

1 HB23
2 196282-1
3 By Representative Clouse
4 RFD: Constitution, Campaigns and Elections
5 First Read: 05-MAR-19
6 PFD: 01/10/2019

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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.

16 Under existing law, whenever a vacancy
17 occurs, the Governor is authorized to make a
18 temporary appointment to serve until a successor is
19 elected and qualified.

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

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

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 36-9-7 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§36-9-7.

19 ~~"The Governor may make temporary appointment of a~~
20 ~~senator in the Senate of the Congress of the United States~~
21 ~~from Alabama whenever a vacancy exists in that office, the~~
22 ~~appointee to hold office until his successor is elected and~~
23 ~~qualified. (a) If there is a vacancy in the office of United~~
24 ~~States Senator, including a vacancy described in subsection~~
25 ~~(b), the Governor shall appoint a person to the office to~~
26 ~~serve until a successor is elected at the next general~~
27 ~~election for which qualifying has not opened for any political~~

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

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

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

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