

1 SB319
2 204253-2
3 By Senator Chambliss
4 RFD: Governmental Affairs
5 First Read: 12-MAR-20

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8 SYNOPSIS: Under existing law, the mayor, except in a
9 Class 1 municipality or a city or town organized
10 under a commission form of government, is required
11 to give notice of all general municipal elections
12 on the first Tuesday in July prior to the election
13 and is required to have ballots printed that
14 display the name of each qualified candidate on the
15 third Tuesday in July prior to the election.

16 This bill would change the date to the
17 second Tuesday in June preceding a general election
18 for when a mayor, except in a Class 1 municipality
19 or a city or town organized under a commission form
20 of government, must give notice of the election.

21 This bill would change the deadline for
22 printing municipal ballots to the fourth Tuesday in
23 June prior to the election.

24 Also under existing law, in a general
25 municipal election, an election official has seven
26 days from the election notice, or 14 days after the
27 general election in the case of a runoff municipal

1 election, to print and distribute to the absentee
2 election manager, or other designee, the official
3 ballots and election supplies.

4 This bill would also change the deadline for
5 printing and distribution of official ballots and
6 election supplies to 28 days prior to the general
7 municipal election, or 10 days after the election
8 in the case of a runoff municipal election.

9 This bill would require the city clerk in
10 every municipality to notify the Secretary of State
11 in writing of any special or regularly scheduled
12 municipal election.

13 This bill would also make nonsubstantive,
14 technical revisions to update the existing code
15 language to current style.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to municipal elections, to amend Sections
22 11-46-22, 11-46-25, and 17-11-12, Code of Alabama 1975, to
23 require the mayor, except in a Class 1 municipality or city or
24 town organized under a commission form of government, to give
25 earlier notice of all general municipal elections; to require
26 the mayor to have ballots printed earlier; to require the
27 appropriate election official to print and distribute the

1 official ballots and election supplies 28 days before a
2 general municipal election, or 10 days after the election in
3 the case of a runoff election; to require city clerks to
4 notify the Secretary of State of municipal elections in
5 writing; and to make nonsubstantive, technical revisions to
6 update the existing code language to current style.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 11-46-22, 11-46-25, and
9 17-11-12, Code of Alabama 1975, are amended to read as
10 follows:

11 "§11-46-22.

12 "(a) (1) ~~It shall be the duty of the~~ The mayor to
13 shall give notice of all municipal elections by publishing
14 notice ~~thereof~~ in a newspaper published in the city or town,
15 and, if no newspaper is published in the city or town, then by
16 posting notices thereof in three public places in the city or
17 town. When the notice is of a regular election, the notice
18 shall be published on the ~~first~~ second Tuesday in ~~July~~ June
19 preceding the election or the first business day thereafter.
20 When the notice is of a special election to be held on the
21 second Tuesday in a month, the notice shall be published on or
22 before the second Tuesday of the second month preceding the
23 month in which the election will be held, except where
24 otherwise provided by law. When the notice is of a special
25 election to be held on the fourth Tuesday of a month, the
26 notice shall be published on or before the fourth Tuesday of

1 the second month preceding the month in which the election
2 will be held, except where otherwise provided by law.

3 "(2) Whenever and wherever two or more municipal
4 offices of the same name (constituting a group) are to be
5 filled at the regular election, prior to the first day of
6 April preceding the election, the municipal governing body,
7 ~~shall~~ by ordinance, shall designate each of the offices by
8 number. When the offices have been designated by number, the
9 notice of the election shall clearly indicate that the offices
10 have been numbered and each candidate for the offices, in the
11 announcement of his or her candidacy, shall designate the
12 number of the office for which he or she is a candidate.
13 Candidates may begin to qualify after the notice of election
14 is given by the mayor.

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

17 "Notice of Election of Municipal Officers

18 "Notice is hereby given that on (day of week),
19 (date - month, day, and year) an election for the purpose of
20 electing a mayor (or other chief executive) and the board of
21 aldermen (town, city council, or other municipal governing
22 body, or, if the positions on the governing board have been
23 designated by number, the position numbers to be filled at the
24 election) and the other officers as pursuant to duly enacted
25 law or ordinance, or any or all of the officers, are to be
26 elected at the election for the city (or town) of _____,
27 Alabama, will be held, and that all registered and qualified

1 electors of the state, who reside within the corporate limits
2 of _____, Alabama, and have resided therein for 30 days or
3 more immediately preceding the date of the election, and who
4 are qualified to vote in the county precinct which embraces
5 and covers that part of the corporate limits of the city (or
6 town) in which the elector resides, will be authorized to
7 participate in the election.

8 "The polls will be opened at (here list the places
9 of voting which have been designated pursuant to Section
10 11-46-24). If necessary, a run-off election will be held on
11 (day of the week), (date - month, day, year)."

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

18 "(c) Notwithstanding Section 11-46-20, the city
19 clerk in each municipality, including Class 1 municipalities,
20 shall notify the Secretary of State in writing of any special
21 or regularly scheduled election.

22 "§11-46-25.

23 "(a) In all municipal elections on any subject which
24 may be submitted by law to a vote of the people of the
25 municipality and for any municipal officers, if paper ballots
26 are used, the voting shall be by official ballot printed and
27 distributed as provided in subsections (c) and (d), and no

1 ballot shall be received or counted in any election unless it
2 is provided as prescribed by law.

3 "(b) There shall be ~~but~~ only one form of ballot for
4 all the candidates for municipal office and every ballot
5 provided for use at any polling place in a municipal election
6 shall contain the names of all candidates who have properly
7 qualified and have not withdrawn, as provided in subsection
8 (g), together with the title of the office for which they are
9 candidates.

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

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

25 "(e) Absentee ballots shall be in the form
26 prescribed for absentee ballots by Title 17.

1 "(f) The ballot shall be arranged in substantially
2 the following form:

3 "For Mayor

4 "Vote for One

5 "() John Doe

6 "() Richard Roe

7 "For City Council Place Number One

8 "() _____

9 "() _____

10 "For City Council Place Number Two

11 "() _____

12 "() _____

13 "Etc.

14 "(g) The mayor shall cause to be printed on the
15 ballots the name of any qualified elector who, by 5:00 ~~P.M.~~
16 p.m. on the ~~third~~ fourth Tuesday in ~~July~~ June preceding the
17 date set for the election, has filed a statement of candidacy,
18 accompanied by an affidavit taken and certified by an officer
19 authorized to take acknowledgments in this state that such
20 person is duly qualified to hold the office for which the
21 person desires to become a candidate. Such statement shall be
22 substantially in the following form:

1 ""State of Alabama, _____ County. I, the
2 undersigned, being first duly sworn, depose and say that I am
3 a citizen of the city (or town) of _____, in said county, and
4 reside at _____, in said city (or town); that I have been or
5 will have been on the date of the municipal election a resi-
6 dent of said city (or town) for a period of not less than 90
7 days; that I desire to become a candidate for the office of
8 _____ in said city (or town) for the term of _____ years at
9 the election for such office to be held on the _____ day of
10 _____, 2__; that I am presently a qualified elector of the
11 city (or town) of _____; and I hereby request that my name be
12 printed upon the official ballot at said election.

13 ""(Signed) _____

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

16 ""(Style of Officer) _____"

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

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

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

17 "(k) All written notices of withdrawal filed with
18 the mayor shall be preserved for six months after the
19 election.

20 "§17-11-12.

21 "Not less than 55 days prior to the holding of any
22 election, except a municipal election, to which this chapter
23 pertains, or in the case of a runoff primary election, not
24 more than 14 days after the first primary election, the
25 officer charged with the printing and distribution of the
26 official ballots and election supplies shall deliver to the
27 absentee election manager of each county in which the election

1 is held or to the ~~person~~ individual designated to serve in his
2 or her place a sufficient number of absentee ballots,
3 envelopes, and other necessary supplies. Not ~~more~~ less than
4 ~~seven~~ 28 days ~~after the last day to qualify as a candidate~~
5 prior to the general election in a municipal election, or in
6 the case of a runoff municipal election, not more than ~~14~~ 10
7 days after the first election, or in the case of a municipal
8 election held for a purpose other than the election of
9 municipal officers, not more than seven days after the giving
10 of notice of the election, the officer charged with the
11 printing and distribution of the official ballots and election
12 supplies shall deliver to the absentee election manager of the
13 municipality in which the election is held, or to the ~~person~~
14 individual designated to serve in his or her place, a
15 sufficient number of absentee ballots, envelopes, and other
16 necessary supplies. If the absentee election manager is a
17 candidate with opposition in the election, he or she shall
18 immediately, upon receipt of the ballots, envelopes, and
19 supplies, deliver them to the ~~person~~ individual authorized to
20 act in his or her place, as provided in Section 17-11-13."

21 Section 2. This act shall become effective on
22 January 1, 2021 following its passage and approval by the
23 Governor, or its otherwise becoming law.