

1 SB15  
2 192540-3  
3 By Senator Glover (Constitutional Amendment)  
4 RFD: Constitution, Ethics and Elections  
5 First Read: 09-JAN-18  
6 PFD: 09/25/2017

1 SB15

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4 ENROLLED, An Act,

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 PROPOSED AMENDMENT

19 Part 1. Section 46 of the Constitution of Alabama of  
20 1901, and Amendment 97 to the Constitution of Alabama of 1901,  
21 both now appearing as Section 46 of the Official Recompilation  
22 of the Constitution of Alabama of 1901, are repealed.

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

25 Section 46.

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

24           (b) Except as provided in subsection (c), when a  
25 vacancy occurs in either house of the Legislature, the

1 Governor shall issue a writ of election to fill the vacancy  
2 for the remainder of the term. However, if the Secretary of  
3 State determines that a legally qualified candidate for  
4 election to the vacancy is unopposed when the last date for  
5 filing certificates of nomination has passed, the election  
6 shall not be held. The Secretary of State shall issue a  
7 certificate of election to the candidate, the same as if an  
8 election had been held, and the certificate shall be accepted  
9 by the house in which the vacancy occurred as evidence of the  
10 unopposed candidate's right to fill the position created by  
11 the vacancy. In the event an election is held, all the costs  
12 and expenses incurred thereby shall be paid out of any funds  
13 in the State Treasury not otherwise appropriated.

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

18 Section 2. An election upon the proposed amendment  
19 shall be held in accordance with Sections 284 and 285 of the  
20 Constitution of Alabama of 1901, now appearing as Sections 284  
21 and 285 of the Official Recompilation of the Constitution of  
22 Alabama of 1901, as amended, and the election laws of this  
23 state.

24 Section 3. The appropriate election official shall  
25 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the  
2 following description of the substance or subject matter of  
3 the proposed constitutional amendment:

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

10 "Proposed by Act \_\_\_\_\_."

11 This description shall be followed by the following  
12 language:

13 "Yes ( ) No ( )."

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB15  
Senate 01-MAR-18  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 20-MAR-18

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By: Senator Glover