

1 HB6
2 163993-2
3 By Representatives Greer, Pettus and Faust
4 RFD: County and Municipal Government
5 First Read: 03-MAR-15
6 PFD: 01/15/2015

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-44G-2.

"(a) (1) In the event of the absence or disability of the mayor in any Class 7 or Class 8 municipality, the functions of the office shall be exercised by the chair pro tempore of the city council and, during his or her absence or disability, by such person as the city council may appoint from its membership, which appointment shall be entered upon the minutes of the city council.

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

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

16 "b. In the event the Governor is unable or unwilling
17 to make the appointment within the time period provided, he or
18 she shall immediately notify the judge of probate of the
19 county.

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

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

25 "(4) In any election held pursuant to this
26 subsection, only qualified electors who are residents of the
27 municipality shall be eligible to vote and shall present proof

1 of identification to the pollworkers before casting a vote.
2 The identification may be in the form of a valid Alabama
3 driver's license or some other form of identification that
4 confirms a permanent address in the city where the vote is to
5 be cast. Other forms of identification may include, but are
6 not limited to, a credit card, birth certificate, food stamp
7 card, Social Security card, check cashing card, library card,
8 passport, school record, work identification record, school
9 identification, certified copy of a marriage license, any form
10 of governmentally-issued identification, or Medicaid,
11 Medicare, or welfare identification.

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

14 "(c) This section shall not apply to Class 7 or 8
15 municipalities which have a population of 12,000 or more
16 inhabitants according to the most recent federal decennial
17 census. These municipalities shall fill vacancies in the
18 office of mayor pursuant to subsection (a) of Section
19 11-43-42."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 17-MAR-15.

Jeff Woodard
Clerk

Senate

16-APR-15

Passed