

1 HB397
2 198946-2
3 By Representative Ledbetter (N & P)
4 RFD: Local Legislation
5 First Read: 09-APR-19

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ENROLLED, An Act,

Relating to the City of Fort Payne in DeKalb County; to amend Section 45-25A-40, Code of Alabama 1975, relating to the election of the city council; to further provide for the election process and for the filling of vacancies.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-25A-40, Code of Alabama 1975, is amended to read as follows:

"§45-25A-40.

"(a) Any law, whether special, local, or general, or municipal ordinance, to the contrary notwithstanding, the City of Fort Payne, in DeKalb County, shall not designate by place number, or by other similar method, seats for city council.

"(b) (1) In the election for the five members of the city council, ~~the 10 candidates receiving the greatest number of votes shall be in a run-off election, conducted and called as now provided by law; the five candidates in the run-off election receiving the greatest number of votes shall be elected to the city council~~ if there are more than five candidates, then the majority of the votes cast for the office in the election shall be determined by dividing the total votes cast for all candidates for the offices by the number of positions to be filled, and then dividing that result by two.

1 Any number of votes in excess of the number determined by the
2 last division shall be the majority necessary for election.

3 "(2) If it appears that any candidate in the
4 election has received a majority of the votes cast for that
5 office, the municipal governing body shall declare that
6 candidate elected to the office, and a certificate of election
7 shall be given to the person by the municipal governing body.

8 "(3) If in determining the results pursuant to this
9 subsection, it appears that more candidates have obtained a
10 majority than there are positions to be filled, then those
11 candidates having the highest vote count, if beyond the
12 majority as defined by subdivision (1), shall be declared
13 elected to fill the positions.

14 "(c) (1) In the election for the members of the city
15 council, if less than five candidates receive a majority as
16 provided by subsection (b), there shall be a run-off election
17 conducted and called as provided by law. The number of
18 candidates that may participate in the run-off election shall
19 be equal to twice the number of positions remaining open, and
20 shall be the candidates with the highest number of votes, but
21 without a majority.

22 "(2) The number of candidates with the highest
23 number of votes in the run-off election equal to the number of
24 remaining positions shall be elected to the city council.

1 "~~(c)~~ (d) (1) ~~Any~~ Except as provided in subdivision
2 (2), any vacancy in the council which shall exceed ~~12~~ 24
3 months shall be filled by special election in the same manner,
4 on a pro rata basis of the number of seats to fill as the
5 original election, for the duration of the term of the
6 predecessor in office; ~~provided, however, that any.~~

7 "(2) Any vacancy occurring within ~~12~~ 24 months of
8 the quadrennial council elections in which a mayor is elected,
9 shall be filled by the council by appointment within 30 days
10 of the occurrence of ~~such~~ the vacancy, and the appointee ~~to~~
11 shall serve out the unexpired term to which he or she is
12 appointed.

13 "~~(d)~~ (e) (1) The requirements for office, application
14 for candidates, and the fees therefor shall continue to be set
15 by resolution of the city council.

16 "(2) It is expressly provided that all other
17 ~~provisions of law~~ laws and ordinances relating to elections
18 for city council members shall remain effective and except as
19 herein provided, the office of the city council ~~members~~ and
20 the operation of the governing body of Fort Payne, Alabama,
21 shall continue as otherwise provided by law."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 18-APR-19.

Jeff Woodard
Clerk

Senate

15-MAY-19

Passed