

SB271 INTRODUCED



1 SB271
2 2JE8FIS-1
3 By Senator Givhan (Constitutional Amendment)
4 RFD: State Governmental Affairs
5 First Read: 05-Feb-26



4 SYNOPSIS:

5 Under the state constitution, if the office of
6 Governor becomes vacant for any reason, the Lieutenant
7 Governor becomes Governor, and if both the office of
8 Governor and Lieutenant Governor become vacant more
9 than 60 days before a general election at which state
10 officers are elected, a Governor and Lieutenant
11 Governor shall be elected at that election for the
12 unexpired term. The state constitution also provides
13 for the order of succession of state officers to serve
14 as Governor during any vacancy of both Governor and
15 Lieutenant Governor.

16 This bill would propose an amendment to the
17 Constitution of Alabama of 2022, to provide that if the
18 office of Lieutenant Governor becomes vacant more than
19 60 days before a general election at which state
20 officers are elected, a Lieutenant Governor shall be
21 elected at that election for the unexpired term.

22
23
24 A BILL
25 TO BE ENTITLED
26 AN ACT

27
28 Proposing an amendment to Section 127 of the



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Constitution of Alabama of 2022, relating to the Office of Lieutenant Governor; to require the office to be filled by election rather than remain vacant in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

Section 127 of the Constitution of Alabama of 2022, is amended to read as follows:

"Section 127

~~(a) In case of the governor's removal from office, death or resignation~~If a vacancy occurs in the office of the governor, the lieutenant governor shall become governor.

~~(b) If both a vacancy occurs in the office of the governor and the office of the lieutenant governor be removed from office, die or resign~~ more than ~~sixty~~60 days prior to the next general election~~, at which any state officers are to be elected, a governor and lieutenant governor shall be elected at such election for the unexpired term.~~~~and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the governor and lieutenant governor,~~~~pending~~During such vacancy and until their successors shall be elected and qualified, the office of governor shall be held and administered by either the president pro ~~tem~~tempore of the senate, speaker of the house of representatives, attorney-general, state auditor, secretary of state, or state treasurer in the order herein named.

~~(c) In case of the impeachment of the governor, his~~or



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her absence from the state for more than twenty days,
~~unsoundness of mind, or other disability~~or incapacity to
serve, the power and authority of the office ~~shall~~, until the
governor is acquitted, returns to the state, or is ~~restored to~~
~~his mind, or relieved from other disability~~no longer
incapacitated, shall devolve in the order ~~herein~~
~~named~~,described in subsection (b) upon the lieutenant
governor, president pro ~~tem~~,tempore of the senate, speaker of
the house of representatives, attorney-general, state auditor,
secretary of state, and state treasurer. If any of these
officers ~~be~~ are under any of the disabilities herein
specified, the office of the governor shall be administered in
the order named by such of these officers as ~~may be~~ are free
from such disability.

(d) If the governor ~~shall be~~ is absent from the state
over twenty days, the secretary of state shall notify the
lieutenant governor, who shall enter upon the duties of
governor; if both the governor and lieutenant governor ~~shall~~
~~be~~ are absent from the state over twenty days, the secretary
of state shall notify the president pro ~~tem~~,tempore of the
senate, who shall enter upon the duties of governor, and so
on, in case of such absence, he or she shall notify each of
the other officers named in ~~their~~ the order of succession
herein provided, who shall discharge the duties of the office
until the governor or other officer entitled to administer the
office in succession to the governor returns.

(e) If the governor-elect fail or refuse from any cause
to qualify, the lieutenant governor-elect shall qualify and



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85 exercise the duties of governor until the governor-elect
86 qualifies. ~~., and in the event both~~ If both the governor-elect
87 and the lieutenant governor-elect ~~from any cause for any~~
88 reason fail to qualify, the president pro ~~tem.~~ tempore of the
89 senate, the speaker of the house of representatives, the
90 attorney-general, state auditor, secretary of state, and state
91 treasurer, shall, in like manner, in the order named,
92 administer the office until the governor-elect or lieutenant
93 governor-elect qualifies.

94 (f) If a vacancy occurs in the office of the lieutenant
95 governor more than 60 days before the next general election at
96 which any state officers are to be elected, a lieutenant
97 governor shall be elected at such general election for the
98 unexpired term."

99 Upon ratification of this constitutional amendment, the
100 Code Commissioner shall number and place this amendment as
101 appropriate in the constitution omitting this instructional
102 paragraph and may make the following nonsubstantive revisions:
103 change capitalization, hierarchy, spelling, and punctuation
104 for purposes of style and uniformity; correct manifest
105 grammatical, clerical, and typographical errors; revise
106 internal or external citations and cross-references; harmonize
107 language; and translate effective dates.

END OF PROPOSED AMENDMENT

109 Section 2. An election upon the proposed amendment
110 shall be held in accordance with Sections 284 and 285 of the
111 Constitution of Alabama of 2022, and the election laws of this
112 state. The appropriate election official shall assign a ballot



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113 number for the proposed constitutional amendment on the
114 election ballot and shall set forth the following description
115 of the substance or subject matter of the proposed
116 constitutional amendment:

117 "Proposing an amendment to the Constitution of Alabama
118 of 2022, to provide for the election of a Lieutenant Governor
119 if the Office of Lieutenant Governor becomes vacant during the
120 first two years of a term.

121 Proposed by Act ____."

122 This description shall be followed by the following
123 language:

124 "Yes() No()."

125 Section 3. The proposed amendment shall become valid as
126 a part of the Constitution of Alabama of 2022, when approved
127 by a majority of the qualified electors voting thereon.