

1 HB391
2 148657-1
3 By Representative Williams (J)
4 RFD: County and Municipal Government
5 First Read: 07-MAR-13

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8 SYNOPSIS: Under existing law, in municipalities having
9 a population of 12,000 or more, vacancies in the
10 office of mayor are filled automatically by the
11 president of the council. There is currently no
12 provision of law that allows the president of the
13 council to decline the office of mayor and remain
14 on the council.

15 This bill would authorize, in the event of a
16 vacancy in the office of mayor, the president of
17 the council to decline the office of mayor and
18 remain on the council and would provide for the
19 council to fill the vacancy from its own membership
20 or by any other qualified elector in the
21 municipality.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to municipalities; to add Section
2 11-43-42.1 to the Code of Alabama 1975, to authorize, in the
3 event of a vacancy in the office of mayor, the president of
4 the council to decline the office of mayor and remain on the
5 council; and to provide for the council to fill the vacancy in
6 the office of mayor when the president of the council declines
7 automatic succession.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 11-43-42.1 is added to the Code
10 of Alabama 1975, to read as follows:

11 §11-43-42.1.

12 (a) In any municipality governed by Section 11-43-42
13 in which the president of the council automatically succeeds
14 to the office of mayor in the event of a vacancy in the office
15 of mayor, the president of the council may decline to succeed
16 to the office of the mayor and may remain as a member of the
17 council if the president of the council files a written
18 declaration with the municipal clerk setting forth that
19 intention within 72 hours of the occurrence of the vacancy.

20 (b) In the event the president of the council
21 declines to succeed to the office of mayor, the council shall
22 fill the vacancy either from its own membership or from
23 without the membership of the council, unless otherwise
24 provided by law. The person elected by the council to fill the
25 vacancy in the office of mayor shall be a qualified elector in
26 the municipality and shall meet all other legal qualifications

1 required by law for the performance of the duties of the
2 office of mayor.

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.