

1 SB119  
2 209071-4  
3 By Senator Waggoner  
4 RFD: Governmental Affairs  
5 First Read: 02-FEB-21  
6 PFD: 01/29/2021

1 SB119

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3  
4 ENROLLED, An Act,

5 Relating to municipal elections, to amend Sections  
6 11-46-6, 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-55, and  
7 17-11-12, Code of Alabama 1975, to revise the municipal  
8 election dates in certain municipalities beginning on a  
9 specified date; to revise the dates by which a mayor of  
10 certain municipalities must give notice of municipal  
11 elections; to revise the deadline for printing ballots in  
12 municipal deadlines; to require confirmation from the Alabama  
13 Ethics Commission that a candidate has complied with filing  
14 requirements prior to the printing of a ballot; to revise the  
15 time frame for municipal runoff elections; to revise the  
16 deadline for printing and distribution of ballots in runoff  
17 municipal elections; and to make nonsubstantive, technical  
18 revisions to update the existing code language to current  
19 style.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 11-46-6, 11-46-21, 11-46-22,  
22 11-46-25, 11-46-26, 11-46-55, and 17-11-12, Code of Alabama  
23 1975, are amended to read as follows:

24 "§11-46-6.

1           "(a) The provisions of this section shall apply to  
2 all Class 5 cities, according to Section 11-40-12.

3           "(b) Any Class 5 city may hold its city election on  
4 the second Tuesday in July, 1980, and the runoff election  
5 ~~three~~ four weeks after ~~said~~ that second Tuesday, with the city  
6 election every three years thereafter to be held at the same  
7 appointed time, upon adoption of a resolution ~~to such effect~~  
8 by the city governing body.

9           "(c) The provisions of this section are cumulative  
10 and shall not be construed to repeal or supersede any laws or  
11 parts of laws not directly inconsistent herewith.

12           "§11-46-21.

13           "(a) The regular municipal elections in cities and  
14 towns shall be held on the fourth Tuesday in August ~~1984~~ 2025,  
15 and quadrennially thereafter, and, when necessary as provided  
16 in subsection (d) of Section 11-46-55, a second or runoff  
17 election shall be held on the ~~sixth~~ fourth Tuesday ~~next~~  
18 ~~thereafter~~ following the regular election.

19           "(b) Special elections shall be held on the second  
20 or fourth Tuesday of any month when ordered by the municipal  
21 governing body; provided, that notice of ~~such~~ the election  
22 shall be published in the manner prescribed in Section  
23 11-46-22 on or before the corresponding Tuesday of the second  
24 month preceding the month in which the special election is to  
25 be held.

1           "(c) Municipal officers elected at regular elections  
2 shall assume the duties of their respective offices on the  
3 first Monday in November following their election unless  
4 otherwise provided in this article and shall serve until their  
5 successors are elected and qualified.

6           "(d) This section shall not apply to any municipal  
7 election required by general or local act at a time different  
8 from the dates provided for in this section.

9           "§11-46-22.

10           "(a) It shall be the duty of the mayor to give  
11 notice of all municipal elections by publishing notice thereof  
12 in a newspaper published in the city or town, and, if no  
13 newspaper is published in the city or town, then by posting  
14 notices thereof in three public places in the city or town.  
15 When the notice is of a regular election, the notice shall be  
16 published on the ~~first~~ second Tuesday in ~~July~~ June preceding  
17 the election or the first business day thereafter. When the  
18 notice is of a special election to be held on the second  
19 Tuesday in a month, the notice shall be published on or before  
20 the second Tuesday of the second month preceding the month in  
21 which the election will be held, except where otherwise  
22 provided by law. When the notice is of a special election to  
23 be held on the fourth Tuesday of a month, the notice shall be  
24 published on or before the fourth Tuesday of the second month  
25 preceding the month in which the election will be held, except

1 where otherwise provided by law. Whenever and wherever two or  
2 more municipal offices of the same name (constituting a group)  
3 are to be filled at the regular election, prior to the first  
4 day of April preceding the election, the municipal governing  
5 body shall by ordinance designate each of the offices by  
6 number. When the offices have been designated by number, the  
7 notice of the election shall clearly indicate that the offices  
8 have been numbered and each candidate for the offices, in the  
9 announcement of his or her candidacy, shall designate the  
10 number of the office for which he or she is a candidate.  
11 Candidates may begin to qualify after the notice of election  
12 is given by the mayor.

13           "(b) The notice of an election for municipal  
14 officers shall be substantially in the following form:

15           ""Notice of Election of Municipal Officers

16           ""Notice is hereby given that on (day of week),  
17 (date - month, day, and year) an election for the purpose of  
18 electing a mayor (or other chief executive) and the board of  
19 aldermen (town, city council, or other municipal governing  
20 body, or, if the positions on the governing board have been  
21 designated by number, the position numbers to be filled at the  
22 election) and the other officers as pursuant to duly enacted  
23 law or ordinance, or any or all of the officers, are to be  
24 elected at the election for the city (or town) of \_\_\_\_\_,  
25 Alabama, will be held, and that all registered and qualified

1 electors of the state, who reside within the corporate limits  
2 of \_\_\_\_\_, Alabama, and have resided therein for 30 days or  
3 more immediately preceding the date of the election, and who  
4 are qualified to vote in the county precinct which embraces  
5 and covers that part of the corporate limits of the city (or  
6 town) in which the elector resides, will be authorized to  
7 participate in the election.

8 "The polls will be opened at (here list the places  
9 of voting which have been designated pursuant to Section  
10 11-46-24). If necessary, a run-off election will be held on  
11 (day of the week), (date - month, day, year)."

12 "Any qualified elector who ~~will have~~ has resided  
13 within the municipality, or if the municipality is districted,  
14 within the district from which he or she seeks election, for a  
15 period of at least 90 days on election day may qualify to run  
16 for office by filing the appropriate forms and paying any  
17 appropriate fees, as otherwise provided by law.

18 "§11-46-25.

19 "(a) In all municipal elections on any subject which  
20 may be submitted by law to a vote of the people of the  
21 municipality and for any municipal officers, if paper ballots  
22 are used, the voting shall be by official ballot printed and  
23 distributed as provided in subsections (c) and (d), and no  
24 ballot shall be received or counted in any election unless it  
25 is provided as prescribed by law.

1           "(b) There shall be but one form of ballot for all  
2 the candidates for municipal office and every ballot provided  
3 for use at any polling place in a municipal election shall  
4 contain the names of all candidates who have properly  
5 qualified and have not withdrawn, as provided in subsection  
6 (g), together with the title of the office for which they are  
7 candidates.

8           "(c) All ballots shall be printed in black ink on  
9 clear book paper. At the bottom of each ballot and at a point  
10 an equal distance from the sides thereof there shall be  
11 printed a one-inch square in which the number of the ballot  
12 shall be placed by the inspector when the ballot is cast. The  
13 arrangement of the ballot shall in general conform  
14 substantially to the plan given in subsection (f).

15           "(d) Ballots shall be fastened together in  
16 convenient numbers in books or blocks in such manner that each  
17 ballot may be detached and removed separately, and each ballot  
18 shall have attached to it a stub of sufficient size to enable  
19 one of the inspectors to write or stamp his or her name or  
20 initials thereon and so attached to the ballot that when the  
21 same is folded the stub can be detached therefrom without  
22 injury to the ballot or exposing the contents thereof.

23           "(e) Absentee ballots shall be in the form  
24 prescribed for absentee ballots by Title 17.

1            "(f) The ballot shall be arranged in substantially  
2 the following form:

3                                 For Mayor

4                                 Vote for One

5             John Doe

6             Richard Roe

7                                 For City Council Place Number One

8             \_\_\_\_\_

9             \_\_\_\_\_

10                                For City Council Place Number Two

11            \_\_\_\_\_

12            \_\_\_\_\_

13           Etc.

14            "(g) ~~The mayor~~ Upon confirmation from the Alabama  
15 Ethics Commission that a candidate has complied with the  
16 filing requirements under Section 36-25-15, the clerk shall  
17 cause to be printed on the ballots the name of any qualified  
18 elector who, by 5:00 P.M. on the ~~third~~ fourth Tuesday in ~~July~~  
19 June preceding the date set for the election, has filed a  
20 statement of candidacy, accompanied by an affidavit taken and  
21 certified by an officer authorized to take acknowledgments in



1 this state that ~~such person~~ the individual is duly qualified  
2 to hold the office for which the ~~person~~ individual desires to  
3 become a candidate. ~~Such~~ The statement shall be substantially  
4 in the following form:

5            ""State of Alabama, \_\_\_\_\_ County. I, the under-  
6 signed, being first duly sworn, depose and say that I am a  
7 citizen of the city (or town) of \_\_\_\_\_, in said county, and  
8 reside at \_\_\_\_\_, in said city (or town); that I have been or  
9 will have been on the date of the municipal election a resi-  
10 dent of said city (or town) for a period of not less than 90  
11 days; that I desire to become a candidate for the office of  
12 \_\_\_\_\_ in said city (or town) for the term of \_\_\_\_\_ years at  
13 the election for such office to be held on the \_\_\_\_\_ day of  
14 \_\_\_\_\_, 2\_\_; that I am presently a qualified elector of the  
15 city (or town) of \_\_\_\_\_; and I hereby request that my name be  
16 printed upon the official ballot at said election.

17                            "(Signed) \_\_\_\_\_

18                            "Subscribed and sworn to before me by said  
19                            \_\_\_\_\_ on this \_\_\_ day of \_\_\_, 2\_\_

20                            "(Style of Officer) \_\_\_\_\_"

21                            "(h) No names shall be printed upon the ballot as  
22 candidates for election except the names of ~~such persons as~~

1 individuals who have become candidates in the manner  
2 prescribed in subsection (g) nor may any ~~person~~ individual be  
3 a candidate or be permitted to file a declaration for more  
4 than one place or position in a group of offices of the same  
5 name when ~~such~~ the offices have been designated by number as  
6 authorized in Section 11-46-22.

7 "(i) All statements of candidacy filed with the  
8 mayor within the time prescribed in subsection (g) shall be  
9 preserved for six months after the election for which ~~such~~ the  
10 statements of candidacy were filed.

11 "(j) Any candidate may withdraw as a candidate by  
12 giving written notice to the mayor, at any time, prior to the  
13 date of the election. If a candidate withdraws, as herein  
14 provided, the election officials shall, if paper ballots are  
15 used in the election, draw a line in ink through the name of  
16 ~~such~~ the candidate; ~~the election officials shall, if voting~~  
17 ~~machines are used in the election, paste or otherwise secure a~~  
18 ~~strip of white paper over the name of such candidate. If~~ and  
19 if electronic voting tabulators are used in the election, the  
20 name of the candidate shall be removed from the ballot in  
21 accordance with the manufacturer's guidelines or instructions.

22 "All written notices of withdrawal filed with the  
23 mayor shall be preserved for six months after the election.

24 "§11-46-26.

1            "In the event only one ~~person~~ individual has filed a  
2 statement of candidacy for an office by 5:00 P.M. on the ~~third~~  
3 fourth Tuesday in ~~July~~ June preceding the date set for an  
4 election of municipal officers pursuant to subsection (g) of  
5 Section 11-46-25, then ~~such person~~ that individual shall for  
6 all purposes be deemed elected to ~~such~~ office, any provisions  
7 of this article to the contrary notwithstanding. The mayor or  
8 other chief executive officer shall not cause the name of ~~such~~  
9 ~~person~~ that individual so elected or the office for which his  
10 or her candidacy was declared to be printed on the ballot, but  
11 ~~he~~ shall immediately file a written statement with the  
12 governing body of the municipality, attested by the clerk,  
13 certifying the fact that only one ~~person~~ individual filed a  
14 statement of candidacy for the office of \_\_\_\_\_ (naming the  
15 office) by 5:00 P.M. on the ~~third~~ fourth Tuesday in ~~July~~ June  
16 preceding the day of \_\_\_\_\_, 2\_\_, the date set for an election  
17 of municipal officers in the City (Town) of \_\_\_\_\_, Alabama,  
18 and setting forth the name of ~~such person~~ the individual. At  
19 its first regular meeting after receiving ~~such~~ the mayor or  
20 other chief executive officer's statement the governing body  
21 of the municipality shall adopt a resolution declaring the  
22 ~~person~~ individual named in the statement duly elected to the  
23 office described in the statement and shall issue a  
24 certificate of election ~~to such person~~ for the individual.  
25 Certificates of election shall be filed as provided in Section

1 11-46-55(d). For the purpose of this article, each place on  
2 the council of a municipality organized under the  
3 mayor-council form of government shall be considered a  
4 separate office.

5 "§11-46-55.

6 "(a) Commencing at 12:00 noon on the first Tuesday  
7 ~~next~~ after the election, the municipal governing body shall  
8 proceed to open the envelopes addressed to the governing body  
9 which have been delivered by the ~~several~~ returning officers to  
10 the municipal clerk, canvass the returns, and ascertain and  
11 determine the number of votes received by each candidate and  
12 for and against each proposition submitted at the election. If  
13 it appears that any candidate or any proposition in the  
14 election has received a majority of the votes cast for that  
15 office or on that question, the municipal governing body shall  
16 declare the candidate elected to the office or the question  
17 carried, and a certificate of election shall be given to the  
18 ~~persons~~ individuals by the municipal governing body or a  
19 majority of them, which shall entitle the ~~persons~~ individuals  
20 so certified to the possession of their respective offices  
21 immediately upon the expiration of the terms of their  
22 predecessors as provided by law. If the certification results  
23 of provisional ballots cast at the election have been received  
24 from the board of registrars prior to the first Tuesday next  
25 after the election, or if no provisional votes were cast in

1 the election, the municipal governing body, at any special or  
2 regular meeting, may ~~canvas~~ canvass the results before the  
3 first Tuesday ~~next~~ after the election.

4 "(b) If a single office is to be filled at the  
5 election and there is more than one candidate ~~therefor~~  
6 running, then the majority of the votes cast for the office in  
7 the election shall be ascertained by dividing the total votes  
8 cast for all candidates for the office by two, and any number  
9 of votes in excess of one half of the total votes cast for all  
10 candidates for the office shall be a majority within the  
11 meaning of subsection (a).

12 "(c) If two or more offices constituting a group are  
13 to be filled and there are more candidates for election than  
14 there are offices, then the majority of the votes cast for the  
15 office in the election shall be ascertained by dividing the  
16 total vote cast for all candidates for the offices by the  
17 number of positions to be filled and then dividing the result  
18 by two. Any number of votes in excess of the number  
19 ascertained by the last division shall be the majority  
20 prescribed in subsection (a) as necessary for election. If in  
21 ascertaining the result in this way it appears that more  
22 candidates have obtained this majority than there are  
23 positions to be filled, then those having the highest vote, if  
24 beyond the majority just defined, shall be declared elected to  
25 fill ~~such~~ the positions.

1           "(d) If no candidate receives a majority of all the  
2 votes cast in ~~such~~ the election for any one office or offices  
3 for the election to which there were more than two candidates,  
4 then the municipal governing body shall order a second or  
5 runoff election to be held on the ~~sixth~~ fourth Tuesday ~~next~~  
6 ~~thereafter~~ following the regular election, at which election  
7 the two candidates having received the most and the second  
8 most votes, respectively, shall be candidates, and the ~~person~~  
9 individual receiving the highest number of votes for that  
10 office in the runoff election shall be declared elected. If  
11 only two candidates are standing for election for any one  
12 office or offices and neither candidate receives a majority,  
13 then the municipal governing body shall order a second or  
14 runoff election to be held on the ~~sixth~~ fourth Tuesday ~~next~~  
15 ~~thereafter~~ following the regular election, at which election  
16 the two candidates shall be candidates, and the person  
17 receiving the highest number of votes for that office in the  
18 runoff election shall be declared elected. In the event one of  
19 the candidates for a particular office in the runoff election  
20 withdraws, then there need not be a second election to fill  
21 the office nor shall the name of either the party so  
22 withdrawing or the remaining candidate be printed on the  
23 ballot of any second election held under this article. This  
24 second election shall be held by the same election officers  
25 who held the first election and at the same places the first

1 election was held. If there should be a tie vote cast at any  
2 runoff election, then in that event the tie shall be decided  
3 by the municipal governing body no later than 12:00 noon on  
4 the first Tuesday following the second or runoff election. A  
5 vote for a particular candidate by a majority of those members  
6 eligible to vote of the governing body shall be necessary to  
7 decide the election in his or her favor. If the municipal  
8 governing body fails to break the tie, the elected candidate  
9 shall be decided by lot by the judge of probate of the county  
10 where the city or town hall is located no later than 5:00 P.M.  
11 on the first Tuesday following the second or runoff election  
12 in the presence of the candidates and other electors who  
13 choose to be present. No ~~probate~~ judge of probate who openly  
14 participated in the promotion of candidates in the election  
15 which resulted in a tie shall decide the outcome of the  
16 election and shall be disqualified to do so. The presiding  
17 circuit court judge in the county where the city or town hall  
18 is located ~~in which the election was held~~ shall replace the  
19 disqualified ~~probate~~ judge of probate and shall conduct the  
20 duties required herein. ~~The~~ Within 10 days of canvassing the  
21 results, the municipal clerk shall file a copy of each  
22 certificate of election with all of the following:

23 " (1) in the The office of the judge of probate of  
24 the county in which the city or town hall is situated.

25 "(2) The Secretary of State.

1           "(3) The Alabama League of Municipalities.

2           "The, and the judge of probate shall file the  
3 certificate in the same manner that he or she files the  
4 declaration of the result of elections to county offices.

5           "§17-11-12.

6           "Not less than 55 days prior to the holding of any  
7 election, except a municipal election, to which this chapter  
8 pertains, or in the case of a runoff primary election, not  
9 more than 14 days after the first primary election, the  
10 officer charged with the printing and distribution of the  
11 official ballots and election supplies shall deliver to the  
12 absentee election manager of each county in which the election  
13 is held or to the person designated to serve in his or her  
14 place a sufficient number of absentee ballots, envelopes, and  
15 other necessary supplies. Not ~~more~~ less than ~~seven~~ 28 days  
16 ~~after the last day to qualify as a candidate~~ prior to the  
17 general election in a municipal election, or in the case of a  
18 runoff municipal election, not more than ~~14~~ 10 days after the  
19 first election, or in the case of a municipal election held  
20 for a purpose other than the election of municipal officers,  
21 not more than seven days after the giving of notice of the  
22 election, the officer charged with the printing and  
23 distribution of the official ballots and election supplies  
24 shall deliver to the absentee election manager of the  
25 municipality in which the election is held, or to the ~~person~~



1     individual designated to serve in his or her place, a  
2     sufficient number of absentee ballots, envelopes, and other  
3     necessary supplies. If the absentee election manager is a  
4     candidate with opposition in the election, he or she shall  
5     immediately, upon receipt of the ballots, envelopes, and  
6     supplies, deliver them to the ~~person~~ individual authorized to  
7     act in his or her place, as provided in Section 17-11-13."

8             Section 2. This act shall become effective January  
9     1, 2022, following its passage and approval by the Governor,  
10    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

SB119

Senate 04-MAR-21

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

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 30-MAR-21

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By: Senator Waggoner