

1 HB431
2 126805-2
3 By Representatives Lee, Clouse, Chesteen and Grimsley (N & P)
4 RFD: Local Legislation
5 First Read: 05-APR-11

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ENROLLED, An Act,

To amend Sections 11-44E-41 and 11-44E-71 of the Code of Alabama 1975, relating to elections of the mayor/commission/city manager form of government in Class 5 municipalities; to change the date to qualify as a candidate for election as mayor and as a member of the city commission.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-44E-41 and 11-44E-71 of the Code of Alabama 1975, are amended to read as follows:

"§11-44E-41.

"Any person desiring to become a candidate in any election for the office of commissioner may become such candidate by filing in the office of the city clerk a statement in writing of such candidacy accompanied by a petition signed by a minimum of fifty registered voters of such commission district or in the case of mayor, one hundred registered voters of the municipality, endorsing the candidacy of such candidate and an affidavit taken and certified by such city clerk or notary public. Such statement shall be filed by 5:00 P.M. on the ~~first~~ fourth Tuesday in June preceding the date set for the election and shall be substantially in the following form:

"State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am

1 a citizen of the City of _____, in said State and County, and
 2 reside at _____ in said City of _____, that I desire to become
 3 a candidate for the office of commissioner for District _____,
 4 in said City at the election for said office to be held on the
 5 _____ day of _____ and that I am duly qualified to hold said
 6 office if elected thereto, and I hereby request that my name
 7 be printed upon the official ballot at said election.

8 "Signed _____;

9 "Sworn to and subscribed before me on this _____ day
 10 of _____, 2__, and filed in this office for record on said
 11 day.

12 _____ City Clerk."

13 "Said statement shall be accompanied by a qualifying
 14 fee in the amount of \$150.00 for candidates for a
 15 commissioner, which fee shall be paid over by the city clerk
 16 to the general fund of the city. Any person may file with the
 17 city clerk, a verified pauper's oath that he (she) does not
 18 have the financial resources to pay a qualifying fee and
 19 thereupon shall be exempt from filing such fee. No name shall
 20 appear upon said ballot as a candidate for election except the
 21 names of such persons as have become candidates according to
 22 provisions as above set forth. No primary election shall be
 23 held for the nomination of candidates for the office of mayor
 24 or commissioner and candidates shall be nominated only as
 25 hereinabove described.

1 "§11-44E-71.

2 "Any person desiring to become a candidate at any
 3 election for the office of mayor may become such candidate by
 4 filing in the office of the city clerk a statement in writing
 5 of such candidacy, accompanied by a petition signed by a
 6 minimum of 100 registered voters of such city endorsing the
 7 candidacy of such candidate and an affidavit taken and
 8 certified by such city clerk or by a notary public that such
 9 person is duly qualified to hold the office for which he (she)
 10 desires to be a candidate. Such statement shall be filed by
 11 5:00 p.m. on the ~~first~~ fourth Tuesday in June preceding the
 12 day set for such election and shall be in substantially the
 13 following form:

14 "State of Alabama, _____ County. I, the undersigned,
 15 being first duly sworn, depose and say that I am a citizen of
 16 the City of _____, in said State and County, and reside at
 17 _____ in said City of _____, that I desire to become a
 18 candidate for the office of mayor in said City at the election
 19 for said office to be held on the _____ day of _____ and that
 20 I am duly qualified to hold said office if elected thereto and
 21 I hereby request that my name be printed upon the official
 22 ballot at said election.

23 "Signed _____;

1 "Sworn to and subscribed before me by said _____ on
2 this day of _____ 2__, and filed in this office for record on
3 said day _____, City Clerk."

4 "Said statement shall be accompanied by a qualifying
5 fee in the amount equal to \$300.00 which qualifying fee shall
6 be paid over by the city clerk to the general fund of the
7 city. Any person may file with the city clerk, a verified
8 pauper's oath that he (she) does not have the financial
9 resources to pay a qualifying fee and thereupon shall be
10 exempt from filing such fee. No names shall appear upon said
11 ballot as a candidate for election except the names of such
12 persons as have become candidates according to provisions of
13 this chapter."

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

