

1 HB323
2 157013-1
3 By Representatives Coleman-Evans, Black, Ford, Colston,
4 Melton, Grimsley, Boyd, McAdory, Givan, Boman, Forte and
5 Lindsey (Constitutional Amendment)
6 RFD: Constitution, Campaigns and Elections
7 First Read: 21-JAN-14

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8 SYNOPSIS: Under existing law, the costs and expenses
9 incurred for holding a special election to fill a
10 vacancy in a legislative office are paid out of any
11 funds in the State Treasury not otherwise
12 appropriated.

13 This bill would propose an amendment to
14 Section 46 of the Constitution of Alabama of 1901,
15 as amended by Amendment 97, now appearing as
16 Section 46 of the Official ReCompilation of the
17 Constitution of Alabama of 1901, as amended, to
18 provide the costs and expenses incurred in the
19 filling of a vacancy in a legislative office shall
20 be paid by the departing incumbent who leaves
21 office for reasons other than illness, death, or
22 election or appointment to another public office.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Proposing an amendment to Section 46 of the
2 Constitution of Alabama of 1901, as amended by Amendment 97,
3 now appearing as Section 46 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended, to provide
5 the costs and expenses incurred in the filling of a vacancy in
6 a legislative office shall be paid by the departing incumbent
7 who leaves office for reasons other than illness, death, or
8 election or appointment to another public office.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 PROPOSED AMENDMENT

17 "(a) Senators and representatives shall be elected
18 by the qualified electors on the first Tuesday after the first
19 Monday in November unless the legislature shall change the
20 time of holding elections and in every fourth year thereafter.
21 The terms of office of the senators and representatives shall
22 commence on the day after the general election at which they
23 are elected, and expire on the day after the general election
24 held in the fourth year after their election, except as
25 otherwise provided in this Constitution. At the general
26 election in the year nineteen hundred and two all the
27 representatives, together with the senators for the even

1 numbered districts and for the thirty-fifth district, shall be
2 elected. The terms of those senators who represent the odd
3 numbered districts under the law in force prior to the
4 ratification of this Constitution, are hereby extended until
5 the day after the general election in the year nineteen
6 hundred and six; and until the expiration of his term as
7 hereinbefore extended, each such senator shall represent the
8 district established by this Constitution, bearing the number
9 corresponding with that for which he was elected. In the year
10 nineteen hundred and six, and in every fourth year thereafter,
11 all the senators and representatives shall be elected.

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

1 "(c) A departing incumbent who leaves office for
2 reasons other than illness, death, or election or appointment
3 to another public office shall pay the costs and expenses of
4 the election.

5 Section 2. An election upon the proposed amendment
6 shall be held in accordance with Sections 284 and 285 of the
7 Constitution of Alabama of 1901, now appearing as Sections 284
8 and 285 of the Official Recompilation of the Constitution of
9 Alabama of 1901, as amended, and the election laws of this
10 state.

11 Section 3. The appropriate election official shall
12 assign a ballot number for the proposed constitutional
13 amendment on the election ballot and shall set forth the
14 following description of the substance or subject matter of
15 the proposed constitutional amendment:

16 "Proposing an amendment to the Constitution of
17 Alabama of 1901, to amend Section 46 of the Constitution of
18 Alabama of 1901, as amended by Amendment 97, now appearing as
19 Section 46 of the Official Recompilation of the Constitution
20 of Alabama of 1901, as amended, to provide that the costs and
21 expenses incurred in the filling of a vacancy in a legislative
22 office shall be paid by the departing incumbent who leaves
23 office for reasons other than illness, death, or election or
24 appointment to another public office.

25 "Proposed by Act _____."

26 This description shall be followed by the following
27 language:

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"Yes () No ()."