

1 SB5  
2 125780-3  
3 By Senator Brewbaker  
4 RFD: Governmental Affairs  
5 First Read: 05-FEB-13  
6 PFD: 07/09/2012

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 Relating to municipalities; to amend Section  
12 11-44G-2 of the Code of Alabama 1975, relating to the filling  
13 of a vacancy in the office of mayor in Class 7 and 8  
14 municipalities; to provide that this section would not apply  
15 to vacancies in the office of mayor in municipalities having a  
16 population of 12,000 or more inhabitants according to the most  
17 recent federal decennial census, which would fill vacancies in  
18 the office of mayor pursuant to Section 11-43-42(a), Code of  
19 Alabama 1975, providing that the council president shall  
20 succeed the mayor in the event of a vacancy in the office of  
21 mayor.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 11-44G-2 of the Code of Alabama  
24 1975, is amended to read as follows:

25 "§11-44G-2.

26 "(a) (1) In the event of the absence or disability of  
27 the mayor in any Class 7 or Class 8 municipality, the

1 functions of the office shall be exercised by the chair pro  
2 tempore of the city council and, during his or her absence or  
3 disability, by such person as the city council may appoint  
4 from its membership, which appointment shall be entered upon  
5 the minutes of the city council.

6 "(2) In the event of a vacancy from any cause in the  
7 office of mayor, the city council shall fill the vacancy  
8 either from its own membership or from without the membership  
9 of the city council. The person elected by the city council to  
10 fill the vacancy in the office of mayor shall be a qualified  
11 elector in the municipality and shall meet all other legal  
12 qualifications required by law for the performance of the  
13 duties of the office to which elected.

14 "(3)a. In the event a vacancy in the office of mayor  
15 is not filled within 60 days after it occurs in a Class 7 or  
16 Class 8 municipality, each existing city council member may  
17 submit a name to the Governor for appointment. If the Governor  
18 fails to make an appointment from any submitted names within  
19 90 days after the vacancy occurs, the judge of probate shall  
20 call a special election to fill the vacancy.

21 "b. In the event the Governor is unable or unwilling  
22 to make the appointment within the time period provided, he or  
23 she shall immediately notify the judge of probate of the  
24 county.

25 "c. Any election called pursuant to this section  
26 shall be conducted pursuant to Chapter 46 of this title.

1 "d. In the event more than one vacancy exists in the  
2 office of city council member or in the office of mayor, or  
3 both, all vacancies shall be filled in the same manner.

4 "(4) In any election held pursuant to this  
5 subsection, only qualified electors who are residents of the  
6 municipality shall be eligible to vote and shall present proof  
7 of identification to the pollworkers before casting a vote.  
8 The identification may be in the form of a valid Alabama  
9 driver's license or some other form of identification that  
10 confirms a permanent address in the city where the vote is to  
11 be cast. Other forms of identification may include, but are  
12 not limited to, a credit card, birth certificate, food stamp  
13 card, Social Security card, check cashing card, library card,  
14 passport, school record, work identification record, school  
15 identification, certified copy of a marriage license, any form  
16 of governmentally-issued identification, or Medicaid,  
17 Medicare, or welfare identification.

18 "(5) In the event a vacancy occurs in the office of  
19 city council member in a Class 1 municipality, the city  
20 council shall appoint someone to fill the vacancy within 90  
21 days. In the event the vacancy is not filled by the city  
22 council within 90 days, the mayor shall appoint someone to  
23 fill the vacancy within 30 days.

24 "(b) This section shall not apply to cities  
25 operating under commission form of government.

26 "(c) This section shall not apply to Class 7 or 8  
27 municipalities which have a population of 12,000 or more

1 inhabitants according to the most recent federal decennial  
2 census. These municipalities shall fill vacancies in the  
3 office of mayor pursuant to subsection (a) of Section  
4 11-43-42."

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

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Senate

Read for the first time and referred to the Senate  
committee on Governmental Affairs..... 05-FEB-13

Read for the second time and placed on the calen-  
dar..... 07-FEB-13

Read for the third time and passed as amended .... 16-APR-13

Yeas 28  
Nays 1

Patrick Harris  
Secretary