

1 SB208
2 190193-1
3 By Senators McClendon, Whatley and Ward
4 RFD: Constitution, Ethics and Elections
5 First Read: 23-JAN-18

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8 SYNOPSIS: This bill would provide a process for
9 special elections to fill a vacant seat for a
10 member of the Legislature, whereby all candidates
11 who legally qualify to run, including party
12 candidates and independent candidates, would be
13 placed on the same ballot, and the candidate who
14 receives the most votes cast in the special
15 election is deemed the winner of the election.

16 This bill would require the Governor to call
17 an election to take place not more than 62 days
18 after a vacancy occurs.

19 This bill would also authorize the Secretary
20 of State to adopt rules.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to special elections for vacancies for
27 state legislative offices; to provide a process for special

1 elections whereby all candidates who legally qualify to run,
2 including party candidates and independent candidates, would
3 be placed on the same ballot, and the candidate who receives a
4 majority of the votes cast in the special primary election
5 would be deemed the winner of the special election; to require
6 the Governor to call an election to take place not more than
7 62 days after a vacancy occurs; and to authorize the Secretary
8 of State to adopt rules.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) This section applies to special
11 elections to fill a vacant office for a member of the
12 Legislature.

13 (b) When a vacancy for the office of a member of the
14 Legislature occurs, the Governor shall immediately call for a
15 special election to take place no later than 62 days after the
16 date the vacancy occurs. All candidates seeking nomination by
17 a party to run for the vacant office shall file their
18 declaration of candidacy with the state party chair no later
19 than 5:00 p.m. 52 days before the date of the special
20 election. The state party chair, no later than 5:00 p.m. 47
21 days before the special election, shall certify the names of
22 all candidates to the Secretary of State.

23 (c) All candidates seeking to run as an independent
24 candidate for the vacant office shall file a written petition
25 with the Secretary of State signed by electors qualified to
26 vote in the election to fill the office no later than 5:00
27 p.m. 47 days before the date of the special election. The

1 number of qualified electors signing the petition must equal
2 or exceed two percent of the qualified electors who cast
3 ballots for the office of Governor in the last general
4 election for the district in which the candidate seeks to
5 qualify.

6 (d) Not less than 40 days before the date of the
7 special election, the Secretary of State shall certify to the
8 judge of probate of every county in which the election is to
9 be held the names of the candidates who legally qualify to
10 hold office and shall print the official ballot used at the
11 special election, which shall contain the names of all
12 candidates who legally qualify to hold office.

13 (e) The candidate in the election who receives the
14 most votes cast to fill the vacant office shall be declared by
15 the Secretary of State as the winner of the election.

16 (f) It is the intent of the Legislature that the
17 provisions of this section be applied and construed, to the
18 extent possible, in pari materia with Title 17, Code of
19 Alabama 1975. Any inconsistent portions of Title 17, Code of
20 Alabama 1975, are superseded by this section.

21 (g) The Secretary of State may adopt rules to
22 implement this section.

23 Section 2. This act shall become effective January
24 1, 2019.