

SB42 INTRODUCED



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



SYNOPSIS:

Under existing law, if a municipal election with more than two candidates ends with no candidate receiving a majority of all the votes cast in the election, the municipal governing body shall order a second or runoff election between the two candidates having received the most and second-most votes.

This bill would provide that in any municipal election, including an election with only two candidates on the ballot, with no candidate receiving a majority of all the votes cast in the election, the municipal governing body shall order a second or runoff election between the two candidates having received the most and second-most votes.

A BILL

TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-46-55, Code of Alabama 1975, is



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amended to read as follows:

"§11-46-55

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

(2) If the certification results of provisional ballots cast at the election have been received from the board of registrars prior to the first Tuesday after the election, or if no provisional votes were cast in the election, the municipal governing body, at any special or regular meeting, may canvass the results before the first Tuesday after the election.

(b) If a single office is to be filled at the election and there is more than one candidate running, then the



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majority of the votes cast for the office in the election shall be ascertained by dividing the total votes cast for all candidates for the office by two, and any number of votes in excess of ~~one-half~~ one-half of the total votes cast for all candidates for the office shall be a majority within the meaning of subsection (a).

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

(d) If no candidate receives a majority of all the votes cast in the election for any one office or offices ~~for the election to which there were more than two candidates,~~ then the municipal governing body shall order a second or runoff election to be held on the fourth Tuesday following the regular election, at which election the two candidates having received the most and the ~~second-most~~ second-most votes, respectively, shall be candidates, and the individual



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85 receiving the highest number of votes for that office in the
86 runoff election shall be declared elected.

87 (e) In the event one of the candidates for a particular
88 office in ~~the a~~ runoff or second election withdraws or dies,
89 then there need not be a second or runoff election to fill the
90 office. If there should be a tie vote cast at any runoff or
91 second election, then in that event the tie shall be decided
92 by the municipal governing body no later than ~~12:00~~ noon on
93 the first Tuesday following the second or runoff election. A
94 vote for a particular candidate by a majority of those members
95 eligible to vote of the governing body shall be necessary to
96 decide the election in his or her favor. If the municipal
97 governing body fails to break the tie, the elected candidate
98 shall be decided by lot by the judge of probate of the county
99 where the city or town hall is located no later than 5:00 p.m.
100 on the first Tuesday following the second or runoff election
101 in the presence of the candidates and other electors who
102 choose to be present.

103 (f) Any judge of probate who openly participated in the
104 promotion of candidates in the election that resulted in a tie
105 may not decide the outcome of the election and shall be
106 disqualified to do so. The presiding circuit court judge in
107 the county where the city or town hall is located shall
108 replace the disqualified judge of probate and shall conduct
109 the duties required ~~herein~~ by this section.

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



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113 (1) The office of the judge of probate of the county in
114 which the city or town hall is situated. The judge of probate
115 shall file the certificate in the same manner that he or she
116 files the declaration of the result of elections to county
117 offices.

118 (2) The Secretary of State.

119 (3) The Alabama League of Municipalities."

120 Section 2. This act shall become effective on June 1,
121 2026.