

1 SB100
2 104151-1
3 By Senator Smitherman (Constitutional Amendment)
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 03-FEB-09

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8 SYNOPSIS: Currently, the Constitution of Alabama of
9 1901, provides for filling of vacancies in judicial
10 offices. Several judicial circuits have local
11 constitutional amendments relating to procedures
12 for filling vacant judicial offices.

13 This bill would enact a statewide plan
14 establishing judicial vacancy commissions for the
15 filling of judicial office vacancies, except those
16 judicial circuits having judicial vacancy
17 commissions provided by local constitutional
18 amendments to the Constitution.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To repeal and add Section 6.14 as added by Amendment
25 328 of the Constitution of Alabama of 1901, now appearing as
26 Section 153 of the Official Recompilation of the Constitution
27 of Alabama of 1901, as amended; to provide for the filling of

1 vacant judicial offices throughout the state, and to
2 specifically exempt judicial vacancy commissions provided by
3 local constitutional amendment.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The following amendment to the
6 Constitution of Alabama of 1901, is proposed and shall become
7 valid as a part thereof when approved by a majority of the
8 qualified electors voting thereon and in accordance with
9 Sections 284, 285, and 287 of the Constitution of Alabama of
10 1901, now appearing as Sections 284, 285, and 286 of the
11 Official Recompilation of the Constitution of Alabama of 1901,
12 as amended:

13 PROPOSED AMENDMENT

14 Section 6.14 as added by Amendment 328 of the
15 Constitution of Alabama of 1901, now appearing as Section 153
16 of the Official Recompilation of the Constitution of Alabama
17 of 1901, as amended, is hereby repealed.

18 Section 6.14 is added to Amendment 328 to the
19 Constitution of Alabama of 1901, to read as follows:

20 Section 6.14. Vacancies in Judicial Office.

21 (a) General Provisions. The office of a justice or
22 judge shall be vacant if he or she dies, resigns, voluntarily
23 or involuntarily retires under Section 6.18 of Amendment 328
24 of this constitution, as amended by Amendment 581, or is
25 removed from office under that section or Section 173 of this
26 constitution. The office of a newly created judgeship shall be
27 deemed vacant if the newly created judgeship position is to be

1 filled by an election and no person has qualified to seek
2 election to the newly created judgeship position. Vacancies in
3 the office of justice or judge shall be filled in the manner
4 and for the time herein provided. The nominating and
5 appointing authorities established pursuant to this amendment
6 shall strive to be inclusive in their nominations and
7 appointments and shall give due consideration to the diverse
8 geographic areas of the state, including urban and rural
9 areas, and to the racial, gender, and ethnic diversity of the
10 state, without regard to political affiliations. Except as may
11 be otherwise provided in any of the local amendments
12 heretofore adopted as referenced in subdivision (2)a., or as
13 may be adopted at the same election at which this amendment is
14 adopted, a person appointed to fill a vacancy hereunder shall
15 serve an initial term lasting until the first Monday after the
16 second Tuesday in January following the next general election
17 held after he or she has completed one year in office. At that
18 election, the judicial office shall be filled for a full term
19 of office beginning at the end of the appointed term.

20 (1) Vacancies in the office of Justice of the
21 Supreme Court, Judge of the Court of Civil Appeals, or Judge
22 of the Court of Criminal Appeals shall be filled by
23 appointment by the Governor from a list of three persons
24 nominated by the Appellate Court Nominating Commission
25 established by subsection (b).

26 (2) Vacancies in the office of circuit court judge
27 or district court judge shall be filled by appointment of the

1 Governor from a list of nominees submitted by the respective
2 judicial nominating commission for the judicial circuit or
3 county in which the vacancy occurs, as follows:

4 a. Vacancies in the office of circuit court judge or
5 district court judge occurring in Jefferson County-Birmingham
6 Division, Madison County, Mobile County, Talladega County,
7 Baldwin County, or Tuscaloosa County shall be filled as
8 provided in local amendments heretofore adopted to the Alabama
9 Constitution of 1901, as follows:

10 1. In the case of a vacancy occurring in the office
11 of judge of the circuit court in the Tenth Judicial Circuit or
12 in the office of district court judge in the Birmingham
13 Division of Jefferson County, as provided in Amendments 83 and
14 110, applicable only to courts holding at Birmingham.

15 2. In the case of any vacancy occurring in the
16 office of judge of the circuit court of the Twenty-third
17 Judicial Circuit or in the office of judge of the district
18 court holding in Madison County, as now provided in Amendment
19 334, as further amended by Amendment 607.

20 3. In the case of any vacancy occurring in the
21 office of judge of the circuit court in the Thirteenth
22 Judicial Circuit or in the office of the district court of
23 Mobile County, as now provided in Amendment 408.

24 4. In the case of any vacancy occurring in the
25 office of judge of the circuit court of the Twenty-ninth
26 Judicial Circuit or in the office of the district court in
27 Talladega County, as now provided in Amendment 615.

1 5. In the case of any vacancy occurring in the
2 office of judge of the circuit court of the Twenty-eighth
3 Judicial Circuit or in the office of judge of the district
4 court of Baldwin County, as now provided in Amendment 660.

5 6. In the case of any vacancy occurring in the
6 office of judge of the circuit court of the Sixth Judicial
7 Circuit or in the office of judge of the district court of
8 Tuscaloosa County, as now provided in Amendment 741.

9 b. In the case of any vacancy occurring in the
10 office of judge of the circuit court of the Eighteenth
11 Judicial Circuit and the office of judge of the district court
12 of Shelby County as provided by a proposed local
13 constitutional amendment pursuant to Act 2007-225 of the 2007
14 Regular Session, if the amendment proposed by Act 2007-225 is
15 ratified and adopted as a constitutional amendment.

16 c. Vacancies occurring in the office of circuit
17 court judge and district court judge in any circuit consisting
18 of a single county other than one of those for which a local
19 amendment already exists as referenced in subdivision (2)a. of
20 this subsection (a) shall be filled by appointment by the
21 Governor from a list of three persons nominated by the
22 five-member judicial nominating commission for that circuit
23 and county established by subsection (c) of this amendment.

24 d. Vacancies occurring in the office of circuit
25 court judge or district court judge in the Bessemer Division
26 of Jefferson County in the Tenth Judicial Circuit shall be
27 filled by appointment by the Governor from a list of three

1 persons nominated by the five-member judicial nominating
2 commission for the Bessemer Division as established in
3 subsection (d) of this amendment.

4 e. Vacancies occurring in the office of circuit
5 court judge and district court judge in a judicial circuit
6 consisting of more than one county shall be filled by
7 appointment by the Governor from a list of three persons
8 nominated by the circuit and district court judicial
9 nominating commission of three or more members for each such
10 circuit, established by subsection (e).

11 (b) Appellate Court Judicial Nominating Commission.
12 The Appellate Court Judicial Nominating Commission
13 (commission) is hereby established to nominate and submit to
14 the Governor names of persons for appointment to vacancies on
15 the Supreme Court, the Court of Civil Appeals, and the Court
16 of Criminal Appeals. The Governor shall fill any vacancy in an
17 office of Supreme Court Justice, Court of Civil Appeals Judge,
18 or Court of Criminal Appeals Judge, by appointing one person
19 nominated by the commission for that office. The commission
20 shall nominate three qualified persons who seek appointment to
21 the office for each vacancy. No appellate judicial officer
22 shall be eligible for nomination or appointment to an
23 appellate judicial office as a result of a vacancy arising
24 from his or her own resignation, retirement, or removal from
25 that office. If the Governor fails to fill a vacancy within 30
26 days from the day the nominees are submitted, the presiding
27 judge of the court for which the vacancy exists shall appoint

1 one of the nominated persons, and if no presiding judge is
2 sitting in that court, the appointment of one the nominated
3 persons shall be made by the Chief Justice of the Alabama
4 Supreme Court. The appointment of members of the commission,
5 and the activities and operation of the commission, shall be
6 governed by the following provisions:

7 (1) Membership. The Appellate Court Judicial
8 Nominating Commission shall consist of nine members who shall
9 be qualified voters of Alabama. No member shall be eligible
10 for appointment to a state appellate judicial office while
11 that member serves on the commission, or for one year
12 thereafter. With the exception of the Chief Justice, no member
13 of the commission may hold office under the United States, the
14 State of Alabama, or any other governmental entity, for which
15 compensation is received, other than as a member of a military
16 reserve component, and no member shall hold any official
17 position with any political party.

18 All appointments and elections of members to the
19 commission established by this subsection, and to the other
20 commissions established pursuant to this amendment, shall be
21 inclusive and shall be made with due consideration to the
22 geographic, including both rural and urban geographic areas,
23 gender, racial, and ethnic diversity of the state, and without
24 regard to political affiliation.

25 a. Non-lawyer members. Four members of the Appellate
26 Court Judicial Nominating Commission shall be Alabama
27 citizens, including at least one who is a minority and one who

1 is a woman, who are not lawyers, appointed jointly by the
2 Governor, the Lieutenant Governor, and the Speaker of the
3 House.

4 b. Lawyer members. Three lawyer members, at least
5 one of whom is a woman, who are licensed to practice law in
6 the State of Alabama shall be elected by the Board of Bar
7 Commissioners of the Alabama State Bar. One of these members
8 shall be primarily and substantially engaged in a plaintiff
9 practice and shall be a member of the Alabama Trial Lawyers
10 Association. One of these members shall be primarily and
11 substantially engaged in a defense civil practice and shall be
12 a member of the Alabama Defense Lawyers Association or its
13 successor. The third of these members shall be a practicing
14 attorney who shall not be a member of either of these
15 associations.

16 One additional lawyer member who is licensed to
17 practice law in the State of Alabama shall be appointed by the
18 Alabama Lawyers Association, or its successor, by means of a
19 process which that association authorizes.

20 c. Judicial member. One member shall be the
21 incumbent Chief Justice or Acting Chief Justice of the Supreme
22 Court. This member shall serve as chairperson of the
23 commission and may vote only in the event of a tie.

24 (2) Terms of office. The term of office for members
25 of the commission shall be as provided below:

1 a. Term of Office Other than Judicial Member. The
2 term of office for each non-judicial member shall be a period
3 of four years for initial terms of office.

4 b. Initial Term. In order that membership terms of
5 the commission be staggered, the initial terms of the members
6 shall be as follows:

7 1. Non-Attorney Members. The initial terms of the
8 members who are not attorneys jointly appointed by the
9 Governor, Lieutenant Governor, Speaker of the House, and
10 President Pro Tempore of the Senate, shall be determined by
11 lot as follows:

12 (i) One member - one year

13 (ii) One member - two years

14 (iii) One member - three years

15 (iv) One member - four years

16 2. Attorney Members. The initial terms for attorney
17 members elected by the Board of Bar Commissioners shall be
18 determined by lot as follows:

19 (i) One member - one year

20 (ii) One member - two years

21 (iii) One member - three years

22 3. The attorney selected the Alabama Lawyers
23 Association shall serve an initial term of four years.

24 b. Judicial Member. The term of office of the
25 incumbent Chief Justice or Acting Chief Justice serving as a
26 member of the commission shall be concurrent with his or her
27 term as Chief Justice or Acting Chief Justice.

1 c. Subsequent terms.

2 1. After the initial term, all appointments except
3 to fill vacancies as provided in item 2. below shall be for a
4 full term. No person shall serve more than one full term.
5 Neither an initial term for less than four years nor an
6 appointment to fill a vacancy under item 2. below shall be
7 deemed a "full term."

8 2. Vacancies on the appellate judicial nominating
9 commission. If a vacancy on the appellate judicial nominating
10 commission occurs, the designated appointing or selecting
11 authority shall select a qualified person to complete the
12 unexpired portion of the term.

13 (c) Filling a Vacancy in Office of Circuit Court
14 Judge or District Court Judge; Single County Judicial
15 Circuits. In each judicial circuit consisting of a single
16 county, other than one of those for which a local amendment
17 already exists as referenced subdivision 2.a. of subsection
18 (a), or is adopted concurrently with this amendment, a
19 five-member county judicial nominating commission is hereby
20 established to nominate and submit to the Governor names of
21 persons for appointment to vacancies in the office of circuit
22 judge in the judicial circuit or in the office of district
23 judge for the county. The Governor shall fill any vacancy in
24 the office of circuit judge or district judge by appointing
25 one person nominated by the county judicial nominating
26 commission for the circuit and county. The county judicial
27 nominating commission shall nominate three qualified persons

1 who seek appointment to the office for each vacancy. If the
2 Governor fails to fill a vacancy within 30 days from the day
3 the nominees are submitted, the appointment of one the
4 nominated persons shall be made by the Chief Justice or Acting
5 Chief Justice of the Alabama Supreme Court. The appointment of
6 members of each five-member county judicial nominating
7 commission established under this subsection, and the
8 activities and operation of each such commission, shall be
9 governed by the following provisions:

10 (1) Each five-member county judicial nominating
11 commission shall consist of:

12 a. Two members who are members of the Alabama State
13 Bar.

14 b. Two members who are not members of the Alabama
15 State Bar.

16 c. The Presiding Judge or Acting Presiding Judge of
17 the circuit shall be known as the judicial member. The
18 judicial member shall preside over the meetings of the
19 commission and vote only in the event of a tie vote among the
20 other four members of the commission. In the event there is no
21 Presiding Judge or Acting Presiding Judge, the judicial member
22 shall be an active service or retired circuit court or
23 district court judge appointed by the Chief Justice or acting
24 Chief Justice of the Alabama Supreme Court. The Presiding
25 Judge, Acting Presiding Judge, Chief Justice, or acting Chief
26 Justice, as the case may be, shall certify in writing to the

1 judge of probate of such county the name of the person who
2 serves as judicial member of the commission.

3 (2) The two members who are required to be members
4 of the Alabama State Bar shall be selected through a procedure
5 established by the executive committee of the bar association
6 for the county, whether election by the lawyers regularly
7 licensed to practice law in the county under rules established
8 by the executive committee of the county bar association or
9 appointment by the executive committee of the county bar
10 association. The persons selected must be persons who
11 regularly practice law in such county. The executive committee
12 shall certify to the judge of probate of the county the names
13 of the persons selected as members of the commission by the
14 members of the bar.

15 (3) The two members of the commission who are not
16 members of the state bar shall be selected jointly by the
17 members of the House of Representatives and Senate
18 representing the county, irrespective of whether they reside
19 in the county. The members of the county legislative
20 delegation shall certify in writing to the judge of probate of
21 the county the names of the two non-lawyer persons appointed
22 to the commission.

23 (4) The judge of probate of the county shall record
24 all certificates of selection to commission membership and
25 shall safely and permanently keep the original certificates.
26 Forthwith upon his or her receipt and recordation of every

1 such certificate, the judge of probate shall send to the
2 Governor a certified copy of each such certificate.

3 (5) No member of a commission shall be eligible for
4 nomination to the Governor for appointment as a judge of the
5 circuit court or the district court while that person serves
6 on the commission, or for one year thereafter.

7 (6) The terms of office of all members of a
8 commission, other than the judicial member, shall be four
9 years. No member of a commission shall be eligible to succeed
10 himself or herself. A vacancy in the office of a member of
11 such a commission shall be filled for the unexpired term in
12 the same manner as the member was originally chosen.

13 (7) All commission members shall be qualified voters
14 of Alabama and reside in the territorial jurisdiction of the
15 respective circuit and county.

16 (8) With the exception of the judicial member, no
17 member of a county judicial nominating commission may hold
18 office under the United States, the State of Alabama, or any
19 other governmental entity, for which compensation is received,
20 other than as a member of a military reserve component, or
21 hold any official position in any political party. The members
22 of a commission shall not receive any salary or other
23 compensation for their services as members.

24 (d) Filling a Vacancy in Office of Circuit Court
25 Judge or District Court Judge; Bessemer Division, Tenth
26 Judicial Circuit. In the Bessemer Division of the Tenth
27 Judicial Circuit, a five-member Bessemer Division Judicial

1 Nominating Commission is hereby established to nominate and
2 submit to the Governor names of persons for appointment to
3 vacancies in the office of circuit judge in the Bessemer
4 Division or in the office of district judge for the Bessemer
5 Division. The Governor shall fill any vacancy in the office of
6 circuit judge or the office of district judge by appointing
7 one person nominated by the Bessemer Division Judicial
8 Nominating Commission. The commission shall nominate three
9 qualified persons who seek appointment to the office for each
10 vacancy. If the Governor fails to fill a vacancy within 30
11 days from the day the nominees are submitted, the appointment
12 of one of the nominated persons shall be made by the Chief
13 Justice or acting Chief Justice of the Alabama Supreme Court.
14 The appointment of members of the Bessemer Division Judicial
15 Nominating Commission established under this subsection, and
16 the activities and operation of such commission, shall be
17 governed by the following provisions:

18 (1) The commission shall consist of:

19 a. Two members who are members of the Alabama State
20 Bar.

21 b. Two members who are not members of the Alabama
22 State Bar.

23 c. The most senior circuit judge of the Bessemer
24 Division who shall be known as the judicial member, who shall
25 preside over the meetings of the commission and vote only in
26 the event of a tie vote among the other four members of the
27 commission. In the event there is no sitting circuit judge in

1 the Bessemer Division, then a judicial member, who shall be an
2 active service or retired circuit or district judge, shall be
3 appointed by the Chief Justice or Acting Chief Justice of the
4 Alabama Supreme Court. The Presiding Judge, Acting Presiding
5 Judge, Chief Justice, or Acting Chief Justice, as the case may
6 be, shall certify in writing to the Jefferson County Deputy
7 Judge of Probate for the Bessemer Division the name of the
8 person who serves as judicial member of the commission.

9 (2) The two members who are required to be members
10 of the Alabama State Bar shall be selected through a procedure
11 established by the Executive Committee of the Bessemer Bar
12 Association, by the lawyers regularly licensed to practice law
13 in the Bessemer Division. The persons selected must be persons
14 who regularly practice law in the Bessemer Division. The
15 executive committee shall certify to the Jefferson County
16 Deputy Judge of Probate for the Bessemer Division the names of
17 the persons selected as members of the commission by such
18 members of the bar.

19 (3) The two members who are not members of the State
20 Bar shall be selected jointly by the members of the House of
21 Representatives and Senate elected from districts that are in
22 whole or in part within the territorial boundaries of the
23 Bessemer Division, irrespective of whether they reside within
24 such territorial limits. The members of the legislative
25 delegation shall certify in writing to the Jefferson County
26 Deputy Judge of Probate for the Bessemer Division the names of
27 the two persons selected as members of the commission.

1 (4) The Jefferson County Deputy Judge of Probate for
2 the Bessemer Division shall record all certificates of
3 selection to commission membership and shall safely and
4 permanently keep the original certificates. Forthwith upon his
5 or her receipt and recordation of every such certificate, the
6 deputy judge of probate shall send to the Governor a certified
7 copy of each such certificate.

8 (5) No member of the commission shall be eligible
9 for nomination to the Governor for appointment as a judge of
10 the circuit court or the district court while that person
11 serves on such commission, or for one year thereafter.

12 (6) The terms of office of all members of the
13 commission, other than the judicial member, shall be four
14 years. No member of the commission shall be eligible to
15 succeed himself or herself. A vacancy in the office of a
16 member of the commission shall be filled for the unexpired
17 term in the same manner as such member was originally chosen.

18 (7) All commission members shall be qualified voters
19 of Alabama and reside in the territorial jurisdiction of the
20 Bessemer Division.

21 (8) With the exception of the judicial member, no
22 member of the commission may hold office under the United
23 States, the State of Alabama, or any other governmental
24 entity, for which compensation is received, other than as a
25 member of a military reserve component, or hold any official
26 position in any political party. The members of the commission

1 shall not receive any salary or other compensation for their
2 services as members.

3 (e) Multicounty Circuit Court Nominating
4 Commissions. In each judicial circuit consisting of more than
5 one county there is hereby established a multicounty circuit
6 court and district court judicial nominating commission of
7 three members to nominate and submit to the Governor names of
8 persons for appointment to vacancies in the office of circuit
9 judge and district court judge in such judicial circuit. The
10 Governor shall fill any vacancy in the office of circuit or
11 district judge in such judicial circuit by appointing one
12 person nominated by the commission for the circuit. The
13 commission shall nominate three qualified persons who seek
14 appointment to the office for each vacancy. If the Governor
15 fails to fill a vacancy within 30 days from the day the
16 nominees are submitted, the appointment of one of the
17 nominated persons shall be made by the Chief Justice or Acting
18 Chief Justice of the Alabama Supreme Court. The appointment of
19 members of a commission established under this subsection, and
20 the activities and operation of such a commission, shall be
21 governed by the following provisions:

22 (1) Each multicounty circuit court judicial
23 nominating commission shall consist of:

24 a. One member of the Alabama State Bar from the
25 circuit.

26 b. One member from each county in the circuit who is
27 not a member of the Alabama State Bar.

1 c. The Presiding Judge or Acting Presiding Judge of
2 such circuit, who shall be designated as the judicial member,
3 who shall preside over the meetings of the commission and vote
4 only in the event of a tie vote among the other members of the
5 commission. In the event there is no Presiding Judge or Acting
6 Presiding Judge of the circuit, then the judicial member, who
7 shall be an actively serving or retired circuit or district
8 judge, shall be appointed by the Chief Justice or acting Chief
9 Justice of the Alabama Supreme Court. The Presiding Judge,
10 Acting Presiding Judge, Chief Justice, or acting Chief
11 Justice, as the case may be, shall certify in writing to the
12 judge of probate of each county in the circuit the name of the
13 person who serves as judicial member of the multicounty
14 commission.

15 (2) Each member of the commission who is required to
16 be a member of the Alabama State Bar shall be selected through
17 a procedure established by the executive committee of the bar
18 association for each county, whether by election by the
19 lawyers regularly licensed to practice law in the county under
20 rules established by the executive committee of the county bar
21 association, or by appointment by the executive committee of
22 the county bar association. The persons selected must be
23 persons who regularly practice law in such county. The
24 executive committee shall certify to the judge of probate of
25 the county the names of the persons selected as members of the
26 commission by the members of the bar. The executive committee
27 shall certify in writing to the judge of probate of the county

1 the name of the person selected as a member of the commission.
2 The bar association members will rotate among the counties in
3 the circuit in alphabetical order by the terms set forth in
4 subsection (6).

5 (3) Each member of the commission from one of the
6 counties in the circuit who is not a member of the Alabama
7 State Bar shall be selected jointly by the members of the
8 House of Representatives and Senate representing such county,
9 irrespective of whether they reside in the county. The members
10 of the county legislative delegation shall certify in writing
11 to the judge of probate of the county the name of the
12 non-lawyer person appointed to the commission.

13 (4) The judge of probate of each county with whom a
14 certificate of selection to commission membership is filed
15 shall record all such certificates and shall safely and
16 permanently keep the original certificates. Forthwith upon his
17 or her receipt and recordation of every certificate, the judge
18 of probate shall send to the Governor a certified copy of each
19 such certificate.

20 (5) No member of a commission shall be eligible for
21 nomination to the Governor for appointment as a judge of the
22 circuit court or the district court while that person serves
23 on the commission, or for one year thereafter.

24 (6) The terms of office of all members of a
25 commission, other than the judicial member, shall be four
26 years. No member of a commission shall be eligible to succeed
27 himself or herself. A vacancy in the office of a member of a

1 commission shall be filled for the unexpired term in the same
2 manner as the member was originally chosen.

3 (7) All commission members shall be qualified voters
4 of the State of Alabama and reside in the territorial
5 jurisdiction of the respective circuit and county for which
6 that member was selected.

7 (8) With the exception of the judicial member, no
8 member of such judicial nominating commission may hold office
9 under the United States, the State of Alabama, or any other
10 governmental entity, for which compensation is received, other
11 than as a member of a military reserve component, or hold any
12 official position in any political party. The members of a
13 commission shall not receive any salary or other compensation
14 for their services as members.

15 (f) This amendment shall be self-executing.

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

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

1 "Proposing an amendment to provide for a system for
2 the filling of vacant judicial offices, except those local
3 judicial vacancy commissions currently provided for by local
4 constitutional amendments, or any other local constitutional
5 amendment adopted at the same election as this amendment is
6 adopted.

7 "Proposed by Act _____."

8 This description shall be followed by the following
9 language:

10 "Yes () No ()."