

1 HJR54  
2 115761-2  
3 By Representatives Newton (D), Black, Boyd, Hill, Coleman,  
4 Dukes, Irons, Todd, England, Warren, Salaam, Hall,  
5 Robinson (J), Curtis, Sherer, Scott, Robinson (O), Moore (M),  
6 McCampbell, McLaughlin, Taylor, Hilliard, Hinshaw, Grantland  
7 and McAdory  
8 RFD: Rules  
9 First Read: 19-JAN-10

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8 TO CALL FOR A SPECIAL ELECTION ON THE ISSUE OF  
9 CALLING A CONSTITUTIONAL CONVENTION TO REVISE AND AMEND THE  
10 CONSTITUTION OF ALABAMA OF 1901; IN THE EVENT A MAJORITY OF  
11 ELECTORS VOTING ON THE ISSUE IN THE SPECIAL ELECTION FAVOR A  
12 CONVENTION, TO PROVIDE FOR THE ELECTION OF DELEGATES TO THE  
13 CONVENTION; TO PROVIDE FOR THE HOLDING OF THE CONVENTION; AND  
14 TO PROVIDE FOR A SPECIAL ELECTION TO RATIFY THE PROPOSED  
15 CONSTITUTION OF ALABAMA PURSUANT TO AMENDMENT 714 OF THE  
16 CONSTITUTION OF ALABAMA OF 1901, NOW APPEARING AS SECTION  
17 286.01 OF THE OFFICIAL RECOMPLIATION OF THE CONSTITUTION OF  
18 ALABAMA OF 1901, AS AMENDED.

19  
20 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
21 HOUSES THEREOF CONCURRING:

22 (1) That a special statewide election shall be held  
23 in November 2010 on the same date and in the same manner and  
24 by the same officers as the general election provided for in  
25 Section 17-14-3 of the Code of Alabama of 1975, as such  
26 section has been or may be from time to time amended, for the  
27 purpose of determining whether a convention shall be held to

1 revise and amend the Constitution of Alabama of 1901. At the  
2 election, the question of whether to hold a convention shall  
3 be submitted to a vote of the qualified electors of this  
4 state. There shall be printed on the official ballots the  
5 question to be voted in the following form:

6 "Do you favor the holding of a constitutional  
7 convention for the purpose of revising the Constitution of  
8 Alabama of 1901?

9 "Yes ( ) No ( )"

10 If a majority of the voters voting on the question  
11 at the special statewide election shall approve of the holding  
12 of a convention for the purpose stated, the election of the  
13 delegates for the convention and the holding of the convention  
14 shall be held in the manner hereinafter provided.

15 (2) That in the same manner as for any other general  
16 election ballot, the election officials of each county shall  
17 ascertain the number of votes "Yes" and the number of votes  
18 "No" and shall certify the vote results to the Secretary of  
19 State. The Secretary of State, as quickly as practicable,  
20 shall certify the statewide results. If it appears that a  
21 majority of all persons voting on the question at the special  
22 election voted for the holding of the convention, the Governor  
23 shall give public notice, by proclamation, of the fact that a  
24 majority of the electors of the state voting on the question  
25 at the special election approved the call of the convention  
26 for the purpose of revising and amending the Constitution of  
27 Alabama of 1901. The proclamation shall be published in every

1 county in a newspaper of general circulation. The courts of  
2 the state shall take judicial notice of the proclamation.  
3 Additionally, if the holding of the convention is approved by  
4 the qualified electors, a supplemental appropriation shall be  
5 made during the next special or regular session of the  
6 Legislature for funds necessary to implement this plan.

7 (3) That the Legislature of Alabama declares and  
8 finds the following:

9 (a) That Alabama's voters are intelligent,  
10 insightful, wise, and spiritual, and thus, totally trustworthy  
11 to decide fundamental questions of current and future state  
12 policy and law, including and especially the character and  
13 content of their own Constitution.

14 (b) That Alabama's 1901 Constitution is today in  
15 urgent of need of a fresh and open reexamination and revision  
16 in a sound public convention process to assure maximum public  
17 voices and broad participation, with respect to and with  
18 humility by all present state and local elected officials.

19 (c) That Alabama's new Constitution should provide a  
20 fundamental law by the people, for the people, and of the  
21 people of the great State of Alabama, with an enduring legacy  
22 of fundamental rights of liberty and justice for all, firmly  
23 developed by the people of the State of Alabama, invoking the  
24 favor and the guidance of Almighty God.

25 (4) That if the holding of the convention is  
26 approved by the qualified electors of this state, the  
27 delegates elected in the manner hereinafter provided shall

1 convene in the historic hall of the old chambers of the House  
2 of Representatives in the State Capitol building in the City  
3 of Montgomery at 12:00 noon on the first Monday in October  
4 2012, and proceed to organize the convention by the election  
5 of a president and any other officers, from among themselves,  
6 as they may deem necessary. The most senior associate justice  
7 of the Alabama Supreme Court, or in his or her absence the  
8 second most senior associate justice, shall call the  
9 convention to order and preside over the convention until a  
10 president is elected. The convention shall continue in session  
11 at times and places designated by the convention until, by  
12 careful revision and amendment of the present constitution, it  
13 shall frame and adopt a revised constitution or proposals for  
14 this state or until the convention is duly adjourned by the  
15 delegates.

16 (5) (a) That there shall be two delegates elected  
17 from each House of Representatives district as the districts  
18 exist at the time of the delegate election based on the most  
19 recent census for a total of 210 delegates. Delegates shall be  
20 elected without political affiliation at a special election  
21 that shall be held in June 2012, on the same date and in the  
22 same manner and held by the same officers as the political  
23 party primary election provided for in Section 17-13-3 of the  
24 Code of Alabama of 1975, as such section has been or may be  
25 from time to time amended. The two delegates shall be the two  
26 top vote recipients in each House of Representatives district  
27 receiving a plurality of votes.

1           (b) That a delegate to the convention shall be at  
2     least 18 years of age prior to the election, a qualified  
3     elector of his or her district, a citizen of the State of  
4     Alabama for three years, and a resident of his or her district  
5     for one year immediately preceding the election, and shall  
6     reside in his or her district while serving as a delegate.

7           (c) That candidates for election as delegates shall  
8     be qualified by filing a declaration of candidacy with the  
9     Secretary of State together with a qualifying fee of fifty  
10    dollars (\$50), which fee shall be deposited into the State  
11    Treasury to the credit of the Secretary of State to be used in  
12    the administration of this election. The date for  
13    qualification as determined by the Secretary of State shall be  
14    no later than 5:00 p.m., 60 days prior to the date of the  
15    political party primary in June 2012. Except to the extent  
16    this resolution establishes more restrictive requirements, all  
17    candidates for delegates shall be subject to the Fair Campaign  
18    Practices Act and any other laws governing candidates and  
19    elections at the time of the qualification and election;  
20    provided, however, that the following shall also apply:

21           1. For purposes of the reporting requirements of the  
22    Fair Campaign Practices Act, an individual who has received  
23    contributions or made expenditures, or given his or her  
24    consent for any other person or persons to receive  
25    contributions on his or her behalf, in the amount of one  
26    thousand dollars (\$1,000) with a view to bringing about his or  
27    her election as a delegate shall be deemed a "candidate," even

1       though that individual has not filed a declaration of  
2       candidacy with the Secretary of State.

3               2. Other than contributions a candidate for delegate  
4       makes to his or her own campaign, a candidate is prohibited  
5       from accepting a campaign contribution (including any  
6       "in-kind" contribution) exceeding one hundred dollars (\$100)  
7       from any one source, which source shall be limited to only  
8       citizens of the State of Alabama.

9               3. All contributions, of whatever amount, must be  
10       reported pursuant to the procedures prescribed by the Fair  
11       Campaign Practices Act.

12              4. No candidate shall accept any contribution after  
13       the filing of the report required by Section 17-5-8, Code of  
14       Alabama 1975, which shall be filed between five and 10 days  
15       before the election.

16              5. Any postelection contribution is prohibited.

17              6. Upon election, the delegates shall be subject to  
18       the Alabama Ethics Act and any other laws governing elected or  
19       appointed state officials.

20              (d) That the judge of probate of each county shall  
21       prepare and furnish to the election officials of each voting  
22       place in the county a sufficient number of official ballots,  
23       prepared in the manner provided under existing laws, and  
24       containing the names of the persons who have been certified as  
25       candidates as provided in this resolution.

26              (6) If a dispute occurs as to the right of any  
27       person to sit in the convention as a delegate, the question

1 shall be decided by the convention which shall be the  
2 exclusive judge of the election, qualification, and returns of  
3 its own members. Any person desiring to contest the election  
4 of a person certified as being elected as a delegate to the  
5 convention may do so in the same manner as the election of a  
6 member of the House of Representatives of the Legislature of  
7 Alabama is contested and by giving the same bond. Testimony  
8 shall be taken in the same manner.

9 (7) That before entering upon the discharge of his  
10 or her duties as a member of the convention, each delegate,  
11 before a judge of a circuit court or the Supreme Court of  
12 Alabama, shall take the following oath: "I do solemnly swear  
13 that I will support the Constitution of the United States, and  
14 I will honestly and faithfully perform the duties as a  
15 delegate of this convention, so help me God."

16 (8) That the delegates to the convention shall be  
17 supplied with stationery, books, statutes, reports, and  
18 documents in the same manner as members of the Legislature of  
19 Alabama. The delegates shall receive for their service the  
20 same compensation and expenses from the State Treasury as are  
21 allowed to members of the Legislature of Alabama and shall be  
22 entitled to a daily rate per diem equal to that rate paid to  
23 state employees for overnight per diem, plus mileage at the  
24 mileage rate provided for state employees. The expenses of the  
25 convention delegates shall be paid in the same manner as  
26 provided for members of the Legislature of Alabama. The  
27 compensation, per diem, mileage, and other expenses shall be



1 paid on the certificates of the president and the secretary or  
2 clerk of the convention, to the state Comptroller, in the same  
3 manner that payment of compensation, per diem, and mileage to  
4 members of the Legislature of Alabama is by law directed to be  
5 made. Notwithstanding the foregoing, no legislative member who  
6 is a delegate shall receive additional legislative  
7 compensation or per diem if the legislative member is being  
8 paid any other payments on the same dates for attendance on  
9 other state business. Per diem, mileage, compensation, and  
10 other expenses shall not be allowed or paid to any member of  
11 the convention for a period of time longer than a maximum of  
12 60 meeting days. Such compensation, per diem, mileage, and  
13 other expenses shall not be paid for any convention meeting  
14 days beyond September 30, 2013.

15 (9) That for purposes of this resolution and the  
16 constitutional convention, the definition of "lobbying" in  
17 Section 36-25-1(17), Code of Alabama 1975, is adopted and also  
18 includes the practice of promoting, opposing, or in any manner  
19 attempting to influence the introduction, defeat, or enactment  
20 of any constitutional provision before the convention or any  
21 committee thereof. For purposes of this resolution and the  
22 constitutional convention, the term "lobbyist" as defined in  
23 Section 36-25-1(18), Code of Alabama 1975, is adopted and also  
24 includes anyone who performs activities included in the  
25 foregoing definition of "lobbying." Except to the extent this  
26 resolution establishes more restrictive requirements, the  
27 Alabama Code of Ethics shall apply to lobbyists to the same

1 extent it applies to lobbying the Legislature or a regulatory  
2 agency. Without limitation of the generality of the foregoing,  
3 all lobbyists shall be required to register with the State  
4 Ethics Commission as required by Section 36-25-18, Code of  
5 Alabama 1975, and to file the reports required by that  
6 section. Additionally, each lobbyist shall file with the State  
7 Ethics Commission on the first day and the fifteenth day of  
8 each month, beginning July 1, 2012, and continuing each month  
9 thereafter until the convention is duly adjourned and any  
10 convention proposal or proposals filed with the Secretary of  
11 State have been presented to the voters for ratification in  
12 conformity with Amendment 714 of the Constitution of Alabama  
13 of 1901, now appearing as Section 286.01 of the Official  
14 Recompilation of the Constitution of Alabama of 1901, as  
15 amended, a report, made under oath, setting forth all  
16 expenditures made by him or her relative to lobbying  
17 activities. Furthermore, delegates shall be prohibited from  
18 receiving a thing of value in association with his or her  
19 duties as a delegate.

20 (10) That the convention shall file with the  
21 Secretary of State, within one week after its adjournment,  
22 certified by the president and secretary of the convention, a  
23 correct copy of the constitution or proposals that the  
24 convention adopted. The convention shall keep a journal of its  
25 proceedings and file it upon adjournment with the Secretary of  
26 State.

1           (11) That except as herein otherwise provided, the  
2 general election laws of this state shall apply fully to the  
3 elections provided for under this resolution, including all  
4 matters preliminary to the holding of the elections as well as  
5 all matters subsequent thereto.

6           (12) (a) That in the event of the framing of a  
7 constitution or proposals by this convention, the Governor,  
8 within one week after the filing of the constitution or  
9 proposals adopted by the convention with the Secretary of  
10 State, shall issue a proclamation, published in the same  
11 manner as the proclamation to assemble this convention. The  
12 proclamation shall state that the constitution or proposals  
13 have been framed and that a special election will be held on a  
14 specific date in the same manner and by the same officers as  
15 general elections are required to be held for the purpose of  
16 submitting to the qualified voters of this state for  
17 ratification or rejection of the constitution or proposals  
18 framed by the convention. The special election, in conformity  
19 with Amendment 714 of the Constitution of Alabama of 1901, now  
20 appearing as Section 286.01 of the Official Recompilation of  
21 the Constitution of Alabama 1901, as amended, shall be held at  
22 the same time and the same manner as the 2014 general  
23 election.

24           (b) That at the special election provided for by the  
25 preceding subsection, the question of whether to ratify the  
26 constitution or proposals adopted by the convention shall be  
27 submitted to a vote of the qualified electors of this state.

1 There shall be printed on the official ballots the question to  
2 be voted on followed by the words "Yes" and "No," opposite one  
3 of which the voter may indicate his or her preference. The  
4 returns of this election shall be made in the same manner,  
5 within the same time, by the same officers, certified to the  
6 same officer, and shall be in the same form as herein provided  
7 for the election regarding whether to hold a convention.

8 (13) That within 15 days after the day on which the  
9 election is held for the ratification or rejection of the  
10 constitution or proposals framed by the convention, the  
11 Governor, Secretary of State, and the Attorney General shall  
12 meet in the office of the Secretary of State to tabulate the  
13 votes on the issue of ratification or rejection and the  
14 results shall be certified to the Governor by the Secretary of  
15 State and the Attorney General. The Governor shall make known  
16 to the people of this state the results of the election by  
17 proclamation published in the manner herein provided. If a  
18 majority of the voters voting on the constitution or proposals  
19 framed by the convention at the special election provided for  
20 in item (12) (a) voted affirmatively to ratify the constitution  
21 or proposals, the Governor shall designate within the  
22 proclamation that January 1 of the following year is the  
23 effective date the new constitution shall go into effect as  
24 the Constitution of the State of Alabama, and shall be binding  
25 and obligatory upon all the people of this state.

26 (14) That if a special election provided for in item  
27 (12) (a) is called in the event of the framing of a

1 constitution or proposals by the convention, the judge of  
2 probate of each county in the state shall prepare and furnish  
3 the official ballots to be voted at such election as is now  
4 required under the general election laws of the state which  
5 official ballot shall be prepared according to the  
6 requirements of item (2). No ballot other than an official  
7 ballot shall be cast and counted in the election, and the  
8 election shall be held and conducted as general elections are  
9 held, except as otherwise provided by this resolution.

10 (15) This resolution shall become effective  
11 immediately upon its passage by the Legislature.