

1 HB17
2 187419-1
3 By Representative Clouse
4 RFD: Constitution, Campaigns and Elections
5 First Read: 09-JAN-18
6 PFD: 08/25/2017

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, whenever a vacancy
9 occurs in the office of United States Senator less
10 than four months but more than 60 days before a
11 general election, the vacancy is filled at that
12 election. If the vacancy occurs more than four
13 months or less than 60 days before a general
14 election, the Governor is required to call a
15 special election. Under existing law, whenever a
16 vacancy occurs, the Governor is authorized to make
17 a temporary appointment to serve until a successor
18 is elected and qualified.

19 This bill would require the Governor to
20 appoint a person to a vacancy in the office of
21 United States Senator and issue a writ of election
22 to fill the office for the remainder of the term at
23 the next general election occurring more than one
24 year after the vacancy occurs. The bill would also
25 provide that if the vacancy occurs within 76 days
26 of the general election immediately before the end
27 of the term of the office, the election would

1 proceed and if the incumbent received the most
2 votes, there would be a vacancy in the office, to
3 be filled by appointment of the Governor.
4

5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 To amend Section 36-9-7 of, and to repeal Section
10 36-9-8 of, the Code of Alabama 1975, relating to vacancies in
11 the office of United States Senator; to provide for filling
12 vacancies by appointment of the Governor until the next
13 general election.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 36-9-7 of the Code of Alabama
16 1975, is amended to read as follows:

17 "§36-9-7.

18 ~~"The Governor may make temporary appointment of a~~
19 ~~senator in the Senate of the Congress of the United States~~
20 ~~from Alabama whenever a vacancy exists in that office, the~~
21 ~~appointee to hold office until his successor is elected and~~
22 ~~qualified.~~

23 "(a) Except as otherwise provided in subsection (b),
24 if there is a vacancy in the office of United States Senator,
25 the Governor shall appoint a person to the office to serve
26 until a successor is elected at the next general election
27 occurring more than one year after the vacancy occurs and

1 shall issue a writ of election to fill the office for the
2 remainder of the term at the next general election.

3 "(b) If a vacancy in the office of United States
4 Senator occurs less than 76 days prior to the general election
5 next preceding the end of the term for the office,
6 notwithstanding Section 17-6-21(c), the votes for the office
7 shall be canvassed, tabulated, and returns thereof made to the
8 Secretary of State and counted in the same manner as elections
9 for representatives in the Legislature. If the candidate
10 receiving the most votes was the incumbent who vacated the
11 office of United States Senator, a vacancy shall exist and the
12 Governor shall appoint a person to fill the vacancy until a
13 successor is elected and qualified at the next general
14 election and shall issue a writ of election to fill the office
15 for the remainder of the term at the next general election."

16 Section 2. Section 36-9-8 of the Code of Alabama
17 1975, is repealed.

18 Section 3. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.