

1 HB384  
2 216869-1  
3 By Representative Hill  
4 RFD: County and Municipal Government  
5 First Read: 22-FEB-22

8 SYNOPSIS: Under existing law, in a city or town with a  
9 population of less than 12,000 inhabitants  
10 according to the last or any subsequent federal  
11 census, the mayor presides over the city council  
12 and may vote as a member of the council, except in  
13 the case of a tie, when the mayor is required to  
14 vote.

15 If the population of a city or town  
16 increases to 12,000 or more inhabitants according  
17 to the last decennial federal census, the mayor no  
18 longer sits with the council nor votes as a member  
19 of the council. The mayor does have veto power over  
20 the ordinances and resolutions passed by the  
21 council.

22 If a city or town has increased in  
23 population to 12,000 or more inhabitants according  
24 to the last decennial census and has less than  
25 25,000 inhabitants, the council, by ordinance  
26 adopted within 30 days after the release of the  
27 federal census, may elect to operate as a city or

1 town with a population of less than 12,000  
2 inhabitants.

3 This bill would authorize a city or town  
4 that has a population of 12,000 or more  
5 inhabitants, but less than 25,000 inhabitants,  
6 according to the last or any subsequent federal  
7 decennial census, by ordinance adopted by a  
8 majority vote of the council at least six months  
9 prior to the next general municipal election, to  
10 elect to operate as a city or town with a  
11 population of less than 12,000 inhabitants as it  
12 relates to the exercise of the legislative  
13 functions of the mayor.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to municipalities; to amend Section 11-43-2  
20 of the Code of Alabama 1975, relating to the legislative  
21 functions of the mayor of cities or towns with 12,000 or more  
22 inhabitants, but less than 25,000 inhabitants; to authorize  
23 the council by majority vote to elect to continue operating as  
24 a city or town with a population of less than 12,000  
25 inhabitants as it relates to the exercise of the legislative  
26 functions of the mayor.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. Section 11-43-2 of the Code of Alabama  
2 1975, is amended to read as follows:

3                   "§11-43-2.

4                   "(a) Except as provided in subsection (c), in all  
5 cities and towns at the general election to be held ~~on the~~  
6 ~~fourth Tuesday in August, 1984,~~ at the time provided by law,  
7 and quadrennially thereafter, there shall be elected a mayor,  
8 who, in cities having a population of 12,000 or more according  
9 to the last or any subsequent federal census, shall not sit  
10 with the council nor have a vote in its proceedings, and he or  
11 she shall have the power and duties conferred in this chapter.

12                   "(b) In all cities and towns having a population of  
13 less than 12,000 inhabitants according to the last or any  
14 subsequent federal census, the legislative functions shall be  
15 exercised by the mayor and five aldermen. The mayor shall  
16 preside over all deliberations of the council. At his or her  
17 discretion he or she may vote as a member of the council on  
18 any question coming to a vote, except in case of a tie, in  
19 which event he or she must vote.

20                   "(c) (1) Notwithstanding subsection (a), cities and  
21 towns having a population of ~~less than 12,000 inhabitants~~  
22 ~~according to the immediate past federal decennial census that~~  
23 ~~have a population of 12,000 or more~~ inhabitants, but less than  
24 25,000 inhabitants after, according to the most recent federal  
25 decennial census, ~~shall continue to operate under subsection~~  
26 ~~(b) for 30 days after the release of the federal decennial~~  
27 ~~census.~~ (2) ~~During the 30-day period, by ordinance adopted by a~~

1 ~~majority vote of the council and the mayor together, the city~~  
2 by ordinance adopted by a majority vote of the council at  
3 least six months prior to the next general municipal election,  
4 may elect ~~to continue~~ to operate pursuant to subsection (b) as  
5 it relates to the exercise of the legislative functions of the  
6 mayor until the population of the city or town is 25,000  
7 inhabitants or more according to the most recent ~~release of~~  
8 ~~the next~~ federal decennial census.

9           "~~(3) (2) Thereafter, if the city continues to have~~  
10 Any city or town having a population of 12,000 or more  
11 inhabitants, but less than 25,000 inhabitants ~~after the most~~  
12 ~~recent,~~ according to the most recent federal decennial census,  
13 ~~by the same procedure, the city may elect to continue to~~  
14 ~~operate under subsection (b) as it relates to the exercise of~~  
15 ~~the legislative functions of the mayor until the 30 days after~~  
16 ~~the release of the next federal decennial census~~ which has  
17 elected to operate under subsection (b) by ordinance adopted  
18 by a majority vote of the council at least six months prior to  
19 the next general election, may elect to operate under  
20 subsection (a).

21           "(d) The aldermen in the cities or towns shall be  
22 elected by the city or town at large at the ~~first~~ general  
23 election held ~~on the fourth Tuesday in August, 1984,~~ at the  
24 time provided by law, and quadrennially thereafter, or from  
25 wards as the councils may determine, not less than six months  
26 before an election, and shall receive such salary as the

1 council may prescribe, which must be fixed by the council not  
2 less than six months prior to each general municipal election.

3 "(e) ~~Provided, however, the~~ The six-month  
4 requirement in this section may be waived when necessary to  
5 comply with a mandate by the U.S. Justice Department pursuant  
6 to the Voting Rights Act of 1965, as amended, or with an order  
7 issued by a state or federal court."

8 Section 2. This act shall become effective on the  
9 first day of the third month following its passage and  
10 approval by the Governor, or its otherwise becoming law.