- 1 HB17
- 2 187419-3
- 3 By Representative Clouse
- 4 RFD: Constitution, Campaigns and Elections
- 5 First Read: 09-JAN-18
- 6 PFD: 08/25/2017

1	ENGROSSED
2	
3	
4	A BILL
5	TO BE ENTITLED
6	AN ACT
7	
8	To amend Section 36-9-7 of, and to repeal Section
9	36-9-8 of, the Code of Alabama 1975, relating to vacancies in
10	the office of United States Senator; to provide for filling
11	vacancies by appointment of the Governor until the next
12	general election.
13	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
14	Section 1. Section 36-9-7 of the Code of Alabama
15	1975, is amended to read as follows:
16	<b>"</b> §36-9-7.
17	"The Governor may make temporary appointment of a
18	senator in the Senate of the Congress of the United States
19	from Alabama whenever a vacancy exists in that office, the
20	appointee to hold office until his successor is elected and
21	<del>qualified.</del>
22	"(a) Except as otherwise provided in subsection (b),
23	if "(a) If there is a vacancy in the office of United States
24	Senator, including a vacancy described in subsection (b), the
25	Governor shall appoint a person to the office to serve until a
26	successor is elected at the next general election occurring
27	more than one year after the vacancy occurs and for which

1 qualifying has not opened for any political party and shall 2 issue a writ of election to fill the office for the remainder 3 of the term at the next general election. "(b) If For purposes of this section, if a vacancy 4 5 in the office of United States Senator occurs less than 76 days prior to the general election next preceding the end of 6 7 the term for the office, notwithstanding Section 17-6-21(c), 8 the votes for the office shall be canvassed, tabulated, and returns thereof made to the Secretary of State and counted in 9 10 the same manner as elections for representatives in the

Legislature. If the candidate receiving the most votes was the incumbent who vacated the office of United States Senator, a vacancy shall exist and the Governor shall appoint a person to

fill the vacancy until a successor is elected and qualified at

the next general election and shall issue a writ of election

to fill the office for the remainder of the term at the next

general election. successor is elected and qualified pursuant

to subsection (a)."

14

15

16

17

18

19

20

21

22

23

Section 2. Section 36-9-8 of the Code of Alabama 1975, is repealed.

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

1	
2	
3	House of Representatives
4 5 6 7 8	Read for the first time and re- ferred to the House of Representa- tives committee on Constitution, Campaigns and Elections
9 10 11	Read for the second time and placed on the calendar 2 amendments 11-JAN-18
12 13 14	Read for the third time and passed as amended
15 16 17 18	Jeff Woodard Clerk