ENROLLED, An Act,

Relating to municipal elections, to amend Sections 11-46-6, 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-55, and 17-11-12, Code of Alabama 1975, to revise the municipal election dates in certain municipalities beginning on a specified date; to revise the dates by which a mayor of certain municipalities must give notice of municipal elections; to revise the deadline for printing ballots in municipal deadlines; to require confirmation from the Alabama Ethics Commission that a candidate has complied with filing requirements prior to the printing of a ballot; to revise the time frame for municipal runoff elections; to revise the deadline for printing and distribution of ballots in runoff municipal elections; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-46-6, 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-55, and 17-11-12, Code of Alabama 1975, are amended to read as follows:

"§11-46-6.
(a) The provisions of this section shall apply to all Class 5 cities, according to Section 11-40-12.

(b) Any Class 5 city may hold its city election on the second Tuesday in July, 1980, and the runoff election three four weeks after said that second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

(c) The provisions of this section are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

§11-46-21.

(a) The regular municipal elections in cities and towns shall be held on the fourth Tuesday in August 1984 2025, and quadrennially thereafter, and, when necessary as provided in subsection (d) of Section 11-46-55, a second or runoff election shall be held on the sixth fourth Tuesday next thereafter following the regular election.

(b) Special elections shall be held on the second or fourth Tuesday of any month when ordered by the municipal governing body; provided, that notice of such the election shall be published in the manner prescribed in Section 11-46-22 on or before the corresponding Tuesday of the second month preceding the month in which the special election is to be held.
"(c) Municipal officers elected at regular elections shall assume the duties of their respective offices on the first Monday in November following their election unless otherwise provided in this article and shall serve until their successors are elected and qualified."

"(d) This section shall not apply to any municipal election required by general or local act at a time different from the dates provided for in this section."
where otherwise provided by law. Whenever and wherever two or more municipal offices of the same name (constituting a group) are to be filled at the regular election, prior to the first day of April preceding the election, the municipal governing body shall by ordinance designate each of the offices by number. When the offices have been designated by number, the notice of the election shall clearly indicate that the offices have been numbered and each candidate for the offices, in the announcement of his or her candidacy, shall designate the number of the office for which he or she is a candidate. Candidates may begin to qualify after the notice of election is given by the mayor.

"(b) The notice of an election for municipal officers shall be substantially in the following form:

""Notice of Election of Municipal Officers

""Notice is hereby given that on (day of week), (date - month, day, and year) an election for the purpose of electing a mayor (or other chief executive) and the board of aldermen (town, city council, or other municipal governing body, or, if the positions on the governing board have been designated by number, the position numbers to be filled at the election) and the other officers as pursuant to duly enacted law or ordinance, or any or all of the officers, are to be elected at the election for the city (or town) of _____, Alabama, will be held, and that all registered and qualified
electors of the state, who reside within the corporate limits of _____, Alabama, and have resided therein for 30 days or more immediately preceding the date of the election, and who are qualified to vote in the county precinct which embraces and covers that part of the corporate limits of the city (or town) in which the elector resides, will be authorized to participate in the election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to Section 11-46-24). If necessary, a run-off election will be held on (day of the week), (date - month, day, year)."

"Any qualified elector who will have has resided within the municipality, or if the municipality is districted, within the district from which he or she seeks election, for a period of at least 90 days on election day may qualify to run for office by filing the appropriate forms and paying any appropriate fees, as otherwise provided by law.

"§11-46-25.

"(a) In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for any municipal officers, if paper ballots are used, the voting shall be by official ballot printed and distributed as provided in subsections (c) and (d), and no ballot shall be received or counted in any election unless it is provided as prescribed by law.
"(b) There shall be but one form of ballot for all the candidates for municipal office and every ballot provided for use at any polling place in a municipal election shall contain the names of all candidates who have properly qualified and have not withdrawn, as provided in subsection (g), together with the title of the office for which they are candidates.

"(c) All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast. The arrangement of the ballot shall in general conform substantially to the plan given in subsection (f).

"(d) Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately, and each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his or her name or initials thereon and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

"(e) Absentee ballots shall be in the form prescribed for absentee ballots by Title 17.
"(f) The ballot shall be arranged in substantially
the following form:

For Mayor

Vote for One

( ) John Doe

( ) Richard Roe

For City Council Place Number One

( ) _____________________

( ) _____________________

For City Council Place Number Two

( ) _____________________

( ) _____________________

Etc.

"(g) The mayor Upon confirmation from the Alabama
Ethics Commission that a candidate has complied with the
filing requirements under Section 36-25-15, the clerk shall
cause to be printed on the ballots the name of any qualified
elector who, by 5:00 P.M. on the third fourth Tuesday in July
June preceding the date set for the election, has filed a
statement of candidacy, accompanied by an affidavit taken and
certified by an officer authorized to take acknowledgments in
this state that the individual is duly qualified to hold the office for which the individual desires to become a candidate. Such The statement shall be substantially in the following form:

"State of Alabama, _____ County. I, the under-signed, being first duly sworn, depose and say that I am a citizen of the city (or town) of _____, in said county, and reside at _____, in said city (or town); that I have been or will have been on the date of the municipal election a resident of said city (or town) for a period of not less than 90 days; that I desire to become a candidate for the office of _____ in said city (or town) for the term of _____ years at the election for such office to be held on the _____ day of _____, 2__; that I am presently a qualified elector of the city (or town) of_____; and I hereby request that my name be printed upon the official ballot at said election.

"(Signed) ___________________

"Subscribed and sworn to before me by said _____ on this ___ day of ___, 2__

"(Style of Officer) ________"

"(h) No names shall be printed upon the ballot as candidates for election except the names of such persons as
individuals who have become candidates in the manner prescribed in subsection (g) nor may any person individual be a candidate or be permitted to file a declaration for more than one place or position in a group of offices of the same name when such the offices have been designated by number as authorized in Section 11-46-22.

"(i) All statements of candidacy filed with the mayor within the time prescribed in subsection (g) shall be preserved for six months after the election for which such the statements of candidacy were filed.

"(j) Any candidate may withdraw as a candidate by giving written notice to the mayor, at any time, prior to the date of the election. If a candidate withdraws, as herein provided, the election officials shall, if paper ballots are used in the election, draw a line in ink through the name of such the candidate; the election officials shall, if voting machines are used in the election, paste or otherwise secure a strip of white paper over the name of such candidate. If and if electronic voting tabulators are used in the election, the name of the candidate shall be removed from the ballot in accordance with the manufacturer's guidelines or instructions.

"All written notices of withdrawal filed with the mayor shall be preserved for six months after the election.


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"In the event only one person individual has filed a statement of candidacy for an office by 5:00 P.M. on the third fourth Tuesday in July June preceding the date set for an election of municipal officers pursuant to subsection (g) of Section 11-46-25, then such person that individual shall for all purposes be deemed elected to such office, any provisions of this article to the contrary notwithstanding. The mayor or other chief executive officer shall not cause the name of such person that individual so elected or the office for which his or her candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person individual filed a statement of candidacy for the office of _____ (naming the office) by 5:00 P.M. on the third fourth Tuesday in July June preceding the day of ____, 2__, the date set for an election of municipal officers in the City (Town) of ____, Alabama, and setting forth the name of such person the individual. At its first regular meeting after receiving such the mayor or other chief executive officer's statement the governing body of the municipality shall adopt a resolution declaring the person individual named in the statement duly elected to the office described in the statement and shall issue a certificate of election to such person for the individual. Certificates of election shall be filed as provided in Section
11-46-55(d). For the purpose of this article, each place on
the council of a municipality organized under the
mayor-council form of government shall be considered a
separate office.

"§11-46-55.

"(a) Commencing at 12:00 noon on the first Tuesday
next after the election, the municipal governing body shall
proceed to open the envelopes addressed to the governing body
which have been delivered by the several returning officers to
the municipal clerk, canvass the returns, and ascertain and
determine the number of votes received by each candidate and
for and against each proposition submitted at the election. If
it appears that any candidate or any proposition in the
election has received a majority of the votes cast for that
office or on that question, the municipal governing body shall
declare the candidate elected to the office or the question
carried, and a certificate of election shall be given to the
persons individuals by the municipal governing body or a
majority of them, which shall entitle the persons individuals
so certified to the possession of their respective offices
immediately upon the expiration of the terms of their
predecessors as provided by law. If the certification results
of provisional ballots cast at the election have been received
from the board of registrars prior to the first Tuesday next
after the election, or if no provisional votes were cast in
the election, the municipal governing body, at any special or regular meeting, may canvass the results before the first Tuesday next after the election.

"(b) If a single office is to be filled at the election and there is more than one candidate running, then the majority of the votes cast for the office in the election shall be ascertained by dividing the total votes cast for all candidates for the office by two, and any number of votes in excess of one half of the total votes cast for all candidates for the office shall be a majority within the meaning of subsection (a).

"(c) If two or more offices constituting a group are to be filled and there are more candidates for election than there are offices, then the majority of the votes cast for the office in the election shall be ascertained by dividing the total vote cast for all candidates for the offices by the number of positions to be filled and then dividing the result by two. Any number of votes in excess of the number ascertained by the last division shall be the majority prescribed in subsection (a) as necessary for election. If in ascertaining the result in this way it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared elected to fill such the positions.
"(d) If no candidate receives a majority of all the votes cast in the election for any one office or offices for the election to which there were more than two candidates, then the municipal governing body shall order a second or runoff election to be held on the sixth Tuesday next thereafter following the regular election, at which election the two candidates having received the most and the second most votes, respectively, shall be candidates, and the person receiving the highest number of votes for that office in the runoff election shall be declared elected. If only two candidates are standing for election for any one office or offices and neither candidate receives a majority, then the municipal governing body shall order a second or runoff election to be held on the sixth Tuesday next thereafter following the regular election, at which election the two candidates shall be candidates, and the person receiving the highest number of votes for that office in the runoff election shall be declared elected. In the event one of the candidates for a particular office in the runoff election withdraws, then there need not be a second election to fill the office nor shall the name of either the party so withdrawing or the remaining candidate be printed on the ballot of any second election held under this article. This second election shall be held by the same election officers who held the first election and at the same places the first
election was held. If there should be a tie vote cast at any runoff election, then in that event the tie shall be decided by the municipal governing body no later than 12:00 noon on the first Tuesday following the second or runoff election. A vote for a particular candidate by a majority of those members eligible to vote of the governing body shall be necessary to decide the election in his or her favor. If the municipal governing body fails to break the tie, the elected candidate shall be decided by lot by the judge of probate of the county where the city or town hall is located no later than 5:00 P.M. on the first Tuesday following the second or runoff election in the presence of the candidates and other electors who choose to be present. No probate judge of probate who openly participated in the promotion of candidates in the election which resulted in a tie shall decide the outcome of the election and shall be disqualified to do so. The presiding circuit court judge in the county where the city or town hall is located in which the election was held shall replace the disqualified probate judge of probate and shall conduct the duties required herein. The within 10 days of canvassing the results, the municipal clerk shall file a copy of each certificate of election with all of the following:

"(1) in the The office of the judge of probate of the county in which the city or town hall is situated."

"(2) The Secretary of State."

The judge of probate shall file the certificate in the same manner that he or she files the declaration of the result of elections to county offices.

§17-11-12.

"Not less than 55 days prior to the holding of any election, except a municipal election, to which this chapter pertains, or in the case of a runoff primary election, not more than 14 days after the first primary election, the officer charged with the printing and distribution of the official ballots and election supplies shall deliver to the absentee election manager of each county in which the election is held or to the person designated to serve in his or her place a sufficient number of absentee ballots, envelopes, and other necessary supplies. Not more less than seven 28 days after the last day to qualify as a candidate prior to the general election in a municipal election, or in the case of a runoff municipal election, not more than 14 10 days after the first election, or in the case of a municipal election held for a purpose other than the election of municipal officers, not more than seven days after the giving of notice of the election, the officer charged with the printing and distribution of the official ballots and election supplies shall deliver to the absentee election manager of the municipality in which the election is held, or to the person..."
individual designated to serve in his or her place, a sufficient number of absentee ballots, envelopes, and other necessary supplies. If the absentee election manager is a candidate with opposition in the election, he or she shall immediately, upon receipt of the ballots, envelopes, and supplies, deliver them to the individual authorized to act in his or her place, as provided in Section 17-11-13."

Section 2. This act shall become effective January 1, 2022, following its passage and approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB119
Senate 04-MAR-21
I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 30-MAR-21

By: Senator Waggoner