

# THE 2009 MOCK CONSTITUTION

## PREAMBLE

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government of the State of Alabama:

## ARTICLE I: DECLARATION OF RIGHTS

In order that the great, general, and essential principles of liberty and free government may be recognized and established, we determine:

### **Section 1. Equality of rights.**

All persons are equally free and independent; they are endowed by their Creator with certain inalienable rights; and among these are life, liberty, and the pursuit of happiness; every person enjoys the right of privacy, which shall remain inviolate; and no person may be deprived of these rights without due process of law nor be denied the equal protection of the laws.

### **Section 2. People source of power.**

All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient. The people have the right of reasonable access to the meetings of all public bodies in this State and to the official writings of all public officials and employees.

### **Section 3. Religious freedom.**

No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof; no preference shall be given by law to any religious sect, society, denomination, or mode of worship; no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes, and other rates for building or repairing any place of worship, or for maintaining any minister or ministry; no religious test shall be required as a qualification to any office of public trust under this state; and the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his or her religious principles.

### **Section 4. Freedom of speech and press.**

The freedom of speech or of the press shall not be curtailed or restrained; and any person may speak, write, and publish his or her sentiments, being responsible for the abuse of that freedom.

### **Section 5. Unreasonable search and seizure; search warrants.**

The people shall be secure in their persons, houses, papers, and possessions from unreasonable search or seizure, and against the unreasonable interception of private

communications by any means, and no warrants shall be issued to search any place or to seize any person or thing without probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. Forfeiture of property thus seized shall not be kept by or accrue to the benefit of the seizer unless the property-owner is convicted of the crime which resulted in the original seizure.

**Section 6. Rights of persons in criminal prosecutions generally; self incrimination; due process of law; right to speedy, public trial; change of venue.**

In all criminal prosecutions, the accused has a right to the effective assistance of counsel paid for by the state in cases of indigency in any prosecution in which the defendant faces the possibility of imprisonment for six months or more, before, during, and after trial in cases of appeal, and to be heard by himself or herself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy thereof; to be confronted by the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor; to testify in all cases, in his or her own behalf, if he or she elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and not to be compelled to give evidence against himself or herself, nor be deprived of life, liberty, or property, except by due process of law; but the legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue, on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefore; provided that at the time of the application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement. Every criminal defendant in any felony prosecution shall have the right of access to the latest court-accepted, forensic testing at trial, and afterward, on appeal of any conviction of a felony involving the death penalty or an effective sentence of life imprisonment. In cases of indigency, the state shall pay for the testing

**Section 6.01. Basic rights for crime victims.**

- (a) Crime victims, as defined by law, or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when authorized, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime.
- (b) Nothing herein or in any enabling statute pursuant to this section shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions. The legislature may from time to time enact legislation to carry out and implement this section.

**Section 7. Accusation, arrest and detention; punishment limited to laws established prior to offense.**

No person shall be accused or arrested, or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

**Section 8. Proceeding against person by information; grand jury not required in misdemeanor cases.**

No person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before such other inferior courts as may by law be established. In all felony cases, except those punishable by capital punishment, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his or her choice or in the event he or she is unable to employ counsel, the advice of counsel which must be appointed by the court and paid for by the state, makes known in open court to a judge of a court having jurisdiction of the offense that he or she desires to plead guilty, provided, however, the defendant cannot plead guilty within fifteen days after his or her arrest.

**Section 9. Double jeopardy; discharge of juries from cases.**

No person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain an advantage by reason of such discharge of the jury.

**Section 10. Right to prosecute civil cases.**

No person shall be barred from prosecuting or defending before any tribunal in this state, by himself or herself or counsel, any civil cause to which he or she is a party.

**Section 11. Right to trial by jury.**

The right of trial by jury shall remain inviolate, and no question of fact decided by a jury shall be reexamined in any court, other than according to the rules of the common law.

**Section 12. Slavery prohibited, involuntary servitude.**

No form of slavery shall exist in this state. There shall not be any involuntary servitude, other than for the punishment of crime, of which the party shall have been duly convicted.

**Section 13. Courts to be open; remedies for all injuries; impartiality of justice; sovereign immunity.**

All courts shall be open; and every person shall enjoy the equal protection of the laws; and for any injury done him or her, in his or her lands, goods, person, or reputation; and shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay. Suits may be brought against the state in such manner and in such courts as the legislature may by law direct.

**Section 14. Excessive fines; cruel or unusual punishment.**

Excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.

**Section 15. Right to bail; excessive bail.**

All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and excessive bail shall not in any case be required.

**Section 16. Suspension of habeas corpus.**

The right of the writ of habeas corpus shall not be suspended in this State.

**Section 17. Treason against the state.**

Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving aid and comfort; and no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his or her own confession in open court.

**Section 18. Bills of attainder; conviction not to work corruption of blood or forfeiture of estate.**

The legislature shall pass no bill of attainder; and no conviction shall work corruption of blood or forfeiture of estate.

**Section 19. Imprisonment for debts.**

No person shall be imprisoned for debt.

**Section 20. Suspension of laws.**

No power of suspending laws shall be exercised except by the legislature.

**Section 21. Ex post facto laws; impairment of obligations of contracts; irrevocable or exclusive grants of special privileges or immunities.**

No ex post facto law, nor any law impairing the obligations of contracts, shall be passed by the legislature.

**Section 22. Eminent domain.**

Private property shall not be taken or damaged by state, county, or municipal governments for public use without just compensation as provided by law. Private property shall not be taken under this section for private use.

**Section 23. Navigable waters declared free public highways; taxes, tolls, etc., for use of shores or wharves.**

All navigable waters shall remain forever public highways, free to the citizens of the state and the United States, without tax, impost, or toll; and no tax, toll, impost, or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters of any navigable streams, unless the same be expressly authorized by law.

**Section 24. Right to peaceably assemble and petition for redress of grievances.**

All citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address, or remonstrance.

**Section 25. Right to keep and bear arms.**

Every citizen has a right to keep and bear arms in defense of self and the state.

**Section 26. Military subordinate to civil power.**

The military shall, in all cases, and at all times, be in strict subordination to the civil power.

**Section 27. Quartering of soldiers in houses.**

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in the manner prescribed by law.

**Section 28. Titles of nobility, hereditary distinction, etc.; restrictions on appointments to office.**

No title of nobility or hereditary distinction, privilege, honor, or emolument shall ever be granted or conferred in this state; and no office shall be created, the appointment to which shall be for a longer time than during good behavior.

**Section 29. Immigration, emigration and exile.**

Immigration shall be encouraged; emigration shall not be prohibited; and no citizen shall be exiled.

**Section 30. Residence not forfeited by temporary absence from state.**

Temporary absence from the state shall not cause a forfeiture of residence once obtained.

**Section 31. Protection of suffrage.**

The right of suffrage shall be protected by equal laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

**Section 32. Marriage rights.**

The right of individuals to marry under the terms and conditions set by the law shall remain inviolate.

**Section 33. Official language.**

The right of individuals to use the English language in their transactions with governmental bodies, under the terms and conditions set by the law, shall remain inviolate.

**Section 34. Hunting and fishing rights.**

The right of individuals to hunt and fish in this state under the terms and conditions set by law shall remain inviolate.

**Section 35. Rights not limited by those guaranteed by the United States Constitution.**

Rights guaranteed by this Constitution are not limited to, or dependent upon, those guaranteed by the Constitution of the United States.

**Section 36. Construction of Declaration of Rights.**

This enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

**ARTICLE II: DISTRIBUTION OF POWERS OF GOVERNMENT**

**Section 1. Legislative, executive and judicial departments established.**

The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

**Section 2. Separation of powers.**

In the government of this state, except in the instances in this Constitution hereinafter expressly directed or permitted, each of the three departments shall exercise only the powers confided to it to the end it may be “a government of laws and not of individuals.”

**ARTICLE III: LEGISLATIVE BRANCH**

**Section 1. Legislative Power.**

The legislative power of this state shall be vested in a legislature, which shall consist of a senate and a house of representatives.

**Section 2. Election and Terms of Office of Senators and Representatives.**

Senators shall be elected for a four-year term, and representatives shall be elected for a four-year term, on the Tuesday succeeding the first Monday in November. The legislature may change the time of holding elections. The terms of office of the senators and representatives shall commence on the day after their elections. At the first election of the legislators after the adoption of this constitution the odd numbered districts shall be elected for two year terms and thereafter for four year terms.

**Section 3. Election to Fill Vacancy in Senate or House of Representatives.**

Whenever a vacancy occurs in either house of the legislature the governor shall issue a writ of election to fill such vacancy for the remainder of the term. All expenses of the election shall be paid by the state. If a legally qualified candidate for election to the vacancy is unopposed when the late date for filing for place on the ballot has passed, the election shall not be held, and a certificate of election shall be issued in the manner provided by law.

**Section 4. Qualifications of Senators and Representatives.**

Senators shall be at least twenty-five years of age, and representatives twenty-one years of age at the time of their election. They shall have been citizens of this state and residents of their respective districts for one year next before their election. They shall reside in their respective districts during their terms of office.

**Section 5. Appointment to Office of Profit.**

No senator or representative shall, during the term for which he or she shall have been elected, be appointed to any office of profit under this state, which shall have been created or the emoluments of which shall have been increased by the legislature during such term. A cost of living adjustment of the salary attached to an office, permitted by the provisions of this constitution, shall not be considered an increase in the emoluments of such office.

**Section 6. Organizational Session.**

The legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive days, unless a longer period is required for the determination of contested elections. No business shall be transacted at such session except the organization of the legislature, the election of officers, the appointment of committees, the introduction of bills, the ascertainment and declaration of the results of the election of state officers, the determination of contested elections for such offices, and the judging of election, returns, and qualifications of the members of the legislature.

**Section 7. Election of Presiding Officers and Determination of Qualification of Members.**

The senate, at the beginning of each organizational session, and at such other times as may be necessary, shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the lieutenant-governor; and the house of representatives, at the beginning of each organizational session, and at such other times as may be necessary, shall elect one of its members as speaker; and the president pro tempore of the senate and the speaker of the house of representatives shall hold their offices respectively until their successors are elected and qualified. Each house shall choose its own officers and shall be judge of election, returns, and qualifications of its members.

**Section 8. Procedure for Election by Legislature.**

In all elections by the legislature the members shall vote publicly, and the votes shall be entered on the journal.

**Section 9. Time and Length of Legislative Sessions.**

Regular sessions of the legislature shall be held annually and shall be limited to thirty legislative days within a period of one hundred and five calendar days. The legislature shall convene in regular sessions on the first Tuesday in February, unless the day of meeting is changed by law. Special sessions of the legislature convened in the manner provided by this Constitution shall be limited to twelve legislative days within a period of not more than thirty calendar days.

### **Section 10. Legislation in Special Session.**

When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, except by a vote of two-thirds of each house.

### **Section 11. Compensation Commission for the Members of the Legislature.**

(a) Members of the legislature shall receive an annual salary to be determined in accordance with the provisions of this section. No change in the compensation or expense allowance of members of the legislature shall be made except in accordance with the provisions of this section.

(b) A state compensation commission is hereby created which shall recommend the salary, expense allowance, and other compensation of the members of the legislature. The commission shall consist of five members. The governor, president pro tempore of the senate, speaker of the house, attorney general, and chief justice of the supreme court shall each appoint one member.

(c) The terms of the commissioners shall be five years. Of the initial appointees, the governor and attorney general shall each appoint one for two year; the president pro tempore of the senate and speaker of the house shall each appoint one for four years; and the chief justice shall appoint one for five years. No member of the commission shall hold any other public office.

(d) The members of the commission shall elect one of their number as chairman at their first meeting and every four years thereafter. Any vacancy on the commission shall be filled within fifteen days in the same manner in which such position was originally filled.

(e) The committee shall submit a report to the legislature on the first day of the regular session which convenes in the odd-numbered years preceding the quadrennial election of members of the house of representatives. The recommendations of the commission shall become law unless rejected or altered by act of the legislature within fifteen legislative days after submission.

(f) No change in salary, expense allowance or other compensation shall apply to any legislator during the term for which he or she was elected.

### **Section 12. Compensation of Officers and Employees.**

The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house, and no payment shall be made from the state treasury or be in any way authorized to any person except to an acting officer or employee elected or appointed in pursuance of law.

### **Section 13. Quorum and Adjustment.**

A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each house may provide. Neither house shall, without the consent of the other, adjourn for more than three days.

### **Section 14. Powers of Each House to Make Rules.**

Each house shall have the power to determine the rules of its proceedings and to



punish its members and other persons for contempt or disorderly behavior in its presence; to enforce obedience to its rules and processes; to protect its members against violence or offers of bribes or corrupt solicitation; and with the concurrences of two-thirds of the house, to expel a member, but not a second time for the same offense. A member expelled for corruption shall not thereafter be eligible for either house, and punishment for contempt or disorderly behavior shall not bar prosecution for the same offense. The legislature shall have all the powers necessary to a free state.

### **Section 15. Privileges of Members of Legislature.**

Members of the legislature shall, in all cases except treason, felony, violation of their oath of office, or breach of peace be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house shall not be questioned in any other place.

### **Section 16. Form of Bills.**

(a) Every bill, except general appropriation bills, general revenue bills, and bills adopting a code or revision of statutes, shall be confined to one subject and matter properly connected therewith, and the subject shall be briefly and clearly expressed in the title.

(b) No law shall be revived or amended by reference to its title only, but the act revived or the section amended shall be reenacted and published at length.

### **Section 17. Journal of Proceedings.**

Each house shall keep a journal of its proceedings and cause the same to be published as soon as practicable. A record vote, with the yeas and nays entered on the journal, shall be taken on any question on the demand of one-tenth of the members present. Any member of either house shall have the right to protest against any act or resolution and have the reason for his or her protest entered on the journal.

### **Section 18. Enactment of Laws.**

No law shall be enacted except by bill, and no bill shall become law unless, prior to its passage:

(a) It has been referred to a standing committee of each house, acted upon by such committee in session, and reported, which facts shall affirmatively appear upon the journal of each house. A majority of either house may discharge a committee from the consideration of a bill and consider the same as if reported.

(b) It has been read by its title on three different days in each house and on its final passage it has been read at length in each house; provided that either house may dispense with the reading at length by two-thirds vote of a quorum present, which fact shall be entered onto the journal.

(c) A vote has been taken on it in each house, the name of each member voting for and against recorded in the journal, and except as otherwise provided in this Constitution, a majority of each house be recorded as voting in its favor.

### **Section 19. Amendments and Conference Reports.**

No bill shall be so altered or amended on its passage through either house as to change its original purpose. No amendment to a bill or report of a committee of conference,

shall be adopted by either house, except in the manner required in subparagraph (c) of section 18.

**Section 20. Duty to Deliver Bills.**

When a bill has been passed by the house in which it originated, it shall be the duty of the secretary or clerk of that house to deliver such bill immediately, and in no case later than twenty-four hours, to the other house where it shall receive first reading not later than the next legislative day after delivery. When a bill has been passed by both houses, it shall be returned immediately by the secretary or the clerk of the originating house. The secretary or the clerk of the house in which the bill originated shall attest to its passage and forthwith, and in no case later than six days, deliver the bill to the governor and enter the fact upon the journal.

**Section 21. Revenue Bills.**

All bills for raising revenue shall originate in the house of representatives, but may be altered, amended, or rejected by the senate.

**Section 22. Appropriation Bills.**

(a) The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for the public debt, and for the public schools and educational institutions. The salary of no officer or employee shall be increased in any such bill, nor shall any appropriations be made therein for any officer or employee unless his or her employment and the amount of his or her salary have already been provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.

(b) If general appropriation bills for each of the expenses stated in paragraph (a) of this section have not been passed before the last five legislative days of a regular session, no other legislation shall be finally passed until such appropriation bills have been passed.

(c) If the legislature at any regular session fails to pass general appropriation bills as defined in paragraph (a), the appropriations for the next succeeding fiscal year for such expenses shall be the same as the appropriations, except capital outlay, one-time and conditional appropriations, in effect at the end of the legislative session, unless thereafter changed by act of the legislature.

**Section 23. Payment of Appropriations.**

No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof, and a regular statement and account of receipts and expenditures of all public monies shall be published annually or more often as is practicable, in the manner provided by law.

**Section 24. Appropriations to Charitable Institutions.**

No appropriations shall be made to any charitable or educational institution not under the absolute control of the state, except by a vote of two-thirds of all members elected to each house.

**Section 25. Private Pension Laws.**

The legislature shall not enact any special or private law granting any pension.

**Section 26. Releasing Obligation Owed to State, County or Municipality.**

No obligation or liability of any person, association, or corporation held or owned by the state or by any county or other municipality thereof, shall ever be remitted, released, or postponed or in any way diminished, by the legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; provided that this section shall not prevent the legislature from providing by general law for the compromise of doubtful claims.

**Section 27. Corporations.**

Corporate charters shall be granted, amended, dissolved, or extended only pursuant to general laws, provided, however, that public corporations wholly owned and controlled by the state may be created and dissolved, or their charter amended, by special act.

**Section 28. General Laws Defined.**

A general law within the meaning of this constitution is a law which in its terms and effect applies either to the whole state, without excepting any county, political subdivision or geographical district, or to all such subdivisions of the state in a class. In the enactment of general laws, the legislature may classify geographical areas or districts involving two or more counties or municipalities on the basis of criteria reasonably related to the subject of the law. The legislature shall establish classes of counties and municipalities based on population, but not more than eight classes of each shall be in effect at any one time. No county or municipality shall be exempt from any general law applicable to counties or municipalities in its class.

**Section 29. Limitation on Enactment of Local Laws.**

No special, private, or local law shall be enacted concerning any matter when a general act deals with the same subject matter and is applicable, even though such special, private, or local law may differ from the applicable general law. No special, private or local law shall be enacted in any case when the relief sought can be given by any court of this state. The courts, and not the legislature, shall judge whether the matter of such law is dealt with by an applicable general act, or whether the relief sought can be given by any court. The legislature shall not indirectly enact any such special, private, or local law by the partial repeal of a general law.

**Section 30. Procedure for Enacting Local Laws.**

No special, private, or local law shall be enacted unless public publication of notice setting forth the intention to introduce it and the substance of the contemplated law shall have been published once a week for four weeks in the county or counties where the law is to be applicable in the manner provided by law prior to the introduction of the bill. Proof by affidavit of public notice with a copy of the text thereof shall be filed with the legislature upon the introduction of the bill and, after passage of the bill, set forth in the journal.

**Section 31. Conflict of Interest.**

A code of ethics, which shall include penalties for violation, prohibiting use of a public office for the advancement of the private interest of the office holder or of relatives of the office holder, within three degrees by blood or marriage according to civil law , shall be prescribed by law for all members of the legislature, state employees and non-judicial officers.

**Section 32. Continuity of Government in Emergencies.**

In order to insure continuity of state and local government operations in periods of emergency only, resulting from disasters occurring in this state, the legislature may provide by law for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices; and enact other laws necessary and proper for insuring the continuity of governmental operations. Notwithstanding the power conferred by this section, elections shall always be called as soon as possible to fill any vacancies in elective offices temporarily occupied under any legislation enacted pursuant to the provisions of this section.

**ARTICLE IV: REPRESENTATION**

**Section 1. Composition of Senate and House of Representatives.**

The number of senators shall not be more than thirty-five and the number of representatives shall not be more than one hundred five.

**Section 2. Legislative Districts.**

The state shall be divided by law into districts for the election of members of the Senate and into districts for the election of members of the House of Representatives. Each district shall consist of compact and adjoining territory, and the ratio of the number of legislators in each district to the population of such district shall be as nearly equal among districts as practicable.

**Section 3. Legislative Reapportionment Procedure.**

(a) Reapportionment of senatorial and house of representative districts shall be accomplished as soon as practical after official publication of each decennial census of the United States. A commission on legislative reapportionment, consisting of five members, shall be established no later than the first day of February in each year following the year in which the decennial census of the United States is officially reported. The lieutenant governor, attorney general, and chief justice of the Alabama Supreme Court shall, by a majority vote, appoint all members of the commission and shall certify their names to the officer designated by law.

(b) No commission member shall hold an elected office in the state. Not more than one member of the commission shall be appointed from any congressional district. The members of the commission shall select one of their number as chairman. Any vacancy on the commission shall be filled within fifteen days in the same manner in which such position was originally filled.

(c) It shall be the duty of the legislature to appropriate sufficient funds for the compensation and expenses of the commission and staff appointed by the Commission.

(d) No later than ninety days after the commission has been certified, or the population data for the state as determined by the census has become available, whichever is later, the commission, by a majority vote of its membership, shall adopt a reapportionment plan for the senate and house and shall submit it to the governor, the lieutenant governor and speaker of the house. If the commission plan is reported to such officials before the expiration of the first ten legislative days of the first regular session of the legislature held after the appointment of the commission, such plan shall become law if the legislature does not adopt a reapportionment plan at such session. If the commission plan is not reported until after the expiration of the first ten legislative days of such legislative session, and if the legislature does not adopt a reapportionment plan at such session, the

governor shall, as soon as practicable after the commission plan has been reported, call a special session of the legislature to adopt a reapportionment plan. If the legislature does not adopt a reapportionment plan at such special session, the commission plan shall become law.

(e) The supreme court shall have original jurisdiction, upon the petition of any qualified voter of the state, to review the new reapportionment law. If the supreme court holds invalid a reapportionment plan enacted by the legislature, then the commission plan shall become law if it complies with the requirements of this constitution. If the supreme court finds the commission plan invalid, the court shall issue an order remanding the plan to the commission and directing the commission to reapportion the state in a manner not inconsistent with such order. When the court finally approves a reapportionment plan, such plan shall remain in effect until the adoption under this section of a reapportionment plan after the next United States decennial census.

#### **Section 4. Congressional Redistricting.**

The state shall be divided by law into congressional districts for the election of the members of the United States House of Representatives under the same procedure, under the same commission, and according to the mandate of the preceding section prescribing the manner of reapportioning senate and house representative districts.

### **ARTICLE V: EXECUTIVE BRANCH**

#### **Section 1. Composition of and Enumeration of Officers.**

The Executive Department shall consist of a Governor, Lieutenant Governor, and Attorney-General. The Supreme Executive Power of this state shall be vested in the Governor, who shall be styled "The Governor of the State of Alabama."

The Executive Department shall also include such other Offices, Departments, and Commissions authorized by the Legislature and approved by the Governor.

#### **Section 2. Election and Term of Governor, Lieutenant Governor, and Attorney-General.**

The Governor, Lieutenant Governor, and Attorney General shall be elected by the electors of the state at the same time and places appointed for the election of members of the legislature. The Governor, Lieutenant Governor and Attorney General shall hold their respective offices for a term of four years, commencing on the first Monday after the Second Tuesday in January next succeeding their election and until their

successors shall be elected and qualified. Each of said officers shall be eligible to succeed himself in office, but no person shall be eligible to succeed himself for more than one additional term.

### **Section 3. Election Returns for Executive Branch.**

The returns of every election for Governor, Lieutenant Governor, and Attorney-General shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the manner prescribed by law. The result of the election shall immediately be ascertained and declared by the Speaker from the face of the returns. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the legislature by joint vote shall immediately choose one of said persons for said office. Contested elections for Governor, Lieutenant Governor, and Attorney-General shall be determined by both houses of the legislature in such manner as may be prescribed by law.

### **Section 4. Qualifications of Governor and Lieutenant Governor.**

The Governor and Lieutenant Governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years and qualified voters in Alabama for at least three years next before the date of their election.

### **Section 5. Compensation and Residency Requirements for Executive Branch.**

The Governor, Lieutenant Governor, Attorney-General, and appointed State Officers shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected or appointed. The Governor and the Attorney-General shall reside at the state capital during the time they continue in office.

### **Section 6. Governor's Faithful Execution of Laws.**

The governor shall take care that the laws be faithfully executed.

### **Section 7. Executive Reorganization.**

Except for organizational arrangements made in this Constitution, the Governor may make such changes in the organization of the Executive Department or in the assignment of functions among its units as he considers necessary for efficient administration. Appointment of individuals to positions to be classified as Officers of the State will require advice and consent of the Senate.

### **Section 8. Reports from Executive Departments.**

The Governor may require information in writing under oath from the Officers of the Executive Department, and Heads of other Executive components upon any subject relating to the condition, management and expenses of their respective offices. Any such Officer or component head who makes a willfully false report or fails without sufficient excuse to make the required report on demand is guilty of an impeachable offense.

### **Section 9. Authorization of Extraordinary Convocations.**

The Governor may convene by proclamation on extraordinary occasions the legislature at the seat of Government or at a different place if circumstances warrant. He shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

### **Section 10. Reports and Presentation of Budget to Legislature by Governor.**

The Governor shall, from time to time, give to the Legislature information of the State of the Government and recommend for its consideration such measures, as he may deem expedient. At the commencement of each regular session of the Legislature, and at the close of his term of Office, he shall account to the Legislature as may be prescribed by law, for all moneys received and paid out by him or by his order. At the commencement of each regular session, he shall present to the legislature a budget estimating of the amount of money required to be raised by taxation.

### **Section 11. Dispensation of Bills.**

**A) Passage of Laws** Every bill passed by the legislature shall be presented to the Governor before it becomes law unless otherwise provided by this Constitution. If the Legislature is in session, the bill shall become law if the Governor signs or fails to veto it within seven calendar days of presentation. If the legislature adjourns before presentation or during such seven-day period, the bill shall become law if the Governor fails to veto it within twenty calendar days of presentation.

**B) Veto and Executive Amendments** When the Governor vetoes a bill, he shall within seven calendar days of presentation, return it to the house in which the bill originated with recommendations or justification of veto. The bill shall be reconsidered, and if two-thirds of elected membership to each house votes for passage of the bill it shall become law, notwithstanding the governor's veto.

The Governor may, within the seven-day period, return to the originating house any bill he finds inadequate with recommendations for its amendment. The house to which it is sent may so amend the bill and send it with the governor's message to the other house, which may adopt, but cannot amend, said amendment. If both houses approve such amendment, the amended bill shall become law. If either house refuses to approve such amendment, or fails to act thereon before the end of the session, then the bill shall again be sent to the Governor and acted on as it were presented for the first time, but no further amendment to such bill can be recommended by the Governor.

In any case in which the Legislature acts upon the Governor's veto or recommendations for amendment, the vote of both houses shall be determined by yeas and nays, and the names of the members voting for or against shall be entered on the journals of their respective houses.

### **Section 12. Authority of governor to veto items in appropriation bills.**

The governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or the parts of the bill approved shall be the law. He shall in writing state specifically the item or items he disapproves. The item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of bills over the executive veto.

**Section 13. Succession to Office of Governor and Other State Offices.**

In case of the Governor's removal from Office, Death or Resignation, the Lieutenant Governor shall become Governor. If both the Governor and Lieutenant Governor be removed from Office, Die or Resign more than sixty days prior to the next general Election, at which any State Officers are to be elected, a Governor and Lieutenant Governor shall be Elected at such Election for the unexpired Term, and in the event of a Vacancy in the Office, caused by the Removal from Office, Death or Resignation of the Governor and Lieutenant Governor, pending such vacancy and until their Successors shall be elected and qualified, the Office of Governor shall be held and administered by either the President pro Tempore of the Senate, Speaker of the House of Representatives, and Attorney-General in the order herein named. In case of the impeachment of the Governor, unsoundness of mind, or other disability, the power and authority of the office shall, until the governor is acquitted, or is restored to his mind, or relieved from other disability, devolve in the order herein named, upon the Lieutenant Governor, President pro Tempore of the Senate, Speaker of the House of Representatives, or Attorney-General. If any of these officers be under any of the disabilities herein specified, the Office of the Governor shall be administered in the order named by such of these officers as may be free from such disability. If the Governor-Elect fail or refuse from any cause to Qualify, the Lieutenant Governor-Elect shall Qualify and Exercise the duties of Governor until the Governor-Elect Qualifies; and in the event both the Governor-Elect and the Lieutenant Governor-Elect from any cause fail to qualify, the President pro Tempore of the Senate, the Speaker of the House of Representatives, the Attorney-General shall in like manner in the order named, administer the office until the Governor-Elect or Lieutenant Governor-Elect qualifies. Should none of the aforementioned be able to succeed, the Office of the Governor shall be administered by such appointed State Officer as may be prescribed by law.

**Section 14. Procedure when Governor or Acting Governor appears to be of Unsound Mind.**

If the Governor or other Officer administering the Office shall appear to be of unsound mind, it shall be the Duty of the Supreme Court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon request in writing, verified by their affidavits, of any two State Officers, not next in succession to the office of governor, to ascertain the mental condition of the Governor or other Officer administering the Office, and if he is adjudged to be of unsound mind, to so decree; and in the event of such adjudication, it shall be the duty of the Officer next in Succession to perform the duties of the Office until the Governor or other Officer administering the Office is restored to his mind. If the incumbent denies that the Governor or other person entitled to administer the office has been restored to his mind, the supreme court, at the instance of any State Officer, shall ascertain the truth concerning the same, and if the Officer has been restored to his mind, shall so adjudge; and in the event of such adjudication, the Office shall be restored to him. The Supreme Court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rules shall include a provision for the service of notice of such proceedings on the governor or person acting as Governor.



**Section 15. Compensation of Acting Governor.**

The Lieutenant Governor, President pro Tempore of the Senate, Speaker of the House, Attorney-General, or appointed State Officer, while administering the Office of Governor, shall receive like compensation as that prescribed by law for the Governor, and no other.

**Section 16. Holding Office in addition to that of Governor.**

No person shall, at the same time, hold the office of Governor and any other Office, Civil or Military, under this State, or the United States, or any other State or Government, except as otherwise provided in this Constitution.

**Section 17. Military powers of governor.**

The governor shall be Commander-in-Chief of the militia and volunteer forces of this state, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection, and repel invasion, but need not command in person unless directed to do so by Resolution of the Legislature. When acting in the service of the United States, he shall appoint his staff, and the legislature shall fix his rank.

**Section 18. Duties and Salary of Lieutenant Governor.**

The Lieutenant Governor shall be ex officio president of the Senate, but shall have no right to vote except in the event of a tie. The compensation of the Lieutenant Governor shall be the same as that received by the Speaker of the House, except while serving as governor.

**Section 19. Qualifications of Attorney-General.**

No person shall be eligible to the Office of Attorney-General unless he shall have been a citizen of the United States at least seven years, and shall have resided and been licensed to practice law in this state at least five years next preceding his election, and shall be at least thirty-years-old when elected.

**Section 20. Vacancy in office or Unsoundness of Mind of State Officers.**

Should any State Officer vacate Office from any cause, the Governor shall fill such vacancy until the disability is removed or a successor elected or appointed and qualified. In case any of said Officers shall become of unsound mind, such unsoundness shall be ascertained by the Supreme Court upon the suggestion of the Governor.

**Section 21. Duties generally and restrictions on receipt of fees, etc., by Attorney-General.**

The Attorney-General shall perform such duties as may be prescribed by law and shall not receive to personal use any Fees, Costs, Perquisites of Office, or Other Compensation than the salaries prescribed by law.

**Section 22. Calling of a Constitutional Convention.**

No less often than twenty years following a public referendum on the subject, the Governor shall submit to the Legislature a question of calling a Constitutional Convention, such proposal to be voted on by the qualified electors of the State at the next time and places appointed for the election of members of the legislature.

## **ARTICLE VI: JUDICIAL BRANCH**

### **Section 1. Judicial power.**

(a) Except as otherwise provided by this Constitution, the judicial power of the state shall be vested exclusively in a unified judicial system which shall consist of a supreme court, a court of criminal appeals, a court of civil appeals, a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the district court, a probate court and such municipal courts as may be provided by law.

(b) The legislature may create judicial officers with authority to issue warrants and may vest in administrative agencies established by law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies are created.

### **Section 2. The supreme court.**

(a) The supreme court shall be the highest court of the state and shall consist of one chief justice and such number of associate justices as may be prescribed by law.

(b) The supreme court shall have original jurisdiction (1) of cases and controversies as provided by this Constitution, (2) to issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction, (3) to offer advisory opinions to the Governor and Legislature concerning proposed legislation and (4) to answer questions of state law certified by a court of the United States.

(c) The supreme court shall have such appellate jurisdiction as may be provided by law.

### **Section 3. Courts of appeals.**

(a) The court of criminal appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(b) The court of civil appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(c) The court of criminal appeals and the court of civil appeals shall have no original jurisdiction except the power to issue all writs necessary or appropriate in aid of appellate jurisdiction of the courts of appeals.

(d) The court of criminal appeals shall have and exercise original jurisdiction in the issuance and determination of writs of quo warranto and mandamus in relation to matters in which said court has appellate jurisdiction. Said court shall have authority to issue writs of injunction, habeas corpus and such other remedial and original writs as are necessary to give it a general superintendence and control of jurisdiction inferior to it and in matters over which it has exclusive appellate jurisdiction; to punish for contempts by the infliction of a fine as high as one hundred dollars, and imprisonment not

exceeding ten days, one or both, and to exercise such other powers as may be given to said court by law.

#### **Section 4. Circuit court.**

a) The state shall be divided into judicial circuits. For each circuit, there shall be one circuit court having such divisions and consisting of such number of judges as shall be provided by law.

(b) The circuit court shall exercise general jurisdiction in all cases except as may otherwise be provided by law. The circuit court may be authorized by law to review decisions of state administrative agencies and decisions of inferior courts. It shall have authority to issue such writs as may be necessary or appropriate to effectuate its powers, and shall have such other powers as may be provided by law.

#### **Section 5. District court.**

The district court shall be a court of limited jurisdiction and shall exercise uniform original jurisdiction in such cases, and within such geographical boundaries, as shall be prescribed by law, provided that the district court shall hold court in each county seat and at such other places as prescribed by law. The district court shall have jurisdiction of all cases arising under ordinances of municipalities in which there is no municipal court and shall hold court in each incorporated municipality of a population of 1000 or more where there is no municipal court at places prescribed by law.

#### **Section 6. Probate court.**

There shall be a probate court in each county which shall have general jurisdiction of orphans' business, and of adoptions, and with power to grant letters testamentary, and of administration, and of guardianships, and shall have such further jurisdiction as may be provided by law, provided, that whenever the circuit court has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians, and trustees and including action upon the resignation of either of them.

#### **Section 7. Municipal courts.**

All municipal courts shall have uniform original jurisdiction limited to cases arising under municipal ordinances as prescribed by law. Judges of municipal courts shall be licensed to practice law in the state and have such other qualifications as the legislature may prescribe. A municipal judge may serve as a judge of more than one municipal court. Expenses of municipal courts and compensation of municipal judges shall be paid in a manner prescribed by law notwithstanding the provisions of section 10 of this article. Municipal judges shall be appointed and vacancies filled by the governing body of the municipality, in accordance with uniform terms, conditions and procedures as may be provided by law, notwithstanding the provisions of sections 14, 15 and 16 of this article. The prohibited activities of section 9(a) shall not be applicable to a judge of a municipal court. The governing body of a municipality shall have the right to elect at any time to abolish the municipal court within its limits. If such election is exercised, the jurisdiction of the court abolished shall be transferred to the district court of the district in which the

municipality is located. The governing body of a municipality, may, at its election, re-establish a municipal court after appropriate notice.

### **Section 8. Qualifications of judges.**

(a) Judges of the supreme court, courts of appeals, circuit court, district court, probate court, and municipal court shall be licensed to practice law and members in good standing of the Alabama State Bar as of the date of qualifying and have such other qualifications as the legislature may prescribe. A probate judge in office on the effective date of this article shall be qualified to serve and may remain in office, during that term and any successive elected terms, until such time as he or she vacates the office, except for absences permitted for by law.

(b) Except as provided in subsection (a), a judge of the District Court, Probate Court, or Municipal Court shall have been admitted to the Alabama State Bar for a minimum of three years, a judge of the Circuit Court for at least five years, and a judge of the Alabama Court of Civil Appeals, the Alabama Court of Criminal Appeals and the Supreme Court for at least ten years at the time of that person's qualifying for election, appointment, or other selection.

### **Section 9. Prohibited activities.**

(a) No judge of any court of this state shall, during his or her continuance in office, engage in the practice of law or receive any remuneration for his or her judicial service except the salary and allowances authorized by law.

(b) No judge shall seek or accept any nonjudicial elective office, or hold any other office of public trust, excepting service in the military forces of the state or federal governments.

(c) The supreme court shall adopt rules of conduct and canons of ethics, not inconsistent with the provisions of this Constitution, for the judges of all courts of this State.

### **Section 10. Judicial compensation.**

(a) A state judicial compensation commission is hereby created which shall recommend the salary and expense allowances to be paid from the state treasury for all the judges of this state. The commission shall consist of five members; one shall be appointed by the governor, one by the president of the senate, one by the speaker of the house, and two by the governing body of the Alabama state bar.

(b) Members of the judicial compensation commission shall serve for terms of four years. Any vacancy on the commission shall be filled in the same manner in which such position was originally filled. The legislature shall appropriate sufficient funds for the expenses of the commission.

(c) No member of the commission shall hold any other public office, or office in any political party, and no member of the commission shall be eligible for appointment to a state judicial office so long as he or she is a member of the commission and for two years thereafter.

(d) The commission shall submit a report to the legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law upon confirmation by a joint resolution or such recommendations may be

altered by an act of the legislature at the session to which the report is submitted. The compensation of a judge shall not be diminished during his official term.

### **Section 11. Administration.**

The chief justice of the supreme court shall be the administrative head of the judicial system. He or she shall appoint an administrative director of courts and other needed personnel to assist him with his administrative tasks. The chief justice may assign appellate justices and judges to any appellate court for temporary service and trial judges, supernumerary justices and judges, and retired trial judges and retired appellate judges for temporary service in any court. Adequate and reasonable financing for the entire unified judicial system shall be provided. Adequate and reasonable appropriations shall be made by the legislature for the entire unified judicial system, exclusive of municipal courts. The Chief Justice of the Supreme Court shall submit annual requests to the Legislature for appropriations for the Unified Judicial System, exclusive of the Municipal Courts.

### **Section 12. Power to make rules.**

The supreme court shall make and promulgate rules governing the administration of all courts and rules governing practice and procedure in all courts; provided, however, that such rules shall not abridge, enlarge or modify the substantive right of any party nor affect the jurisdiction of circuit and district courts or venue of actions therein. These rules may be changed by a general act of statewide application.

### **Section 13. Number of circuit and district judges.**

(a) The supreme court shall establish criteria for determining the number and boundaries of judicial circuits and districts, and the number of judges needed in each circuit and district. If the supreme court finds that a need exists for increasing or decreasing the number of circuit or district judges, or for changing the boundaries of judicial circuits or districts, it shall, at the beginning of any session of the legislature, certify its findings and recommendations to the legislature.

(b) If a bill is introduced at any session of the legislature to increase or decrease the number of circuit or district judges, or to change the boundaries of any judicial circuit or district, the supreme court must, within three weeks, report to the legislature its recommendations on the proposed change. No change shall be made in the number of circuit or district judges, or the boundaries of any judicial circuit or district unless authorized by an act adopted after the recommendation of the supreme court on such proposal has been filed with the legislature.

(c) An act decreasing the number of circuit or district judges shall not affect the right of any judge to hold his office for his full term.

### **Section 14. Election of judges.**

All elected judges shall be elected by vote of the electors within the territorial jurisdiction of their respective courts. The legislature shall provide for the election of all circuit, district, and probate judges on a non-partisan basis, without designation of any political affiliation. The legislature shall provide for the selection of justices of the supreme court and judges of the court of criminal appeals and the court of civil appeals by either a non-partisan public election, without designation of any political affiliation or by merit

selection with retention election, on a non-partisan basis, without designation of any political affiliation. Nominations for judicial office shall be in the manner prescribed by law. Any incumbent judge may become a candidate to continue in office in the manner prescribed by law.

#### **Section 15. Vacancies in judicial office.**

The office of a judge shall be vacant if she or he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor who will select from a pool of names provided by a judicial appointment commission for the Supreme Court, for each of the courts of appeal, for each circuit, for each district court, and for each probate court. The legislature shall establish the manner of appointment, rules and regulations, jurisdiction, number of members, and qualifications of members of a judicial appointing commission. The judicial appointment commission may have authority over more than one classification of court. A judge appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after she or he has completed one year in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

#### **Section 16. Tenure of office.**

(a) The term of office of each judge of a court of the judicial system of this state shall be six years; provided, however, that the legislature may alter by law the length of the terms of the judges of any court of this state, but it may do so only prospectively, and may not lengthen the term of any sitting judge..

(b) A law reducing the number of judges of the supreme court or of a court of appeals shall be without prejudice to the right of the judges affected to seek retention in office. The reduction shall become effective when a vacancy in the affected court occurs.

#### **Section 17. Retirement.**

The legislature shall provide by law for the retirement of judges, including supernumerary judges, with such conditions, retirement benefits, and pensions for them and their dependents as it may prescribe. No person shall be elected or appointed to a judicial office after reaching the age of seventy years, provided that a judge over the age of seventy may be appointed to the office of supernumerary judge if she or he is not eligible to receive state judicial retirement benefits.

#### **Section 18. Judicial Inquiry Commission.**

(a) A Judicial Inquiry Commission is created consisting of nine members. The Supreme Court shall appoint one appellate judge who shall not be a Justice on the Supreme Court; the Circuit Judges' Association shall appoint two judges of the circuit court; the Governor shall appoint three persons who are not lawyers and one district judge to serve as members of the Commission and who shall be subject to Senate confirmation before serving. The governing body of the Alabama State Bar shall appoint two members of the state bar to serve as members of the commission.. The commission shall select its own chair. The terms of the members of the commission shall be four years. A vacancy on the commission shall be filled for a full term in the manner the original appointment was made.

(b) The commission shall be convened permanently with authority to conduct investigations and receive or initiate complaints concerning any judge of a court of the judicial system of this state. The commission shall file a complaint with the Court of the Judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any Canon of Judicial Ethics, misconduct in office, failure to perform his or her duties, or (2) to charge that the judge is physically or mentally unable to perform his or her duties. All proceedings of the commission shall be confidential except the filing of a complaint with the Court of the Judiciary. The commission shall prosecute the complaints.

(c) The Supreme Court shall adopt rules governing the procedures of the commission.

(d) The commission shall have subpoena power and authority to appoint and direct its staff. Members of the commission who are not judges shall receive per diem compensation and necessary expenses; members who are judges shall receive necessary expenses only. The Legislature shall appropriate funds for the operation of the commission

### **Section 19. Court of the Judiciary.**

(a) The Court of the Judiciary is created consisting of one judge of an appellate court, other than the Supreme Court, who shall be selected by the Supreme Court and shall serve as Chief Judge of the Court of the Judiciary; two judges of the circuit court, who shall be selected by the Circuit Judges' Association; and one district judge who shall be selected by the District Judges' Association. Other members of the Court of the Judiciary shall consist of two members of the state bar, who shall be selected by the governing body of the Alabama State Bar; and, three persons who are not lawyers who shall be appointed by the Governor. Members appointed by the Governor shall be subject to Senate confirmation before serving. The court shall be convened to hear complaints filed by the Judicial Inquiry Commission. The court shall have authority, after notice and public hearing (1) to remove from office, suspend without pay, or censure a judge, or apply such other sanction as may prescribed by law, for violation of a Canon of Judicial Ethics, misconduct in office, failure to perform his or her duties, or (2) to suspend with or without pay, or to retire a judge who is physically or mentally unable to perform his or her duties.

(b) A judge aggrieved by a decision of the Court of the Judiciary may appeal to the Supreme Court. The Supreme Court shall review the record of the proceedings on the law and the facts.

(c) The Supreme Court shall adopt rules governing the procedures of the Court of the Judiciary.

(d) The Court of the Judiciary shall have power to issue subpoenas. The Legislature shall provide by law for the expenses of the court.

(e) The procedure outlined in Sections 18 and 19 shall be the exclusive means by which a judicial officer of any court of this state may be disciplined or removed from office during that judge's term of office, whether in office as a result of election or appointment.

### **Section 20. Disqualification.**

A judge shall be disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging her or him in the United States

with a crime punishable as a felony under a state or federal law, or (2) a complaint against her or him filed by the judicial inquiry commission with the court of the judiciary.

**Section 21. District attorneys, clerks, court revenue.**

(a) A district attorney for each judicial circuit shall be elected by the qualified electors of those counties in such circuit. Such district attorney shall be licensed to practice law in this state and shall, at the time of his or her election and during his or her continuance in office, reside in his or her circuit. His or her term of office shall be for six years and he or she shall receive such compensation as provided by law. Vacancies in the office of district attorney and in his or her staff shall be filled as provided by law.

(b) Clerks of the circuit courts shall be elected by the qualified electors in each county for a term of six years. Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located.

(c) Persons elected to the position of constable to assist the courts of the state as provided by law shall be subject to the same restrictions, rights and limitations as are specified in Article XII Section 1 of this Constitution. No law shall prohibit the receipt of fees for the performance of official duties of said position while holding any other elected or appointed office.

(d) The revenue from fines, forfeitures and court costs produced in district courts from the exercise of jurisdiction under municipal ordinances shall be apportioned between the municipality and the state as shall be provided by law.

**Section 22. Continuation of courts, district attorneys, clerks.**

(a) All courts not herein authorized which are in existence at the time this article becomes effective shall retain their powers for four years, unless sooner terminated by act of the legislature.

(b) All judges of the supreme court, court of criminal appeals, court of civil appeals circuit courts, district courts, and probate courts shall retain their offices for the remainder of their respective terms, and any subsequent terms to which a sitting probate judge is selected, pursuant to the provisions of Section 8

(c) All justices of the supreme court in office when this article becomes effective shall be justices of the supreme court. All judges of the court of criminal appeals shall be judges of the court of criminal appeals. All judges of the court of civil appeals shall be judges of the court of civil appeals. All circuit judges in office when this article becomes effective shall be judges of the circuit courts. All district judges in office when this article becomes effective shall be judges of the district courts. All probate judges in office when this article becomes effective shall be judges of the probate courts. All city judges who are in office when this article becomes effective shall continue to be judges of their respective courts. All present city courts shall continue to function as provided by law for four years.

(d) In the event a city ceases to have a city or municipal court, all judges of any city court in this state in cities which have more than one such judge at the time of approval of this constitutional amendment by the legislature and on the date of the establishment of the district court, if otherwise qualified under the provisions of this article, shall be commissioned judges of the district court. Each such judge accepting commission as a district judge shall serve an initial term lasting until the first Monday after the second



Tuesday in January following the next general election after he has completed three years in office as a district judge. At such election said judicial office shall be filled for a full term of office beginning at the end of the term for which such judge was commissioned.

(e) All district attorneys of any circuit of this state, who are qualified under the provisions of this article, and who are holding office at the time of the approval of this constitutional amendment by the electors of the state, shall retain their offices for the remainder of their respective terms.

(f) All clerks of the circuit court of this state, who are holding office at the time of the approval of this constitutional amendment by the electors of the state, shall retain their offices for the remainder of their respective terms.

(g) Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the Constitution.

## **ARTICLE VII: SUFFRAGE AND ELECTIONS**

### **Section 1. Qualifications for Voting.**

The right to vote in Alabama is a fundamental right. Every person who is an Alabama resident, a citizen of the United States, 18 years of age or older on election day, and is registered to vote has the right to vote. The legislature shall have authority by law to define Alabama residency for purposes of eligibility to vote.

### **Section 2. Conduct of Elections.**

All elections shall be free, open, accessible, by secret ballot, and make use of current technology as adopted by the legislature. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

### **Section 3. Regulation of Elections.**

The legislature must establish a uniform administrative process for registration of voters, absentee and early voting, the nomination of candidates, and for citizens to file their complaints and to review election challenges. The legislature shall prescribe by law the time, place, and manner of holding elections.

## **ARTICLE VIII: TAXATION AND DEBT LIMITATION**

### **Section 1. Limit on Powers to Tax and Lend Credit.**

The State of Alabama and its political subdivisions shall use their power to tax and lend their credit only for public purposes, or other purposes specified herein.

### **Section 2. Delegation of Taxing Power.**

The power to levy taxes shall not be delegated to individuals or private corporations or associations.

### **Section 3. State Taxes on Income.**

- A. A state tax on income may be levied only on net income. Income below the Federal poverty level shall be exempt from taxation.
- B. A resident individual or a corporation organized under the law of this state shall be allowed to deduct from gross income the amount of federal income tax paid or accrued within the taxable year. A nonresident individual or foreign corporation shall be allowed to deduct only that amount of federal income tax paid or accrued in the taxable year on income received from sources within the state to be determined in accordance with such laws as the legislature may enact.

**Section 4. Imposition of Income Tax with Reference to Federal Law.**

Except as prohibited by this Constitution, the legislature in enacting laws taxing income, may define income by reference to provisions of the laws of the United States as they then exist or may prospectively be enacted, with such modification as may be prescribed by the law of this state.

**Section 5. Dedicated Funds.**

No proceeds of any state tax hereafter levied by the legislature, or derived from an increase in the rate of taxes now imposed, shall be dedicated to any special purpose, except when required by the federal government for state participation in federal programs. Any dedication of taxes for special purposes existing at the time of the ratification of this section shall continue until amended or terminated by act of the legislature, not more than two (2) years from the date this constitution is ratified.

**Section 6. Expenditure of Public Money.**

No money shall be withdrawn from the treasury except in accordance with appropriations made by law, nor shall any obligation for the payment of money be incurred except as authorized by law.

**Section 7. Assessment and Classification of Property for Ad Valorem Taxation.**

- A. All taxable property within this state, not exempt by law, may be divided into classes by the legislature for the purposes of ad valorem taxation, at rates set forth by the legislature:
- B. With respect to ad valorem taxes levied by counties, incorporated cities or towns, or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes in the same manner in which the State classifies, if so classified, property.
- C. Wherever any constitution provision or statute provides for, limits or measures the power or authority of any county, incorporated city or town, or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for the state taxes or for the state and county taxes such provision shall mean as assessed for county or incorporated city or town taxes as the case may be.

**Section 8. Exemption from Ad Valorem Taxation.**

- A. The following property shall be exempt from all ad valorem taxation: the real and personal property of the state, counties, incorporated cities or towns, and property devoted exclusively to religious, educational or charitable purposes.
- B. The legislature may provide for other exemptions from ad valorem taxation.

### **Section 9. Taxation.**

Except for taxes levied by the state and taxes required for the payment of bonds issued after the ratification of Section 8, no additional ad valorem taxes on real or personal property shall be levied unless the tax shall have been (1) approved by the authority having power to levy the tax after a public hearing on the proposal and (2) subsequently approved by a majority of electors of the jurisdiction in which the tax is to be levied who vote on proposal.

### **Section 10. State Debt Limitation.**

No debt or other obligation shall be contracted by or in behalf of the state except as provided herein and the full faith and credit of the state shall be pledged to all debt incurred under this section.

- A. Temporary borrowing. The legislature may authorize debts to be contracted to meet deficits in the revenue in anticipation of the collection during the then current fiscal year of state taxes and within appropriations for such fiscal year in an amount not exceeding one-tenth of the average annual tax receipts of the state for the five fiscal years immediately preceding. Such debt shall mature and be paid from such tax collections within the current fiscal year.
- B. Debts to finance capital projects or to refund previous obligations. The legislature may authorize debts to be contracted: (1) to finance a capital project which is to be specified in the authorizing act, or (2) to refund a previous obligation of the state. The total principal amount of debts so authorized together with all debts or obligations of the state payable in whole or in part from taxes, shall not exceed one and three-fourths times the average annual revenue receipts of the state for the immediately preceding five fiscal years. An act authorizing such debt shall require for its passage a vote of three-fifths of the members elected to each house.
- C. Additional debt. The legislature may authorize debt in excess of the limit provided in paragraph (b) by an act passed by a vote of three-fifths of the members elected to each house and approved by a majority of the electors of the state voting on the question.
- D. Bonds to finance revenue producing capital projects. The legislature may authorize the issuance of general obligation bonds of the state to finance or refinance specified revenue producing projects (including the enlargement or improvement thereof), which are owned and controlled by the state or by one of its institutions or agencies, to an amount not exceeding the average annual tax revenues of the state for the immediately preceding five fiscal years; and such bonds shall not be included in determining the limitation on debt contained in paragraph (b), provided that:

1. The bonds shall be secured by a pledge of the net revenue derived from rates, fees or other charges of the projects;
2. Before any such bonds shall be authorized, the governor shall file with the clerk of the house and secretary of the senate his opinion, based on responsible engineering and economic estimates attached thereto, that the anticipated net revenues to be pledged to the payment of the principal and interest on such bonds will be sufficient to meet such payments and to provide such reserves as the act authorizing such bonds may require; and
3. The act authorizing such bonds shall be adopted by a vote of two-thirds of the members elected to each house.

E. Retiring Debt. All bonds authorized under paragraphs (b), (c), and (d) above shall mature serially in annual or more frequent installments, beginning not later than three years from the date of issue and ending within the estimated useful life of the project as stated in the authorizing act or thirty years from date of issue, whichever is shorter. The principal and interest on all such bonds shall be a first charge on the general revenues of the state and, unless sufficient funds are appropriated in each fiscal year for the payment of such principal and interest, there shall be set aside from the first tax revenues received during each fiscal year and each succeeding fiscal year a sum sufficient to pay such principal and interest.

#### **Section 11. Procedure for Incurring County and Municipal Debt.**

- A. Except as hereinafter permitted, no county or incorporated city or town shall contract or incur any debt or obligation pledging its full faith and credit, unless (1) such debt or obligation shall be incurred or contracted for the purpose of making one or more capital improvements, (2) shall mature within the estimated useful life of such capital improvements or thirty years whichever is the shorter and (3) shall have been approved by a majority vote of the electors of such county or incorporated city or town voting at an election held in the manner prescribed by law.
- B. The limitation on incurring a debt or obligation provided by subdivision (a) hereof shall not apply to the following:
  1. Obligations incurred for current operating expenses in any fiscal year which do not exceed the anticipated income of that year available for such purposes.
  2. Temporary loans to be paid within one year, made in anticipation of the collection of taxes, not exceeding one-fourth of the average annual general revenues (excluding state and federal grants) of such county, incorporated city or town, for the preceding five fiscal years.
  3. The renewal, refunding or reissue of obligations lawfully issued.

4. Obligation to procure funds to pay for public improvements, the cost of which is to be assessed, in whole or in part, against the property abutting on or served by such improvements.
5. Obligations of a public corporation created by any county or incorporated city or town, even though property, whether or not capable of producing income, may have been transferred to such public corporation by a county or an incorporated city or town with or without consideration.

### **Section 12. Exception to Election Requirements for Obligations to Finance Small Capital Projects.**

- A. Notwithstanding the provisions of the constitution requiring an election for incurring debts or obligations, a county or an incorporated city or town may incur a debt or obligation without an election in an amount not exceeding one-fifth of its average annual tax revenue paid into its general funds, and, in the case of a county, also its public building, road and bridge fund, for the last five preceding fiscal years, to finance a capital project, if approved by three-fifths of the members of its governing body after a public hearing, of which at least ten days notice has been given by publication. Notice of approval by the governing body shall be published within seven days after approval.
- B. In the event that five percent of the number of electors who were qualified to vote in such county in the last general election, or in such incorporated city or town in the last municipal election, within thirty days following publication of the notice of approval, file a written petition with the governing body for an election, the debt or obligation shall not be incurred unless approved by a majority of the electors voting on the question at an election.
- C. The total principal amount of all debts or obligations incurred without an election and outstanding under this section shall never exceed one percent of the assessed value of taxable property in the county or incorporated city or town.

### **Section 13. General Obligation Indebtedness of Counties and Municipalities for Industrial Development.**

Any county, incorporated city or town, or other subdivision may ~~to~~ incur obligations, payable in whole or in part from taxes, for industrial or commercial development, provided that: (1) the obligations shall be approved by a vote of a majority of the electors of the county, incorporated city or town, or other subdivision voting in on election thereon; and (2) the electors simultaneously authorize the levying of a special tax reasonably estimated to be sufficient to pay the obligations if revenues pledged are insufficient. The type of tax, its possible duration and maximum rate shall be set out on the ballot to be used at such election.

## **ARTICLE IX: LOCAL GOVERNMENT**

### **Section 1. Counties.**

- (a) The boundaries of the several counties of this state, as they now exist, are hereby ratified and confirmed.
- (b) The legislature may, by a vote of two-thirds of each house thereof, modify boundaries for the several counties of the state, which boundaries shall not be altered, except by a like vote; and no new county shall be formed hereafter of less extent than six hundred square miles; and no new county or counties from which it is taken with the required number of inhabitants to entitle such county or counties, each, to separate representation.
- (c) No courthouse or county seat shall be removed except by a majority vote of the qualified vote of the qualified electors of said county, voting at an election held for such purposes, and when an election has once been held no other election shall be held for such purpose until the expiration of four years.

### **Section 2. County and Municipal Self Governance Charters.**

Upon the expiration of four years following the adoption of this article, a county or municipality shall have the right and power to frame, adopt, amend or repeal a self governance charter upon a resolution approved by the governing body of a county or municipality, or upon resolution or petition of ten per cent of the number of electors who were qualified to vote in such county in the last general election, or in such municipality in the last municipal election, filed with the governing body and a copy filed with the probate judge, the question of the creation of a commission to frame a home rule charter, or charter amendments, shall be submitted to the electorate not less than forty-five days and no later than the next general election. An affirmative vote of a majority of the electors voting on the question shall authorize the creation of the charter commission. The resolution or petition shall designate the method by which the members of the charter commission shall be chosen.

### **Section 3. County and Municipal Powers of Government.**

The legislature shall provide by general law for the incorporation, government, merger and change of boundaries of cities and towns, and boundaries may be altered or rearranged by local law.

### **Section 4. Conflicting County and Municipal Ordinances.**

In the event of conflict between a municipal ordinance and a county ordinance, the municipal ordinance shall prevail within the municipality unless otherwise provided by general or special law of the state.

### **Section 5. Conflicting County and Municipal Ordinances and State Law.**

In the event of a conflict between a municipal or county ordinance and a general or special law, the general or special law shall prevail.

### **Section 6. Responsibility for County Roads.**

The county's responsibility for the construction and maintenance of county roads shall not hereafter be delegated to a state agency unless the delegation is approved by a vote of the electors of the county.

### **Section 7. Municipal Streets.**

No person, firm, association, or corporation shall be authorized or permitted to use the streets, avenues, alleys, or public places of any municipality for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of the municipality.

## **ARTICLE X: EDUCATION**

### **Section 1. Statement of Policy.**

The provision of an adequate public education for the citizens shall be a primary obligation of the State of Alabama. The legislature shall establish, maintain and support by taxation and other means a liberal system of free public schools; wherein, equal opportunities shall be provided for all students. Maintenance and support of post-secondary education shall be provided for in such manner and in such amount as prescribed by the legislature.

### **Section 2. State Board of Education.**

- (a) General supervision of the public schools in Alabama shall be vested in a state board of education, which shall be elected in such manner as prescribed by the legislature.
- (b) The chief state school officer shall be the state superintendent of education, who shall be appointed by the state board of education and serve at its pleasure. The authority and duties of the state superintendent shall be determined by the state board of education according to such regulations as prescribed by the legislature.

### **Section 3. Higher Education.**

- (a) The legislature shall provide for the establishment, maintenance and support of a public system of higher education comprised of the University of Alabama System, the Auburn University System, and such other institutions of higher education as the legislature may deem wise. The legislature shall provide for the selection of members of the governing body for the University of Alabama System, the Auburn University System, and other public institutions of higher education. No member of the legislature shall serve as a member of the governing body of any State college or university.
- (b) The legislature shall provide for a commission to coordinate all education beyond the secondary level while advising the governor and the legislature.

### **Section 4. Sectarian or denominational school.**

No money raised for the support of public education shall be appropriated to or used for the support of any sectarian or denominational school or institution.

## **ARTICLE XI: PUBLIC OFFICERS**

### **Section 1. Dual Office Holding.**

No person holding an office of profit under the United States shall, during continuance in such office, hold any office of profit under this state; nor shall any person except a notary public, hold two offices of profit at one and the same time under this state. No individual in the employment of the State of Alabama shall hold an elected state office.

Service of a delegate to a constitutional convention or as a member of a statutory body having only advisory powers shall not be considered an office of profit as the term is used in this constitution. The legislature may by general law exempt persons in the state military forces or in the military service of the United States from the provisions of this section.

### **Section 2. Qualifications for holding public office.**

A person convicted of a felony whose civil and political rights have been restored shall be eligible to hold any office of trust or profit in this state.

### **Section 3. Compensation of Public Officers.**

- (a) The rate of compensation and expense allowance of any officer holding any civil office of profit under this state, or any county or municipality thereof, who is elected or appointed for a fixed term, whether such officer may be removed at the pleasure of the authority electing or appointing him or only upon impeachment, shall not be increased or diminished, during the term for which he shall have been elected or appointed, either by the imposition of new, different, and additional duties, or otherwise.
- (b) Any increase or decrease in the compensation of officers who are members of any court, board, commission, or similar body, whose terms do not run concurrently, shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.

### **Section 4. Civil Service.**

The legislature shall provide by law for appointments and promotions in the civil service of the state according to merit, fitness, and efficiency, to be determined, so far as practicable, by competitive examination. The legislature shall provide adequate financial support for a program of personnel management in the state service.

### **Section 5. Oath of Office.**

All members of the legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I, . . . , solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God'." The oath may be administered by the presiding officer of either house of the legislature, or by any officer authorized by law to administer an oath.

## **ARTICLE XII: IMPEACHMENT**

### **Section 1. Impeachment of State Officers.**

- (a) All elected state officers, except judges, shall be subject to impeachment for willful neglect of duty, corruption in office, or the commission of any felony, while in office.
- (b) The impeachment procedure shall be as follows:



(1) Any consideration under this Article by a legislative committee and both houses of the Legislature shall require a quorum of 2/3 of the body's membership to be present.

(2) The committee considering an article of impeachment must approve such article by a majority vote; the approval by the House of an article of impeachment, and the vote by the Senate to convict shall each require a 2/3 vote.

(c) When the governor or acting governor is impeached', the chief justice, or one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting as a court of impeachment.

(d) If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the speaker of the house their desire to meet to consider the impeachment of the governor or acting governor, it shall be the duty of the speaker of the house to summon the members of the house to assemble at the capitol to consider the impeachment of the governor or acting governor. If the house of representatives prefers articles of impeachment, the lieutenant governor or president pro tempore of the senate shall summon the members of the senate to assemble at the capitol for the purpose of organizing as a court of impeachment, unless the legislature has provided for the trial of such official by a special tribunal.

(e) An officer impeached by the house of representatives shall be disqualified from performing any official duties until he has been tried and acquitted. The officer shall be removed from office upon conviction.

## **Section 2. District Attorneys and Sheriffs.**

- (a) District attorneys and sheriffs may be removed from office for any of the causes specified in Section 1 of this article by the supreme court, under such regulations as may be prescribed by law.
- (b) The Governor shall remove from office any individual listed in paragraph (a) who has been convicted of a felony.
- (c) The Governor shall appoint a qualified person to fulfill the unexpired term of office of an individual removed from office under paragraph (a).

## **Section 3. County and City Officers.**

All county officers and officers of incorporated cities and towns may be removed from office for any of the causes specified in Section 1 of this article by a court having jurisdiction to try felony cases in the county or district in which such officers hold their office. The legislature shall provide by law the method of proceeding under this section, provided that the right of trial by jury and appeal in such cases shall be secured. This section shall not apply to the judge of any court who may be removed by procedures provided by the Judicial Branch Article.

## **Section 4. Judges.**

The removal of a judge is subject solely to the provisions of the Judicial Article, contingent on the continued mandate under this Constitution that judges are elected to office by popular election. In the event that all judges of the state are appointed without their popular election, then such judges shall be subject to the provisions of this Article as an alternative means of removal to those provided under the Judicial Branch Article.

### **Section 5. Penalties Upon Conviction.**

In cases arising under this Article the only remedy shall be removal from office. Action taken under this Article shall not prejudice any other civil or criminal remedies at law.

## **ARTICLE XIII: AMENDING THE CONSTITUTION**

### **Section 1. Procedure.**

- (a) The legislature may propose an amendment to this constitution in the manner required for the enactment of legislation if, on its final passage, the amendment is read at length in each house and a majority of all the members elected to each house approve it.
- (b) Proposed amendments shall be submitted to the electors of the state at the next general election following the notice required by this section, provided, that the legislature may, by separate bill enacted in the manner required for proposing an amendment, call a special election for submission of an amendment. The act must declare that an emergency exists necessitating the submission prior to the next general election, and shall not be effective unless approved by the governor within seven days after it has been submitted to him. If a special election on a proposed amendment is called, other amendments may be submitted at the same election.
- (c) Elections upon proposed amendments shall be held as provided by law. A proposed amendment shall become part of the constitution if approved by a majority of electors voting on the proposal.
- (d) The revision of an entire article or articles or the addition of one or more new articles may be proposed as a single amendment.

### **Section 2. Form of the Ballot.**

The ballot submitting an amendment to the constitution shall contain a summary or short statement clearly indicating its effect. It shall be the duty of the attorney general to prepare such statement in such language as shall create no prejudice for or against the proposed amendment.

### **Section 3. Constitutional Convention.**

- (a) A constitutional convention may be called by either an approved resolution of both houses of the Alabama Legislature or by a legal and binding initiative referendum, whose status hinges on the acquisition and qualification of a number of petition signatures (qualified voters from Alabama residence) equaling 10% of the statewide voter totals from the last Presidential general election.
- (b) There are two forms a constitutional convention may take. First, there can be established a full constitutional convention, which can write a new Alabama State Constitution. Second, there can be called a "limited" constitutional convention, where the convention is charged to deal with specified topics or amendments to the Alabama State Constitution.
- (c) The state will hold a mandatory Constitutional Convention referendum at least every 20 years.

(d) Anything proposed by a Constitutional Convention shall become effective only if it is ratified by a majority of the qualified electors of the state voting on the question of such ratification.

#### **ARTICLE XIV: TRANSITION SCHEDULE**

In order that no injury or inconvenience may arise from the alterations and amendments made by this Constitution to the existing Constitution of this state, and to carry this Constitution into effect, it is hereby ordained and declared:

1. That all laws in force at the ratification of this Constitution and not inconsistent therewith, shall remain in full force until altered or repealed by the legislature; and all rights, actions, prosecutions, claims, and contracts of the state, counties, municipal corporations, individuals, or bodies corporate, not inconsistent with this Constitution, shall continue to be valid as if this Constitution had not been ratified.
2. Amendments to the Constitution of 1901 which are not incorporated in the provisions of this Constitution and which are not inconsistent with the provisions of this Constitution shall continue in effect as general or local laws as defined by this Constitution until amended or repealed.
3. That all bonds executed by or to any officer of this state, all recognizances, obligations and all other instruments executed to this state or to any subdivision or municipality thereof before the ratification of this Constitution, and all fines, taxes, penalties, and forfeitures due and owing to the state, or any subdivision or municipality thereof; and all writs, suits, prosecutions, claims, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the ratification of this Constitution. All indictments which have been found, or which may hereafter be found, for any crime or offense committed before the ratification of this Constitution, shall be proceeded upon in the same manner as if this Constitution had not been ratified.
4. That all the executive and judicial officers, and all other officers in this state, who were elected at the elections held in this state on the first Monday in August, in the years two thousand and eight, or who have been appointed since that time, and all members of the present general assembly, and all who may be hereafter elected members of the present general assembly, and all other officers holding office at the time of the ratification of this Constitution, shall, except as otherwise provided in this Constitution, continue in office and exercise the duties thereof until their respective terms shall expire.
5. As well, as a result of said election, no later than 365 days following the effective date of this Constitution, all provisions, articles, amendments, and responsibilities defined in the Constitution of 1901 not formally or clearly incorporated or defined by this Constitution, shall be identified and reassigned or reappointed to the appropriate and responsible jurisdiction and/or governing body.

6. This Constitution shall be submitted to the qualified electors of this state for ratification or rejection, as authorized and required by an act of the general assembly of this state, entitled "An act to provide for holding a convention to revise and amend the Constitution of this state," approved during the next general election.