

1 HB425
2 155201-2
3 By Representatives Moore (M), Drake, Givan, Carns, McAdory,
4 Scott, Robinson (O), Rogers, DeMarco and Coleman-Evans (N & P)
5 RFD: Jefferson County Legislation
6 First Read: 06-FEB-14

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8 SYNOPSIS: Under existing law, an election commission
9 for a Class 1 municipality has charge of and holds
10 all municipal elections, including bond elections
11 initiative, referendum, and recall elections.

12 This bill would require the election
13 commission for a Class 1 municipality to schedule
14 an election to fill a vacancy on the city council
15 if the council does not fill the vacancy within 90
16 days.

17 This bill would provide that an election for
18 the vacancy shall not be filled for the position if
19 a scheduled election will be held within 90 days of
20 the vacancy.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to any Class 1 municipality; to require the
27 election commission for a Class 1 municipality to schedule,

1 under certain circumstances, an election to fill a vacancy on
2 the city council within 90 days of the vacancy if the council
3 does not fill the vacancy within 30 days of the vacancy unless
4 a scheduled election will be held within 90 days of the
5 vacancy.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 11-46-9, Code of Alabama 1975, is
8 amended to read as follows:

9 "§11-46-9.

10 "(a) In any Class 1 municipality, the mayor, the
11 city attorney, and the president of the city council shall
12 constitute an election commission for the city.

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

1 "(b) The election commission shall have charge of
2 and hold all municipal elections, including bond elections,
3 initiative, referendum, and recall elections. The election
4 commission shall appoint all election managers, clerks, and
5 returning officers, designate places for the holding of
6 municipal elections, shall arrange and prepare the ballot,
7 shall decide as to the validity of all petitions necessary or
8 incidental to elections, make such laws and rules as may be
9 necessary to prohibit illegal voting, shall canvass the vote
10 and declare the results of elections, and shall be custodian
11 of the ballots after election until the time of filing contest
12 shall have passed, after which they shall destroy the ballots
13 in accordance with state election law. It shall be the duty of
14 the commission to give notice of elections as required by law
15 and to do and perform all acts relating to municipal
16 elections, which are now or which may hereafter be vested by
17 law in the governing body of the city. Two members of the
18 commission shall constitute a quorum and may exercise the
19 powers and duties herein mentioned. The city clerk or
20 secretary of the city commission shall act as secretary of the
21 commission. The expenses of elections shall be paid out of the
22 city treasury.

23 "(c) Whenever a vacancy occurs on the city council
24 and the council does not fill the vacancy within 90 days of
25 the vacancy, the election commission shall schedule an
26 election to fill the remainder of the term within 90 days of

1 the vacancy unless a general election is scheduled to occur
2 within 90 days of the vacancy."

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