

1 SJR27  
2 126470-2  
3 By Senators Bedford, Smitherman, and Irons  
4 RFD:  
5 First Read: 08-MAR-11

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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 June 2012 on the same date and in the same manner and by  
24 the same officers as the political party primary election  
25 provided for in Section 17-13-3 of the Code of Alabama of  
26 1975, as such section has been or may be from time to time  
27 amended, for the purpose of determining whether a convention

1 shall be held to revise and amend the Constitution of Alabama  
2 of 1901 for the purposes of removing racist language and  
3 eliminating regressive taxes. At the election, the question of  
4 whether to hold a convention shall be submitted to a vote of  
5 the qualified electors of this state. There shall be printed  
6 on the official ballots the question to be voted in the  
7 following form:

8 "Do you favor the holding of a constitutional  
9 convention for the purpose of revising the Constitution of  
10 Alabama of 1901 to remove racist language and eliminate  
11 regressive taxes?

12 "Yes ( ) No ( )"

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

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

1 at the special election approved the call of the convention  
2 for the purpose of revising and amending the Constitution of  
3 Alabama of 1901. The proclamation shall be published in every  
4 county in a newspaper of general circulation. The courts of  
5 the state shall take judicial notice of the proclamation.  
6 Additionally, if the holding of the convention is approved by  
7 the qualified electors, a supplemental appropriation shall be  
8 made during the next special or regular session of the  
9 Legislature for funds necessary to implement this plan.

10 (3) That the Legislature of Alabama declares and  
11 finds the following:

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

17 (b) That Alabama's 1901 Constitution is today in  
18 urgent of need of a fresh and open reexamination and revision  
19 in a sound public convention process to assure maximum public  
20 voices and broad participation.

21 (4) That if the holding of the convention is  
22 approved by the qualified electors of this state, the  
23 delegates elected in the manner hereinafter provided shall  
24 convene in the historic hall of the old chambers of the House  
25 of Representatives in the State Capitol building in the City  
26 of Montgomery at 12:00 noon on the first Monday in June 2013,  
27 and proceed to organize the convention by the election of a

1 president and any other officers, from among themselves, as  
2 they may deem necessary. The most senior associate justice of  
3 the Alabama Supreme Court, or in his or her absence the second  
4 most senior associate justice, shall call the convention to  
5 order and preside over the convention until a president is  
6 elected. The convention shall continue in session at times and  
7 places designated by the convention until, by careful revision  
8 and amendment of the present constitution, it shall frame and  
9 adopt a revised constitution or proposals for this state or  
10 until the convention is duly adjourned by the delegates.

11 (5) (a) That there shall be two delegates elected  
12 from each House of Representatives district as the districts  
13 exist at the time of the delegate election based on the most  
14 recent census for a total of 210 delegates. Delegates shall be  
15 elected without political affiliation at a special election  
16 that shall be held in November 2012, on the same date and in  
17 the same manner and held by the same officers as the general  
18 election provided for in Section 17-14-3 of the Code of  
19 Alabama of 1975, as such section has been or may be from time  
20 to time amended. The two delegates shall be the two top vote  
21 recipients in each House of Representatives district receiving  
22 a plurality of votes.

23 (b) That a delegate to the convention shall be at  
24 least 21 years of age prior to the election, a qualified  
25 elector of his or her district, a citizen of the State of  
26 Alabama for three years, and a resident of his or her district

1 for one year immediately preceding the election, and shall  
2 reside in his or her district while serving as a delegate.

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

17 The delegates shall be subject to the Alabama Ethics  
18 Act and any other laws governing elected or appointed state  
19 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 compensation not exceeding \$2,500 per year.  
23 Notwithstanding the foregoing, no legislative member who is a  
24 delegate shall receive additional legislative compensation or  
25 per diem if the legislative member is being paid any other  
26 payments on the same dates for attendance on other state  
27 business. Per diem, mileage, compensation, and other expenses

1 shall not be allowed or paid to any member of the convention  
2 for a period of time longer than a maximum of 60 meeting days.  
3 Such compensation, per diem, mileage, and other expenses shall  
4 not be paid for any convention meeting days beyond September  
5 30, 2013.

6 (9) That for purposes of this resolution and the  
7 constitutional convention, the definition of "lobbying" in  
8 Section 36-25-1(17), Code of Alabama 1975, is adopted and also  
9 includes the practice of promoting, opposing, or in any manner  
10 attempting to influence the introduction, defeat, or enactment  
11 of any constitutional provision before the convention or any  
12 committee thereof. For purposes of this resolution and the  
13 constitutional convention, the term "lobbyist" as defined in  
14 Section 36-25-1(18), Code of Alabama 1975, is adopted and also  
15 includes anyone who performs activities included in the  
16 foregoing definition of "lobbying." Except to the extent this  
17 resolution establishes more restrictive requirements, the  
18 Alabama Code of Ethics shall apply to lobbyists to the same  
19 extent it applies to lobbying the Legislature or a regulatory  
20 agency. Without limitation of the generality of the foregoing,  
21 all lobbyists shall be required to register with the State  
22 Ethics Commission as required by Section 36-25-18, Code of  
23 Alabama 1975, and to file the reports required by that  
24 section. Additionally, each lobbyist shall file with the State  
25 Ethics Commission on the first day and the fifteenth day of  
26 each month, beginning July 1, 2012, and continuing each month  
27 thereafter until the convention is duly adjourned and any



1 convention proposal or proposals filed with the Secretary of  
2 State have been presented to the voters for ratification in  
3 conformity with Amendment 714 of the Constitution of Alabama  
4 of 1901, now appearing as Section 286.01 of the Official  
5 Recompilation of the Constitution of Alabama of 1901, as  
6 amended, a report, made under oath, setting forth all  
7 expenditures made by him or her relative to lobbying  
8 activities. Furthermore, delegates shall be prohibited from  
9 receiving a thing of value in association with his or her  
10 duties as a delegate.

11 (10) That the convention shall file with the  
12 Secretary of State, within one week after its adjournment,  
13 certified by the president and secretary of the convention, a  
14 correct copy of the constitutional proposals that the  
15 convention to remove racist language and establish a fair tax  
16 structure. The convention shall keep a journal of its  
17 proceedings and file it upon adjournment with the Secretary of  
18 State.

19 (11) That except as herein otherwise provided, the  
20 general election laws of this state shall apply fully to the  
21 elections provided for under this resolution, including all  
22 matters preliminary to the holding of the elections as well as  
23 all matters subsequent thereto.

24 (12) (a) That in the event of the framing of  
25 proposals by this convention, the Governor, within one week  
26 after the filing of proposals adopted by the convention with  
27 the Secretary of State, shall issue a proclamation, published

1 in the same manner as the proclamation to assemble this  
2 convention. The proclamation shall state that the constitution  
3 or proposals have been framed and that a special election will  
4 be held on a specific date in the same manner and by the same  
5 officers as general elections are required to be held for the  
6 purpose of submitting to the qualified voters of this state  
7 for ratification or rejection of the constitution or proposals  
8 framed by the convention. The special election, in conformity  
9 with Amendment 714 of the Constitution of Alabama of 1901, now  
10 appearing as Section 286.01 of the Official Recompilation of  
11 the Constitution of Alabama 1901, as amended, shall be held at  
12 the same time and the same manner as the 2014 general  
13 election.

14 (b) That at the special election provided for by the  
15 preceding subsection, the question of whether to ratify the  
16 proposals adopted by the convention shall be submitted to a  
17 vote of the qualified electors of this state. There shall be  
18 printed on the official ballots the question to be voted on  
19 followed by the words "Yes" and "No," opposite one of which  
20 the voter may indicate his or her preference. The returns of  
21 this election shall be made in the same manner, within the  
22 same time, by the same officers, certified to the same  
23 officer, and shall be in the same form as herein provided for  
24 the election regarding whether to hold a convention.

25 (13) That within 15 days after the day on which the  
26 election is held for the ratification or rejection of the  
27 proposals framed by the convention, the Governor, Secretary of

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

16 (14) That if a special election provided for in item  
17 (12) (a) is called in the event of the framing of a  
18 constitution or proposals by the convention, the judge of  
19 probate of each county in the state shall prepare and furnish  
20 the official ballots to be voted at such election as is now  
21 required under the general election laws of the state which  
22 official ballot shall be prepared according to the  
23 requirements of item (2). No ballot other than an official  
24 ballot shall be cast and counted in the election, and the  
25 election shall be held and conducted as general elections are  
26 held, except as otherwise provided by this resolution.

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