12 to Amendment 660 of the Constitution of Alabama of 1901, as
13 amended by Amendment 780, now appearing as Local Amendments,
14 Baldwin County, Section 6 of the Official Recompilation of the
15 Constitution of Alabama of 1901, as amended; to revise the
16 term of office of a circuit court judge or district court
17 judge appointed to fill a vacancy in Baldwin County so that
18 the term will correspond to the general provisions of Section
19 153 of the 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 660 to the Constitution of Alabama of
27 1901, now appearing as Local Amendments, Baldwin County,

1 Section 6 of the Official ReCompilation of the Constitution of
2 Alabama of 1901, as amended, to read as follows:

3 "Amendment 660.

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 Baldwin County shall be filled in the manner and for the time
7 as herein provided.

8 "The Baldwin County Judicial Commission is created
9 for the purpose of nominating to the Governor persons for
10 appointment to a vacancy. The commission shall be composed of
11 five members. The members of the commission shall be one
12 person who is a member of the Alabama State Bar nominated by
13 the Baldwin County Bar Association, the presiding circuit
14 judge holding in Baldwin County, one member selected by the
15 Baldwin County Commission, one member selected by the Baldwin
16 County Mayors' Association where at least two thirds of the
17 members are in attendance at the meeting where the selection
18 is made, and one member who is not a member of the Legislature
19 selected by the Baldwin County Legislative Delegation selected
20 by random selection as designed by the members of the Alabama
21 House of Representatives and the Alabama Senate who represent
22 Baldwin County.

23 "All members of the commission shall reside in the
24 territorial jurisdiction of the circuit court holding in
25 Baldwin County.

26 "Only the member selected by the Baldwin County Bar
27 Association and the presiding circuit judge holding in Baldwin

1 County may be a member of the Alabama State Bar. The member of
2 the commission who is required to be a member of the Alabama
3 State Bar shall be elected by the members of the bar who are
4 regularly licensed and qualified to practice law in this state
5 and who reside in the territorial jurisdiction of the circuit
6 court holding in Baldwin County. The Executive Committee of
7 the Baldwin County Bar Association, or its successor body in
8 that capacity, shall make rules, not inconsistent with this
9 amendment, for the election of the member of the commission
10 required to be a member of the Alabama State Bar. The
11 executive committee shall certify in writing to the Judge of
12 Probate of Baldwin County the name of the person elected as
13 member of the commission by these members of the bar.

14 "The presiding circuit judge holding in Baldwin
15 County shall certify in writing to the Judge of Probate of
16 Baldwin County the remaining names of the persons selected as
17 members of the commission.

18 "The terms of office of all members of the
19 commission shall be six years. In event that an initial
20 appointment or vacancy is not filled in 30 days, the vacancy
21 shall be filled by the members of the Baldwin County
22 Legislative Delegation residing in Baldwin County within 10
23 days. A vacancy in the office of a member of the commission
24 shall be filled for the unexpired term in the same manner as
25 the member was originally chosen.

26 "The Judge of Probate of Baldwin County shall record
27 all certificates of election and shall safely and permanently

1 keep the original certificates. Forthwith upon his or her
2 receipt and recordation of every certificate, the judge of
3 probate shall send to the Governor a certified copy of every
4 certificate.

5 "No member of the commission shall be eligible for
6 nomination to the Governor for appointment as judge of the
7 circuit court or the district court during the term of office
8 of the commission member.

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

15 "If a vacancy occurs in the office of judge of the
16 circuit court or the office of judge of the district court
17 holding in Baldwin County, the commission shall nominate
18 within 30 days to the Governor three persons having the
19 qualifications for the office. If the commission fails to
20 nominate three names during the 30-day period, the names shall
21 be selected by the members of the Baldwin County Legislative
22 Delegation residing in the county within 10 days. The names of
23 all persons considered for nomination shall be available for
24 review by the public and shall be deemed a public record. The
25 Governor shall appoint to the office in which the vacancy
26 exists one of the three persons so nominated for the office.
27 If the Governor fails to make an appointment from the list

1 within 30 days from the date it is presented to the Governor,
2 the appointment shall be made by the Chief Justice or the
3 acting Chief Justice of the Supreme Court from the same list.
4 ~~The appointee shall hold the office until the next general~~
5 ~~election for any state officer held at least six months after~~
6 ~~the vacancy occurs and until a successor is elected and~~
7 ~~qualified. At the general election, the judicial office shall~~
8 ~~be filled for a full term of office to commence on the first~~
9 ~~Monday after the second Tuesday in January following the~~
10 ~~general election. The term of office of a judge appointed to~~
11 ~~fill a vacancy shall be as otherwise provided in Section 153~~
12 ~~of the Constitution of Alabama of 1901.~~"

13 Section 2. An election upon the proposed amendment
14 shall be held in accordance with Amendment 555 to the
15 Constitution of Alabama of 1901, now appearing as Section
16 284.01 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 "Relating to Baldwin County, proposing an amendment
25 to Amendment 660 to the Constitution of Alabama of 1901, as
26 amended by Amendment 780, to revise the term of office of a
27 person appointed to fill a vacancy in the office of circuit or

1 district judge in Baldwin County so that the term will
2 correspond with the general provisions of Section 153 of the
3 Constitution.

4 "Proposed by Act _____"

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

7 "Yes () No ()."