

1 SB259  
2 197413-2  
3 By Senator Livingston (N & P)  
4 RFD: Local Legislation  
5 First Read: 09-APR-19

1 SB259

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to the City of Fort Payne in DeKalb County;  
8 to amend Section 45-25A-40, Code of Alabama 1975, relating to  
9 the election of the city council; to further provide for the  
10 election process and for the filling of vacancies.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§45-25A-40.

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

19 "(b) (1) In the election for the five members of the  
20 city council, ~~the 10 candidates receiving the greatest number~~  
21 ~~of votes shall be in a run-off election, conducted and called~~  
22 ~~as now provided by law; the five candidates in the run-off~~  
23 ~~election receiving the greatest number of votes shall be~~  
24 ~~elected to the city council~~ if there are more than five  
25 candidates, then the majority of the votes cast for the office

1 in the election shall be determined by dividing the total  
2 votes cast for all candidates for the offices by the number of  
3 positions to be filled, and then dividing that result by two.  
4 Any number of votes in excess of the number determined by the  
5 last division shall be the majority necessary for election.

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

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

17 "(c) (1) In the election for the members of the city  
18 council, if less than five candidates receive a majority as  
19 provided by subsection (b), there shall be a run-off election  
20 conducted and called as provided by law. The number of  
21 candidates that may participate in the run-off election shall  
22 be equal to twice the number of positions remaining open, and  
23 shall be the candidates with the highest number of votes, but  
24 without a majority.

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

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

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

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

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB259

Senate 25-APR-19

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 14-MAY-19

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By: Senator Livingston