

1 HB256
2 127550-2
3 By Representatives Ison, Barton, Gaston, Fincher, Buskey,
4 Kennedy and Davis (N & P)
5 RFD: Mobile County Legislation
6 First Read: 09-FEB-12

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8 SYNOPSIS: Under existing law, in Class 2
9 municipalities, a vacancy on the city council is
10 filled by a special election if the vacancy occurs
11 less than one year before the end of a term. The
12 special election is set by the council at least 60
13 days and not more than 120 days after the
14 occurrence of the vacancy unless during that time
15 period certain elections are being held, in which
16 case the election is held on that date.

17 This bill would delete the provision for the
18 special election to be held on the date of an
19 election and would allow the council to set the
20 date.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to Class 2 municipalities; to amend Section
27 11-44C-22, Code of Alabama 1975, to provide further for the

1 setting of the date for special elections to fill certain
2 vacancies on the council.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall apply only in Class 2
5 municipalities.

6 Section 2. Section 11-44C-22 of the Code of Alabama
7 1975, is amended to read as follows:

8 "§11-44C-22.

9 "Vacancies of any nature in the council, other than
10 those occurring less than one year prior to the date of the
11 next regular council election, shall be filled by special
12 elections to be held for that purpose, the dates of which
13 shall be set by the council at the next regular meeting or any
14 subsequent meeting of the council after such vacancy occurs,
15 such dates to be set no later than 120 nor less than 60 days
16 after the occurrence of such vacancies. Such elections shall
17 be held in the same manner and subject to the same procedures
18 as regular council elections and the person so elected shall
19 hold office for the remainder of the unexpired term. ~~Such~~
20 ~~election shall be held in conjunction with a general, special~~
21 ~~or constitutional election, if any falls within the period~~
22 ~~herein specified; otherwise a~~ A special election shall be
23 called by the mayor on the date set by the council and shall
24 be held in accordance with the provisions of this chapter and
25 the general laws applicable to such city.

26 "If a vacancy occurs after reapportionment has
27 changed the district boundaries, l but before the new districts

1 take effect, the old district boundaries will remain in effect
2 for filling that vacancy.

3 "Vacancies where less than one year remains of the
4 unexpired term shall be filled by appointment by the mayor
5 with confirmation by the council."

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