

1 SB15  
2 192540-2  
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

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 PROPOSED AMENDMENT

25 Part 1. Section 46 of the Constitution of Alabama of  
26 1901, and Amendment 97 to the Constitution of Alabama of 1901,

1 both now appearing as Section 46 of the Official Recompilation  
2 of the Constitution of Alabama of 1901, are repealed.

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

5 Section 46.

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

1 fourth year thereafter, all the senators and representatives  
2 shall be elected.

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

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

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

1           Section 3. The appropriate election official shall  
2 assign a ballot number for the proposed constitutional  
3 amendment on the election ballot and shall set forth the  
4 following description of the substance or subject matter of  
5 the proposed constitutional amendment:

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

12           "Proposed by Act \_\_\_\_\_."

13           This description shall be followed by the following  
14 language:

15           "Yes ( ) No ( )."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
  
11  
12  
13  
14  
15  
16  
17

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 calen-  
dar..... 25-JAN-18

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

Yeas 27  
Nays 0

Patrick Harris,  
Secretary.