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3 GLOVER SUBSTITUTE FOR SB15
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8 SYNOPSIS: Under the Constitution of Alabama of 1901, a
9 vacancy in either the Alabama House of
10 Representatives or Senate is filled by a special
11 election called by the Governor.

12 This bill would propose an amendment to the
13 Constitution to provide that, if a vacancy in
14 either the House of Representatives or the Senate
15 occurs on or after October 1 of the third year of a
16 quadrennium, the seat would remain vacant until a
17 successor is elected at the next succeeding general
18 election.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 Proposing an amendment to the Constitution of
25 Alabama of 1901; to provide that, if a vacancy in either the
26 House of Representatives or the Senate occurs on or after
27 October 1 of the third year of a quadrennium, the seat would

1 remain vacant until a successor is elected at the next
2 succeeding general election.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 PROPOSED AMENDMENT

11 Part 1. Section 46 of the Constitution of Alabama of
12 1901, and Amendment 97 to the Constitution of Alabama of 1901,
13 both now appearing as Section 46 of the Official Recompilation
14 of the Constitution of Alabama of 1901, are repealed.

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

17 Section 46.

18 (a) Senators and representatives shall be elected by
19 the qualified electors on the first Tuesday after the first
20 Monday in November unless the Legislature shall change the
21 time of holding elections and in every fourth year thereafter.
22 The terms of office of the senators and representatives shall
23 commence on the day after the general election at which they
24 are elected, and expire on the day after the general election
25 held in the fourth year after their election, except as
26 otherwise provided in this Constitution. At the general
27 election in the year nineteen hundred and two all the

1 representatives, together with the senators for the even
2 numbered districts and for the thirty-fifth district, shall be
3 elected. The terms of those senators who represent the odd
4 numbered districts under the law in force prior to the
5 ratification of this Constitution, are hereby extended until
6 the day after the general election in the year nineteen
7 hundred and six; and until the expiration of his or her term
8 as hereinbefore extended, each such senator shall represent
9 the district established by this Constitution, bearing the
10 number corresponding with that for which he or she was
11 elected. In the year nineteen hundred and six, and in every
12 fourth year thereafter, all the senators and representatives
13 shall be elected.

14 (b) Except as provided in subsection (c), when a
15 vacancy occurs in either house of the Legislature, the
16 Governor shall issue a writ of election to fill the vacancy
17 for the remainder of the term. However, if the Secretary of
18 State determines that a legally qualified candidate for
19 election to the vacancy is unopposed when the last date for
20 filing certificates of nomination has passed, the election
21 shall not be held. The Secretary of State shall issue a
22 certificate of election to the candidate, the same as if an
23 election had been held, and the certificate shall be accepted
24 by the house in which the vacancy occurred as evidence of the
25 unopposed candidate's right to fill the position created by
26 the vacancy. In the event an election is held, all the costs

1 and expenses incurred thereby shall be paid out of any funds
2 in the State Treasury not otherwise appropriated.

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

7 Section 2. An election upon the proposed amendment
8 shall be held in accordance with Sections 284 and 285 of the
9 Constitution of Alabama of 1901, now appearing as Sections 284
10 and 285 of the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, and the election laws of this
12 state.

13 Section 3. The appropriate election official shall
14 assign a ballot number for the proposed constitutional
15 amendment on the election ballot and shall set forth the
16 following description of the substance or subject matter of
17 the proposed constitutional amendment:

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

24 "Proposed by Act _____."

25 This description shall be followed by the following
26 language:

27 "Yes () No ()."

