

1 SB527  
2 120034-1  
3 By Senator Mitchem (Constitutional Amendment)  
4 RFD: Local Legislation No. 1  
5 First Read: 11-MAR-10

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8 SYNOPSIS: This bill would provide for an amendment to  
9 the Constitution of Alabama of 1901, to provide for  
10 the nonpartisan election of circuit and district  
11 judges in Marshall County.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT

16  
17 To provide for an amendment to the Constitution of  
18 Alabama of 1901, to provide for the nonpartisan election of  
19 circuit and district judges in Marshall County.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. The following amendment to the  
22 Constitution of Alabama of 1901, is proposed and shall become  
23 valid as a part of the Constitution when all requirements of  
24 this act are fulfilled:

25 PROPOSED AMENDMENT

26 In Marshall County, circuit and district judicial  
27 offices shall be nonpartisan and candidates for those offices

1 shall be elected on a nonpartisan basis. There shall be a  
2 separate ballot for circuit and district judicial offices,  
3 without any party device or symbol appearing, which shall be  
4 designated only as the "Official Nonpartisan Circuit and  
5 District Judicial Ballot" and which shall list all candidates  
6 seeking circuit and district judicial offices. The "Official  
7 Nonpartisan Circuit and District Judicial Ballot" shall be  
8 available during the primary election cycle and a person may  
9 vote for the judicial candidate without voting in either  
10 primary. If a runoff is needed for either the office of  
11 district or circuit judge, or both, then the names shall be  
12 placed on another "Official Nonpartisan Circuit and District  
13 Judicial Ballot" that will be voted on during the general  
14 election. If there is no opposition on the "Official  
15 Nonpartisan Circuit and District Judicial Ballot" during the  
16 primary election, then no ballot shall be issued for that race  
17 at that time, but shall be voted on during the general  
18 election on a separate "Official Nonpartisan Circuit and  
19 District Judicial Ballot." If no runoff is needed from the  
20 primary election, then the single name winner of the primary  
21 election from the "Official Nonpartisan Circuit and District  
22 Judicial Ballot" shall be placed on the "Official Nonpartisan  
23 Circuit and District Judicial Ballot" in the general election.  
24 All duties and responsibilities under current state law that  
25 are delegated to the political parties are hereby transferred  
26 to the judge of probate.

1           This amendment shall be interpreted in para materia  
2 with the provisions of Title 17, Code of Alabama 1975, but  
3 those provisions in direct conflict with this amendment shall  
4 not apply in Marshall County.

5           Section 2. An election upon the proposed amendment  
6 shall be held in accordance with Amendment 555 to the  
7 Constitution of Alabama of 1901, now appearing as Section  
8 284.01 of the Official Recompilation of the Constitution of  
9 Alabama of 1901, as amended, and the election laws of this  
10 state.

11           Section 3. The appropriate election official shall  
12 assign a ballot number for the proposed constitutional  
13 amendment on the election ballot and shall set forth the  
14 following description of the substance or subject matter of  
15 the proposed constitutional amendment:

16           "Relating to Marshall County, proposing an amendment  
17 to the Constitution of Alabama of 1901, to provide for the  
18 election of circuit and district judges in the county without  
19 reference to political party affiliation.

20           "Proposed by Act \_\_\_\_\_."

21           This description shall be followed by the following  
22 language:

23           "Yes ( ) No ( )."