

HB471 INTRODUCED



1 HB471

2 3PILIZE-1

3 By Representatives Mooney, Bolton, Easterbrook, Fincher,
4 Starnes, Stubbs (Constitutional Amendment)

5 RFD: State Government

6 First Read: 17-Feb-26



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SYNOPSIS:

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

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

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to Section 127 of the



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

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

35 PROPOSED AMENDMENT

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

38 "Section 127

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

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

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



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

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

83 (e) If the governor-elect fail or refuse from any cause
84 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.

108 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.