

1 SB555
2 135824-1
3 By Senator Singleton
4 RFD: Governmental Affairs
5 First Read: 24-APR-12

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8 SYNOPSIS: Under existing law, the length of terms
9 served by county commissioners is set at four
10 years, but may vary by county. In some counties,
11 the judge of probate serves as chair of the
12 commission and all judges of probate are elected
13 for six-year terms.

14 This bill would provide that all county
15 commissioners shall serve six-year terms commencing
16 with the 2014 general election.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 11-3-1, Code of Alabama 1975, to
23 provide that all county commissioners shall serve six-year
24 terms, commencing with the 2014 general election.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 11-3-1, Code of Alabama 1975, is
27 amended to read as follows:

1 "§11-3-1.

2 "(a) Any person who is a qualified elector of the
3 county and has resided in the county for at least one year
4 prior to the date upon which he or she would take office is
5 eligible to seek office as county commissioner. In counties
6 where the county commissioners represent a certain district,
7 any person seeking office as county commissioner shall be a
8 qualified elector of and reside within the district which he
9 or she seeks to represent upon election or appointment for at
10 least one year prior to the date that he or she would take
11 office. Notwithstanding the foregoing, the one-year residency
12 requirement provided above shall not apply to the first
13 election following any redistricting of county commission
14 districts in a county. Any person serving as county
15 commissioner, at all times while in office, shall meet the
16 qualified elector and residency requirements set out herein,
17 and in the case of a district commissioner shall reside in the
18 district as it existed at the time of his or her election.

19 "(b) Unless a local law authorizes a special
20 election, any vacancy on the county commission shall be filled
21 by appointment by the Governor. If the appointment occurs at
22 least 30 days before the closing of party qualifying as
23 provided in Section 17-13-5, the person appointed to the
24 vacated office shall only serve until seven days after the
25 next general election following the appointment as provided
26 herein. The person so appointed to fill the vacancy shall meet
27 the residency requirements in subsection (a), and shall hold

1 office from the date of appointment until the eighth day
2 following the next general election. If the original term in
3 which the vacancy occurred would not have expired on the
4 eighth day following the next general election after the
5 appointment, the person elected at the election required by
6 operation of this subsection shall serve for a period of time
7 equal to the remainder of the term in which the vacancy was
8 created. Thereafter, election for the county commission seat
9 shall be as otherwise provided by law.

10 "(c) (1) Unless otherwise provided by local law, by
11 court order, or governed by Section 11-80-12, and as otherwise
12 provided in subsection (d), there shall be in every county a
13 county commission, composed of the judge of probate, who shall
14 serve as chairman, and four commissioners, who shall be
15 elected at the time prescribed by law and shall hold office
16 for four years until their successors are elected and
17 qualified.

18 "(2) Commencing with the 2014 general election, the
19 members of the county commission within each county shall be
20 elected to six-year terms.

21 "(d) Notwithstanding any other provision of law
22 related to election canvassing, certification, or contest, the
23 term of office for county commissioner shall commence at 12:00
24 a.m. on the second Wednesday following the general election at
25 which he or she is elected and shall expire at 11:59 p.m. on
26 the first Tuesday following the day of the general election at
27 which the successor to that office is elected.

1 "(e) Each county commission shall meet on the
2 Wednesday following the election and tabulation of provisional
3 ballots pursuant to Section 17-10-2 of any one of its members
4 whose term commences on that day pursuant to subsection (d),
5 and at this meeting, shall establish the regular meeting days
6 for the county commission as provided in Section 11-3-8. The
7 meeting shall be in lieu of any meeting of the county
8 commission required by law to be held within the same calendar
9 week and shall be in all respects and for all purposes a
10 regular meeting of the county commission. The county
11 commission shall not meet following the election of any one of
12 its members until the meeting provided by this subsection,
13 unless there is a declared emergency.

14 "An emergency may be declared for the purposes of
15 this subsection upon a unanimous vote of the entire membership
16 of the county commission.

17 "(f) Except as specifically provided in subsections
18 (b) and (c), this section applies in all counties and may not
19 be altered or amended by local law. Any existing local law or
20 portion thereof in conflict with this section is specifically
21 repealed to the extent of the conflict effective with the next
22 election following September 1, 2007. It is the intent of the
23 foregoing that a portion of a local law in direct conflict
24 with this section shall be repealed, and any remaining
25 portions of the local law not in conflict shall remain in full
26 force and effect."

1 Section 2. This act shall not affect the term of any
2 member of a county commission currently serving a six-year
3 term.

4 Section 3. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.