

1 HB258
2 155610-1
3 By Representatives Clouse and Givan (Constitutional Amendment)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 16-JAN-14

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8 SYNOPSIS: Under existing law, a special election is
9 held to fill a vacant position in the Alabama House
10 of Representatives and the Alabama Senate.

11 This bill would provide for an amendment to
12 Section 46 of the Constitution of Alabama of 1901,
13 as amended by Amendment 97, now appearing as
14 Section 46 of the Official Recompilation of the
15 Constitution of Alabama of 1901, as amended, to
16 provide that a vacancy in any legislative office
17 shall be filled by appointment by the Governor for
18 the remainder of the unexpired term of the office.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 Proposing an amendment to Section 46 of the
25 Constitution of Alabama of 1901, as amended by Amendment 97,
26 now appearing as Section 46 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended, to provide

1 that a vacancy in any legislative office shall be filled by
2 appointment by the Governor for the remainder of the unexpired
3 term of the office.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The following amendment to the
6 Constitution of Alabama of 1901, as amended, is proposed and
7 shall become valid as a part thereof when approved by a
8 majority of the qualified electors voting thereon and in
9 accordance with Sections 284, 285, and 287 of the Constitution
10 of Alabama of 1901, as amended:

11 PROPOSED AMENDMENT

12 "Section 46.

13 "(a) Senators and representatives shall be elected
14 by the qualified electors on the first Tuesday after the first
15 Monday in November unless the legislature shall change the
16 time of holding elections and in every fourth year thereafter.
17 The terms of office of the senators and representatives shall
18 commence on the day after the general election at which they
19 are elected, and expire on the day after the general election
20 held in the fourth year after their election, except as
21 otherwise provided in this Constitution. At the general
22 election in the year nineteen hundred and two all the
23 representatives, together with the senators for the even
24 numbered districts and for the thirty-fifth district, shall be
25 elected. The terms of those senators who represent the odd
26 numbered districts under the law in force prior to the
27 ratification of this Constitution, are hereby extended until

1 the day after the general election in the year nineteen
2 hundred and six; and until the expiration of his term as
3 hereinbefore extended, each such senator shall represent the
4 district established by this Constitution, bearing the number
5 corresponding with that for which he was elected. In the year
6 nineteen hundred and six, and in every fourth year thereafter,
7 all the senators and representatives shall be elected.

8 "(b) Whenever a vacancy occurs in either house of
9 the legislature, ~~the governor shall issue a writ of election~~
10 ~~to fill such~~ appoint a person to fill the vacancy for the
11 remainder of the term. ~~However, if the secretary of state~~
12 ~~determines that a legally qualified candidate for election to~~
13 ~~the vacancy is unopposed when the last date for filing~~
14 ~~certificates of nomination has passed, the election shall not~~
15 ~~be held. The secretary of state shall issue a certificate of~~
16 ~~election to the candidate, the same as if an election had been~~
17 ~~held, and the certificate shall be accepted by the house in~~
18 ~~which the vacancy occurred as evidence of the unopposed~~
19 ~~candidate's right to fill the position created by the vacancy.~~
20 ~~In the event an election is held, all the costs and expenses~~
21 ~~incurred thereby shall be paid out of any funds in the state~~
22 ~~treasury not otherwise appropriated."~~

23 Section 2. An election upon the proposed amendment
24 shall be held in accordance with Sections 284 and 285 of the
25 Constitution of Alabama of 1901, now appearing as Sections 284
26 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

3 Section 3. The appropriate election official shall
4 assign a ballot number for the proposed constitutional
5 amendment on the election ballot and shall set forth the
6 following description of the substance or subject matter of
7 the proposed constitutional amendment:

8 "Proposing an amendment to the Constitution of
9 Alabama of 1901, to amend Section 46 of the Constitution of
10 Alabama of 1901, now appearing as Section 46 of the Official
11 Recompilation of the Constitution of Alabama of 1901, as
12 amended, to allow the Governor to fill a vacancy in a
13 legislative office by appointment.

14 "Proposed by Act _____."

15 This description shall be followed by the following
16 language:

17 "Yes () No ()."