

1 SB18  
2 95970-1  
3 By Senator Coleman (Constitutional Amendment)  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 03-FEB-09  
6 PFD: 12/19/2008

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8 SYNOPSIS: Amendment 555 to the Constitution of  
9 Alabama of 1901, now appearing as Section 284.01 of  
10 the Official ReCompilation of the Constitution of  
11 Alabama of 1901, as amended, provides that a  
12 constitutional amendment which affects or applies  
13 to only one county or a political subdivision of a  
14 county shall be adopted by a favorable vote of the  
15 qualified electors of the county or political  
16 subdivision who vote on the amendment. If there is  
17 a dissenting vote in the Legislature regarding the  
18 proposed amendment, the amendment is subject to a  
19 statewide vote.

20 This proposed amendment would provide that  
21 any proposed amendment would be subject to a  
22 statewide vote if there are 15 or more dissenting  
23 votes in the House of Representatives and five or  
24 more dissenting votes in the Senate.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 Proposing an amendment to Amendment 555 of the  
4 Constitution of Alabama of 1901; to increase the number of  
5 dissenting votes in the Legislature necessary to require that  
6 a local constitutional amendment be subject to a statewide  
7 vote.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. The following amendment to the  
10 Constitution of Alabama of 1901, as amended, is proposed and  
11 shall become valid as a part thereof when approved by a  
12 majority of the qualified electors voting thereon and in  
13 accordance with Sections 284, 285, and 287 of the Constitution  
14 of Alabama of 1901, as amended:

15 PROPOSED AMENDMENT

16 "Amendment of Amendment 555.

17 "(a) Any proposed constitutional amendment which  
18 affects or applies to only one county shall be adopted as a  
19 valid part of the constitution by a favorable vote of a  
20 majority of the qualified electors of the affected county who  
21 vote on the amendment. Any proposed constitutional amendment  
22 which affects or applies to only one political subdivision  
23 within a county or counties shall be adopted as a valid part  
24 of the constitution by a favorable vote of a majority of the  
25 qualified electors of both the county and the political  
26 subdivision affected by the amendment who vote on the  
27 amendment. The proposed amendment may provide for a separate

1 referendum in a political subdivision of less than a county if  
2 a simultaneous referendum is not possible because of  
3 conflicting voting precincts.

4 "(b) The proposed amendment shall first be approved  
5 by at least a three-fifths vote of the elected members of each  
6 house of the Legislature with ~~no~~ less than 15 dissenting votes  
7 cast in the House of Representatives and less than five  
8 dissenting ~~vote~~ votes cast in the Senate and approved by a  
9 majority vote of the Local Constitutional Amendment  
10 Commission. The commission shall be composed of the Governor,  
11 Presiding Officer of the Senate, Attorney General, Secretary  
12 of State, and Speaker of the House of Representatives. The  
13 Legislature may by general act specify procedures for the  
14 Local Constitution Amendment Commission, but may not expand  
15 its role beyond deciding whether the amendment affects more  
16 than one county or more than one political subdivision in one  
17 or more counties.

18 "(c) Notice of the election, together with the  
19 proposed amendment, shall be given by proclamation of the  
20 Governor, which proclamation shall be published once a week  
21 for four successive weeks next preceding the day appointed for  
22 the election in each newspaper qualified to run legal notices  
23 in the county or counties affected.

24 "(d) In the event any constitutional amendment  
25 proposed for adoption pursuant to this amendment is approved  
26 by at least a three-fifths vote of the elected members of each  
27 house of the Legislature but with ~~one or more~~ at least 15

1 dissenting votes cast in the House of Representatives or at  
2 least five dissenting votes cast in the Senate, the amendment  
3 shall be treated as a statewide amendment as described in  
4 subsection (e).

5 "(e) If after having been approved by at least a  
6 three-fifths vote of the elected members of each house of the  
7 Legislature ~~without a~~ with less than 15 dissenting ~~vote~~ votes  
8 cast in the House of Representatives and less than five  
9 dissenting votes cast in the Senate the proposed amendment is  
10 not approved by a majority vote the Local Constitutional  
11 Amendment Commission, it shall automatically be submitted in a  
12 statewide referendum in accordance with the procedures for  
13 proposed statewide constitutional amendments under Sections  
14 284 and 285 of the Constitution of Alabama of 1901. If the  
15 proposed amendment is submitted in a statewide referendum, it  
16 shall not become effective unless approved at a referendum by  
17 a majority of the qualified voters of the affected county  
18 voting on the proposition and the affected political  
19 subdivision voting on the proposition, if it affects less than  
20 the whole county. The referendum in a political subdivision  
21 may be held at the same time as the election for the  
22 ratification of the proposed amendment, or at another time if  
23 provided by the proposed amendment.

24 "(f) Notwithstanding any provision of the  
25 Constitution of Alabama of 1901, to the contrary, all  
26 constitutional amendments which have been adopted by a  
27 majority vote of the appropriate electorate pursuant to

1 Amendment No. 425 to the Constitution of Alabama of 1901, are  
2 hereby ratified and confirmed."

3 Section 2. An election upon the proposed amendment  
4 shall be held in accordance with Sections 284 and 285 of the  
5 Constitution of Alabama of 1901, now appearing as Sections 284  
6 and 285 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 "Proposing an amendment to Amendment 555 of the  
15 Constitution of Alabama of 1901, to remove the existing  
16 provision that requires a statewide referendum on any local  
17 constitutional amendment which receives at least one  
18 dissenting vote in the Legislature and to provide that the  
19 statewide referendum on local constitutional amendments will  
20 only be necessary in the event of at least 15 dissenting votes  
21 in the Alabama House of Representatives or at least five  
22 dissenting votes in the Alabama Senate.

23 "Proposed by Act \_\_\_\_\_."

24 This description shall be followed by the following  
25 language:

26 "Yes ( ) No ( )."