

1 HB776
2 115418-1
3 By Representatives Moore (M), McAdory, Hilliard, Coleman,
4 Scott and Todd (N & P)
5 RFD: Jefferson County Legislation
6 First Read: 25-MAR-10

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 To amend Sections 3.01 and 3.12 of Act 452 of the
14 1955 Regular Session (Acts 1955, p. 1004), as amended by Act
15 85-919 of the 1985 Second Special Session (Acts 1985, p. 197),
16 providing a Mayor-Council form of government for cities having
17 a population of 300,000 inhabitants or more according to the
18 last or any subsequent federal census, to provide that members
19 of the city council shall take office on the fourth Tuesday in
20 October of the year of their election; and to provide further
21 that the first meeting of each newly elected council shall be
22 held on the fourth Tuesday in October of the year of its
23 election.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 3.01 of Act 452 of the 1955
26 Regular Session (Acts 1955, p. 1004), as amended by Act 85-919

1 of the 1985 Second Special Session (Acts 1985, p. 197), is
2 hereby amended to read as follows:

3 "3.01. Number, election, term. The council shall
4 have nine members elected from single member districts
5 pursuant to Section 2 of Ordinance 89-46, adopted pursuant to
6 Section 11-43-63 of the Code of Alabama 1975. ~~the city at~~
7 ~~large in the manner hereinafter provided, five of whom shall~~
8 ~~be elected at an election held each two years. The regular~~
9 ~~election at large for the choice of such five members of the~~
10 ~~council shall be held on the second Tuesday in October of the~~
11 ~~year during which the term of the five members of the first~~
12 ~~council elected under the provisions of Section 1.07 hereof~~
13 ~~for the term most closely approximating two years shall~~
14 ~~expire, and every two years thereafter. The five members~~
15 ~~receiving a majority of the votes cast in any such election~~
16 ~~shall be elected to the council; and in the event that five~~
17 ~~persons should fail to receive such a majority, then and in~~
18 ~~that event those persons receiving a majority shall be~~
19 ~~elected, and another election for the choice of the remainder~~
20 ~~of the five members of the council to be elected shall be held~~
21 ~~on the third Tuesday thereafter in the same mode and manner~~
22 ~~and under the same rules and regulations provided in Section~~
23 ~~1.07 hereof with respect to the election of the first council.~~
24 The district council member so elected pursuant to Section 2
25 of Ordinance 89-46, adopted pursuant to Section 11-43-63 of
26 the Code of Alabama 1975, shall take office on the fourth
27 Tuesday in ~~November~~ October of the year of its election. ~~The~~

1 ~~four such councilmen of the five so elected receiving the~~
2 ~~largest number of votes at the first election if at least four~~
3 ~~councilmen are elected thereat, shall hold office for a term~~
4 ~~of four years and until their successors are elected and~~
5 ~~qualified. If four councilmen are not elected at the first~~
6 ~~election, then those who are elected at such election and the~~
7 ~~councilmen receiving the highest vote at the second election~~
8 ~~sufficient to bring the total number of such councilmen to~~
9 ~~four, shall hold office as provided in the preceding sentence.~~
10 ~~The fifth such councilman elected at either the first or~~
11 ~~second election shall hold office for a term of two years and~~
12 ~~until his successor is elected and qualified. Elections shall,~~
13 ~~except as otherwise herein provided, be governed by the~~
14 ~~general provisions of law relating to municipal elections of~~
15 ~~such city. No voter shall vote in said election or in any~~
16 ~~other election provided for by this act for either a greater~~
17 ~~or lesser number of candidates than the number of seats in the~~
18 ~~council to be filled at such election, and any violation of~~
19 ~~these provisions shall nullify the ballot of the violator. A~~
20 ~~majority of the votes cast in any election held under this act~~
21 ~~shall mean an excess of number of votes over a number~~
22 ~~ascertained by dividing the total vote cast for all candidates~~
23 ~~by the number of seats in council to be filled, and then~~
24 ~~dividing the result by two."~~

25 Section 2. Section 3.12 of Act 452 of the 1955
26 Regular Session (Acts 1955, p. 1004) as amended by Act 85-919

1 of the 1985 Second Special Session (Acts 1985, p. 197) is
2 hereby amended to read as follows:

3 "3.12. Meetings of council. The first meeting of
4 each newly elected council shall be held on the fourth Tuesday
5 in ~~November~~ October of the year of its election, after which
6 the council shall meet regularly at such times as may be
7 prescribed by its rules, but not less frequently than once a
8 week. All meetings of the council shall be open to the
9 public."

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