

1 HB463
2 188944-1
3 By Representatives Givan, Coleman, Moore (M), Rogers and Scott
4 (N & P)
5 RFD: Jefferson County Legislation
6 First Read: 27-FEB-18

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the Birmingham School System; to amend
14 Sections 45-37A-50.04 and 45-37A-52.90 of the Code of Alabama
15 1975, relating to the term of office for the members of the
16 City of Birmingham Board of Education; to further provide that
17 the individuals elected to the board during a regular election
18 shall take office on the fourth Tuesday of November of the
19 year of the election.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 45-37A-50.04 and 45-37A-52.90 of
22 the Code of Alabama 1975, are amended to read as follows:

23 "§45-37A-50.04.

24 "(a) The Birmingham City Council shall take
25 necessary steps to ensure that this subpart complies with the
26 Federal Voting Rights Act of 1965, as amended.

1 "(b) The election shall be called to coincide with
2 the next mayoral election after final approval of this subpart
3 by the United States Department of Justice.

4 "(c) The initial election and the initial runoff
5 election, if necessary, and all subsequent elections held
6 pursuant to this subpart shall be conducted, the vote
7 canvassed, and the results declared in the same manner as
8 provided for the election of members of the city council,
9 unless otherwise required in this subpart.

10 "(d) The initial elected members of the board of
11 education shall assume office immediately upon the
12 certification of the election results and shall serve initial
13 terms of office which shall expire at the same prescribed time
14 as the expiration of the corresponding terms of office of the
15 then current city council members. Thereafter, all members of
16 the board shall be elected at the same time, in the same
17 manner, assume office on the fourth Tuesday in ~~October~~
18 November after their election, and serve the same term of
19 office as the members of the Birmingham City Council.

20 "§45-37A-52.90.

21 "The first mayor shall be elected at the same
22 election at which the council members are elected under
23 Section 45-37A-52.06 and shall hold office until the second
24 Tuesday in November of that year ending in an odd number which
25 would give him or her a term of office most closely
26 approximating four years and until his or her successor is
27 elected and qualified. The first mayor shall qualify and take

1 office in the manner hereinafter prescribed on the second
2 Monday following the date the election of all nine council
3 members is completed or on the second Monday following the
4 election of such mayor, whichever last occurs. The regular
5 election for mayor shall be held on the second Tuesday in
6 October of the year during which the term of the first mayor
7 elected hereunder terminates and every four years thereafter.
8 The mayor elected at any such regular election, on ~~or before~~
9 the fourth Tuesday of November of the year of such election,
10 shall qualify by making oath that he or she is eligible for
11 the office and shall execute the duties of same according to
12 the best of his or her knowledge and ability. The oath may be
13 administered by any person authorized to administer an oath
14 under the laws of Alabama. At any election for mayor, the
15 candidate receiving the highest number of votes for the office
16 shall be elected thereto, provided such candidate receives a
17 majority of all votes cast for such office. If at the first
18 election a majority is not received by any candidate for the
19 office of mayor, then a second election shall be held on the
20 third Tuesday thereafter in the same mode and manner and under
21 the same rules and regulations provided in Section
22 45-37A-52.06 with respect to the election of the first mayor.

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.