

2008 MUNICIPAL ELECTIONS CALENDAR

(All citations are to the Code of Alabama, 1975)

In most cases, the dates printed in this publication represent the final deadline for performing the listed duties. The League urges officials and candidates to accomplish these duties well in advance of the deadline.

Electronic Voting Rule--Ordinance establishing the use of electronic vote counters must be adopted. No deadline is set, but the ordinance must be adopted far enough in advance to meet other election deadlines. §17-24-3 [§17-7-21].

NOTE—At the time this calendar was prepared, Act 2006-570, which made substantial changes to Alabama's election laws, including renumbering many Code provisions, was not precleared. Therefore, both the old and new Code provisions are cited. New Code provisions are underlined.

References are to dates in the year 2008 unless otherwise indicated.

August 26, 2007 First day candidates for municipal elections can begin to raise money. §17-22A-7(b)(2) [§17-5-7(b)(2)]. Under general law, there is no limitation on the amount an individual may contribute to the campaign of a person running for municipal office. However, a corporation is limited to giving \$500 per candidate per election. §§10-2A-70.1 and 10-2A-70.2.

February 26, 2008 Last day for the council to change the salaries for officials who will be elected in August. §§11-43-2 and 11-43-80.

Last day for the council to decide whether to elect councilmembers at large or from districts. §§11-43-2 and 11-43-63.

Last day for the council in municipalities with a population of less than 10,000 according to the most recent decennial census to provide for a procedure for the appointment of additional election officials to receive, count, and return the absentee ballots cast at the election. §§ 11-46-27, 17-10-10, 17-10-11 [§§17-11-10, 17-11-11].

March 31 Last day for councils elected at large to number the places for election purposes. §11-46-22.

May 26 Last day for the council to change its district lines. §11-46-23. Last day for the council to change the location of designated voting places or add an additional voting place.

May 28 Last day a person can become a resident of the municipality and district and still be a candidate for election. Candidates must reside in the municipality and the district for a period of 90 days before the election. §11-46-25(g); §11-43-63.

June 26 Last day on which the council may adopt an ordinance establishing qualification fees. §11-46-2.

June 27 A municipality operating on Eastern Standard Time may by ordinance open and close the polls under Eastern Standard Time if necessary. Changing to or from Eastern Standard Time would necessitate pre-clearance at least 60 days prior to the election. §11-46-28.

Electronic Voting Rule--First day to conduct a training school for officials who will conduct an election using electronic voting machines. §17-9-19 [§17-8-9]. No election official shall serve in any election in which an electronic voting machine is used, unless he or she shall have received such instruction within 60 days prior to the election and is

fully qualified to perform the duties in connection with the electronic voting machine, and has received a certificate from the authorized instructor to that effect. This does not prevent the appointment of an uninstructed person as an election official to fill a vacancy among the election officials. **IT IS UNCLEAR THAT THIS PROVISION APPLIES TO MUNICIPAL ELECTIONS. HOWEVER, THE LEAGUE RECOMMENDS THAT MUNICIPAL GOVERNMENTS USING ELECTRONIC VOTING MACHINES FOLLOW THIS PROCEDURE.**

July 1

Mayor gives notice of the election on the first Tuesday in July. §11-46-22(a).

Candidates may begin qualifying once notice is published. Qualifying forms are available from the municipal clerk. §11-46-22(a).

NOTE: The Fair Campaign Practices Act requires all candidates to file with the PROBATE JUDGE a list of from two to five persons who will serve as their campaign committee. Candidates may serve as their own committee, but must still file a form to this effect with the PROBATE JUDGE. **THIS FORM MUST BE FILED WITHIN FIVE (5) DAYS OF QUALIFYING TO RUN FOR OFFICE. THIS FORM MUST BE FILED REGARDLESS OF WHETHER THE CANDIDATE HAS REACHED THE \$1,000 THRESHOLD UNDER THE FAIR CAMPAIGN PRACTICES ACT.** Forms are available from the probate judge, Secretary of State or the municipal clerk. §17-22A-4 [§17-5-4].

ALSO, the Ethics Law requires candidates to file a statement of economic interests with the MUNICIPAL CLERK. **THIS STATEMENT MUST BE FILED ALONG WITH THE QUALIFYING FORM.** A candidate for municipal office may request a five day extension to file the statement of economic interests. The request must be made through the MUNICIPAL CLERK. The statement of economic interests must be filed with the MUNICIPAL CLERK within the five day extension. **THE CLERK IS REQUIRED TO REMOVE FROM THE BALLOT THE NAME OF ANY CANDIDATE WHO FAILS TO FILE THE STATEMENT OF ECONOMIC INTERESTS BY THE DEADLINE.** Incumbents do not have to file the statement of economic interests as they are required to submit an annual report which is on file with the ETHICS COMMISSION. §36-25-15.

July 9

First day to file the 45 - 50 day pre-election campaign disclosure form with the PROBATE JUDGE. Forms are available from the probate judge, the Secretary of State, or the municipal clerk. If the candidate has not raised or spent at least \$1,000, no disclosure report is due. §17-22A-8(a)(1) [§17-5-8(a)(1)].

July 14

Last day to file the 45 - 50 day pre-election campaign disclosure form with the PROBATE JUDGE. Forms are available from the probate judge, the Secretary of State, or the municipal clerk. If the candidate has not raised or spent at least \$1,000, no disclosure report is due. §17-22A-8(a)(1) [§17-5-8(a)(1)].

July 15

Last day to qualify to run for municipal office. The qualifying form must be filed by 5:00 p.m., Central Daylight Time, with the MUNICIPAL CLERK. Forms are available from the clerk. §11-46-25(g).

Mayor must cause the printing of the ballots. §11-46-25.

Mayor must file a list of qualified voters with the clerk. If the mayor is a candidate in the election, the council must appoint a qualified person to perform this duty. Sections 11-46-36 and 11-46-37.

- July 21** Last possible day for candidates to file with the PROBATE JUDGE a statement showing the names of their campaign committee. §17-22A-4 [§17-5-4].
- Last day for the clerk to forward statements of economic interests filed by candidates to the Ethics Commission. §36-25-15.
- July 22** Mayor must file a list of qualified voters with the absentee election manager. §17-10-5 [§17-11-5].
- Last day for the mayor (or other person assigned to this duty) to deliver absentee ballots and supplies to the clerk. §17-10-12 [§17-11-12]. NOTE: §11-46-32 requires the mayor to provide absentee supplies no later than 21 days before the election. The provision in Title 17 is a more recently adopted provision and should be followed instead.
- July 27** Last day to place a voting machine on display. §11-46-31.
- Last day for sample of the ballot or vote card to be placed on display in municipalities using vote tabulators that require voters to fill out a card or paper ballot to be read by the tabulator. §11-46-31.
- August 11** Last day for the council to appoint election officials.
- NOTE:** The clerk must notify the persons chosen as election officials and must hold an election school for them. The clerk must notify the official at least 48 hours before the school is scheduled. §§11-46-27 and 11-46-30.
- August 12** **Electronic Voting Rule--**First day to test electronic vote counters. The test must be conducted as close as practicable to the date of the election. The test is open to the public. Forty-eight (48) hours notice of the test must be given. Rule 307-X-1-.04; 17-24-9(a).
- August 15** First day to file the 5 - 10 day pre-election campaign disclosure form with the PROBATE JUDGE. Forms are available from the probate judge, the Secretary of State, or the municipal clerk. §17-22A-8(a)(1) [§17-5-8(a)(1)].
- August 16** Last day for the mayor to publish lists of the election officers and the voting places to which they are assigned. Section 11-46-27.
- August 21** Last day for a voter to apply for a regular absentee ballot. §17-10-3(a) [§17-11-3(a)].
- Last day to file the 5 - 10 day pre-election campaign disclosure form with the PROBATE JUDGE. §17-22A 8(a)(1) [§17-5-8(a)(1)].
- Last day to publish the list of qualified voters. §11-46-36.
- Electronic Voting Rule--**Last day to conduct a training school for officials who will conduct an election using electronic voting machines. §17-9-19 [§17-8-9]. IT IS UNCLEAR THAT THIS PROVISION APPLIES TO MUNICIPAL ELECTIONS. HOWEVER, THE LEAGUE RECOMMENDS THAT MUNICIPAL GOVERNMENTS USING ELECTRONIC VOTING MACHINES FOLLOW THIS PROCEDURE.

August 25

Last day for an absentee voter who is required to provide identification but failed to include it with the ballot to submit this identification by 5:00 p.m. to prevent the ballot from becoming a provisional ballot. §17-10A-2(c)(1)(a). [17-10-2(c)(1)(a)].

Last day for a voter to apply for an emergency absentee ballot if he or she is required by his or her employer to be out of the country on election day. §17-10-12 (c) [17-11-3(d)].

The clerk, along with two watchers, must inspect and seal voting machines which will be used in the election. §11-46-33.

If an absentee ballot is returned by mail, it must be postmarked by August 25 **and** received by noon the day of the election. The deadline for hand-delivery of absentee ballots is 5:00 p.m. on August 25. §17-10-23 [§17-11-18].

August 26

Election Day. Regular municipal elections are held on the fourth Tuesday in August. §11-46-2. Candidates may appoint a poll watcher to observe voting procedures in the polling place. The appointment must be made in writing, signed by the candidate, and filed with the election officials at the polling place. §11-46-35. **NOTE:** Section 11-46-28 provides that the polls be open from 7:00 a.m. to 7:00 p.m. and that a municipality may set those times under Eastern Standard Time if necessary. Changing to or from Eastern Standard Time would necessitate preclearance at least 60 days prior to the election. (June 27, 2008).

Electronic Voting Rule-- Precinct counters must be tested according to the manufacturer's instructions to ensure that they are set at zero and to prepared for voting. Rules 307-X-1-.11.

Deadline for returning absentee ballots by mail or an emergency absentee ballot for a registered voter who requires emergency treatment by a licensed physician within 5 days of the election is 12:00 noon on August 26. §§17-10-23; 17-10-12(b) [§17-11-18].

Election officials must meet at their respective polling places at least 30 minutes before polls open. §11-46-28.

The clerk must ensure that all ballots, boxes and supplies are provided at each polling place, or if machines are used, that proper supplies are provided at each polling place. §11-46-33.

August 27

Deadline for the absentee election manager to notify voters whose absentee ballots have become provisional due to the inspector's personal knowledge that voter was not eligible to vote. §17-10A-2(c)(3)(b). [17-10-2(c)(3)(b)].

Municipal clerk must deliver the written affirmations of the provisional voters, inspector challenge statements, and all voter reidentification forms in a sealed envelope addressed to the board of registrars no later than noon.

August 29

Last day for an absentee voter who was required to provide identification but failed to provide it before the election to submit identification to the board of registrars in order to have the vote counted. §17-10A-2(c)(1)(c). [17-10-2(c)(1)(c)].

September 2

The council must canvass the election results before 12:00 Noon. §§11-46-46 and 11-46-55. If a candidate receives a majority of the votes cast for the office, the council issues a certificate of election. If no candidate receives a majority, the council shall

order a run-off election to be held. **ANYONE WITH STANDING TO CONTEST THE ELECTION MAY REQUEST A RECOUNT WITHIN FORTY-EIGHT HOURS OF THE OFFICIAL CANVASS OF THE ELECTION RESULTS.** §11-46-55.1.

- September 8** Last day a candidate may contest the results of the general election. §11-46-69.
- September 9** Last day for the mayor (or other person assigned to this duty) to deliver absentee ballots and supplies to the clerk for the run-off election. §17-10-12 [§17-11-12].
- September 23** **Electronic Voting Rule**— First day to test electronic vote counters for the run-off election. The test must be conducted as close as practicable to the date of the election. The test is open to the public. Forty-eight (48) hours notice of the test must be given. Rule 307-X-1-.04.
- September 26** First day to file the 5-10 day pre-election campaign disclosure report with the PROBATE JUDGE. Forms are available from the probate judge, Secretary of State and the municipal clerk. §17-22A-8(a)(1) [§17-22A-8(a)(1)].
- October 2** Last day for a voter to apply for a regular absentee ballot. §17-10-3(a) [§17-11-3(a)].
- Last day to file the 5-10 day pre-election campaign disclosure report with the PROBATE JUDGE. §17-22A-8(a)(1) [§17-5-8(a)(1)].
- October 6** Last day for an absentee voter who is required to provide identification but failed to include it with the ballot to submit this identification by 5:00 p.m. to prevent the ballot from becoming a provisional ballot. §17-10A-2(c)(1)(a). [17-10-2(c)(1)(a)].
- Last day for a voter to apply for an emergency absentee ballot if he or she is required by his or her employer to be out of the country on election day. §17-10-12(c) [17-11-3(d)].
- The clerk, along with two watchers, must inspect and seal voting machines which will be used in the election. §11-46-33.
- If an absentee ballot is returned by mail, it must be postmarked by October 6. The deadline for hand-delivery of absentee ballots is 5:00 p.m. on October 6. §17-10-23 [§17-11-18].
- October 7** **Run-off Election Day.** Candidates may appoint a poll watcher to observe voting procedures in the polling place. The appointment must be made in writing, signed by the candidate, and filed with the election officials at the polling place. §11-46-35.
- Electronic Voting Rule--** Precinct counters must be tested according to the manufacturer's instructions to ensure that they are set at zero and to prepared for voting. Rules 307-X-1-.11.
- Deadline for returning absentee ballots by mail or an emergency absentee ballot for a registered voter who requires emergency treatment by a licensed physician within 5 days of the election is 12:00 noon on October 7. §§17-10-23; 17-10-12(b) [§17-11-18].
- October 8** Deadline for the absentee election manager to notify voters whose absentee ballots have become provisional due to the inspector's personal knowledge that voter was not eligible to vote. §17-10A-2(c)(3)(b). [17-10-2(c)(3)(b)].

Municipal clerk must deliver the written affirmations of the provisional voters, inspector challenge statements, and all voter reidentification forms in a sealed envelope addressed to the board of registrars to the board of registrars no later than noon.

- October 10** Last day for an absentee voter who was required to provide identification but failed to provide it before the election to submit identification to the board of registrars in order to have the vote counted. §17-10A-2(c)(1)(c). [17-10-2(c)(1)(c)].
- October 14** The council must canvass the election results before 12:00 Noon. §§11-46-46; 11-46-55. **ANYONE WITH STANDING TO CONTEST THE ELECTION MAY REQUEST A RECOUNT WITHIN FORTY-EIGHT HOURS OF THE OFFICIAL CANVASS OF THE ELECTION RESULTS.** §11-46-55.1.
- October 20** Last day a candidate may contest the results of the run-off election. §11-46-69.
- November 3** Newly elected municipal officials take office on the first Monday in November following the election. §11-46-21(c). Council meets for its organizational session. §11-43-44.
- December 24** Last day for candidates who were not involved in the run-off election to raise money to pay off their campaign debts. §17-22A-7(b)(3) [§17-5-7].
- February 4, 2009** Last day for candidates who were involved in the run-off election to raise money to pay off their campaign debts. §17-22A-7(b)(3) [§17-5-7].

All political advertisements must be clearly marked with a statement that the communication is a paid political advertisement. This statement must contain information which adequately identifies the person or committee that paid for or authorized the ad. §17-22A-12 [§17-5-12].

NOTE: Candidates who are not elected should dissolve their campaign committees by filing a form with the PROBATE JUDGE. The Fair Campaign Practices Act requires all candidates who fail to dissolve their campaign committees to file an annual report listing all contributions or expenditures with the probate judge. Forms are available from the probate judge, the Secretary of State, or the municipal clerk.

DISCLAIMER: This election calendar is provided as a service to candidates running in the general municipal election and those officials responsible for conducting the municipal election to be held on August 26, 2008, with a run-off on October 7, 2008, if necessary. *Use of this calendar is at the sole risk of the candidate. It is the responsibility of the candidate or official to verify the dates on which forms are due.* The Alabama League of Municipalities and the municipality and/or official that may distribute this form disclaim any responsibility or liability for failure to comply with any filing requirement or any other election law.