

**STATE OF ALABAMA)  
JEFFERSON COUNTY)**

**RESOLUTION TO FILL THE DISTRICT ONE JEFFERSON COUNTY  
COMMISSION VACANCY, IF THERE IS ONE, BY SPECIAL ELECTION ON  
FEBRUARY 5, 2008, AND RUN-OFF, IF NEEDED**

WHEREAS, District One Jefferson County Commissioner Larry Langford received the highest number of votes in the October 9, 2007, election for Mayor of the City of Birmingham; and

WHEREAS, an election contest has been filed against Commissioner Langford, for which the Jefferson County Election Commission comprised of Probate Judge Alan King, Circuit Clerk Anne Marie Adams and Sheriff Mike Hale take notice; and

WHEREAS, Jefferson County has a local Act No. 784 (1977) that states, "Section 9. No persons shall be appointed to fill a vacancy"; and

WHEREAS, the statutes of the State of Alabama, case law, and Department of Justice clearances in a similar case are at odds with each other on the state of the law and application thereto; and

WHEREAS, there are 45 voting precincts and 66,427 registered voters in District One; and

WHEREAS, local Act No. 784 (1977), sets forth that when a vacancy occurs on the Jefferson County Commission, a resolution shall be adopted providing for a special election by the Jefferson County Election Commission, with a run-off election, if needed, to provide how a person shall become a candidate for the office to be filled, to provide that any person elected to fill a vacancy shall serve the unexpired term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred; to provide that the general laws of the State governing elections shall apply; and

WHEREAS, a Special Election shall be held on February 5, 2008, which is the date already set for the statewide Presidential primary; and

WHEREAS, a run-off election shall be set on February 26, 2008, or later, if needed; and

WHEREAS, the Jefferson County Election Commission believes that the voters in District One should have the opportunity to elect their County Commissioner and should not be disenfranchised from the right to elect a Commissioner of their choice; and

WHEREAS, the RESOLUTION will take immediate effect upon a vacancy being created in the office of the Jefferson County Commissioner, District One.

NOW, THEREFORE, the Jefferson County Election Commission hereby ADOPTS the following:

A. If there is a vacancy in the Jefferson County Commission created by the election of Commissioner Larry Langford to the office of Mayor of the City of Birmingham, a Special Election has been called and approved and will be set for February 5, 2008, with a run-off election, if needed, to be held on February 26, 2008, or at a later date;

B. Inasmuch as it appears that statutes on qualifying have not been pre-cleared by the Department of Justice, local Act No. 784 (1977) would apply, which is attached hereto as Exhibit A;

C. Persons desiring to become a candidate shall file with the Jefferson County Judge of Probate no later than January 15, 2008;

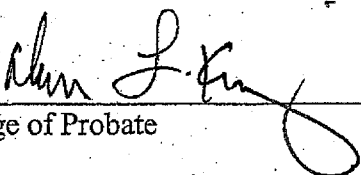
D. The person who is elected to fill the Commission vacancy in the Special Election and run-off, if needed, will serve the unexpired term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred; and

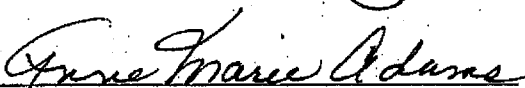
E. The general laws of the State governing elections shall apply; and


F. The Election Commission further believes that the voters of District One deserve the right and the opportunity to vote for the candidate of their choice.

G. This Resolution shall take immediate effect upon a vacancy being created in the office of Jefferson County Commissioner, District One.

THIS RESOLUTION IS HEREBY APPROVED this 29<sup>th</sup> day of October, 2007 by the Jefferson County Election Commission.

  
\_\_\_\_\_  
Judge of Probate

  
\_\_\_\_\_  
Circuit Clerk

  
\_\_\_\_\_  
Sheriff

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pality having the required number of inhabitants and whose corporate boundaries lie partly within said county and partly without said county. Any municipality which adopts a resolution and comes under the provisions of this Act, as herein provided, shall thereafter remain under this Act, and may not repeal or rescind such action either by the adoption of a resolution or otherwise."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 783

H. 943—McCluskey, Shoemaker, Dial  
AN ACT

To amend Section 2 of Act No. 793, 1975 Regular Session (Acts of 1975, p. 1596), entitled:

"An Act Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies;" so as to increase the compensation of the secretarial assistants for the office of circuit judge of the judicial circuit in which such county lies.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Section 2 of Act No. 793, 1975 Regular Session (Acts of 1975, p. 1596) is hereby amended to read as follows:

"Section 2. The compensation of such secretarial assistants for the circuit judges shall be set by the circuit judge at a sum not exceeding \$725.00 per month."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 784

H. 950—Gafford

AN ACT

To provide that when a vacancy occurs on the governing body of

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Jefferson County, the Election Commission of Jefferson County shall adopt a resolution providing for a special election, with a run-off election, if necessary, to fill such vacancy; to provide how a person shall become a candidate for the office to be filled; to provide that any person elected to fill a vacancy hereunder shall serve the unexpired term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred; to provide that the general laws of the State governing elections shall apply to any election held under the Act, except as the Act otherwise provides; to provide that no person shall be appointed to fill such vacancy; and to repeal Section 145, Title 62, Code of Alabama of 1940, and any other laws or parts of laws in conflict with the Act.

*Be It Enacted by the Legislature of Alabama:*

Section 1. As herein used, the following terms have the meanings hereby ascribed to them: "the County" means Jefferson County, Alabama; "a vacancy" means a vacancy on the governing body of the County caused by death, resignation, impeachment, or any cause except normal expiration of terms; "first election hereunder" means the first election for which this Act provides to fill a vacancy as distinguished from the run-off election held hereunder, if a run-off election is necessary; "run-off election hereunder" means the run-off election for which this Act provides, if no candidate at the first election hereunder receives a majority of the votes cast; "a County wide election" means any election, whether general, special or primary, including run-off elections, whereat qualified electors throughout the County are entitled to vote and which is held to elect a Federal, State or County officer or to nominate a candidate or candidates, for a Federal, State or County office or offices, to submit one or more questions, including, but not limited to, the question of adopting a proposed amendment to the Constitution of Alabama and the question of whether general obligation bonds, or revenue bonds, of the State or County shall be issued; "a scheduled County wide election" means a County wide election which is scheduled to be held on a date definitely determined when a vacancy occurs; and "the Election Commission" means the Election Commission of the County.

Section 2. Within seven days from the occurrence of any vacancy the Election Commission, by a majority vote thereof, shall adopt a resolution stating the dates on which the first election hereunder and the run-off election hereunder, if necessary, will be held. The said dates will be determined as provided for in Sections 3 and 4, below.

Section 3. If when a vacancy occurs a County wide election is scheduled to be held more than forty days and not more than 180 days from the date whereon the vacancy occurs, the first election hereunder, to fill such vacancy, shall be held on the County wide election date. If when the vacancy occurs



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there is no County wide election scheduled to be held more than forty days and not more than 180 days after the date whereon the vacancy occurs the first election hereunder, to fill the vacancy, shall be held on a date specified by the Election Commission in the resolution, provided for in Section 2, above, which date shall be not less than thirty-three days and not more than forty days from the date on which the resolution is adopted.

Section 4. If when the resolution, provided for in Section 2, above, is adopted, a County wide election is scheduled to be held not less than three weeks and not more than eight weeks from the date on which the resolution provides the first election hereunder shall be held, to fill said vacancy, the run-off election hereunder, if necessary, shall be held on the date on which said County wide election is scheduled to be held. If when the resolution, provided for in Section 2, above, is adopted, there is no County wide election scheduled to be held not less than three weeks and not more than eight weeks from the date on which the resolution provides for the first election hereunder to be held, the resolution shall provide for the run-off election hereunder, if any run-off election is necessary to be held three weeks subsequent to the date on which the first election hereunder will be held to fill the vacancy.

Section 5. Any person elected to fill a vacancy hereunder shall serve the unexpired portion of the term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred.

Section 6. The first election hereunder and the run-off election hereunder, if a run-off election is required, shall be held on the dates provided for in the resolution adopted under Section 2, above. The provisions of the election laws governing the registration of voters, equipment at polling places, furnishing of supplies, appointment of election officers, voting and canvassing returns at a general election shall apply to any election held hereunder, except as herein otherwise provided.

Section 7. The failure of the Election Commission to provide for the first election hereunder, or the run-off election hereunder, within seven days from the occurrence of a vacancy shall not terminate the jurisdiction and duty of the Election Commission to provide for such first election or such run-off election.

Section 8. No primary election shall be held to nominate a candidate to fill a vacancy under the provisions of this Act. At any election held under this act no person's name shall appear on the ballot as a candidate for the office to be filled at said election unless such person has filed in the office of the Judge of Probate of the County within the time and in the forms

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prescribed below in this Section 8 his statement of candidacy and the petition signed by at least one hundred qualified electors requesting that such person become a candidate for the said office.

Any person desiring to become a candidate at any election hereunder may become such candidate by filing in the office of the Judge of Probate of the County such person's statement in writing of such candidacy, accompanied by such person's affidavit taken and certified by such Judge of Probate, or by a Notary Public, that such person is duly qualified to hold the office for which the person desires to be a candidate. Such statement shall be filed at least twenty-one days before the date set for such election; and shall be in substantially the following form:

"State of Alabama, Jefferson County.

I, the undersigned, being first duly sworn, depose and say that I am a citizen of Jefferson County in Alabama, residing at \_\_\_\_\_ in said County, that I desire to become a candidate for the office of \_\_\_\_\_ at the election for said office to be held on the \_\_\_\_\_ day of \_\_\_\_\_, and that I am duly qualified to hold said office if elected thereto; I hereby request that my name be printed on the official ballot at said election.

Signed \_\_\_\_\_

Subscribed and sworn to before me, the undersigned (Probate Judge or Notary Public, as the case may be) on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

(Judge of Probate or Notary Public as the case may be)"

Said statement shall be accompanied by a petition signed by at least one hundred persons who shall be qualified to vote at said election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full and their residence addresses, and said petition shall be in substantially the following form:

"We, the undersigned, duly qualified electors of Jefferson County, and residing at the places set opposite our respective names, do hereby request that the name of \_\_\_\_\_ be placed upon the official ballot as a candidate for the office of \_\_\_\_\_ at the election for said office to be held in said County on the \_\_\_\_\_ day of \_\_\_\_\_. We further state that we know that said \_\_\_\_\_ possesses the qualifications necessary for said office, and is in our





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judgment a fit and proper person to hold said office. Witness our hands on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_."

No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to the provisions as set forth above. If voting machines are used in the County, the names of candidates shall be suitably placed on voting machines.

Section 9. No persons shall be appointed to fill a vacancy. Section 145, Title 62, Code of Alabama of 1940, and all other laws and parts of laws, whether general, local or special in conflict herewith, are hereby repealed to the extent of any such conflict.

Section 10. This Act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Approved May 25, 1977.

Time: 4:30 P.M.

Act No. 785

H. 1023—Shelton, Merrill

AN ACT

To provide that any public corporation heretofore or hereafter incorporated and existing under the provisions of Act No. 109, H. 148 of the 1961 Regular Session, as amended, [1961 Acts, p. 134; appearing in Code of Alabama 1940, Recompiled 1958, Title 22, Section 204 (41a)], is authorized and empowered to lease any hospital, building or facility constructed and equipped under the provisions of such act to any public corporation or any non-profit corporation. No rights under the terms of any contract shall be abrogated nor shall any security for the fulfillment of any obligation be jeopardized by the provisions of this act.

*Be It Enacted by the Legislature of Alabama:*

Section 1. Any public corporation heretofore or hereafter incorporated and existing under the provisions of Act No. 109, H. 148 of the 1961 Regular Session, as amended, [1961 Acts, p. 134; appearing in Code of Alabama 1940, Recompiled 1958, Title 22, Section 204 (41a)], is hereby authorized and empowered to lease any hospital, building or facility constructed and equipped under the provisions of such act to any public corporation or any non-profit corporation. Nothing herein shall be construed to allow the abrogation of the terms of any contract or to jeopardize any security for the fulfillment of any obligation assumed under the provisions of said Act No. 109.

Section 2. The provisions of this act are severable. If