

1 HB67
2 125816-1
3 By Representative Hubbard (J) (Constitutional Amendment)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 01-MAR-11

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8 SYNOPSIS: Under Section 125 of the Constitution of
9 Alabama of 1901, now appearing as Section 125 of
10 the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, a veto of a bill by
12 the Governor may be overridden by a majority vote
13 of the Legislature.

14 This bill would propose a constitutional
15 amendment to change the vote requirement to
16 two-thirds of the whole number elected to each
17 respective house.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Proposing an amendment to Section 125 of the
24 Constitution of Alabama of 1901, now appearing as Section 125
25 of the Official Recompilation of the Constitution of Alabama
26 of 1901, as amended; increasing the vote requirement for the
27 Legislature to override a gubernatorial veto.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The following amendment to the
3 Constitution of Alabama of 1901, as amended, is proposed and
4 shall become valid as a part thereof when approved by a
5 majority of the qualified electors voting thereon and in
6 accordance with Sections 284, 285, and 287 of the Constitution
7 of Alabama of 1901, as amended:

8 PROPOSED AMENDMENT

9 "Section 125.

10 "Every bill which shall have passed both houses of
11 the legislature, except as otherwise provided in this
12 Constitution, shall be presented to the governor; if he
13 approve, he shall sign it; but if not, he shall return it with
14 his objections to the house in which it originated, which
15 shall enter the objections at large upon the journal and
16 proceed to reconsider it. If the governor's message proposes
17 no amendment which would remove his objections to the bill,
18 the house in which the bill originated may proceed to
19 reconsider it, and if ~~a majority~~ two-thirds of the whole
20 number elected to that house vote for the passage of the bill,
21 it shall be sent to the other house, which shall in like
22 manner reconsider, and if ~~a majority~~ two-thirds of the whole
23 number elected to that house vote for the passage of the bill,
24 the same shall become a law, notwithstanding the governor's
25 veto. If the governor's message proposes amendment, which
26 would remove his objections, the house to which it is sent may
27 so amend the bill and send it with the governor's message to

1 the other house, which may adopt, but can not amend, said
2 amendment; and both houses concurring in the amendment, the
3 bill shall again be sent to the governor and acted on by him
4 as other bills. If the house to which the bill is returned
5 refuses to make such amendment, it shall proceed to reconsider
6 it; and if a majority of the whole number elected to that
7 house shall vote for the passage of the bill, it shall be sent
8 with the objections to the other house, by which it shall
9 likewise be reconsidered, and if approved by a majority of the
10 whole number elected to that house, it shall become a law. If
11 the house to which the bill is returned makes the amendment,
12 and the other house declines to pass the same, that house
13 shall proceed to reconsider it, as though the bill had
14 originated therein, and such proceedings shall be taken
15 thereon as above provided. In every such case the vote of both
16 houses shall be determined by yeas and nays, and the names of
17 the members voting for or against the bill shall be entered
18 upon the journals of each house, respectively. If any bill
19 shall not be returned by the governor within six days, Sunday
20 excepted, after it shall have been presented, the same shall
21 become a law in like manner as if he had signed it, unless the
22 legislature, by its adjournment, prevent the return, in which
23 case it shall not be a law; but when return is prevented by
24 recess, such bill must be returned to the house in which it
25 originated within two days after the reassembling, otherwise
26 it shall become a law, but bills presented to the governor
27 within five days before the final adjournment of the

1 legislature may be approved by the governor at any time within
2 ten days after such adjournment, and if approved and deposited
3 with the secretary of state within that time shall become law.
4 Every vote, order, or resolution to which concurrence of both
5 houses may be necessary, except on questions of adjournment
6 and the bringing on of elections by the two houses, and
7 amending this Constitution, shall be presented to the
8 governor; and, before the same shall take effect, be approved
9 by him; or, being disapproved, shall be repassed by both
10 houses according to the rules and limitations prescribed in
11 the case of a bill."

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

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

23 "Proposing an amendment to Section 125 of the
24 Constitution of Alabama of 1901, now appearing as Section 125
25 of the Official Recompilation of the Constitution of Alabama
26 of 1901, as amended, to increase the vote requirement for the
27 Legislature to override a gubernatorial veto.

1 "Proposed by Act _____."

2 This description shall be followed by the following

3 language:

4 "Yes () No ()."