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Office of the State Comptroller

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Kathleen D. Baxter, PhD, CGFM, CPM
State Comptroller

Michael G. Hudson
Deputy State Comptroller

MEMORANDUM

TO: All County Tax Assessors

FROM: Kathleen D. Baxter
State Comptroller

A handwritten signature in black ink, appearing to read "KDB", is placed over the name "Kathleen D. Baxter" in the "FROM:" field.

DATE: October 23, 2020

SUBJECT: Public Official Surety Bonds

Section 11-2 et.al., Code of Alabama 1975, as amended, requires tax assessors to execute a public official surety bond for the faithful performance of their duties. This code section contains provisions relating to the execution and filing of these bonds. Bonds not properly prepared or in compliance with law will be returned for correction. The information below provides details of obtaining and submitting the bond in accordance with this code section.

The bond of the tax assessor is to be executed in triplicate- the original to be shall be filed and recorded in the Office of the Judge of Probate, and **a second copy filed in the Office of the State Comptroller** (§ 11-2-3, Code of Alabama 1975, as amended). **However, before the bond can be filed, it must show the signature of the approving officer and the day and year approved** (§ 36-5-6, Code of Alabama 1975, as amended). **The Judge of Probate is the approving officer for tax assessor bonds.** The bond cannot be filed unless it is properly approved (§ 36-5-8, Code of Alabama 1975, as amended). A third copy may be retained for your records.

The bond **must be filed no later than the date you take office which is October 1, 2021** (§ 11-2-6, Code of Alabama 1975, as amended). It is important that your bond be **filed as soon as possible** to avoid last minute delays should the bond have to be returned for correction. If any official required by law to give bond fails to file the same within the time fixed by law, he/she vacates his/her office (§ 36-5-15, Code of Alabama 1975, as amended).

The official Tax Assessor Surety Bond form is located on the Comptroller website. Two versions are available in fillable format, one for elected Tax Assessors and one for appointed Tax Assessors.

The **amount of the bond** shall be in the sum of not less than \$5,000.00 (§ 40-4-1, Code of Alabama 1975, as amended). For an **elected** Tax Assessor, the bond shall be **for the term of six (6) years from on October 1, 2021.** For an **appointed** Tax Assessor, the bond shall be **for the remainder of the current six (6) year term beginning on the appointment date from the Governor's appointment letter** (§ 36-3-5, Code of Alabama 1975, as amended).

The bond is to be made payable **to the State of Alabama** (§36-5-5, Code of Alabama 1975, as amended). The bond must be made by a surety or guaranty company authorized by Alabama law to make bonds and qualified to do business in this state. (§11-2-6, Code of Alabama 1975, as amended). The bond must be issued through an insurance producer duly licensed under Alabama law (§ 27-3-27, Code of Alabama 1975, as amended).

Please have your agent **print his/her name and the city of residence directly below his/her signature.** The Department of Insurance is contacted to check the authorization of the agent, so the name and city must be legible.

In conjunction with the filing of the public official bond, an oath of office must be filed with the Probate Judge. For convenience, a section for the oath of office is located at the bottom of the official Tax Assessor Surety Bond form.

A commission must be obtained before entering upon and exercising the duties of the office (§§ 36-2-6 through -10, Code of Alabama 1975, as amended). This commission may be obtained from the Secretary of State and the cost of the commission is \$5.00. The \$5.00 is to be sent to the Secretary of State. Questions concerning the commissions should be directed to Shemekwa Farrow, Commissions Administrator, at (334) 242-7224.

Once all items have been fulfilled the bond may be filed with the Judge of Probate and the second copy sent to the Comptroller at the following address:

State Comptroller's Office
Department of Finance – Receipts Section
P.O. Box 302602
Montgomery, AL 36130-2602
Attn: Alicia Hatch

For assistance or additional questions, please contact Alicia Hatch at (334) 242-7070.

CHECKLIST TO BE FOLLOWED BEFORE BONDS FILED

- () Amount of bond to be at least \$5,000.00. § 40-4-1.
- () Term - Elected Tax Assessor: 6 years from on October 1, 2021. § 36-3-5.
Appointed Tax Assessor: Remainder of the current 6-year term beginning on the appointment date.
- () Payable solely to the State of Alabama. § 36-5-5.
- () Surety company and insurance producer authorized by the laws of this state; the agent's name and city provided on copy of bond. §§ 11-2-6 and 27-3-27.
- () Approved and signed by Probate Judge. Must say "approved" with month, day, and year indicated. §§ 40-4-1 and 36-5-6 through -8.
- () Your signature as principal.
- () Approved copy to be filed in Comptroller's Office § 40-4-1.
Mail to following address:

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Department of Finance – Receipts Section
P.O. Box 302602
Montgomery, AL 36130-2602
Attn: Alicia Hatch