

1 HJR34
2 125510-1
3 By Representatives Newton (D), Knight, Forte, Moore (M),
4 Jackson, Givan, Robinson (O), Scott, Hill, Mitchell, Howard,
5 Robinson (J), Hall, Boyd, England, Rogers, Coleman, Black,
6 Harper, Melton, Hubbard (J) and Grimsley
7 RFD: Rules
8 First Read: 03-MAR-11

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8 TO CALL FOR A SPECIAL ELECTION ON THE ISSUE OF
9 CALLING A CONSTITUTIONAL CONVENTION TO REVISE AND AMEND THE
10 CONSTITUTION OF ALABAMA OF 1901; IN THE EVENT A MAJORITY OF
11 ELECTORS VOTING ON THE ISSUE IN THE SPECIAL ELECTION FAVOR A
12 CONVENTION, TO PROVIDE FOR THE ELECTION OF DELEGATES TO THE
13 CONVENTION; TO PROVIDE FOR THE HOLDING OF THE CONVENTION; AND
14 TO PROVIDE FOR A SPECIAL ELECTION TO RATIFY THE PROPOSED
15 CONSTITUTION OF ALABAMA PURSUANT TO AMENDMENT 714 OF THE
16 CONSTITUTION OF ALABAMA OF 1901, NOW APPEARING AS SECTION
17 286.01 OF THE OFFICIAL RECOMPILATION OF THE CONSTITUTION OF
18 ALABAMA OF 1901, AS AMENDED.

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20 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
21 HOUSES THEREOF CONCURRING:

22 (1) That a special statewide election shall be held
23 at the June primary election of 2012 on the same date and in
24 the same manner and by the same officers as the general
25 election provided for in Section 17-14-3 of the Code of
26 Alabama of 1975, as such section has been or may be from time
27 to time amended, for the purpose of determining whether a

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

7 "Do you favor the holding of a constitutional
8 convention for the purpose of revising the Constitution of
9 Alabama of 1901?

10 "Yes () No ()"

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

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

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

8 (3) That the Legislature of Alabama declares and
9 finds the following:

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

15 (b) That Alabama's 1901 Constitution is today in
16 urgent of need of a fresh and open reexamination and revision
17 in a sound public convention process to assure maximum public
18 voices and broad participation, with respect to and with
19 humility by all present state and local elected officials.

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

26 (4) That if the holding of the convention is
27 approved by the qualified electors of this state, the

1 delegates elected in the manner hereinafter provided shall
2 convene in the historic hall of the old chambers of the House
3 of Representatives in the State Capitol building in the City
4 of Montgomery at 12:00 noon on the first Monday in April 2013,
5 and proceed to organize the convention by the election of a
6 president and any other officers, from among themselves, as
7 they may deem necessary. The most senior associate justice of
8 the Alabama Supreme Court, or in his or her absence the second
9 most senior associate justice, shall call the convention to
10 order and preside over the convention until a president is
11 elected. The convention shall continue in session at times and
12 places designated by the convention until, by careful revision
13 and amendment of the present constitution, it shall frame and
14 adopt a revised constitution or proposals for this state or
15 until the convention is duly adjourned by the delegates.

16 (5) (a) That there shall be one delegate elected from
17 each House of Representatives district as the districts exist
18 at the time of the delegate election based on the most recent
19 census for a total of 105 delegates. Delegates shall be
20 elected without political affiliation at a special election
21 that shall be held at the Presidential election in November of
22 2012, on the same date and in the same manner and held by the
23 same officers as the election provided for in Section 17-13-3
24 of the Code of Alabama of 1975, as such section has been or
25 may be from time to time amended. The delegate elected shall
26 be the top vote recipient in each House of Representatives
27 district receiving a plurality of votes.

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

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

22 1. For purposes of the reporting requirements of the
23 Fair Campaign Practices Act, an individual who has received
24 contributions or made expenditures, or given his or her
25 consent for any other person or persons to receive
26 contributions on his or her behalf, in the amount of one
27 thousand dollars (\$1,000) with a view to bringing about his or

1 her election as a delegate shall be deemed a "candidate," even
2 though that individual has not filed a declaration of
3 candidacy with the Secretary of State.

4 2. Other than contributions a candidate for delegate
5 makes to his or her own campaign, a candidate is prohibited
6 from accepting a campaign contribution (including any
7 "in-kind" contribution) exceeding one hundred dollars (\$100)
8 from any one source, which source shall be limited to only
9 citizens of the State of Alabama.

10 3. All contributions, of whatever amount, must be
11 reported pursuant to the procedures prescribed by the Fair
12 Campaign Practices Act.

13 4. No candidate shall accept any contribution after
14 the filing of the report required by Section 17-5-8, Code of
15 Alabama 1975, which shall be filed between five and 10 days
16 before the election.

17 5. Any postelection contribution is prohibited.

18 6. Upon election, the delegates shall be subject to
19 the Alabama Ethics Act and any other laws governing elected or
20 appointed state officials.

21 (d) That the judge of probate of each county shall
22 prepare and furnish to the election officials of each voting
23 place in the county a sufficient number of official ballots,
24 prepared in the manner provided under existing laws, and
25 containing the names of the persons who have been certified as
26 candidates as provided in this resolution.

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

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

18 (8) That the delegates to the convention shall be
19 supplied with stationery, books, statutes, reports, and
20 documents in the same manner as members of the Legislature of
21 Alabama. The delegates shall receive for their service the
22 same compensation and expenses from the State Treasury as are
23 allowed to members of the Legislature of Alabama and shall be
24 entitled to a daily rate per diem equal to that rate paid to
25 state employees for overnight per diem, plus mileage at the
26 mileage rate provided for state employees. The expenses of the
27 convention delegates shall be paid in the same manner as

1 provided for members of the Legislature of Alabama. The
2 compensation, per diem, mileage, and other expenses shall be
3 paid on the certificates of the president and the secretary or
4 clerk of the convention, to the state Comptroller, in the same
5 manner that payment of compensation, per diem, and mileage to
6 members of the Legislature of Alabama is by law directed to be
7 made. Notwithstanding the foregoing, no legislative member who
8 is a delegate shall receive additional legislative
9 compensation or per diem if the legislative member is being
10 paid any other payments on the same dates for attendance on
11 other state business. Per diem, mileage, compensation, and
12 other expenses shall not be allowed or paid to any member of
13 the convention for a period of time longer than a maximum of
14 60 meeting days. Such compensation, per diem, mileage, and
15 other expenses shall not be paid for any convention meeting
16 days beyond September 30, 2014.

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

1 resolution establishes more restrictive requirements, the
2 Alabama Code of Ethics shall apply to lobbyists to the same
3 extent it applies to lobbying the Legislature or a regulatory
4 agency. Without limitation of the generality of the foregoing,
5 all lobbyists shall be required to register with the State
6 Ethics Commission as required by Section 36-25-18, Code of
7 Alabama 1975, and to file the reports required by that
8 section. Additionally, each lobbyist shall file with the State
9 Ethics Commission on the first day and the fifteenth day of
10 each month, beginning November 1, 2012, and continuing each
11 month thereafter until the convention is duly adjourned and
12 any convention proposal or proposals filed with the Secretary
13 of State have been presented to the voters for ratification in
14 conformity with Amendment 714 of the Constitution of Alabama
15 of 1901, now appearing as Section 286.01 of the Official
16 Recompilation of the Constitution of Alabama of 1901, as
17 amended, a report, made under oath, setting forth all
18 expenditures made by him or her relative to lobbying
19 activities. Furthermore, delegates shall be prohibited from
20 receiving a thing of value in association with his or her
21 duties as a delegate.

22 (10) That the convention shall file with the
23 Secretary of State, within one week after its adjournment,
24 certified by the president and secretary of the convention, a
25 correct copy of the constitution or proposals that the
26 convention adopted. The convention shall keep a journal of its

1 proceedings and file it upon adjournment with the Secretary of
2 State.

3 (11) That except as herein otherwise provided, the
4 general election laws of this state shall apply fully to the
5 elections provided for under this resolution, including all
6 matters preliminary to the holding of the elections as well as
7 all matters subsequent thereto.

8 (12) (a) That in the event of the framing of a
9 constitution or proposals by this convention, the Governor,
10 within one week after the filing of the constitution or
11 proposals adopted by the convention with the Secretary of
12 State, shall issue a proclamation, published in the same
13 manner as the proclamation to assemble this convention. The
14 proclamation shall state that the constitution or proposals
15 have been framed and that a special election will be held on a
16 specific date in the same manner and by the same officers as
17 general elections are required to be held for the purpose of
18 submitting to the qualified voters of this state for
19 ratification or rejection of the constitution or proposals
20 framed by the convention. The special election, in conformity
21 with Amendment 714 of the Constitution of Alabama of 1901, now
22 appearing as Section 286.01 of the Official Recompilation of
23 the Constitution of Alabama 1901, as amended, shall be held at
24 the same time and the same manner as the 2014 June Primary
25 election.

26 (b) That at the special election provided for by the
27 preceding subsection, the question of whether to ratify the

1 constitution or proposals adopted by the convention shall be
2 submitted to a vote of the qualified electors of this state.
3 There shall be printed on the official ballots the question to
4 be voted on followed by the words "Yes" and "No," opposite one
5 of which the voter may indicate his or her preference. The
6 returns of this election shall be made in the same manner,
7 within the same time, by the same officers, certified to the
8 same officer, and shall be in the same form as herein provided
9 for the election regarding whether to hold a convention.

10 (13) That within 15 days after the day on which the
11 election is held for the ratification or rejection of the
12 constitution or proposals framed by the convention, the
13 Governor, Secretary of State, and the Attorney General shall
14 meet in the office of the Secretary of State to tabulate the
15 votes on the issue of ratification or rejection and the
16 results shall be certified to the Governor by the Secretary of
17 State and the Attorney General. The Governor shall make known
18 to the people of this state the results of the election by
19 proclamation published in the manner herein provided. If a
20 majority of the voters voting on the constitution or proposals
21 framed by the convention at the special election provided for
22 in item (12) (a) voted affirmatively to ratify the constitution
23 or proposals, the Governor shall designate within the
24 proclamation that January 1 of the following year is the
25 effective date the new constitution shall go into effect as
26 the Constitution of the State of Alabama, and shall be binding
27 and obligatory upon all the people of this state.

1 (14) That if a special election provided for in item
2 (12) (a) is called in the event of the framing of a
3 constitution or proposals by the convention, the judge of
4 probate of each county in the state shall prepare and furnish
5 the official ballots to be voted at such election as is now
6 required under the general election laws of the state which
7 official ballot shall be prepared according to the
8 requirements of item (2). No ballot other than an official
9 ballot shall be cast and counted in the election, and the
10 election shall be held and conducted as general elections are
11 held, except as otherwise provided by this resolution.

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