

1 SB372
2 156482-2
3 By Senators Hightower, Reed, Glover, Williams, Dial, Marsh,
4 Waggoner, and Scofield (Constitutional Amendment)
5 RFD: Constitution, Campaign Finance, Ethics, and Elections
6 First Read: 18-FEB-14

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

This bill would provide for an amendment to Section 46 of the Constitution of Alabama of 1901, as amended by Amendment 97, now appearing as Section 46 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to provide that a vacancy in the House of Representatives or the Senate occurring after the end of the third regular session of a legislative quadrennium shall be filled by appointment by the Governor for the remainder of the unexpired term of the office.

A BILL
TO BE ENTITLED
AN ACT

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 that a vacancy in the House of Representatives or Senate
6 occurring after the end of the third regular session of a
7 legislative quadrennium shall be filled by appointment by the
8 Governor for the remainder of the unexpired term of the
9 office.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 PROPOSED AMENDMENT

18 "Section 46.

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

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

14 " (b) (1) Whenever a vacancy occurs in either house of
15 the legislature prior to the end of the third regular session,
16 the governor shall issue a writ of election to fill such
17 vacancy for the remainder of the term. However, if the
18 secretary of state determines that a legally qualified
19 candidate for election to the vacancy is unopposed when the
20 last date for filing certificates of nomination has passed,
21 the election shall not be held. The secretary of state shall
22 issue a certificate of election to the candidate, the same as
23 if an election had been held, and the certificate shall be
24 accepted by the house in which the vacancy occurred as
25 evidence of the unopposed candidate's right to fill the
26 position created by the vacancy. In the event an election is
27 held, all the costs and expenses incurred thereby shall be

1 paid out of any funds in the state treasury not otherwise
2 appropriated.

3 "(2) A vacancy that occurs after the end of the
4 third regular session of a legislative quadrennium shall be
5 filled by appointment by the Governor."

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

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

17 "Proposing an amendment to the Constitution of
18 Alabama of 1901, to amend Section 46 of the Constitution of
19 Alabama of 1901, now appearing as Section 46 of the Official
20 Recompilation of the Constitution of Alabama of 1901, as
21 amended, to allow the Legislature to provide by general law
22 for the filling of a vacancy in any legislative office that
23 occurs after the end of the third regular session of the
24 Legislature.

25 "Proposed by Act _____."

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

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"Yes () No ()."