SB15

192540-2

By Senator Glover (Constitutional Amendment)

RFD: Constitution, Ethics and Elections

First Read: 09-JAN-18

PFD: 09/25/2017
A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama of 1901; to provide that, if a vacancy in either the House of Representatives or the Senate occurs on or after October 1 of the third year of a quadrennium, the seat would remain vacant until a successor is elected at the next succeeding general election.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

Part 1. Section 46 of the Constitution of Alabama of 1901, and Amendment 97 to the Constitution of Alabama of 1901,
both now appearing as Section 46 of the Official Recompilation of the Constitution of Alabama of 1901, are repealed.

Part 2. Section 46 is added to the Constitution of Alabama of 1901, to read as follows:

Section 46.

(a) Senators and representatives shall be elected by the qualified electors on the first Tuesday after the first Monday in November unless the Legislature shall change the time of holding elections and in every fourth year thereafter. The terms of office of the senators and representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution. At the general election in the year nineteen hundred and two all the representatives, together with the senators for the even numbered districts and for the thirty-fifth district, shall be elected. The terms of those senators who represent the odd numbered districts under the law in force prior to the ratification of this Constitution, are hereby extended until the day after the general election in the year nineteen hundred and six; and until the expiration of his or her term as hereinbefore extended, each such senator shall represent the district established by this Constitution, bearing the number corresponding with that for which he or she was elected. In the year nineteen hundred and six, and in every
fourth year thereafter, all the senators and representatives shall be elected.

(b) Except as provided in subsection (c), when a vacancy occurs in either house of the Legislature, the Governor shall issue a writ of election to fill the vacancy for the remainder of the term. However, if the Secretary of State determines that a legally qualified candidate for election to the vacancy is unopposed when the last date for filing certificates of nomination has passed, the election shall not be held. The Secretary of State shall issue a certificate of election to the candidate, the same as if an election had been held, and the certificate shall be accepted by the house in which the vacancy occurred as evidence of the unopposed candidate's right to fill the position created by the vacancy. In the event an election is held, all the costs and expenses incurred thereby shall be paid out of any funds in the State Treasury not otherwise appropriated.

(c) When a vacancy occurs in either house of the Legislature on or after October 1 of the third year of a quadrennium, the seat shall remain vacant until a successor is elected at the next succeeding general election.

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state.
Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901, to provide that, if a vacancy in either the House of Representatives or the Senate occurs on or after October 1 of the third year of a quadrennium, the seat would remain vacant until a successor is elected at the next succeeding general election.

"Proposed by Act ________." 

This description shall be followed by the following language:

"Yes ( )  No ( )."
Senate

Read for the first time and referred to the Senate committee on Constitution, Ethics and Elections .. 09-JAN-18

Read for the second time and placed on the calendar................................. 25-JAN-18

Read for the third time and passed as amended .... 01-MAR-18

Yeas 27
Nays 0

Patrick Harris,
Secretary.