

# Call for Constitutional Convention

## Summary of SB 52 substitute

### Convention Call

- Special Election in November 7, 2006. Special Election at the same time as the General Election.
- Alabama Fair Campaign Practices act will apply.
- Convention called if majority of voters voting in the election shall approve.

### Delegate Selection

- 210 delegates elected, two from each House districts ; one male and one female
- Elections will be non partisan
- \$50 qualifying fee is required.
- Requirements: 18 years old prior to election, 3 year Alabama residency, 1 year in district prior to election ; live in the district while serving ( same as Alabama House of Representatives)

### Delegate Races

- Delegate election is first Tuesday in April 2007, Run-off is the Last Tuesday in April, 2007
- Candidates for delegate shall qualify not less than 60 days prior to delegate election, 2 February. One race will be for male, and another race for female .
- Elections will be non-partisan.
- Fair campaign practices shall apply with added restriction below.

### Reporting Rules / Financial Limits

- Candidate is prohibited from accepting more than \$100 from any one source including in-kind contribution. No listing to define source . Should a run off be

necessary it is considered to be a separate race and under same limitation

- Upon election the delegate is subject to the Alabama Ethics Act.
- \$100 Limits of in-kind contributions included.
- No contribution accepted after filing last FCPA report due five-ten days before election.
- No post election contributions
- If individual receives \$1000, or this is received on his behalf, that individual is a candidate even if not filed with Secretary of State.
- Fair Campaign Practices Act applies.

### Lobbyist Restriction

- Lobbyist defined the same as 36-25-1(17) and (18)
- Lobbyist must register by May 1, 2007 under the State Ethics Commission , file reports as required and comply with Alabama Code of Ethics, until final convention proposal or concludes,
- Additionally each lobbyist shall report to State Ethics Commission under oath expenditures made by him or relative for lobby activities on the first and 15<sup>th</sup> day of the month beginning May 1, 2007 while Conventions exist.
- Delegates shall be prohibited from receiving a thing of value in association with duties as delegate.

### The Convention

- Delegates convene the first Tuesday following the second Monday in July 2007, July 10, 2007
- Legislature considers supplemental appropriation in 2007 Legislative session
- Delegates organize and elect President and any officers deemed necessary and

continue at time and place designated by President

- Delegates provided supplies in same manner as Legislature for 60 days
- Convention terminates and may not continue beyond May 1, 2008 .

### Compensation

- Same expense allowance as legislators on meeting days.
- 60 Convention meeting days.
- Per diem and Legislative expenses may be received up to 60 days.
- No duplicate payments to legislators serving as delegate should he be on other state business on same day.

### New Document

- Single Constitution document presented for yes or no vote.

Ratification (Amendment 714, requiring vote by people, passed Nov 02)

- Governor will call an election within one week of the filing of a proposed new constitution
- Election on a new constitution document will occur at 2008 general election (Nov 2008.)
- New Constitution takes effect as of the following January 1, 2009 .
- Process is 2 years and 1 month from the vote to call a convention passed to implementation of new Constitution!

## **TIME LINE SB 52**

**January- April 2006 Legislative session  
to consider Call for Convention**

**November 7, 2006 at General Election; Vote  
on Convention Call**

**February 2, 2007 (Friday) Must Qualify for  
Delegate race (60 days prior)**

**April 3, 2007 (Tuesday) Election of Delegates**

**April 24, 2007 (Tuesday) Run-off elections  
of Delegates**

**May 1, 2007 (Monday) Ethics Commission  
Lobbyist reporting required**

**July 10, 2007 (Tuesday) Convention Convenes**

**May 1, 2008 (Wednesday) Convention must end**

**November 2008 Ratification vote on the new  
Constitution offered**

**January 1, 2009 New Constitution goes  
into effect (if ratified)**

**If new Constitution is not approved by the People  
the 1901 Constitution is retained**

Voters in Alabama have approved six Constitutions. Most states have had several constitutions. Some states even require that their constitutions be re-written every 10 or 20 years.

### **Will the transition to a new Constitution work without chaos?**

All previous amendments and laws will apply to past decisions. A new constitution would apply to new activities. The new constitution should have a section called "schedule" which should lay out the smooth transition from old to new. This process has been used by many states with no problems with orderly transition. Alabama can implement a new constitution without chaotic results.

### **Bill Sponsors :**

Speaker Pro Tem Demetrius Newton  
Phone: 334-334-242-7664  
HB109 failed with tie committee vote

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Senator Ted Little SB52  
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## **Summary and Time Line**

### **SB 52 Substitute as amended**

### **Bill Calling for a Constitutional Convention**

### **2006 Legislative Session**