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3 SENATE C&E COMMITTEE SUBSTITUTE FOR SB52, AS AMENDED
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8 SYNOPSIS: The current state constitution was ratified
9 in 1901 and requires submitting the question of
10 whether to call a constitutional convention to
11 revise the constitution to the qualified electors
12 of the state.

13 This bill would call for an election to
14 submit the question of whether to call a
15 constitutional convention to the qualified electors
16 of the state. If the majority vote in favor of
17 holding a constitutional convention, it would
18 provide for the election of delegates to the
19 convention, provide for the holding of the
20 convention, and would provide for an election to
21 submit the proposed constitution, once prepared by
22 the convention, to the voters for ratification in
23 conformity with Amendment 714 of the Constitution
24 of Alabama of 1901, now appearing as Section 286.01
25 of the Official Recompilation of the Constitution
26 of Alabama of 1901, as amended.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To provide for an election on the issue of calling a
7 constitutional convention to revise and amend the Constitution
8 of Alabama of 1901; and in the event a majority of electors
9 voting favor the convention, to provide for the election of
10 delegates to the convention; to provide for the holding of the
11 convention; and to provide for an election to ratify the
12 proposed constitution in conformity with Amendment 714 of the
13 Constitution of Alabama of 1901, now appearing as Section
14 286.01 of the Official Recompilation of the Constitution of
15 Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. A special statewide election shall be
18 held November 7, 2006, on the same date and in the same manner
19 and by the same officers as a general election required to be
20 held on that date, for the purpose of determining whether a
21 convention shall be held to revise and amend the Constitution
22 of Alabama of 1901. At the election, the question of whether
23 to hold a convention and provide that any recommendation of
24 the convention shall be submitted to a vote of the qualified
25 electors of this state. There shall be printed on the official
26 ballots, the question to be voted in the following form:

1 "Do you favor the holding of a constitutional
2 convention for the purpose of revising the Constitution of
3 Alabama of 1901, with any convention recommendations being
4 subject to a vote of the people?

5 "Yes () No ()"

6 If a majority of the voters voting at the election
7 shall approve of the holding of a convention for the purpose
8 stated, the election of the delegates for the convention and
9 the holding of the convention shall be held in the manner
10 hereinafter provided.

11 Section 2. In the same manner as for any other
12 general election ballot, the election officials of each county
13 shall ascertain the number of votes "Yes" and the number of
14 votes "No" and shall certify the vote results to the Secretary
15 of State. The Secretary of State shall, as quickly as
16 practicable, certify the statewide results. If it appears that
17 a majority of all persons voting voted for the holding of the
18 convention, the Governor shall give public notice, by
19 proclamation, of the fact that a majority of the electors of
20 the state voting at the election approved the call of the
21 convention for the purpose of revising and amending the
22 Constitution of Alabama of 1901. The proclamation shall be
23 published in every county in a newspaper of general
24 circulation. The courts of the state shall take judicial
25 notice of the proclamation. Additionally, if the holding of
26 the convention is approved by the qualified electors, a

1 supplemental appropriation shall be made at the next regular
2 session of the Legislature for funds necessary to implement
3 this plan.

4 Section 3. The Legislature of Alabama declares and
5 finds the following:

6 (A) That Alabama's voters are intelligent,
7 insightful, wise, and spiritual, and this, totally trustworthy
8 to decide fundamental questions of current and future state
9 policy and law, including and especially the character and
10 content of their own Constitution.

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

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

22 Section 4. If the holding of the convention is
23 approved by the qualified electors of this state, the
24 delegates elected in the manner hereinafter provided shall
25 convene in the historic hall of the old chambers of the House
26 of Representatives in the State Capitol building in the City

1 of Montgomery at 12:00 noon on the first Tuesday following the
2 second Monday in July 2007, and proceed to organize the
3 convention by the election of a president from among
4 themselves, and any other officers, who need not be delegates,
5 as they may deem necessary. The most senior associate justice
6 of the Alabama Supreme Court, or in his or her absence the
7 second most senior associate justice shall call the convention
8 to order and preside over the convention until a president is
9 elected. The convention shall continue in session at times and
10 places designated by the president of the convention until, by
11 careful revision and amendment of the present constitution, it
12 shall frame and adopt a revised constitution for this state
13 but in no event shall the convention continue past May 1,
14 2008.

15 Section 5. (a) There shall be two delegates elected
16 from each House of Representatives district as the districts
17 exist at the time of the delegate election based on the most
18 recent census for a total of 210 delegates. There shall be one
19 male and one female delegate elected from each district.
20 Delegates, who shall be elected without political affiliation,
21 shall be elected at a special election that shall be held on
22 the first Tuesday in April 2007, at the time and places
23 prescribed by Chapter 7 of Title 17 of the Code of Alabama
24 1975, for the conduct and management of elections. If no
25 candidate receives a majority of the votes cast in the
26 election for delegates for which there were two or more

1 candidates, a run-off election shall be held between the two
2 candidates who received the most votes on the last Tuesday in
3 April 2007.

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

10 (c) Candidates for election as delegates shall be
11 qualified by filing a declaration of candidacy with the
12 Secretary of State together with a qualifying fee of fifty
13 dollars (\$50), which fee shall be deposited into the State
14 Treasury to the credit of the Secretary of State to be used in
15 the administration of this election. The date for
16 qualification as determined by the Secretary of State shall be
17 no less than 60 days prior to the first Tuesday in April 2007.
18 All candidates for delegates shall be subject to the Fair
19 Campaign Practices Act and any other laws governing candidates
20 and elections at the time of the qualification and election;
21 provided, however, that the following shall also apply:

22 (1) For purposes of the reporting requirements of
23 the Fair Campaign Practices Act, an individual who has
24 received contributions or made expenditures, or given his or
25 her consent for any other person or persons to receive
26 contributions on his or her behalf, in the amount of one

1 thousand dollars (\$1,000) with a view to bringing about his or
2 her election as a delegate shall be deemed a "candidate," even
3 though that individual has not filed a declaration of
4 candidacy with the Secretary of State.

5 (2) Other than contributions a candidate for
6 delegate makes to his or her own campaign, a candidate is
7 prohibited from accepting a campaign contribution (including
8 any "in-kind" contribution) exceeding one hundred dollars
9 (\$100) from any one source. For the purpose of this
10 limitation, a run-off election shall be considered a separate
11 election in which a candidate may accept an additional amount
12 not exceeding one hundred dollars (\$100) from any individual
13 source.

14 (3) All contributions, of whatever amount, must be
15 reported pursuant to the procedures prescribed by the Fair
16 Campaign Practices Act.

17 (4) No candidate shall accept any contribution after
18 the filing of the report required by Section 17-22A-8, Code of
19 Alabama 1975, which shall be filed between five and 10 days
20 before the election.

21 (5) Any postelection contribution is prohibited.

22 (6) Upon election, the delegates shall be subject to
23 the Alabama Ethics Act and any other laws governing elected or
24 appointed state officials.

25 (d) The judge of probate of each county shall
26 prepare and furnish to the election officials of each voting

1 place in the county a sufficient number of official ballots,
2 prepared in the manner provided under existing laws, and
3 containing the names of the persons who have been certified as
4 candidates as provided in this act.

5 Section 6. If a dispute occurs as to the right of
6 any person to sit in the convention as a delegate, the
7 question shall be decided by the convention which shall be the
8 exclusive judge of the election, qualification, and returns of
9 its own members. Any person desiring to contest the election
10 of a person certified as being elected as a delegate to the
11 convention, may do so in the same manner as the election of a
12 member of the House of Representatives of the Legislature of
13 Alabama is contested and by giving the same bond. Testimony
14 shall be taken in the same manner.

15 Section 7. Before entering upon the discharge of his
16 or her duties as a member of the convention, each delegate,
17 before a judge of a circuit court or the Supreme Court of
18 Alabama, shall take the following oath: "I do solemnly swear
19 that I will support the Constitution of the United States, and
20 I will honestly and faithfully perform the duties as a
21 delegate of this convention, so help me God."

22 Section 8. The delegates to the convention shall be
23 supplied with stationery, books, statutes, reports, and
24 documents in the same manner as members of the Legislature of
25 Alabama. The delegates shall receive for their service the
26 same per diem and mileage from the State Treasury as is

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

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

1 act establishes more restrictive requirements, the Alabama
2 Code of Ethics shall apply to lobbyists to the same extent it
3 applies to lobbying the Legislature or a regulatory agency.
4 Without limitation of the generality of the foregoing, all
5 lobbyists shall be required to register with the State Ethics
6 Commission as required by Section 36-25-18, Code of Alabama
7 1975, and to file the reports required by that section.
8 Additionally, each lobbyist shall file with the State Ethics
9 Commission on the first day and the fifteenth day of each
10 month, beginning May 1, 2007, and continuing until the
11 convention files its proposal or proposals with the Secretary
12 of State, a report, made under oath, setting forth all
13 expenditures made by him or her relative to lobbying
14 activities. Furthermore, delegates shall be prohibited from
15 receiving a thing of value in association with his or her
16 duties as a delegate.

17 Section 10. The convention shall file with the
18 Secretary of State, within one week after its adjournment,
19 certified by the president and secretary or clerk, a correct
20 copy of the constitution that the convention adopted. The
21 convention shall keep a journal of its proceedings and file it
22 upon adjournment with the Secretary of State.

23 Section 11. Except as herein otherwise provided, the
24 general election laws of this state shall apply fully to the
25 elections provided for under this act, including all matters

1 preliminary to the holding of the elections as well as all
2 matters subsequent thereto.

3 Section 12. (a) In the event of the framing of a
4 constitution by this convention, the Governor, within one week
5 after the filing of the constitution with the Secretary of
6 State, shall issue a proclamation, published in the same
7 manner as the proclamation to assemble this convention. The
8 proclamation shall state that the constitution has been framed
9 and that an election will be held on a specific date in the
10 same manner and by the same officers as general elections are
11 required to be held for the purpose of submitting to the
12 qualified voters of this state for ratification or rejection
13 of the proposed constitution as required by Amendment 714, now
14 appearing as Section 286.01 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended. The election
16 shall be held at the same time and the same manner as the 2008
17 general election.

18 (b) At the election provided for by the preceding
19 section, the question of whether to ratify the constitution
20 proposed by the convention shall be submitted to a vote of the
21 qualified electors of this state. There shall be printed on
22 the official ballots, the question to be voted on followed by
23 the words "Yes" and "No," opposite one of which the voter may
24 indicate his or her preference. The returns of this election
25 shall be made in the same manner, within the same time, by the
26 same officers, certified to the same officer, and shall be in

1 the same form as herein provided for the election regarding
2 whether to hold a convention.

3 Section 13. Within 15 days after the day on which
4 the election is held for the ratification or rejection of the
5 constitution, the Governor, Secretary of State, and Attorney
6 General shall meet in the office of the Secretary of State to
7 tabulate the votes on the issue of ratification or rejection
8 and the results shall be certified to the Governor by the
9 Secretary of State and the Attorney General. The Governor
10 shall make known to the people of this state, the results of
11 the election by proclamation published in the manner herein
12 provided. If a majority of the voters voting at the election
13 voted affirmatively to ratify the constitution, the Governor
14 shall designate within the proclamation that January 1 of the
15 following year is the effective date the new constitution
16 shall go into effect as the Constitution of the State of
17 Alabama, and shall be binding and obligatory upon all the
18 people of this state.

19 Section 14. If an election is called in the event of
20 the framing of a constitution, the judge of probate of each
21 county in the state shall prepare and furnish the official
22 ballots to be voted at such election as is now required under
23 the general election laws of the state which official ballot
24 shall be prepared according to the requirements of Section 3
25 of this act. No ballot other than an official ballot shall be
26 cast and counted in the election, and the election shall be

1 held and conducted as general elections are held, except as
2 otherwise provided by this act.

3 Section 15. This act shall become effective
4 immediately upon its passage by the Legislature.