

1 HB370  
2 128001-1  
3 By Representative McClammy (Constitutional Amendment)  
4 RFD: Montgomery County Legislation  
5 First Read: 29-MAR-11

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8 SYNOPSIS: Under existing law, the Montgomery County  
9 Superintendent of Education is appointed by the  
10 Montgomery County Board of Education.

11 This bill would propose an amendment to the  
12 Constitution of Alabama of 1901, to provide for the  
13 election of the Montgomery County Superintendent of  
14 Education by the qualified electors of the county  
15 and to authorize the Legislature, by local law, to  
16 provide further for the manner of selection, the  
17 term of office, the filling of vacancies, and the  
18 operation of the office of the Montgomery County  
19 Superintendent of Education.

20  
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24  
25 To propose an amendment to the Constitution of  
26 Alabama of 1901, to provide for the election of the Montgomery  
27 County Superintendent of Education by the qualified electors

1 of the county; and to authorize the Legislature, by local law,  
2 to provide further for the manner of selection, the term of  
3 office, the filling of vacancies, and the operation of the  
4 office of the Montgomery County Superintendent of Education.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. The following amendment to the  
7 Constitution of Alabama of 1901, is proposed and shall become  
8 valid as a part of the Constitution when all requirements of  
9 this act are fulfilled:

10 PROPOSED AMENDMENT

11 (a) The Montgomery County Superintendent of  
12 Education shall be elected by the qualified electors of  
13 Montgomery County. The term of office of the initial elected  
14 superintendent shall assume office at the expiration of the  
15 contract of the incumbent superintendent, and shall hold  
16 office until his or her successor is elected and qualified.  
17 Thereafter, unless otherwise provided by local law pursuant to  
18 subsection (d), the superintendent shall hold office for a  
19 term of four years, beginning on the first day of July  
20 following his or her election, and until a successor is  
21 elected and qualified.

22 (b) The Montgomery County Superintendent of  
23 Education shall be elected in accordance with the general  
24 election laws in the same manner as other county officers.

25 (c) The Montgomery County Superintendent of  
26 Education shall possess the same qualifications prescribed for  
27 county superintendents of education by the general laws of the

1 state, shall possess all the powers granted by the general  
2 laws of the state, shall perform and discharge all the duties  
3 of county superintendents of education prescribed by the  
4 general laws of the state, and shall possess, perform, and  
5 discharge any additional qualifications, powers, or duties  
6 hereafter prescribed by local law.

7 (d) The Legislature, by local law, may provide for  
8 the manner of selection, the term of office, and the filling  
9 of a vacancy in the office of Montgomery County Superintendent  
10 of Education and may provide further for the operation of the  
11 office of the Montgomery County Superintendent of Education.  
12 Any matter relating to the operation of the office of the  
13 Montgomery County Superintendent of Education, including his  
14 or her compensation, that is not provided by this amendment,  
15 or local law enacted pursuant to this amendment, shall be  
16 governed by the general laws of the state.

17 Section 2. An election upon the proposed amendment  
18 shall be held in accordance with Amendment 555 to the  
19 Constitution of Alabama of 1901, now appearing as Section  
20 284.01 of the Official Recompilation of the Constitution of  
21 Alabama of 1901, as amended, and the election laws of this  
22 state.

23 Section 3. The appropriate election official shall  
24 assign a ballot number for the proposed constitutional  
25 amendment on the election ballot and shall set forth the  
26 following description of the substance or subject matter of  
27 the proposed constitutional amendment:

1                   "Relating to Montgomery County, proposing an  
2                   amendment to the Constitution of Alabama of 1901, to provide  
3                   for the election of the Montgomery County Superintendent of  
4                   Education by the qualified electors of the county; and to  
5                   authorize the Legislature, by local law, to provide further  
6                   for the manner of selection, the term of office, the filling  
7                   of vacancies, and the operation of the office of the  
8                   Montgomery County Superintendent of Education.

9                   "Proposed by Act \_\_\_\_\_"

10                   This description shall be followed by the following  
11                   language:

12                   "Yes ( ) No ( )."