

1 SB177
2 125839-2
3 By Senator Dial
4 RFD: Finance and Taxation Education
5 First Read: 08-MAR-11

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8 SYNOPSIS: Under current law, citizens or the county or
9 municipal board of education may under certain
10 circumstances request that the county commission
11 call an election to determine whether to levy a
12 special tax for school purposes. The county
13 commission is required to call the election and
14 where a special election is called, the county
15 commission pays all costs of the election.

16 This bill would require citizens or the
17 county or municipal school board to follow certain
18 procedures for requesting an election to determine
19 whether the county shall levy a special tax,
20 including time frames for requesting that the
21 election be held in conjunction with a primary or
22 general election or that a special election be
23 held. This bill would also require the school board
24 to pay all costs associated with a special
25 election.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Sections 16-13-160 to 16-13-162, inclusive,
5 16-13-164, 16-13-180, 16-13-183 to 16-13-185, inclusive, Code
6 of Alabama 1975, and to repeal Sections 16-13-181 and
7 16-13-186, Code of Alabama 1975, relating to special school
8 tax elections; to require the citizens or county or municipal
9 board of education requesting that the county commission call
10 a special school tax election to follow certain procedures
11 including time frames for requesting the election be held in
12 conjunction with a primary or general election or that a
13 special election be held; and to require the school board to
14 pay any additional costs for holding the school tax election
15 at the primary or general election and to pay all costs
16 associated with a special election.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 16-13-160, 16-13-161, 16-13-162,
19 16-13-164, 16-13-180, 16-13-183, 16-13-184, and 16-13-185,
20 Code of Alabama 1975, are amended to read as follows:

21 "§16-13-160.

22 "(a) Upon receipt of a petition that is signed by
23 200 or more qualified electors of the county ~~who are also~~
24 ~~freeholders, to~~ and requests an election for a special tax,
25 the county commission ~~in any county within the State of~~
26 ~~Alabama, the said commission~~ shall order an election to
27 determine whether or not a special tax of one mill shall be

1 levied for the support of the public schools within ~~said~~ the
2 county as hereinafter provided. If the petition is received at
3 least 45 days before a primary or general election, the county
4 commission shall order the election to be held in conjunction
5 with the scheduled primary or general election. No election
6 shall be set on the date of a runoff election unless the
7 school board agrees to be responsible for all expenditures
8 associated with the election in the event there are no other
9 state or local issues on the ballot.

10 "(b) Petitioners may request that the county
11 commission call a special election if the petitioners submit
12 with their petition, a resolution adopted by the county board
13 of education wherein the county board of education agrees to
14 be responsible for all costs associated with the election
15 within 30 days of receipt of an invoice from the county
16 commission. The school board may request a date for the
17 election provided, however, that:

18 "(1) a special election may not be set for a date
19 less than 90 days from the resolution calling the election;

20 "(2) no special election may be set on a date during
21 the period that begins 45 days before a primary election and
22 continues through a date 45 days after the following general
23 election; and

24 "(3) if the county commission determines that the
25 date requested by the school board will work an undue
26 administrative or financial burden on the offices conducting
27 the election, it may set the election for an alternative date

1 as close as possible to the date requested by the school
2 board.

3 "(c) Except under extraordinary circumstances
4 recorded in the minutes of the county commission meeting, the
5 county commission shall set the election date within 30 days
6 of receipt of the request for same. If the decision on setting
7 the election is delayed, the county commission shall set the
8 election at its next regular or special meeting. The county
9 commission shall adopt a resolution setting the date for
10 election, which resolution shall immediately be delivered to
11 the probate judge.

12 "§16-13-161.

13 ~~"There shall be made publication of the election in~~
14 ~~some newspaper within the county, which publication shall show~~
15 Except as otherwise specifically provided in this article, any
16 election held pursuant to this article shall be conducted
17 under the general laws of the state. The notice of election
18 shall include the rate of such proposed tax, the time it is
19 proposed to be continued and the purpose for which the levy is
20 proposed to be made.

21 "§16-13-162.

22 "(a) The ~~inspectors and election~~ officers of the
23 ~~election~~ shall be appointed and ~~such elections~~ the election
24 shall be held and the result of said elections shall be
25 declared in the same manner and by the same officers as is the
26 result of the ~~regular~~ general elections for county officers
27 under the general laws of the state.

1 " (b) ~~The~~ If the election provided for in this
2 article ~~may be had~~ is held at the time of ~~holding any regular~~
3 a primary, runoff, or general election within the county; ~~and,~~
4 ~~if held at any such time,~~ the ~~inspectors and~~ officers of the
5 ~~general~~ election shall conduct at the same time the election
6 herein provided for; and ~~for such services~~ they shall receive
7 no compensation other than that allowed them for the holding
8 of the primary, runoff, or general election; but if ~~such an a~~
9 special election is ~~had at any other time than that of holding~~
10 ~~a regular election within the county, then~~ held, the election
11 officers shall receive the same pay as that for holding a
12 primary, runoff, or general election.

13 "(c) If the election is held in conjunction with a
14 primary, runoff, or general election, the county shall be
15 reimbursed by the state for expenses as authorized and
16 provided in Chapter 21 of Title 17 and by the county board of
17 education for any additional expenses incurred for conducting
18 the election on the special tax. If a special election is held
19 as authorized in Section 16-13-160, the county board of
20 education shall reimburse the county for all expenditures
21 associated with the special election within 30 days of receipt
22 of an invoice from the county commission. The county board of
23 education is authorized to expend any available revenues under
24 its control for reimbursing costs due to the county commission
25 as provided herein.

26 "§16-13-164.

1 ~~"The county commission shall provide a sufficient~~
2 ~~number of ballots for each voting precinct within said county,~~
3 ~~and at~~ Except as specifically provided otherwise, if the
4 county commission calls a special election, it shall be
5 conducted under the laws governing special elections pursuant
6 to Chapter 15 of Title 17. At the top of each ballot shall be
7 printed the rate of ~~such~~ the proposed tax, the time it is to
8 be continued and that the purpose is for the support of the
9 public schools, and directly underneath in plain type shall be
10 printed on different lines the words, "For proposed taxation,"
11 "Against proposed taxation," and a place must be left directly
12 to the left of each line thereof, and the voters favoring the
13 proposed taxation will make a cross mark directly to the left
14 of the line, "For proposed taxation," and the voter not
15 favoring proposed taxation will make a cross mark directly to
16 the left of the line "Against proposed taxation."

17 "\$16-13-180.

18 ~~"Upon a~~ (a) The county commission shall call an
19 election to determine whether a special tax shall be levied
20 for public school purposes under procedures set out in this
21 article upon receiving any of the following:

22 "(1) A petition that is signed by 200 or more
23 qualified electors of ~~any the county to the county commission,~~
24 ~~said county commission shall order~~ and requests an election to
25 be held at the time specified in said petition to determine
26 whether ~~or not~~ a special tax shall be levied for public school
27 purposes within ~~said the county; and, upon request of.~~

1 "(2) A resolution from the county board of education
2 ~~to the county commission, said court shall order requesting an~~
3 ~~election to be held at the time requested by the said board of~~
4 ~~education to determine whether or not a special tax shall be~~
5 ~~levied for public school purposes within any school tax~~
6 ~~district in the county under the control of such the board.~~
7 ~~and, upon the request of~~

8 "(3) A resolution from any city municipal board of
9 ~~education to the county commission, said court shall order~~
10 ~~requesting an election to be held at the time requested by~~
11 ~~said board of education to determine whether or not a special~~
12 ~~tax shall be levied for public school purposes within said~~
13 ~~city the municipality.~~

14 "(b) If the petition or resolution is received
15 within 45 days of a primary or general election, the county
16 commission shall order the election to be held in conjunction
17 with the scheduled primary or general election. No election
18 shall be set on the date of a runoff election unless the
19 school board agrees to be responsible for all expenditures
20 associated with the election in the event there are no other
21 state or local issues on the ballot. The petitioners or county
22 or municipal school board may request that the county
23 commission call a special election under procedures set out in
24 this article, if they submit with their petition a resolution
25 adopted by the county or municipal board of education wherein
26 the board of education agrees to be responsible for all costs
27 associated with the election within 30 days of receipt of an

1 invoice from the county commission. The school board may
2 request a date for the election provided, however, that:

3 "(1) a special election shall not be set for a date
4 less than 90 days from the resolution calling the election;

5 "(2) no special election shall be set on a date
6 during the period that begins 45 days before a primary
7 election and continues through a date 45 days after the
8 following general election; and

9 "(3) if the county commission determines that the
10 date requested by the school board will work an undue
11 administrative or financial burden on the offices conducting
12 the election, it may set the election for an alternative date
13 as close as possible to the date requested by the school
14 board.

15 "(c) Except under extraordinary circumstances
16 recorded in the minutes of the county commission meeting, the
17 county commission shall set the election date within 30 days
18 of receipt of the request for same. If the decision on setting
19 the election is delayed, the county commission shall set the
20 election at its next regular or special meeting. The county
21 commission shall adopt a resolution setting the date for
22 election, which resolution shall immediately be delivered to
23 the judge of probate.

24 "§16-13-183.

25 ~~"The sheriff must give notice at least 30 days~~
26 ~~before any election to be held under this article, by~~
27 ~~publication in some newspaper in the county, if any is~~

1 ~~published therein, and if not, by writing posted at the~~
2 ~~courthouse door and at three other public places in the county~~
3 ~~of the time of holding, and when any election is to be held~~
4 ~~for a special tax for school purposes in any rural or city~~
5 ~~school tax district, written notices shall be posted in three~~
6 ~~public places within said district 30 days prior to said~~
7 ~~election. Said publications, both for special county and~~
8 ~~school tax district elections for school purposes, Except as~~
9 ~~specifically provided otherwise, a special election held under~~
10 ~~this article shall be conducted under the law governing~~
11 ~~special elections pursuant to Chapter 15 of Title 17. The~~
12 ~~notice of the special election given as provided by law shall~~
13 ~~show the rate of such proposed tax, the time it is proposed to~~
14 ~~be continued, the purpose for which the levy is proposed to be~~
15 ~~made and a description of the boundaries of the proposed~~
16 ~~school tax district.~~

17 "§16-13-184.

18 "(a) The ~~inspectors and election officers of the~~
19 ~~special county election shall be appointed and said the~~
20 ~~election shall be held and the results of such the election~~
21 ~~shall be declared in the same manner and by the same officers~~
22 ~~as the results of the regular a general election for county~~
23 ~~officers, under the general election laws of the state,~~
24 ~~provided, that. If the election may be is held at the time for~~
25 ~~holding any regular a primary, runoff, or general election in~~
26 ~~the county; and, if held at such time, the inspectors and~~
27 ~~election officers of the primary or general election shall~~

1 conduct at the same time the election herein provided for and
2 ~~for such services they~~ shall receive no compensation other
3 than that allowed them for the holding of the general
4 election. If ~~the~~ a special election is held, ~~at some other~~
5 ~~time than that of holding the regular election in the county,~~
6 ~~then~~ the election officers shall receive the same pay as that
7 for holding the primary, runoff, or general election.

8 " (b) ~~The managers and returning officers, provided~~
9 ~~for above, shall conduct and make return of such election in~~
10 ~~the rural or city school tax district; and, in the event such~~
11 ~~election officers fail to appear at the polling place to which~~
12 ~~they are appointed, the officer or officers who do appear~~
13 ~~shall appoint someone to take their places. All election~~
14 ~~officers shall be residents of the special school tax district~~
15 ~~and qualified electors of the beat or precinct in which they~~
16 ~~reside. The sheriff shall notify all officers of their~~
17 ~~appointment by the county commission. The managers of such~~
18 ~~election shall open and close the polls pursuant to Section~~
19 ~~17-7-5.1 on the date of election and, immediately upon closing~~
20 ~~the polls, shall ascertain the results of the election at~~
21 ~~their respective voting places, and make returns of the same~~
22 ~~to the county commission and deliver the ballot box containing~~
23 ~~the returns, with the poll lists, tally sheets and other~~
24 ~~necessary papers, to the returning officers of such voting~~
25 ~~places, who shall deliver the same to the county commission on~~
26 ~~or before noon of the second day of the said election. The~~
27 ~~county commission shall, within four days after said election,~~

1 ~~canvass the returns so made and under oath make a written~~
2 ~~report declaring the result of said election in said school~~
3 ~~tax district, showing the number of votes cast, both for and~~
4 ~~against the proposed taxation. A copy of such report shall be~~
5 ~~printed in some newspaper published in the county, and the~~
6 ~~original shall be filed in the office of the probate judge.~~
7 ~~Except as otherwise specifically provided herein, said in this~~
8 ~~article, any election held pursuant to this article shall be~~
9 ~~held conducted under the general laws of the state.~~

10 "§16-13-185.

11 "The election officers, including the sheriff, shall
12 perform the same duties and receive the same pay as provided
13 for under the general election laws ~~aforsaid, and all costs~~
14 ~~and fees of said election shall be paid out of the county~~
15 ~~treasury. of the state. If the election is held in conjunction~~
16 ~~with a primary, runoff, or general election, the county shall~~
17 ~~be reimbursed by the state for election expenses as authorized~~
18 ~~and provided in Chapter 21 of Title 17 and by the county or~~
19 ~~municipal board of education for any additional expenses~~
20 ~~incurred for conducting the election on the special tax. If a~~
21 ~~special election is held as authorized in this article, the~~
22 ~~county or municipal board of education which requested the~~
23 ~~special election shall reimburse the county for all~~
24 ~~expenditures associated with the special election within 30~~
25 ~~days of receipt of an invoice from the county commission. The~~
26 ~~county or municipal board of education is authorized to expend~~

1 any available revenues under its control for reimbursing costs
2 due to the county commission as provided herein."

3 Section 2. Section 16-13-181 and Section 16-13-186,
4 Code of Alabama 1975, are repealed.

5 Section 3. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.