



# THE VOICE OF ALABAMA

ALABAMA CITIZENS FOR  
CONSTITUTIONAL REFORM

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## Legislators team to introduce constitution convention bills

In a historic and remarkable bi-partisan effort, 35 Alabama legislators joined together to sponsor and co-sponsor companion bills, House Bill 308 and Senate Bill 243, to **Let the People Vote** on calling a Constitution Convention to rewrite the 1901 Alabama Constitution!

If passed, Alabama citizens will have their first opportunity in 108 years to vote for a constitution convention at a special election in June, 2010, at the same time as the Alabama State Primary Election.

Speaker Pro Tem Demetrius Newton (D, Birmingham) sponsored House Bill 308. He was joined by 18 co-sponsors in the House: Representatives Alvin Holmes (D, Montgomery), Bill J. Dukes (D, Decatur), Priscilla Dunn (D, Bessemer), Thomas Jackson (D, Thomasville), Pebblin Warren (D, Tuskegee), James Gordon (D, Saraland), Rod Scott (D, Fairfield), John Knight, Jr. (D, Montgomery), Sue Schmitz (D, Toney), John Robinson (D, Scottsboro), Barbara Bigsby Boyd (D, Anniston), Patricia Todd (D, Birmingham), Mary Moore (D, Birmingham), Mike Curtis (D, Florence) Mike Hill (R, Columbiana), Tammy Irons (D, Florence), Christopher England (D, Tuscaloosa) and Earl F. Hilliard, Jr. (D, Birmingham). The Bill has been assigned to the **House Constitution and Elections Committee**.

Senator Ted Little (D, Auburn) sponsored Senate Bill 243. He was joined by 15 co-sponsors in the Senate: Senators Steve French (R, Birmingham), Rodger

Smitherman (D, Birmingham), Linda Coleman (D, Birmingham) Parker Griffith (D, Huntsville), Bobby Singleton (D, Greensboro), Edward B. "E.B." McClain (D, Midfield), Myron Penn (D, Union Springs), Bobby Denton (D, Muscle Shoals), Wendell Mitchell (D, Luverne), Del Marsh (R, Anniston), Hinton Mitchem (D, Union Grove), Lowell Barron (D, Fyffe), Larry Means (D, Attalla), W.H. "Pat" Lindsey (D, Butler) and Kim Benefield (D, Woodland). The Bill was assigned to the Senate Judiciary Committee, which passed the Bill out of committee with a favorable vote of 7-1 on February 13, 2008. The Bill will now go to the **Rules Committee** for a report out on the Senate calendar.

The bills provide three opportunities for the people to vote:

- June, 2010 - Vote during the gubernatorial state primary on the call question;
- November, 2010 – Elect delegates during gubernatorial general election; and
- November, 2012 – Ratification vote on the convention's proposal(s).

### Restrictions on lobbyists

Delegates are prohibited from receiving a thing of value (including in-kind) in association with their duties as a delegate to the constitution convention. Lobbyists

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### Hearing set for HB308!

The House Constitution and Elections Committee has set a public hearing on the HB308 convention bill at **9 a.m. on Wednesday, March 5** at the statehouse . For committee contact info, see page 3.

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must report expenditures by lobbyist or a relative for lobbying activities every two weeks beginning after the convention call vote occurs in June, 2010, and continuing through the final vote in November, 2012, on the convention proposal(s).

**Key provisions**

1. If HB308 and SB243 are passed in this 2008 general legislative session, ACCR will have an expanded time frame for education

and organization, approximately 2 years, until the vote on the Convention question at the June, 2010, Gubernatorial Primary.

2. Delegate elections in November, 2010, would elect two delegates from each State Legislative House District based on the two highest vote recipients in each House district, regardless of gender, unless the current Bills are amended.
3. The compensation for delegates

to the Convention will be equal to the amount that is paid in compensation and monthly expenses to the Alabama Senators and Representatives.

4. Three potential votes (call for Convention, delegate election, and ratification vote) will happen on scheduled statewide election dates *without any additional costs to the Alabama taxpayers.*
5. Convention officers must be elected from the elected delegates to the Convention.

**Senate: Urge Rules to place SB243 on floor calendar!**

The Senate Judiciary Committee approved SB243 on Feb. 13 on a 7-1 vote. This is a BIG first step to Letting the People Vote for a constitutional convention. **It is vital to contact senators who serve on the Rules Committee, which calendars bills for floor votes.** Your phone call could make the difference! Remember, while it is always good to call your elected officials while they are in Montgomery from Tuesday to Thursday each week, it's even more effective to contact them while they are in their districts.

Chair, Sen. Lowell Barron (D) District 8, Fyffee  
Business: (256-623-22980  
State House: (334) 242-7858

Sen. Zeb Little, (D) District 4, Cullman  
Business: (256) 775-7707  
State House: (334) 242-7855  
Zeb@zeblittlelawfirm.com

Deputy Chair, Sen. Pat Lindsey (D), District 22, Butler  
Business: (205) 459-2478  
State House: (334) 242-7843

Deputy President Pro Tem, Wendell Mitchell, (D), District 30, Luverne  
(334) 335-3449  
State House: (334) 242-7883  
wmitchell@faulkner.edu

Vice Chair, Sen. Ted Little (D), District 27, Auburn  
Business (334) 887-3472  
State House: (334) 242-7865  
tedlittle@mindspring.com

President ProTem, Hinton Mitchem (D) District 9, Guntersville,  
Work: (256)-582-0619  
State House: (334) 242-7876  
Legislator@mclo.org

Sen. Roger Bedford (D), District 6, Russellville  
Business: (256) 332-2880  
State House: (334) 242-7862  
senbedford@aol.com

Sen. Harri Anne Smith (R), District 29, Slocomb  
Work: 334-886-3208  
State House: (334) 242-7870  
Harri Anne Smith@graceba.net

Sen. Tom Butler (D), District 2, Madison  
Work: (256) 837-8374  
State House: (334) 242-7854  
senbutler@aol.com

Sen. Rodger Smitherman (D), District 18, Birmingham  
Work: (205) 322-0012  
State House: (334) 242-7870  
Rodger.smitherman@alsenate.gov

Sen. Bobby Denton (D), District 1, Muscle Shoals  
State House: (334) 242-7854  
Bobby@bobbydenton.com

Sen. Jabo Waggoner (R), District 16, Birmingham  
Work: (205) 822-7443  
State House: (334) 242-7892  
Jabbo.waggoner@alsenate.gov

Sen. Vivian Figures (D), District 33, Mobile  
Work: (251-208-5480  
State House: (334) 242-5480  
vdfigures@comcast.net

Sen. Steve French (R), District 13, Birmingham  
Work: (205) 414-7544  
State House: (334) 242-7851  
Steve.french@alsenate.gov

Sen. Parker Griffith (D), District 7, Madison  
Work: (256) 533-0216  
State House: (334) 242-7846



### Campaign finance reporting and limitations

1. Convention delegate candidates can accept no more than \$100 from any one source, including in-kind, in campaign contribution for the convention delegate race;
2. No contributions may be received by a Convention delegate candidate after the Fair Campaign Practices Act report due 5-10 days before Convention Delegate Election in November, 2010;
3. No post delegate election contributions from anyone; and
4. If an individual receives \$1,000, or \$1,000 is received on his/her behalf, he/she becomes a delegate

candidate.

Senators and Representatives need to hear from the people in their districts TODAY requesting passage of HB308 and SB243 to **Let the People Vote** on the Constitution Convention question. Please call them TODAY!

Please contact the members of the House Constitution and Elections Committee and the Senate Rules Committee and express your desire that they "**Let the People Vote!**" If your representative is a member of these committees, you are a critical player. Please call and make your position known and impress upon your

legislator and others the importance of passing the Bills out of the committees and onto the floor of the House and Senate for debate and passage. Please refer to lists below for the names and contact information of the members of these key House and Senate Committees.

Please contact other legislators, too! **Need help finding your legislators?** Go to [www.legislature.state.al.us/](http://www.legislature.state.al.us/) and type in your zip code; contact your local library; or call ACCR at 205-540-7501 and we will help you.

## House: Urge Constitution and Elections to act on HB308!

At publication time, the House Constitution and Elections Committee had not acted on HB308. **Action in this committee is the first step toward House passage.** Following are the names and contact information for all members.

Chair, Jimmy Martin (D), District 42, Clanton  
State House: (334) 242-7714  
Cell: (205) 389-1735  
[JamesMMartin@bellsouth.net](mailto:JamesMMartin@bellsouth.net)

Vice Chair, Tommy Sherer (D), District 13, Jasper  
Cell: (205) 522-2348  
State House: (334) 242-7694  
[tommysherer@yahoo.com](mailto:tommysherer@yahoo.com)

Jay Love (R), Ranking Minority Member, District 74, Montgomery  
Cell: (334) 224-0822  
State House: (334) 242-7716  
[jlove32376@aol.com](mailto:jlove32376@aol.com)

George Bandy (D), District 83, Opelika  
Home: (334) 749-0051  
State House: (334) 242-7721  
[BrandyI@bellsouth.net](mailto:BrandyI@bellsouth.net)

Greg Canfield (R), District 48, Vestavia Hills  
District: (205) 824-4734  
State House: (334) 242-7763  
[gcanfield@bellsouth.net](mailto:gcanfield@bellsouth.net)

Randy Davis (R), District 96, Daphne  
Work: (251) 442-2552  
State House: (334) 242-7724  
[rmdavis14@aol.com](mailto:rmdavis14@aol.com)

Chad Fincher (R), District 102, Semmes  
Home: (251) 649-5153  
State House: (334) 242-7778  
[Chadfincher@bellsouth.net](mailto:Chadfincher@bellsouth.net)

James Gordon (D), District 98, Saraland  
Work: (251) 476-7246  
State House: (334) 242-7772  
[James@jamesgordon.com](mailto:James@jamesgordon.com)

Joseph Mitchell (D), District 103, Mobile  
Work: (251) 473-5020  
State House: (334) 242-7735  
[Joseph.Mitchell@alhouse.gov](mailto:Joseph.Mitchell@alhouse.gov)

Mary Moore (D), District 59, Birmingham  
Home: (205) 322-0254  
State House: (334) 242-7608  
[mamoor48@bellsouth.net](mailto:mamoor48@bellsouth.net)

Jack Page (D), District 29, Gadsden  
Work: (256) 549-8287  
State House: (334) 242-7742  
[reppage@bellsouth.net](mailto:reppage@bellsouth.net)

Patricia Todd (D), District 54, Birmingham  
Work: (205) 324-9822  
State House: (334) 242-7718  
[patricia.todd@alhouse.gov](mailto:patricia.todd@alhouse.gov)

Ken Guin (D), District 14, Carbon Hill  
Work: (205-924-0061)  
State House: (334) 242-7674  
[ken.guin@alhouse.gov](mailto:ken.guin@alhouse.gov)

Micky Hammon (R), District 4, Decatur  
Home: (256) 350-0375  
State House: (334) 242-7709  
[Mickyhammon@charter.net](mailto:Mickyhammon@charter.net)

Barry Mask (R), District 31, Wetumpka  
Cell: (334) 328-9231  
State House: (334) 242-7782  
[barry.mask@alhouse.gov](mailto:barry.mask@alhouse.gov)



## ACCR Foundation launches High School Education Contest

On January 31, the ACCR Foundation initiated the inaugural High School Constitutional Reform Education Contest. The goal of this education initiative is to give high school seniors an opportunity to express themselves and, in the process, learn more about the 1901 Constitution. The contest is open to all public and private high school seniors in the state. We would appreciate your help getting those students (and their parents and teachers) aware of this scholarship opportunity.

Students are encouraged to submit essays and multimedia entries based on the following theme for 2008: "Who needs a new Alabama Constitution?" The deadline for submissions is Friday, March 14, either by midnight via e-mail or post-marked by that day by US Postal Service. Additional information including the contest guidelines and an entry form can be found on the ACCR Foundation website:

[www.constitutionALreform.org](http://www.constitutionALreform.org)

The ACCR Foundation will offer first place (\$500) and second place (\$250) scholarship awards for the

top two winners in both the essay and multimedia categories. In addition, winners will be recognized in the local media by the end of the school year. The first prize winners will present their work at the annual Bailey Thomson Awards Luncheon



which begins at 11:30 on Thursday, August 28 in Mobile's Convention Center with a telecast back to the Harbert Center in Birmingham.

We are delighted to announce that the judge's panel for the essay portion of the contest has been finalized. We are very honored that Alabama Supreme Court Chief Justice Sue Bell Cobb, former Alabama Supreme Court Chief Justice Gor-

man Houston, Jr., and Montgomery County Civil Circuit Judge Johnny Hardwick have all agreed to serve on the panel to select the top winners from the essay entries.

In addition, we are very pleased to let you know that Alan Hunter, one of the original MTV video jockeys, has agreed to judge the multimedia entries for the contest. We are in the process of finalizing that judges panel to select the top entries in that category and will let you know when the other two members have been tapped.

The ACCR Foundation would like to offer thanks to those volunteers as well as the many other people from across the state who have been involved to bring this idea into reality. From helping to prepare the mail-out to the hundreds of follow up calls to people serving on the project Steering Committee, it truly has been a team effort.

### Lehe, Richey named Truman finalists

The ACCR Foundation is delighted to report that Lewis Lehe, who created the "It's a Thick Book" documentary, and Art Richey, our 2007 Hess Fellow Intern, both are finalists for the Harry S. Truman Scholarship Program. The program's mission is "to find and recognize college juniors with exceptional leadership potential who are committed to careers in government, the nonprofit or advocacy sectors, education or elsewhere in the public service." Congratulations and best of luck to those two constitution reform advocates!

#### SAVE THE DATE:

### Bailey Thomson Awards Luncheon set for August 28

Building on the successful event last year, the ACCR Foundation has set the date and time for the second annual Bailey Thomson Awards Luncheon: **11:30 a.m. – 1:00 p.m. on Thursday, August 28**. This year's celebration will take place at the Arthur R. Outlaw Convention Center in Mobile and will be telecast back to the Harbert Center in Birmingham. Former US Congressman Jack Edwards is the keynote speaker and many wonderful things are being planned for this year's program. More information will be distributed soon about how you can nominate people for the 2008 awards, but we hope that you will take a moment now to reserve that date on your calendar.



# Please help ACCR!

## Here are two ways . . .

ACCR is actually two separate non-profit organizations working as partners for reform. ACCR, Inc., is an all-volunteer advocacy/legislative organization, to which donations are **not tax-deductible**. ACCR Foundation is an educational organization with staff for statewide information sharing, to which donations are **tax-deductible**. Both organizations need your generous financial support!

### ACCR, INC., INCENTIVE DRIVE

**1** ACCR, Inc., has begun a new incentive program, the brainchild of Membership Chair Bill Goodson of Huntsville. In Huntsville, an anonymous benefactor will match the first \$1,000 in memberships, membership renewals and donations this year to the Huntsville Region of ACCR Inc. We ask members to dig deep and give ACCR Inc.'s legislative effort a boost NOW. Birmingham Region also has an anonymous benefactor who will provide the \$1,000 matching funds for memberships and donations sent to the Birmingham Region of ACCR, Inc. Huntsville challenges the other ACCR, Inc., regions to join this effort.

Make all checks payable to **ACCR, Inc.**, and mail to **P.O. Box 10746, Birmingham, AL, 35202**. Remember: It is not tax-deductible. Let Bill Goodson ([Whgoodson@aol.com](mailto:Whgoodson@aol.com)) know if your region will be involved in this initiative effort. He will be notified of all memberships and donations received and will let each region who participates in this initiative, know of the funding they receive.

### ACCR FOUNDATION PLEDGE DRIVE

**2** To help us better plan our education initiatives, the ACCR Foundation asks supporters to send in their tax-deductible 2008 financial pledges. Many people have already provided their commitments for the year and we deeply appreciate your assistance. If you have not already let us know, we ask that you take a moment to clip and complete the form below and mail it to the following address: **ACCR Foundation, P.O. Box 10746, Birmingham, AL 35202**.

Your financial support will help fund our excellent staff, the Lewis Lehe *It's a Thick Book* documentary, the High School Education Contest and many other educational activities that the ACCR Foundation is helping to coordinate. Thank you very much for your time and assistance!

#### 2008 ACCR Foundation Pledge Card

Name: \_\_\_\_\_

Home address: \_\_\_\_\_

Email address: \_\_\_\_\_

I support Alabama constitutional reform and pledge to contribute \$\_\_\_\_\_ in 2008.

#### Payment Options

I will pay this pledge in one lump sum during the month of \_\_\_\_\_.

I will pay this in monthly/quarterly (circle one) installments of \$\_\_\_\_\_.

I would like to make this a recurring payment each year for:

\_\_\_\_\_ 2009 \_\_\_\_\_ 2010 \_\_\_\_\_ until we have our 7<sup>th</sup> Alabama Constitution!



## Choosing the right quarry

*Birmingham News* editorial says target 1901 Constitution

Quarries ought not be the quarry of a bill being proposed for this legislative session.

The correct quarry of any bill that would affect quarries ought to be the Alabama Constitution.

Confused? So, too, are the well-meaning people pushing for a bill that would require quarries to get approval from county commissions or town councils to locate in areas that don't have zoning. In other words, most of unincorporated Alabama. Just three of Alabama's 67 counties have the power to zone in unincorporated areas: Jefferson County and parts of Shelby and Baldwin counties.

"It's not so much about stopping or allowing quarries," said Adam Snyder, executive director of Conservation Alabama, which supports the proposed bill. "It's about giving the public a voice in the process. Currently, with quarries, the public doesn't have a voice."

But giving the public a voice on quarries solves only one small part of the real problem, which is the lack of home-rule power for county governments. The quarry bill is no more a solution to that than giving a homeless person a dollar and proclaiming that problem solved.

Rep. Jeff McLaughlin, D-Guntersville, the bill's sponsor, said: "It seems to me a reasonable approach that we ought to let our county commissions decide these things."

Yes, but county commissions ought to be able to decide not only what to do about quarries, but hog farms, and

junkyards, and insects, and speed zones, and disposing of dead animals, and all the things they're forced to beg the Legislature for help on. All because the 1901 Constitution doesn't grant home-rule power to counties.

What county commissions, and Alabamians, need is a new state constitution that gives counties the full ability to govern themselves, instead of every so often the Legislature doling out a little slice of authority that addresses the controversy of the moment.

That view is not in any way meant to diminish the controversy over quarries, which normally locate in unincorporated areas, sometimes near rural communities whose residents become upset when they learn of the quarry plans. Those residents become even more upset when they learn there's nothing their county commission can do to help them.

The problem for county commissions is so much larger and broader than giving them the power to decide whether to allow a quarry to locate in their county. So, too, should be the solution.

To his credit, McLaughlin for the past few years has backed a bill that would allow voters to decide whether they want a citizens convention to write a new Alabama Constitution. That, and not his bill on quarries, is the start toward the real solution to what ails county commissions.

- Reprinted from the **Birmingham News**,  
February 7, 2008

## ACCR, Inc., board welcomes new officers, members

The Board of ACCR, Inc., recently elected executive officers. Bill Goodson, of Huntsville became the new Membership Chair, replacing Pat Siano of Mobile, and Bill Bennett of Birmingham became the Treasurer, replacing Sandra Behel of Birmingham. In addition, elected to the Board as Administrative Chair was Catherine Morgan of Birmingham. The Board elected Sean Flynt, Hill Carmichael and Alan Mathis, all of Birmingham, to membership on

the Board and acknowledged Merceria Ludgood as the new Chair of the Gulf Coast Region, which also places her on the Board. She replaces Bob Schaefer who moved to Georgia. The Board acknowledged Doug Seay as the new Chair of the Huntsville-Sand Mountain Region and Board member, per annual election by the region's membership.

Other ACCR, Inc., board members include: Lenora Pate, Chair; Scott Douglas, Vice Chair; Kristi Thomson,

Secretary; Cary Page, Legislative Liaison; Sandra Behel, Stephen Black, Max Blalock, Peggy Cunningham, Leevones Dubose, Marian Loftin, Alan Mathis, Barbara Nash, Bob Robertson, Pat Siano, Lucy Tufts, Carol Ann Vaughn, Angie Williams, Lawrence Wofford; Regional Chairs: J. Wayne Childress, Nancy Ekberg, Rebecca Jackson; Chairs Emeritus: Tom Corts, Bailey Thomson (1949-2003), Sid McAnnally, Jack Edwards.



# REFORM SNAPSHOTS



Above, more than 250 people gathered in February in Birmingham for the first Alabama Faith Council Forum, which held a session on constitutional reform.

At left, constitutional reform advocates gathered in February to watch the *It's a Thick Book* documentary in a Perry County Courthouse jury box.

Below, constitutional reform was a part of the program for Youth Leadership Mobile in January.





## HB308, SB243:

# Text of 2008 bills to call convention referendum

**SYNOPSIS:** The current state constitution was ratified in 1901 and requires submitting the question of whether to call a constitutional convention to revise the constitution to the qualified electors of the state. This bill would call for a special statewide election to submit the question of whether to call a constitutional convention to the qualified electors of the state. If the majority voting on the question vote in favor of holding a constitutional convention, it would provide for the election of delegates to the convention, provide for the holding of the convention, and would provide for a special election to submit the proposed constitution, once prepared by the convention, to the voters for ratification in conformity with Amendment 714 of the Constitution of Alabama of 1901, now appearing as Section 286.01 of the Official Re-compilation of the constitution of Alabama of 1901, as amended.

### A BILL TO BE ENTITLED AN ACT

To provide for a special election on the issue of calling a constitutional convention to revise and amend the Constitution of Alabama of 1901; and in the event a majority of electors voting on the issue in the special election favor the convention, to provide for the election of delegates to the convention; to provide for the holding of the convention; and to provide for a special election to ratify the proposed constitution in conformity with Amendment 714 of the Constitution of Alabama of 1901, now appearing as Section 286.01 of the Official Re-compilation

of the Constitution of Alabama 1901, as amended.

### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

**Section 1.** A special statewide election shall be held in June 2010 on the same date and in the same manner and by the same officers as the political party primary election provided for in Section 17-13-3 of the Code of Alabama of 1975, as such section has been or may be from time to time amended, for the purpose of determining whether a convention shall be held to revise and amend the Constitution of Alabama of 1901. At the election, the question of whether to hold a convention shall be submitted to a vote of the qualified electors of this state. There shall be printed on the official ballots the question to be voted in the following form:

**"Do you favor the holding of a constitutional convention for the purpose of revising the constitution of Alabama of 1901?"**

**"Yes ( ) No ( )"**

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

**Section 2.** In the same manner as for any other general election ballot, the election officials of each county shall ascertain the number of votes "Yes" and the number of votes

"No" and shall certify the vote results to the Secretary of State. The Secretary of State, as quickly as practicable, shall certify the statewide results. If it appears that a majority of all persons voting on the question at the special election voted for the holding of the convention, the Governor shall give public notice, by proclamation, of the fact that a majority of the electors of the state voting on the question at the special election approved the call of the convention for the purpose of revising and amending the Constitution of Alabama of 1901. The proclamation shall be published in every county in a newspaper of general circulation. The courts of the state shall take judicial notice of the proclamation. Additionally, if the holding of the convention is approved by the qualified electors, a supplemental appropriation shall be made during the next special or regular session of the Legislature for funds necessary to implement this plan.

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

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

(2) That Alabama's 1901 Constitution is today in urgent of need of a fresh and open examination and revision in a sound public convention process to assure maximum public voices and broad participation, with respect to and with humility by all present state and local elected offi-





cials.

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

**Section 4.** If the holding of the convention is approved by the qualified electors of this state, the delegates elected in the manner hereinafter provided shall convene in the historic hall of the old chambers of the House of Representatives in the State Capitol building in the City of Montgomery at 12:00 noon on the first Monday in June 2011, and proceed to organize the convention by the election of a president and any other officers, from among themselves, as they may deem necessary. The most senior associate justice of the Alabama Supreme Court, or in his or her absence the second most senior associate justice, shall call the convention to order and preside over the convention until a president is elected. The convention shall continue in session at times and places designated by the president of the convention until, by careful revision and amendment of the present constitution, it shall frame and adopt a revised constitution or proposals for this state or until the convention is duly adjourned by the delegates.

### Section 5.

(a) There shall be two delegates elected from each House of Representatives district as the districts exist at the time of the delegate election based on the most recent census for a total of 210 delegates.

Delegates, who shall be elected without political affiliation, at a special election that shall be held on the first Tuesday after the first Monday in November 2010, on the same date and in the same manner and held by the same officers as the general election provided for in Section 17-14-3 of the Code of Alabama of 1975, as such section has been or may be

### TIME LINE for REFORM

- February-May, 2008: Legislature approves HB308, SB243
- June, 2010: Vote on convention question (Gubernatorial primary election)
- September, 2010: Deadline to qualify for delegate Race (60 days before General Election)
- November, 2010: Delegate election (Gubernatorial election)
- December, 2010: Ethics Commission lobbyist reporting required
- June 1, 2011: Convention convenes
- September 30, 2011: Convention funds end (FY 2010-11)
- November, 2012: Ratification vote on new constitution (Presidential general election)
- January 1, 2013: New constitution becomes effective (if ratified)

*\*1901 Constitution retained if new Constitution not approved by the people*

from time to time amended.

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

(c) Candidates for election as delegates shall be qualified by filing a dec-

laration of candidacy with the Secretary of State together with a qualifying fee of fifty dollars (\$50), which fee shall be deposited into the State Treasury to the credit of the Secretary of State to be used in the administration of this election. The date for qualification as determined by the Secretary of State shall be no later than 5:00 p.m., 60 days prior to the first Tuesday after the first Monday in November 2010. All candidates for delegates shall be subject to the Fair Campaign Practices Act and any other laws governing candidates and elections at the time of the qualification and election; provided, however, that the following shall also apply:

(1) For purposes of the reporting requirements of the Fair Campaign Practices Act, an individual who has received contributions or made expenditures, or given his or her consent for any other person or persons to receive contributions on his or her behalf, in the amount of one thousand dollars (\$1,000) with a view to bringing about his or her election as a delegate shall be deemed a "candidate," even though that individual has not filed a declaration of candidacy with the Secretary of State.

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



exceeding one hundred dollars (\$100) from any individual source.

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

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

(5) Any postelection contribution is prohibited.

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

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

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

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

**Section 8.** The delegates to the convention shall be supplied with stationery, books, statutes, reports, and documents in the same manner as members of the Legislature of Alabama. The delegates shall receive for their service the same compensation and expenses from the State Treasury as is allowed to members of the Legislature of Alabama and shall be entitled to a daily rate per diem equal to that rate paid to state employees for overnight per diem, plus mileage at the mileage rate provided for state employees. The expenses of the convention delegates shall be paid in the same manner as provided for members of the Legislature of Alabama. The compensation, per diem, mileage, and other expenses shall be paid on the certificates of the president and the secretary or clerk of the convention, to the state Comptroller, in the same manner that payment of compensation, per diem, and mileage to members of the Legislature of Alabama is by law directed to be made. Notwithstanding the foregoing, no legislative member who is a delegate shall receive additional legislative compensation or per diem if the legislative member is being paid any other payments on the same dates for attendance on other state business. Per diem, mileage, compensation, and

other expenses shall not be allowed or paid to any member of the convention for a period of time longer than a maximum of 60 meeting days. Such compensation, per diem, mileage, and other expenses shall not be paid for any convention meeting days beyond September 30, 2011, whether or not the maximum 60 convention meeting days have occurred.

**Section 9.** For purposes of this act and the constitutional convention, the definition of "lobbying" in Section 36-25-1(17), Code of Alabama 1975, is adopted and also includes the practice of promoting, opposing, or in any manner attempting to influence the introduction, defeat, or enactment of any constitutional provision before the convention or any committee thereof. For purposes of this act and the constitutional convention, the term "lobbyist" as defined in Section 36-25-1(18), Code of Alabama 1975, is adopted and also includes anyone who performs activities included in the foregoing definition of "lobbying." Except to the extent this act establishes more restrictive requirements, the Alabama Code of Ethics shall apply to lobbyists to the same extent it applies to lobbying the Legislature or a regulatory agency. Without limitation of the generality of the foregoing, all lobbyists shall be required to register with the State Ethics Commission as required by Section 36-25-18, Code of Alabama 1975, and to file the reports required by that section. Additionally, each lobbyist shall file with the State Ethics Commission on the first day and the fifteenth day of each month, beginning December 2010 and continuing each month thereafter until the convention is duly adjourned and any



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

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

**Section 11.** Except as herein otherwise provided, the general election laws of this state shall apply fully to the elections provided for under this act, including all matters preliminary to the holding of the elections as well as all matters subsequent thereto.

**Section 12.**

(a) In the event of the framing of a constitution or proposals by this convention, the Governor, within one week after the filing of the constitution with the Secretary of State, shall issue a proclamation, published in the same manner as the proclamation to assemble this convention. The proclamation shall state that the

constitution or proposals have been framed and that a special election will be held on a specific date in the same manner and by the same officers as general elections are required to be held for the purpose of submitting to the qualified voters of this state for ratification or rejection of the constitution or proposals framed by the convention. The special election, in conformity with Amendment 714 of the Constitution of Alabama of 1901, now appearing as Section 286.01 of the Official Re-compilation of the Constitution of Alabama 1901, as amended, shall be held at the same time and the same manner as the 2012 general election.

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

**Section 13.** Within 15 days after the day on which the election is held for the ratification or rejection of the constitution or proposals framed by the convention, the Governor, Secretary of State, and the Attorney General shall meet in the office of the Secretary of State to tabulate the votes on the issue of ratification or rejection and the results shall be certified to the Gover-

nor by the Secretary of State and the Attorney General. The Governor shall make known to the people of this state the results of the election by proclamation published in the manner herein provided. If a majority of the voters voting on the constitution or proposals framed by the convention at the special election provided for in Section 12(a) voted affirmatively to ratify the constitution or proposals, the Governor shall designate within the proclamation that January 1 of the following year is the effective date the new constitution shall go into effect as the Constitution of the State of Alabama, and shall be binding and obligatory upon all the people of this state.

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

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



## THE VOICE OF ALABAMA

ALABAMA CITIZENS FOR  
CONSTITUTIONAL REFORM

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