HB17

187419-3

By Representative Clouse

RFD: Constitution, Campaigns and Elections

First Read: 09-JAN-18

PFD: 08/25/2017
A BILL

TO BE ENTITLED

AN ACT

To amend Section 36-9-7 of, and to repeal Section 36-9-8 of, the Code of Alabama 1975, relating to vacancies in the office of United States Senator; to provide for filling vacancies by appointment of the Governor until the next general election.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-9-7 of the Code of Alabama 1975, is amended to read as follows:

"§36-9-7.

"The Governor may make temporary appointment of a senator in the Senate of the Congress of the United States from Alabama whenever a vacancy exists in that office, the appointee to hold office until his successor is elected and qualified.

"(a) Except as otherwise provided in subsection (b), if "(a) If there is a vacancy in the office of United States Senator, including a vacancy described in subsection (b), the Governor shall appoint a person to the office to serve until a successor is elected at the next general election occurring more than one year after the vacancy occurs and for which"
qualifying has not opened for any political party and shall
issue a writ of election to fill the office for the remainder
of the term at the next general election.

"(b) If For purposes of this section, if a vacancy
in the office of United States Senator occurs less than 76
days prior to the general election next preceding the end of
the term for the office, notwithstanding Section 17-6-21(c),
the votes for the office shall be canvassed, tabulated, and
returns thereof made to the Secretary of State and counted in
the same manner as elections for representatives in the
Legislature. If the candidate receiving the most votes was the
incumbent who vacated the office of United States Senator, a
vacancy shall exist and the Governor shall appoint a person to
fill the vacancy until a successor is elected and qualified at
the next general election and shall issue a writ of election
to fill the office for the remainder of the term at the next
general election. successor is elected and qualified pursuant
to subsection (a)."

Section 2. Section 36-9-8 of the Code of Alabama
1975, is repealed.

Section 3. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.
House of Representatives

Read for the first time and referred to the House of Representatives committee on Constitution, Campaigns and Elections............ 09-JAN-18

Read for the second time and placed on the calendar 2 amendments ..... 11-JAN-18

Read for the third time and passed as amended......................... 23-JAN-18

Yeas 67, Nays 31, Abstains 0

Jeff Woodard
Clerk