

SB308 INTRODUCED



1 RSLHNN-1
2 By Senator Elliott (Constitutional Amendment)
3 RFD: County and Municipal Government
4 First Read: 11-May-23
5
6 2023 Regular Session



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SYNOPSIS:

Under the Constitution of Alabama of 2022, only the Governor may call the Legislature into a special session.

This bill would authorize members of the Legislature to request the convening of a special session with the Secretary of State, who, once he or she receives the requisite number of requests, would be required to poll all members of the Legislature. If a majority of members of both houses vote in the affirmative, the Secretary of State would notify the President Pro Tempore of the Senate and the Speaker of the House of Representatives, who would be required to issue a joint proclamation calling the Legislature into a special session.

A BILL
TO BE ENTITLED
AN ACT

Proposing to amend Section 76 of the Constitution of Alabama of 2022, and add a new section to the Constitution of Alabama of 2022, to authorize the Legislature to call itself into a special session and provide for the process for



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29 convening a special session.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. The following amendment to the Constitution
32 of Alabama of 2022, is proposed and shall become valid as a
33 part of the Constitution when approved by a majority of the
34 qualified electors voting thereon and in accordance with
35 Sections 284, 285, and 287 of the Constitution of Alabama of
36 2022:

37

38 PROPOSED AMENDMENT

39 Section 76 of the Constitution of Alabama of 2022 is
40 amended to read as follows:

41 "Section 76

42 When the ~~legislature shall be~~ Legislature is convened
43 in special session, there shall be no legislation upon
44 subjects other than those designated in the proclamation ~~of~~
45 ~~the governor~~ calling ~~such~~ for the convening of the special
46 session, except by a vote of two-thirds of each house. Special
47 sessions shall be limited to 12 legislative days and thirty
48 calendar days."

49 A new section is added to the Constitution of Alabama
50 of 2022 to read as follows:

51 (a) In addition to Section 122 of the constitution, the
52 Legislature may also be convened in special session as
53 provided in this section.

54 (b) When 30 percent of the members of the Legislature
55 request in writing the convening of the Legislature in a
56 special session and submit the request to the Secretary of



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57 State, the Secretary of State, within seven days after
58 receiving the requisite number of written requests, shall poll
59 members of the Legislature, and upon the affirmative vote of a
60 majority of the members of both houses, shall immediately
61 notify the President Pro Tempore of the Senate and the Speaker
62 of the House of Representatives. The President Pro Tempore of
63 the Senate and the Speaker of the House of Representatives
64 shall immediately issue a joint proclamation calling for the
65 convening of a special session under the same conditions and
66 limitations in subsection (b) of Section 48.01 and Section 122
67 and shall set the time for convening the special session,
68 which shall not be less than 14 days, nor more than 21 days
69 from the date of notification from the Secretary of State.

70 (c) If the Secretary of State fails to receive the
71 requisite number of written requests to convene the
72 Legislature in a special session within a period of 60 days
73 after receipt of the first written request, all written
74 requests received by the Secretary of State shall be rendered
75 void and no special session shall be called. The written
76 requests shall not be used at any future time for the
77 convening of the Legislature.

78 (d) Nothing in this section shall affect the authority
79 of the Governor to convene a special session under Section 122
80 of the constitution.

81 Upon ratification of this constitutional amendment, the
82 Code Commissioner shall number and place this amendment as
83 appropriate in the constitution omitting this instructional
84 paragraph and may make the following nonsubstantive revisions:



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85 change capitalization, spelling, and punctuation for purposes
86 of style and uniformity; correct manifest grammatical,
87 clerical, and typographical errors; and correct incorrect
88 cross-references.

89 Section 2. An election upon the proposed amendment
90 shall be held in accordance with Sections 284 and 285 of the
91 Constitution of Alabama of 2022, and the election laws of this
92 state.

93 Section 3. The appropriate election official shall
94 assign a ballot number for the proposed constitutional
95 amendment on the election ballot and shall set forth the
96 following description of the substance or subject matter of
97 the proposed constitutional amendment:

98 "Proposing an amendment to the Constitution of Alabama
99 of 2022, to amend Section 76 and add a new section authorizing
100 the Legislature to call itself into a special session under
101 certain conditions.

102 Proposed by Act ____."

103 This description shall be followed by the following
104 language:

105 "Yes () No()."