

1 SB374
2 156610-1
3 By Senators Hightower, Reed, Glover, Williams, Dial, Marsh,
4 Waggoner and Scofield
5 RFD: Constitution, Campaign Finance, Ethics, and Elections
6 First Read: 18-FEB-14

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8 SYNOPSIS: Existing law provides the procedure for the
9 scheduling of a special election to fill a vacancy
10 in the office of senator or representative in the
11 Legislature.

12 This bill would provide that the Governor
13 shall fill a vacancy in the office of senator or
14 representative in the Legislature if the vacancy
15 occurs after the last day of the third regular
16 session in any quadrennium of the Legislature,
17 provide the procedure for filling the vacancy, and
18 provide that the effective date would be contingent
19 on the ratification of an amendment to the
20 Constitution of Alabama of 1901, which would allow
21 the Governor to appoint a person to fill a vacancy
22 in the office of senator or representative in the
23 Legislature pursuant to this act.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To amend Section 17-15-1, Code of Alabama 1975,
3 relating to special elections; to provide that the Governor
4 shall fill a vacancy in the office of senator or
5 representative in the Legislature if the vacancy occurs after
6 the last day of the third regular session in any quadrennium
7 of the Legislature; to provide the procedure for filling the
8 vacancy; and to provide that the effective date would be
9 contingent on the ratification of an amendment to the
10 Constitution of Alabama of 1901, providing authorization.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 17-15-1, Code of Alabama 1975, is
13 amended to read as follows:

14 "§17-15-1.

15 "(a) Special elections are to be held in the
16 following cases:

17 "(1) ~~When~~ Except as provided in subsection (b), when
18 a vacancy occurs in the office of senator or representative in
19 the Legislature, when the Legislature will be in session prior
20 to the next general election for that office.

21 "(2) When a vacancy occurs in the office of
22 representative in the Congress of the United States, by which
23 the state may be deprived of its full representation at any
24 time Congress will be in session prior to the next general
25 election for that office.

1 "(3) Whenever any general or special election for
2 members of the Legislature or for representatives in Congress
3 is not held.

4 "(4) When any vacancy occurs in any state or county
5 office filled by election of the people not otherwise provided
6 for by the Constitution of Alabama of 1901, or laws of this
7 state.

8 "(5) In such other cases as are or may be provided
9 for by law.

10 "(b) If a vacancy occurs in the office of senator or
11 representative in the Legislature after the last day of the
12 third regular session in any quadrennium of the Legislature,
13 the Governor shall appoint a person within 60 calendar days
14 following the first day of the vacancy to fill the vacancy for
15 the unexpired term by selecting a person from a list of three
16 prospective appointees submitted by the same political party
17 as the vacating member. The appointee, at the time of his or
18 her appointment and for at least six months immediately prior
19 to the appointment, shall be a member of the same political
20 party and a resident of the same legislative district as the
21 vacating member. The political party of the vacating member
22 shall submit a list of three prospective appointees to the
23 Governor within 30 calendar days following the first day of
24 the vacancy.

25 "If the vacating member was not a member of any
26 political party, the Governor, within 60 calendar days
27 following the first day of the vacancy, shall appoint a person

1 who is at the time of appointment a resident of the same
2 legislative district as the vacating member and who is not,
3 and has not been for at least six months prior to the
4 appointment, a member of any political party.

5 "The person appointed by the Governor to fill the
6 legislative vacancy may not run as a candidate in the next
7 general election following his or her appointment."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law, if,
11 and only if, an amendment to the Constitution of Alabama of
12 1901, is ratified which authorizes the Governor to appoint a
13 person to fill a vacancy in the office of senator or
14 representative in the Legislature pursuant to this act.