



## The Birmingham News

### Riley says he'll name Langford successor

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Gov. Bob Riley plans to appoint a replacement for Birmingham Mayor-elect Larry Langford on the Jefferson County Commission, the governor's spokeswoman said Wednesday.

The governor would not specify who might be appointed or how long it would take, said Tara Hutchison.

"We believe a lot of people are interested in the position," Hutchison said. "The governor will make the appointment as quickly as possible."

Langford may take over the mayor's office any time on or before the fourth Tuesday in November, according to the city's Mayor-Council Act.

Hutchison said the governor's legal office is of the opinion he has the authority to make the appointment.

But a Jefferson County-only law in the state code calls for a special election when a seat is vacated well before a county election is scheduled. The next election is set for 2010.

"No persons shall be appointed to fill a vacancy," Act 784 of 1977 reads.

The law requires the County Election Commission to decide within a week after the vacancy occurs when to set an election, which must be held 33-40 days after the vacancy occurs. Anyone who decides to run must get 100 signatures and file with the probate judge.

The issue has been the subject of legal debate elsewhere. In 2005, Riley appointed Juan Chastang, a fellow Republican, to fill the vacancy created on the Mobile County Commission when then-Commissioner Sam Jones was elected mayor of Mobile.

Earlier this year, a panel of federal judges ruled that appointment violated the federal Voting Rights Act of 1965 because changes to Alabama voting procedures must be cleared to guarantee they won't hurt minority voters.

In 1985, the state passed a law similar to Jefferson County's that let Mobile County hold a special election for vacancies. But the state Supreme Court found it unconstitutional in 1988 and gave the authority to the governor.

Since then, the state has approved laws allowing special elections in some commission vacancies.

Some of the names mentioned as potential replacements on the commission are Birmingham Councilman Roderick Royal, former Councilman Elias Hendricks and Richard Finley, head of the Alabama Republican Council, the state's oldest active Republican group. A replacement is required to live in Langford's commission district, which stretches from Fairfield north to Fultondale and east to Roebuck.

Finley said he knew his name had come up and he'd be willing to serve, but didn't expect anything to happen for a while. "I've heard a lot of talk," he said. "It's all talk right now."

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