

1 HB397
2 198946-1
3 By Representative Ledbetter (N & P)
4 RFD: Local Legislation
5 First Read: 09-APR-19

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Fort Payne in DeKalb County;
14 to amend Section 45-25A-40, Code of Alabama 1975, relating to
15 the election of the city council; to further provide for the
16 election process and for the filling of vacancies.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 45-25A-40, Code of Alabama 1975,
19 is amended to read as follows:

20 "§45-25A-40.

21 "(a) Any law, whether special, local, or general, or
22 municipal ordinance, to the contrary notwithstanding, the City
23 of Fort Payne, in DeKalb County, shall not designate by place
24 number, or by other similar method, seats for city council.

25 "(b) (1) In the election for the five members of the
26 city council, ~~the 10 candidates receiving the greatest number~~
27 ~~of votes shall be in a run-off election, conducted and called~~

1 ~~as now provided by law, the five candidates in the run-off~~
2 ~~election receiving the greatest number of votes shall be~~
3 ~~elected to the city council~~ if there are more than five
4 candidates, then the majority of the votes cast for the office
5 in the election shall be determined by dividing the total
6 votes cast for all candidates for the offices by the number of
7 positions to be filled, and then dividing that result by two.
8 Any number of votes in excess of the number determined by the
9 last division shall be the majority necessary for election.

10 "(2) If it appears that any candidate in the
11 election has received a majority of the votes cast for that
12 office, the municipal governing body shall declare that
13 candidate elected to the office, and a certificate of election
14 shall be given to the person by the municipal governing body.

15 "(3) If in determining the results pursuant to this
16 subsection, it appears that more candidates have obtained a
17 majority than there are positions to be filled, then those
18 candidates having the highest vote count, if beyond the
19 majority as defined by subdivision (1), shall be declared
20 elected to fill the positions.

21 "(c) (1) In the election for the members of the city
22 council, if less than five candidates receive a majority as
23 provided by subsection (b), there shall be a run-off election
24 conducted and called as provided by law. The number of
25 candidates that may participate in the run-off election shall
26 be equal to twice the number of positions remaining open, and

1 shall be the candidates with the highest number of votes, but
2 without a majority.

3 "(2) The number of candidates with the highest
4 number of votes in the run-off election equal to the number of
5 remaining positions shall be elected to the city council.

6 ~~"(c) (d) (1) Any~~ Except as provided in subdivision
7 (2), any vacancy in the council which shall exceed ~~12~~ 24
8 months shall be filled by special election in the same manner,
9 on a pro rata basis of the number of seats to fill as the
10 original election, for the duration of the term of the
11 predecessor in office; ~~provided, however, that any.~~

12 "(2) Any vacancy occurring within ~~12~~ 24 months of
13 the quadrennial council elections in which a mayor is elected,
14 shall be filled by the council by appointment within 30 days
15 of the occurrence of ~~such~~ the vacancy, and the appointee ~~to~~
16 shall serve out the unexpired term to which he or she is
17 appointed.

18 ~~"(d) (e) (1)~~ The requirements for office, application
19 for candidates, and the fees therefor shall continue to be set
20 by resolution of the city council.

21 "(2) It is expressly provided that all other
22 ~~provisions of law~~ laws and ordinances relating to elections
23 for city council members shall remain effective and except as
24 herein provided, the office of the city council ~~members~~ and
25 the operation of the governing body of Fort Payne, Alabama,
26 shall continue as otherwise provided by law."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.