

1 SB103
2 134843-1
3 By Senator Coleman (N & P)
4 RFD: Local Legislation No. 2
5 First Read: 07-FEB-12
6 PFD: 01/27/2012

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8 SYNOPSIS: This bill would relate to any Class 1
9 municipality and would reenact the law establishing
10 an election commission to conduct municipal
11 elections in the municipality with a provision to
12 provide for alternate members when the mayor and
13 all members of the city council are candidates for
14 election in a municipal election.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to any Class 1 municipality; to reenact the
21 provisions for an election commission for municipal election
22 with minor modification; to specifically provide for members
23 of the commission when the mayor and all members of the
24 council are candidates; and to repeal Act 302, approved August
25 27, 1915, (General Acts 1915, p. 322), as last amended by Act
26 138, approved August 14, 1975, (Acts 1975, p. 626), creating a

1 commission for certain cities classified on a population
2 basis.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. In any Class 1 municipality, the mayor,
5 the city attorney, and the president of the city council shall
6 constitute an election commission for the city.

7 Notwithstanding the forgoing, if either the mayor or the
8 president of the council is a candidate for office, the mayor
9 shall appoint a member of the city council who is not a
10 candidate for office to serve on the election commission for
11 the election in which the mayor or the president is a
12 candidate. In the event that both the mayor and the president
13 of the council are candidates for office at the same election,
14 the mayor shall appoint two members of the council who are not
15 candidates for office to serve on the election commission in
16 place of the mayor and the president. If the mayor and all
17 members of the council are candidates for office at the same
18 election, the mayor shall designate a senior member of his or
19 her staff and the council president shall designate a senior
20 member of the council administrative staff to serve in place
21 of the mayor and the president.

22 The election commission shall have charge of and
23 hold all municipal elections, including bond elections,
24 initiative, referendum, and recall elections. The election
25 commission shall appoint all election managers, clerks, and
26 returning officers, designate places for the holding of
27 municipal elections, shall arrange and prepare the ballot,

1 shall decide as to the validity of all petitions necessary or
2 incidental to elections, make such laws and rules as may be
3 necessary to prohibit illegal voting, shall canvass the vote
4 and declare the results of elections, and shall be custodian
5 of the ballots after election until the time of filing contest
6 shall have passed, after which they shall destroy the ballots
7 in accordance with state election law. It shall be the duty of
8 the commission to give notice of elections as required by law
9 and to do and perform all acts relating to municipal
10 elections, which are now or which may hereafter be vested by
11 law in the governing body of the city. Two members of the
12 commission shall constitute a quorum and may exercise the
13 powers and duties herein mentioned. The city clerk or
14 secretary of the city commission shall act as secretary of the
15 commission. The expenses of elections shall be paid out of the
16 city treasury.

17 Section 2. Act 302 approved August 27, 1915,
18 (General Acts 1915, p. 322), as last amended by Act 138,
19 approved August 14, 1975, (Acts 1975, p. 626), is repealed.

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