



2014-012

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

October 25, 2013

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Honorable Charles C. Woodroof
Limestone County Probate Judge
100 South Clinton Street, Suite D
Athens, Alabama 35611

Counties – County Commissions –
Residence Requirements – Elections
– Redistricting

Section 11-3-1(a) of Code of Alabama requires that any candidate seeking office as a county commissioner must live within the district for one year prior to the election. Based on the plain language of this section, the one-year residency requirement does not apply to the first election occurring after redistricting of county commissioners in the county. Any person seeking office as a county commissioner in Limestone County following the 2012 election cycle must be a resident of that respective district for a minimum of one year prior to the election.

Dear Judge Woodroof:

This opinion of the Attorney General is issued in response to your request.

QUESTION

Does the provision found in section 11-3-1(a) of Code of Alabama, which states that the one-year residency requirement “shall not apply to the first election following any redistricting of

county commission districts in a county,” only apply to the first election of any kind following redistricting, or does the provision apply to the first general election of each district commissioner following redistricting?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that the Limestone County Commission (“Commission”) has four commissioners who each represent a certain district and serve staggered terms. There is also a chairman of the Commission. Following the 2010 Census, the districts were redrawn and adopted by the Commission on August 15, 2011. The new boundary lines were precleared by the United States Department of Justice on October 21, 2011. During the 2012 election cycle, commissioners were elected from District 2 and District 4. During the 2014 election cycle, the positions for District 1, District 3, and the chairman of the Commission will become available. This will be the first election for these positions since redistricting.

Questions have arisen regarding whether the one-year residency requirement applies to the first election of any kind following redistricting or the provision applies to the first general election of each district commissioner following redistricting. Section 11-3-1 of the Code discusses the qualification for anyone interested in seeking to become a county commissioner. Section 11-3-1(a) states as follows:

(a) Any person who is a qualified elector of the county and has resided in the county for at least one year prior to the date upon which he or she would take office is eligible to seek office as county commissioner. In counties where the county commissioners represent a certain district, any person seeking office as county commissioner shall be a qualified elector of and reside within the district which he or she seeks to represent upon election or appointment for at least one year prior to the date that he or she would take office. ***Notwithstanding the foregoing, the one-year residency requirement provided above shall not apply to the first election following any redistricting of county***

commission districts in a county. Any person serving as county commissioner, at all times while in office, shall meet the qualified elector and residency requirements set out herein, and in the case of a district commissioner shall reside in the district as it existed at the time of his or her election.

ALA. CODE § 11-3-1(a) (2008) (emphasis added).

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000). Based on the plain language used above, the one-year residency requirement provided for in section 11-3-1(a) of the Code does not apply to persons seeking office in the first election following redistricting. This Office notes, however, that commissioners are required to be residents of the district even after redistricting occurs, but the law does not require these commissioners to have lived within the district for one year prior to an election when that is the first election following redistricting.

The first election following redistricting occurred in 2012. The statute does not contemplate a resetting of the one-year residency requirement when there are elections in successive years pertaining to various districts for commissioners serving staggered terms. Absent clear language expressing an intent by the Legislature for the residency requirement to apply to the first general election of each district commissioner serving staggered terms, it is the opinion of this Office that any person seeking office as a county commissioner in Limestone County following the 2012 election cycle must be a resident of that respective district for a minimum of one year prior to the election.

CONCLUSION

Section 11-3-1(a) of Code requires that any candidate seeking office as a county commissioner must live within the district for one year prior to the election. Based on the plain language of this section, the one-year residency requirement does not apply to the first election occurring after redistricting of county commission districts in the county. Any person seeking office as a county commissioner in Limestone County

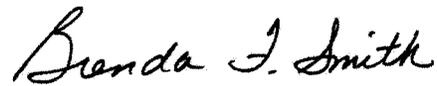
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following the 2012 election cycle must be a resident of that respective district for a minimum of one year prior to the election.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

LS/MMG
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