

1 HB7
2 201258-1
3 By Representatives Hatcher, Clarke, Howard, Drummond and Gray
4 RFD: Constitution, Campaigns and Elections
5 First Read: 04-FEB-20
6 PFD: 07/23/2019

SYNOPSIS: Under existing law, a judge, other than a judge of probate, appointed to fill a vacancy, can serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he or she has completed one year in office.

This bill would provide that any vacancy in a judicial seat that occurs within 45 days of a primary or general election shall be filled by a special election.

A BILL
TO BE ENTITLED
AN ACT

Relating to elections; to amend Section 17-14-6, Code of Alabama 1975; to provide that any vacancy in a judicial seat that occurs within 45 days of a primary or general election shall be filled by a special election.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 17-14-6, Code of Alabama 1975, is
2 amended to read as follows:

3 "§17-14-6.

4 "(a) The judges of the circuit and district courts,
5 the judge of probate, the judges of the courts of appeals, and
6 clerks of the circuit court shall be elected on the first
7 Tuesday after the first Monday in November 2006, and they
8 shall hold their respective offices for the term of six years
9 from the first Monday after the second Tuesday in January next
10 after their election and until their successors are elected
11 and qualified.

12 "(b) (1) Unless otherwise provided in the
13 Constitution of Alabama of 1901, vacancies in any judicial
14 office shall be filled by appointment by the Governor.

15 "(2) The office of a judge shall be vacant if the
16 incumbent dies, resigns, retires, or is removed. ~~The~~
17 ~~appointment of a judge of probate is for the remainder of the~~
18 ~~unexpired term.~~

19 "(c) A judge, ~~other than a judge of probate,~~
20 appointed to fill a vacancy, shall serve an initial term
21 lasting until the first Monday after the second Tuesday in
22 January following the next general election held after he or
23 she has completed one year in office, except that a vacancy
24 that occurs within 45 days of a primary or general election
25 shall be filled by a special election. At the election the
26 judicial office shall be filled for a full term of office
27 beginning at the end of the appointed term."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.