

1 SB129
2 187834-1
3 By Senator Pittman
4 RFD: Constitution, Ethics and Elections
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, the Governor may make a
9 temporary appointment to the office of United
10 States Senator upon a vacancy in the office until a
11 successor is elected and qualified.

12 Also under existing law, whenever a vacancy
13 occurs in the office of United States Senator less
14 than four months but more than 60 days before a
15 general election, the vacancy is filled at that
16 election. If the vacancy occurs more than four
17 months or less than 60 days before a general
18 election, the Governor is required to call a
19 special election.

20 This bill would eliminate the authority of
21 the Governor to appoint a person to a vacancy in
22 the office of United States Senator and would
23 provide that, upon a vacancy in the office, the
24 Governor must set an election to fill the vacancy
25 to be held within 120 days of the vacancy.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Section 36-9-8 of, and to repeal Section
5 36-9-7 of, the Code of Alabama 1975, relating to vacancies in
6 the office of United States Senator; to require the Governor
7 to set an election to be held within a specified time frame of
8 a vacancy.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 36-9-8 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§36-9-8.

13 Whenever a vacancy occurs in the office of senator
14 of and from the State of Alabama in the Senate of the United
15 States ~~more than four months before a general election, the~~
16 ~~Governor of Alabama shall forthwith order an election to be~~
17 ~~held by the qualified electors of the state to elect a senator~~
18 ~~of and from the State of Alabama to the United States Senate~~
19 ~~for the unexpired term. If the vacancy occurs within four~~
20 ~~months of but more than 60 days before a general election, the~~
21 ~~vacancy shall be filled at that election. If the vacancy~~
22 ~~occurs within 60 days before a general election, the Governor~~
23 ~~shall order a special election to be held on the first Tuesday~~
24 ~~after the lapse of 60 days from and after the day on which the~~
25 ~~vacancy is known to the Governor, and the senator elected at~~
26 ~~such special election shall hold office for the unexpired~~
27 ~~term, the successor shall be elected for the unexpired term at~~

1 the next general election, if the general election will occur
2 within 120 days of the vacancy. If the next general election
3 will not be held within 120 days of the vacancy, the Governor
4 shall set a special election for the election of a successor
5 for the unexpired term, to be held within 120 days of the
6 vacancy.

7 Section 2. Section 36-9-7 of the Code of Alabama
8 1975, is repealed.

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