



2020

**ALABAMA ELECTIONS**

**ALAPAC**


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**VOTER GUIDE**

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*Constitutional Amendments*

**TEXT AND SUMMARIES FOR EACH  
CONSTITUTIONAL AMENDMENT ON THE BALLOT  
IN ALABAMA ON ELECTION DAY**





## AMENDMENT 1

*Proposing an amendment to the Constitution of Alabama of 1901, to amend Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to provide that only a citizen of the United States has the right to vote.*

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### Basic Summary

If adopted, Amendment 1 will have little to no impact on voting laws, as Alabama and federal voting requirements already require voters to be citizens of the United States.

### Detailed Summary

Currently, the Alabama Constitution reads that “every citizen of the United States. . . .” This amendment, if passed, would exchange the word “every” for “only” so that the Alabama Constitution would read, “Only a citizen of the United States. . . .”

This language and the original language of the Alabama Constitution of 1901 mention U.S. citizenship. That has traditionally been interpreted to mean that U.S. citizenship is required to vote. Federal law requires only U.S. citizens vote in federal elections.

Amendment 1 proposes to change the language of Article VIII to replace “Every Citizen of the United States” with “Only a Citizen of the United States.”



## AMENDMENT 2

*Proposing an amendment to the Constitution of Alabama of 1901, to increase the membership of the Judicial Inquiry Commission and further provide for the appointment of the additional members; further provide for the membership of the Court of the Judiciary and further provide for the appointment of the additional members; further provide for the process of disqualifying an active judge; repeal provisions providing for the impeachment of Supreme Court Justices and appellate judges and the removal for cause of the judges of the district and circuit courts, judges of the probate courts, and judges of certain other courts by the Supreme Court; delete the authority of the Chief Justice of the Supreme Court to appoint an Administrative Director Courts; provide the Supreme Court of Alabama with authority to appoint an Administrative Director of Courts; require the Legislature to establish procedures for the appointment of the Administrative Director of Courts; delete the requirement that a district court hold court in each incorporated municipality with a population of 1,000 or more where there is no municipal court; provide that the procedure for the filling of vacancies in the office of a judge may be changed by local constitutional amendment; delete certain language relating to the position of constable holding more than one state office; delete a provision providing for the temporary maintenance of the prior judicial system; repeal the office of circuit solicitor; and make certain nonsubstantive stylistic changes.*

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### Basic Summary

If adopted, Amendment 2 would implement changes to how the administration of Alabama's court system functions and revise the process for appointing and impeaching judges.



## Detailed Summary

This amendment proposes six changes to the state's judicial system. In summary, this amendment:

**1. Provides that county district courts do not have to hold city court in a city with a population of less than 1,000;**

- This is largely a practical change.

**2. Allows the Alabama Supreme Court, not the Chief Justice, to appoint the Administrative Director of Courts;**

- Currently, the Chief Justice of the Supreme Court chooses the Director of Courts, who oversees the \$450 million and 2,500 employee state court system. Since 2010, there have been five different Chief Justices and therefore five different Directors of Courts. If approved, Amendment Two would allow for the entire Supreme Court to make an appointment out of three candidates brought to them by a nominating board of judges, a clerk, and a lawyer. Instead of changing every time the Court's makeup changes, this appointment would last for ten years.

**3. Increases from 9 to 11 the total membership of the Judicial Inquiry Commission and determines who appoints each member (the Judicial Inquiry Commission evaluates ethics complaints filed against judges);**

- Expanding the Commission's composition from 9 to 11 allows for the inclusion of a probate judge and a municipal judge.



## Detailed Summary

- 4. Allows the Governor, rather than the Lieutenant Governor, to appoint a member of the Court of the Judiciary (the Court of the Judiciary hears complaints filed by the Judicial Inquiry Commission);**
  - Language elsewhere has already caused this shift to happen in practice. The amendment would simply clarify it in the Alabama Constitution.
  
- 5. Prevents a judge from being automatically disqualified from holding office simply because a complaint was filed with the Judiciary Inquiry Commission; and**
  - Currently, judges are suspended from service when a complaint is filed with the Judicial Inquiry Commission. Alabama, alone, suspends judges based simply on a complaint. Amendment 2 removes this provision.
  
- 6. Provides that a judge can be removed from office only by the Court of the Judiciary.**
  - Currently, Supreme Court justices and appellate judges are the only judges suspect to impeachment. This change places them under the same disciplinary procedures as other judges.



## AMENDMENT 3

*Proposing an amendment to the Constitution of Alabama of 1901, to provide that a judge, other than a judge of probate, appointed to fill a vacancy would serve an initial term until the first Monday after the second Tuesday in January following the next general election after the judge has completed two years in office.*

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### Basic Summary

This amendment changes the initial term of a judge that is appointed to fill a vacancy due to death, resignation, retirement, or removal. The current law and this proposed amendment do not apply to probate judges.

### Detailed Summary

Judicial vacancies, which are created by the death, resignation, retirement, or removal from office of a sitting judge, are filled by gubernatorial appointment. Judicial terms are six years. Per the Constitution, probate judges appointed by the Governor serve out the balance of the unexpired term. Also, per the Constitution, all other appointed judges serve until the general election after serving one year in office.

In practice, however, appointed judges routinely serve two, and sometimes almost three years, due to how the dates of general elections fall. Amendment 3 extends the time of service for an appointed judge from the general election after one year of service to the general election after two years of service.



## AMENDMENT 4

*Proposing an amendment to the Constitution of Alabama of 1901, to authorize the Legislature to recompile the Alabama Constitution and submit it during the 2022 Regular Session, and provide a process for its ratification by the voters of this state.*

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### Basic Summary

Alabama's constitution contains segregationist and racist language and has sections that are repeated or do not currently apply. If approved, Amendment 4 would allow the state legislature to rearrange the constitution and remove racist or repeated language.

### Detailed Summary

Alabama's constitution can be changed only during a constitutional convention or when a majority of voters approve a constitutional amendment.

Amendment 4 does not change the requirement that a majority of voters must approve a constitutional amendment. Amendment 4, if approved, simply allows the Alabama Legislature, when it meets in 2022, to draft a rearranged version of the state constitution.

This draft could only:

- 1.remove racist language;
- 2.remove language that is repeated or no longer applies;
- 3.combine language related to economic development; and
- 4.combine language that relates to the same county.

No other changes could be made.



## AMENDMENT 5

*Relating to Franklin County, proposing an amendment to the Constitution of Alabama of 1901, to provide that a person is not liable for using deadly physical force in self-defense or in the defense of another person on the premises of a church under certain conditions.*

## AMENDMENT 6

*Relating to Lauderdale County, proposing an amendment to the Constitution of Alabama of 1901, to provide that a person is not liable for using deadly physical force in self-defense or in the defense of another person on the premises of a church under certain conditions.*

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## Basic Summary

The amendments are identical other than the county to which they apply. Both would put into the Alabama Constitution a version of the state's already-existing "stand your ground" law that applies to the use of deadly force in churches.

Unless the statewide "stand your ground" law changes, these amendments will have little practical effect.





## Detailed Summary

Alabama is among 27 states with stand your ground laws, which protect individuals from criminal prosecution if they use physical or deadly force in defending themselves or someone else from serious threat of harm. The law does not require the person to retreat before using physical force.

Even without specific language related to churches or the proposed amendment, lawful participants in a church have the right to defend themselves when under attack. But the stand your ground law and the proposed amendments would not prohibit churches from developing policies banning handguns and other weapons from church property.

If passed by the majority of voters in Alabama and by voters in Franklin and Lauderdale County, the state constitution would be amended to contain a special “Stand Your Ground” law that applies to churches in Franklin and Lauderdale Counties.