

1 HB431
2 126805-1
3 By Representatives Lee, Clouse, Chesteen and Grimsley (N & P)
4 RFD: Local Legislation
5 First Read: 05-APR-11

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8 SYNOPSIS: This bill would relate to Class 5
9 municipalities having the mayor/commission/city
10 manager form of government and would change the
11 qualifying date for persons qualifying as a
12 candidate for the office of mayor or as a members
13 of the city commission from the first Tuesday in
14 June to the fourth Tuesday in June.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Sections 11-44E-41 and 11-44E-71 of the
21 Code of Alabama 1975, relating to elections of the
22 mayor/commission/city manager form of government in Class 5
23 municipalities; to change the date to qualify as a candidate
24 for election as mayor and as a member of the city commission.
25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Sections 11-44E-41 and 11-44E-71 of the
27 Code of Alabama 1975, are amended to read as follows:

1 "§11-44E-41.

2 "Any person desiring to become a candidate in any
3 election for the office of commissioner may become such
4 candidate by filing in the office of the city clerk a
5 statement in writing of such candidacy accompanied by a
6 petition signed by a minimum of fifty registered voters of
7 such commission district or in the case of mayor, one hundred
8 registered voters of the municipality, endorsing the candidacy
9 of such candidate and an affidavit taken and certified by such
10 city clerk or notary public. Such statement shall be filed by
11 5:00 P.M. on the ~~first~~ fourth Tuesday in June preceding the
12 date set for the election and shall be substantially in the
13 following form:

14 ""State of Alabama, _____ County. I, the
15 undersigned, being first duly sworn, depose and say that I am
16 a citizen of the City of _____, in said State and County, and
17 reside at _____ in said City of _____, that I desire to become
18 a candidate for the office of commissioner for District _____,
19 in said City at the election for said office to be held on the
20 _____ day of _____ and that I am duly qualified to hold said
21 office if elected thereto, and I hereby request that my name
22 be printed upon the official ballot at said election.

23 "Signed _____;

24 "Sworn to and subscribed before me on this _____ day
25 of _____, 2__, and filed in this office for record on said
26 day.

27 _____ City Clerk."

1 "Said statement shall be accompanied by a qualifying
2 fee in the amount of \$150.00 for candidates for a
3 commissioner, which fee shall be paid over by the city clerk
4 to the general fund of the city. Any person may file with the
5 city clerk, a verified pauper's oath that he (she) does not
6 have the financial resources to pay a qualifying fee and
7 thereupon shall be exempt from filing such fee. No name shall
8 appear upon said ballot as a candidate for election except the
9 names of such persons as have become candidates according to
10 provisions as above set forth. No primary election shall be
11 held for the nomination of candidates for the office of mayor
12 or commissioner and candidates shall be nominated only as
13 hereinabove described.

14 "§11-44E-71.

15 "Any person desiring to become a candidate at any
16 election for the office of mayor may become such candidate by
17 filing in the office of the city clerk a statement in writing
18 of such candidacy, accompanied by a petition signed by a
19 minimum of 100 registered voters of such city endorsing the
20 candidacy of such candidate and an affidavit taken and
21 certified by such city clerk or by a notary public that such
22 person is duly qualified to hold the office for which he (she)
23 desires to be a candidate. Such statement shall be filed by
24 5:00 p.m. on the ~~first~~ fourth Tuesday in June preceding the
25 day set for such election and shall be in substantially the
26 following form:

1 "State of Alabama, _____ County. I, the undersigned,
2 being first duly sworn, depose and say that I am a citizen of
3 the City of _____, in said State and County, and reside at
4 _____ in said City of _____, that I desire to become a
5 candidate for the office of mayor in said City at the election
6 for said office to be held on the _____ day of _____ and that
7 I am duly qualified to hold said office if elected thereto and
8 I hereby request that my name be printed upon the official
9 ballot at said election.

10 "Signed _____;

11 "Sworn to and subscribed before me by said _____ on
12 this day of _____ 2__, and filed in this office for record on
13 said day _____, City Clerk."

14 "Said statement shall be accompanied by a qualifying
15 fee in the amount equal to \$300.00 which qualifying fee shall
16 be paid over by the city clerk to the general fund of the
17 city. Any person may file with the city clerk, a verified
18 pauper's oath that he (she) does not have the financial
19 resources to pay a qualifying fee and thereupon shall be
20 exempt from filing such fee. No names shall appear upon said
21 ballot as a candidate for election except the names of such
22 persons as have become candidates according to provisions of
23 this chapter."

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