

Subject: CITY COUNCIL ELECTION WILL BE EARLIER THAN EXPECTED

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MEDIA ADVISORY

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CITY COUNCIL ELECTION WILL BE EARLIER THAN EXPECTED

Mayor Larry P. Langford addressed the City Council at today's Administration, Budget and Finance Committee meeting. Citing a change in the State of Alabama law, the Mayor explained that City Council elections will need to be held in August rather than October of this year. The City's election commission met today to discuss the changes and their impact on the election cycle in Birmingham. Here are the facts:

- Federal law, the Help America to Vote Act of 2002, mandated certain requirements to secure the rights of absentee and overseas voters, and provided for provisional ballots, extending the time required to finalize elections.
- State of Alabama implemented these changes in state law through a series of acts from 2003 - 2006, which changed the length of time between regular and run-off elections for most municipalities but not for the City of Birmingham
- The state amended the Code to change the run-off period for other municipalities from three to six weeks. This did not remedy the problem for Birmingham as Class 1 municipalities are expressly excluded.
- Failure to change the length of time between the regular elections for the City of Birmingham and any run-off could impair the expanded rights of absentee and provisional voters afforded through the Help America to Vote Act and state law.
- The run-off period in the Mayor-Council Act is three weeks.
- New state requirements for provisional ballots create a problem with holding runoff elections in accordance with the three weeks required by the Mayor-Council Act because the decision to hold a runoff election cannot be made until provisional ballots are canvassed seven days after the election.
- State law (Ala. Code § 11-46-5) allows a city council to adopt by ordinance the time for general and run-off elections to comply with other mayor-council cities' election times found in Ala. Code § 11-46-21 and comply with federal law.
- Adopting the time of elections as provided for in state law § 11-46-21 will change elections for the City of Birmingham from the 2nd Tuesday in October to the 4th Tuesday in August; any run-off would be held on the sixth Tuesday following.
- Elected officials will continue to take office in November as provided in the Mayor-Council Act; state law does not allow any change in the term of office

A copy of the Mayor-Council Act is available at the City's website, birminghamal.gov.

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