

SB42 ENROLLED



1 SB42
2 EJRPTC9-2
3 By Senator Kitchens
4 RFD: County and Municipal Government
5 First Read: 13-Jan-26
6 PFD: 07-Jan-26



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1 Enrolled, An Act,

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4 Relating to municipal elections; to amend Section
5 11-46-55, Code of Alabama 1975; to further provide for second
6 or runoff elections.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 11-46-55, Code of Alabama 1975, is
9 amended to read as follows:

10 "§11-46-55

11 (a) (1) Commencing at ~~12:00~~ noon on the first Tuesday
12 after the election, the municipal governing body shall proceed
13 to open the envelopes addressed to the governing body which
14 have been delivered by the returning officers to the municipal
15 clerk, canvass the returns, and ascertain and determine the
16 number of votes: (i) received by each candidate; and (ii) for
17 and against each proposition submitted at the election. If it
18 appears that any candidate or any proposition in the election
19 has received a majority of the votes cast for that office or
20 on that question, the municipal governing body shall declare
21 the candidate elected to the office or the question carried,
22 and a certificate of election shall be given to the
23 individuals by the municipal governing body or a majority of
24 them, which shall entitle the individuals so certified to the
25 possession of their respective offices immediately upon the
26 expiration of the terms of their predecessors as provided by
27 law.

28 (2) If the certification results of provisional ballots



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29 cast at the election have been received from the board of
30 registrars prior to the first Tuesday after the election, or
31 if no provisional votes were cast in the election, the
32 municipal governing body, at any special or regular meeting,
33 may canvass the results before the first Tuesday after the
34 election.

35 (b) If a single office is to be filled at the election
36 and there is more than one candidate running, then the
37 majority of the votes cast for the office in the election
38 shall be ascertained by dividing the total votes cast for all
39 candidates for the office by two, and any number of votes in
40 excess of ~~one-half~~ one-half of the total votes cast for all
41 candidates for the office shall be a majority within the
42 meaning of subsection (a).

43 (c) If two or more offices constituting a group are to
44 be filled and there are more candidates for election than
45 there are offices, then the majority of the votes cast for the
46 office in the election shall be ascertained by dividing the
47 total ~~vote~~ votes cast for all candidates for the offices by
48 the number of positions to be filled and then dividing the
49 result by two. Any number of votes in excess of the number
50 ascertained by the last division shall be the majority
51 prescribed in subsection (a) as necessary for election. If in
52 ascertaining the result in this way, it appears that more
53 candidates have obtained this majority than there are
54 positions to be filled, then those having the highest vote, if
55 beyond the majority just defined, shall be declared elected to
56 fill the positions.



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57 (d) If no candidate receives a majority of all the
58 votes cast in the election for any one office or offices ~~for~~
59 ~~the election to which there were more than two candidates,~~
60 then the municipal governing body shall order a second or
61 runoff election to be held on the fourth Tuesday following the
62 regular election, at which election the two candidates having
63 received the most and the ~~second most~~ second-most votes,
64 respectively, shall be candidates, and the individual
65 receiving the highest number of votes for that office in the
66 runoff election shall be declared elected.

67 (e) In the event one of the candidates for a particular
68 office in ~~the~~ a runoff or second election withdraws or dies,
69 then there need not be a second or runoff election to fill the
70 office. If there should be a tie vote cast at any runoff or
71 second election, then in that event the tie shall be decided
72 by the municipal governing body no later than ~~12:00~~ noon on
73 the first Tuesday following the second or runoff election. A
74 vote for a particular candidate by a majority of those members
75 eligible to vote of the governing body shall be necessary to
76 decide the election in his or her favor. If the municipal
77 governing body fails to break the tie, the elected candidate
78 shall be decided by lot by the judge of probate of the county
79 where the city or town hall is located no later than 5:00 p.m.
80 on the first Tuesday following the second or runoff election
81 in the presence of the candidates and other electors who
82 choose to be present.

83 (f) Any judge of probate who openly participated in the
84 promotion of candidates in the election that resulted in a tie



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85 may not decide the outcome of the election and shall be
86 disqualified to do so. The presiding circuit court judge in
87 the county where the city or town hall is located shall
88 replace the disqualified judge of probate and shall conduct
89 the duties required ~~herein~~by this section.

90 (g) Within 10 days of canvassing the results, the
91 municipal clerk shall file a copy of each certificate of
92 election with all of the following:

93 (1) The office of the judge of probate of the county in
94 which the city or town hall is situated. The judge of probate
95 shall file the certificate in the same manner that he or she
96 files the declaration of the result of elections to county
97 offices.

98 (2) The Secretary of State.

99 (3) The Alabama League of Municipalities."

100 Section 2. This act shall become effective on June 1,
101 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB42
Senate 29-Jan-26
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 07-Apr-26

By: Senator Kitchens