

1 HB464  
2 167463-1  
3 By Representatives Pettus, Whorton (R), Ball, Greer,  
4 Ledbetter, Johnson (K), Collins, Nordgren, Henry, Jones,  
5 Hammon, Gaston, Hubbard, South, Davis, Ainsworth, Wood  
6 and Patterson  
7 RFD: Education Policy  
8 First Read: 09-APR-15

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8 SYNOPSIS: Under existing general law, an elected  
9 county superintendent of education is required to  
10 be elected by the qualified electors of the county.

11 This bill would exclude those qualified  
12 electors of a county who reside within the  
13 corporate limits of any area of the county that has  
14 a separate and independent city board of education  
15 and city superintendent of education from voting  
16 for the position of county superintendent of  
17 education.

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19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
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23 To amend Sections 16-9-2, 16-9-5, and 16-9-6, Code  
24 of Alabama 1975, relating to the election of county  
25 superintendents of education; to exclude qualified electors of  
26 the county who reside within the corporate limits of any area  
27 of the county that has a separate city board of education and

1 city superintendent of education from voting for the position  
2 of county superintendent of education.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 16-9-2, 16-9-5, and 16-9-6 of  
5 the Code of Alabama 1975, are amended to read as follows:

6 "§16-9-2.

7 "(a) The county superintendent of education shall be  
8 chosen for his or her general fitness and character and shall  
9 be a person of recognized ability as a school administrator.  
10 No person shall be eligible for appointment by any county  
11 board of education or for any political party nomination, or  
12 for election to the office of county superintendent of  
13 education unless such person:

14 "(1) Holds an Alabama certificate in administration  
15 and supervision based upon requirements established by the  
16 State Board of Education for such certificate;

17 "(2) Has had not less than five years of experience  
18 in public school work at the time he or she assumes office;

19 "(3) Submits proof to the State Superintendent of  
20 Education of three years of successful educational experience  
21 as a teacher, principal, supervisor, superintendent,  
22 educational administrator, or instructor in school  
23 administration during the five years next preceding his or her  
24 appointment or election;

25 "(4) Submits proof to the county board of education  
26 that he or she holds a degree from a recognized four-year  
27 college or university; and

1           "(5) If such person is to be appointed by the county  
2 board of education, submits proof to the county board that he  
3 or she is knowledgeable in school administration.

4           "(b) A county superintendent of education, whether  
5 elected or appointed, need not be a resident or qualified  
6 elector of the county in which he or she is to serve. In every  
7 county where the county superintendent of education is elected  
8 by popular vote, he or she shall be nominated and elected in  
9 the same manner as other county officers are nominated and  
10 elected under the state election laws.

11           "(c) Only those qualified electors of the county who  
12 reside outside of the corporate limits of those areas of the  
13 county that have separate city boards of education and city  
14 superintendents of education may vote for the position of  
15 county superintendent of education.

16           "§16-9-5.

17           "Any political party may, in a county where the  
18 county superintendent is elected by a direct vote of the  
19 qualified electors, may either nominate a candidate for such  
20 office or may certify to the probate judge that ~~said~~ the  
21 political party desires to leave the election of a county  
22 superintendent of education to the county board of education.  
23 Whenever any political party certifies that such political  
24 party desires to leave the selection of such officer to the  
25 county board of education, the probate judge shall cause to be  
26 entered on the ballot where the names of such candidates (if  
27 nominated) would appear, the following: "For selection by the

1 county board of education." Such proposition shall appear on  
2 the ballot before the names of the candidates and be arranged  
3 so that the elector may express his or her choice for such  
4 proposition in the same manner as he or she expresses his or  
5 her choice for a candidate. Every qualified elector may vote  
6 for such selection by the county board of education or for any  
7 candidate for such office. For the purposes of this section, a  
8 qualified elector does not include a person who resides within  
9 the corporate limits of any area of the county that has a  
10 separate and independent city board of education and city  
11 superintendent of education. In the event more votes are cast  
12 for selection by the county board of education than for any  
13 candidate, then the county board shall select such officer for  
14 the ensuing term. No elector shall be disqualified from  
15 participating in any party caucus, convention, or election  
16 because he or she voted for the proposition or selection by  
17 the county board of education even though his or her political  
18 party nominated a candidate for such position.

19 "§16-9-6.

20 "Whenever any political party holds a primary  
21 election for the nomination of candidates in counties where  
22 county superintendents are elected by a direct vote of the  
23 qualified electors and one or more persons qualify as  
24 candidates for nomination by such political party as candidate  
25 for county superintendent of education, there shall be entered  
26 on the ballot of such primary election with the names of such  
27 candidates for county superintendent of education the

1 proposition: "For selection by the county board of education."  
2 For the purposes of this section, qualified electors do not  
3 include persons who reside within the corporate limits of any  
4 area of the county that has a separate and independent city  
5 board of education and city superintendent of education. Such  
6 proposition shall appear on the ballot before the names of the  
7 candidates and be arranged so that the elector may express his  
8 or her choice for such proposition in the same manner as he or  
9 she expresses his or her choice for a candidate. If more votes  
10 are cast for selection by the county board of education than  
11 for any candidate, then the duly constituted authority of such  
12 political party holding such primary election shall certify to  
13 the probate judge that ~~said~~ the political party favors the  
14 selection of ~~said~~ the county superintendent of education by  
15 the county board of education."

16 Section 2. This act shall become effective  
17 immediately following its passage and approval by the  
18 Governor, or its otherwise becoming law.