

1 HJR152  
2 46234-2  
3 By Representatives Black (M), Greeson, Gipson and Newton (D)  
4 RFD: Rules  
5 First Read: 26-FEB-2002

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8 CALLING FOR A VOTE BY THE PEOPLE OF THE STATE OF ALABAMA ON  
9 THE QUESTION OF WHETHER TO HOLD A CONSTITUTIONAL CONVENTION.

10 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
11 HOUSES THEREOF CONCURRING, That on Tuesday, November 5, 2002,  
12 at the same time as the general election, in the same manner  
13 and by the same officers as general elections are required to  
14 be held, there shall be submitted to a vote of the qualified  
15 electors of this state the question of whether to hold a  
16 convention for the purpose of revising and amending the  
17 Constitution of Alabama of 1901. The Alabama Fair Campaign  
18 Practices Act, Sections 17-22A-1 to 17-22A-23, inclusive, Code  
19 of Alabama 1975, shall apply to the election. If a majority of  
20 the voters voting at the election on this question approve the  
21 holding of a convention for the purpose stated, the convention  
22 shall be held as hereinafter provided.

23 BE IT FURTHER RESOLVED, That at this election there  
24 shall be printed on the official ballot, the question to be  
25 voted on followed by the words "Yes" and "No" opposite one of  
26 which the voter may indicate his or her preference.

1                   RESOLVED FURTHER, That in the same manner as for  
2 matters on the general election ballot, the election officials  
3 for each county shall ascertain the number of votes cast "Yes"  
4 and the number of votes cast "No" and shall certify the votes  
5 immediately to the Secretary of State.

6                   RESOLVED FURTHER, That on November 12, 2002, the  
7 Governor, Secretary of State, and Attorney General, shall  
8 assemble in the office of the Secretary of State and canvass  
9 the votes which have been cast "Yes" and "No" as appear from  
10 the returns certified to the Secretary of State by the  
11 returning boards in the separate counties. If it appears that  
12 a majority of all persons voting in the election on this  
13 question voted for the holding of the convention, the Governor  
14 shall give public notice, by proclamation, that a majority of  
15 the electors of the state voting at the election approved the  
16 calling of the convention for the purpose above stated. The  
17 proclamation shall be published in every county of the state  
18 in a newspaper of general circulation in the county in which  
19 it is published. Additionally, if the holding of the  
20 convention is approved by the qualified electors, a  
21 supplemental appropriation shall be made at the next regular  
22 session of the Legislature for funds necessary to implement  
23 this plan.

24                   RESOLVED FURTHER, That if the holding of the  
25 convention is approved by the qualified electors of this  
26 state, a special election shall be held to elect delegates on  
27 the first Tuesday in June, 2003.

1           RESOLVED FURTHER, That, at this election voters from  
2 each Alabama House of Representatives District shall elect one  
3 delegate to the convention from that district as constituted  
4 for the 2002 general election. Candidates for election as  
5 delegates from districts shall qualify for election with the  
6 Secretary of State at least 30 days but no more than 90 days  
7 prior to the election, and shall pay a qualifying fee of fifty  
8 dollars (\$50), which fee shall be deposited into the State  
9 Treasury to the credit of the Secretary of State to be used in  
10 the administration of this election. The names of all  
11 candidates shall be printed on the official ballots to be  
12 prepared for the election, and the candidates shall not be  
13 identified by party affiliation on the official ballots. If no  
14 candidate for delegate receives a majority of all votes cast  
15 in the election, a run-off election between the two candidates  
16 receiving the highest number of votes shall be held in the  
17 same manner as provided for primary elections in Section  
18 17-16-36, Code of Alabama 1975. If in any district only one  
19 person files a declaration of candidacy for the office of  
20 delegate and that person is certified as qualified by the  
21 Secretary of State, only the name of that person shall be  
22 printed on the special election ballot under the designation  
23 for that office and he or she shall be declared elected to  
24 that delegate position by the Secretary of State.

25           RESOLVED FURTHER, That the Alabama Fair Campaign  
26 Practices Act and any other laws governing candidates and  
27 elections at the time of the qualification and election shall

1 apply to all candidates and to the election, provided however  
2 that the following shall also apply:

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

12 (b) Other than contributions a candidate for  
13 delegate makes to his or her own campaign, a candidate is  
14 prohibited from accepting a campaign contribution (including  
15 any "in-kind" contribution) exceeding one hundred dollars  
16 (\$100) from any one person, corporation, business, political  
17 action committee, limited liability company, partnership, or  
18 other entity. For the purpose of this limitation, a run-off  
19 election shall be considered a separate election in which a  
20 candidate may accept an additional amount not exceeding one  
21 hundred dollars (\$100) from a person, corporation, business,  
22 political action committee, limited liability company,  
23 partnership, or other entity which contributed to the  
24 candidate's campaign in the initial election.

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

1 (d) No candidate shall accept any contribution after  
2 the filing of the report required by Section 17-22A-8, Code of  
3 Alabama 1975, which shall be filed between five and ten days  
4 before the election.

5 (e) Any post-election contribution is prohibited.

6 RESOLVED FURTHER, That all delegates to the  
7 convention shall be citizens of the state and qualified  
8 electors of their respective districts.

9 RESOLVED FURTHER, Twelve delegates shall be the 12  
10 elected members of the Legislative Council as provided in  
11 Section 29-6-2, Code of Alabama 1975, which are elected at the  
12 2003 Regular Session of the Alabama Legislature. The  
13 legislative delegates shall be entitled to the same privileges  
14 and be subject to the same responsibilities and duties as  
15 elected delegates and shall be entitled to the same  
16 compensation, provided he or she foregoes all compensation as  
17 a legislator during the time he or she serves as a delegate.  
18 No other elected state official (including constitutional  
19 officers, district and circuit judges, appellate judges,  
20 sheriffs, members of the State Board of Education, or members  
21 of the state Legislature other than the 12 elected members of  
22 the Legislative Council), shall serve as a delegate.

23 RESOLVED FURTHER, That in the same manner as for  
24 other elections, the election officials for each county shall  
25 ascertain the number of votes received by the candidates for  
26 delegates for each place in the various districts and shall  
27 certify the votes to the Secretary of State.

1           RESOLVED FURTHER, That within one week following the  
2 election for delegates, the Governor, Secretary of State, and  
3 Attorney General shall assemble in the office of the Secretary  
4 of State and canvass the votes and ascertain from the returns  
5 which persons were elected as delegates to the convention from  
6 each of the several districts, and the Secretary of State  
7 shall issue certificates of election to the persons so  
8 elected. In the event of an exact tie in the number of votes  
9 counted for candidates for the office of delegate in the  
10 run-off election, the Governor, in the presence of the  
11 Secretary of State and Attorney General, shall decide the tie  
12 by lot. The Governor shall call upon the delegates to assemble  
13 on the first Tuesday in August, 2003, for the purpose herein  
14 provided.

15           RESOLVED FURTHER, That the delegates shall convene  
16 in the old House of Representatives Chamber in the State  
17 Capitol in the City of Montgomery on the first Tuesday in  
18 August, 2003 at 12:00 noon. The Speaker of the Alabama House  
19 of Representatives, or in his or her absence, the President  
20 Pro Tempore of the Alabama Senate, shall call the convention  
21 to order, call the roll of delegates, administer or cause to  
22 be administered the oath called for by this resolution to the  
23 delegates present, and preside over the convention until a  
24 president is elected. The delegates shall organize the  
25 convention by the election of a president and a secretary or  
26 clerk from among their number, and any other officers, who  
27 need not be delegates and who shall not have voting powers, as

1 they may deem necessary. The convention shall apply Robert's  
2 Rules of Order to its proceedings until it determines its own  
3 rules of procedure. The convention shall continue in session  
4 until it shall, by careful study and deliberation, frame such  
5 proposals as to it may seem necessary or proper for the  
6 purpose of altering, amending, or revising the Constitution.  
7 The convention may adjourn to any other place as it may see  
8 fit and may recess from time to time. Further, the proceedings  
9 of the convention and any committees or subcommittees thereof,  
10 shall remain at all times open to the public. The convention  
11 shall further provide access to the proceedings of the  
12 convention for broadcast purposes.

13           RESOLVED FURTHER, That before entering upon the  
14 discharge of his or her duties as a delegate to the  
15 convention, each delegate shall take an oath which may be  
16 administered by the officer calling the convention to order or  
17 by any circuit judge or an appellate judge of this state as  
18 follows: "I do solemnly swear that I will support the  
19 Constitution of the United States, and I will honestly and  
20 faithfully perform the duties which are now to devolve on me  
21 as a delegate to this convention, so help me God."

22           RESOLVED FURTHER, That in the event there is any  
23 dispute as to the right of any person to sit in the convention  
24 as a delegate, the question shall be decided by the convention  
25 which shall be the exclusive judge of the election,  
26 qualification, and conduct of its members. Any person desiring  
27 to contest the election of a person who is certified as being

1       elected as a delegate to the convention may do so in the same  
2       manner as a contest of the election of a member of the House  
3       of Representatives of the Legislature of Alabama.

4               RESOLVED FURTHER, That in the event of a vacancy in  
5       any position of a delegate, the vacancy may be filled by  
6       appointment by the convention. The person appointed to fill  
7       the vacancy must meet the same criteria as the delegate he or  
8       she replaces in the convention.

9               RESOLVED FURTHER, That the delegates to the  
10       convention shall be supplied with stationery, books, statutes,  
11       reports, materials, and documents in the same manner as  
12       members of the Legislature of Alabama. The Secretary of the  
13       Senate and the Clerk of the House of Representatives shall  
14       provide clerical and administrative assistance necessary to  
15       the convention and shall assure that the necessary facilities  
16       are made available. The Legislative Reference Service, the  
17       Legislative Fiscal Office, and the Alabama Law Institute shall  
18       provide professional and technical assistance to the  
19       convention. The delegates shall receive for their services the  
20       same compensation, per diem, mileage, and other expenses from  
21       the State Treasury as is provided to members of the  
22       Legislature of Alabama and the other expenses of the  
23       convention shall be paid in the same manner as provided for  
24       the Legislature of Alabama. The convention may authorize that  
25       reasonable compensation be paid to elected officers who are  
26       not delegates and any other staff who are not otherwise  
27       compensated by the state for services provided to the

1 convention. The compensation, per diem, mileage, and other  
2 expenses shall be paid on the certificate of the president and  
3 secretary or clerk of the convention, to the state  
4 Comptroller, in the same manner that payment of the  
5 compensation to members of the Legislature is by law directed  
6 to be made. Per diem compensation shall not be allowed or paid  
7 to any delegate of the convention for a period of time longer  
8 than 120 calendar days, or if the convention adjourns sine die  
9 prior to 120 calendar days, for any period after the date of  
10 adjournment.

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

1 the reports required by that section. Additionally, each  
2 lobbyist shall file with the State Ethics Commission on the  
3 first day and the fifteenth day of each month, beginning  
4 August 15, 2003, and continuing until the convention files its  
5 proposal or proposals with the Secretary of State, a report,  
6 made under oath, setting forth all expenditures made by him or  
7 her relative to lobbying activities. Furthermore, delegates  
8 shall be prohibited from receiving a thing of value in  
9 association with his or her duties as a delegate.

10 RESOLVED FURTHER, That, the convention may frame  
11 proposals, to be submitted to the people for ratification, to  
12 alter, revise, or amend the Constitution of Alabama of 1901,  
13 in any form as may seem necessary or proper, including the  
14 following:

15 (a) As a unit in the form of a new constitution,  
16 with no separate proposals to be voted on individually.

17 (b) In the form of a series of separate proposals  
18 for altering or amending the constitution.

19 The convention shall file with the Secretary of  
20 State, within one week after its adjournment, certified by the  
21 president and the secretary or clerk of the convention, an  
22 accurate and correct copy of its proposal or proposals for the  
23 alteration, revision, or amendment of the constitution adopted  
24 by the convention for submission to the people. The convention  
25 may also prepare a schedule of transitional provisions and fix  
26 the date or dates upon which revisions, alterations, or  
27 amendments, if adopted by the people, shall take effect. The

1 convention may also prescribe the manner and form of voting on  
2 its proposal or proposals, including the form of the ballot to  
3 be used. The convention shall keep a journal of its  
4 proceedings and shall file the journal upon its adjournment  
5 with the Secretary of State.

6 RESOLVED FURTHER, That it shall be the duty of the  
7 Governor, within one week after the filing with the Secretary  
8 of State of the convention's proposal or proposals for the  
9 alteration, revision, or amendment of the existing  
10 constitution, to issue a proclamation stating that a proposal  
11 or proposals have been framed by the convention and that an  
12 election will be held in the several counties of the state for  
13 the purpose of submitting the convention's proposal or  
14 proposals to the qualified voters of the state for  
15 ratification or rejection. The Governor shall publish a copy  
16 of the convention's proposal or proposals at the same time and  
17 in the same manner as the proclamation is published. The  
18 election shall be called by the Governor and shall be held no  
19 less than 90 days following adjournment of the convention. The  
20 election shall be held in the same manner and by the same  
21 election officials as general elections are required to be  
22 held. The Fair Campaign Practices Act shall apply to the  
23 election.

24 RESOLVED FURTHER, That the returns of the election  
25 shall be made in the same manner, within the same time, by the  
26 same officers, as the election whether to hold a convention  
27 and certified to the Secretary of State. If the convention

1 fails to prescribe the manner and form of voting on its  
2 proposal or proposals, the election will be as follows:

3 (a) If the convention has proposed a new  
4 constitution as a unit with no separate proposals to be voted  
5 on individually, there shall be submitted to the vote of the  
6 qualified electors of this state, the sole question of whether  
7 to ratify the new constitution proposed by the convention.  
8 That question shall be printed on the official ballots  
9 followed by the words "Yes" and "No", opposite one of which  
10 the voter may indicate his or her preference.

11 (b) If the convention's proposal is in the form of  
12 separate proposals to alter or amend the constitution, the  
13 substance or subject matter of each proposal shall be so  
14 printed that the nature thereof is clearly indicated. Each  
15 such separate proposal shall be followed by the words "Yes"  
16 and "No", opposite one of which the voter may indicate his or  
17 her preference as to that separate proposed amendment.

18 RESOLVED FURTHER, That within 15 days after the day  
19 on which the election is held for the ratification or  
20 rejection of the constitution or proposals for altering or  
21 amending the constitution, the Governor, Secretary of State,  
22 and Attorney General shall assemble in the office of the  
23 Secretary of State and open the returns of the election. They  
24 shall tabulate the votes which have been cast on the question  
25 of ratification or rejection of a new constitution or for and  
26 against any separate proposals for altering or amending the  
27 constitution voted on individually, and the results shall be

1 certified to the Governor by the Secretary of State and  
2 Attorney General. If a majority of all the qualified electors  
3 voting at the election have ratified a proposed new  
4 constitution submitted as a unit, or if a majority of all the  
5 qualified electors have ratified any separate proposal for  
6 altering or amending the constitution voted on individually,  
7 the Governor shall so proclaim and shall designate within the  
8 proclamation that January 1 of the following year is the time  
9 at which the new constitution or other proposals shall become  
10 effective, and shall be binding and obligatory upon all people  
11 of this state, unless otherwise provided in the ratified  
12 constitution or in the schedule of transitional provisions  
13 adopted by the convention.

14 RESOLVED FURTHER, That the judge of probate of each  
15 county in the state shall prepare and furnish the official  
16 ballots to be voted at the election in the same manner as now  
17 required under the general election laws of the state. No  
18 ballot other than an official ballot shall be cast and counted  
19 in the election and the election shall be held and conducted  
20 as general elections are held, except as otherwise provided by  
21 this resolution.