

**SB93 INTRODUCED**



1 SB93  
2 ZQP1FKK-1  
3 By Senator Melson  
4 RFD: County and Municipal Government  
5 First Read: 13-Jan-26



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4 SYNOPSIS:

5 Under existing law, the mayor of a municipality  
6 with a population of 12,000 or more may not vote with  
7 the council or vote in the council's proceedings.

8 This bill would provide that the mayor of a  
9 municipality with an even number of council members  
10 shall vote as a council member in the case of any tie  
11 vote.

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13  
14 A BILL

15 TO BE ENTITLED

16 AN ACT

17

18 Relating to municipalities; to amend Section 11-43-2,  
19 Code of Alabama 1975; to further provide for legislative  
20 functions of a mayor in certain municipalities.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 "§11-43-2

25 (a) (1) Except as provided in subsection (c) and  
26 subdivision (2), in all cities and towns at the general  
27 election to be held at the time provided by law, and  
28 quadrennially thereafter, there shall be elected a mayor, who,



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29 in cities having a population of 12,000 or more according to  
30 the last or any subsequent federal census, shall not sit with  
31 the council nor have a vote in its proceedings, and he or she  
32 shall have the power and duties conferred in this chapter.

33 (2) In all cities and towns with an even number of  
34 council members, the mayor may vote as a member of the council  
35 in the case of any tie vote of the council.

36 (b) In all cities and towns having a population of less  
37 than 12,000 inhabitants according to the last or any  
38 subsequent federal census, the legislative functions shall be  
39 exercised by the mayor and five aldermen. The mayor shall  
40 preside over all deliberations of the council. At his or her  
41 discretion, ~~he or she~~ the mayor may vote as a member of the  
42 council on any question coming to a vote, except in case of a  
43 tie, in which event he or she must vote.

44 (c) (1) Notwithstanding subsection (a), cities and towns  
45 having a population of 12,000 or more inhabitants~~r~~ but less  
46 than 25,000 inhabitants~~r~~ according to the most recent federal  
47 decennial census, by ordinance adopted by a majority vote of  
48 the council at least six months prior to the next general  
49 municipal election, may elect to operate pursuant to  
50 subsection (b) as it relates to the exercise of the  
51 legislative functions of the mayor until the population of the  
52 city or town is 25,000 inhabitants or more according to the  
53 most recent federal decennial census.

54 (2) Any city or town having a population of 12,000 or  
55 more inhabitants~~r~~ but less than 25,000 inhabitants according  
56 to the most recent federal decennial census~~r~~ which has elected



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57 to operate under subsection (b) by ordinance adopted by a  
58 majority vote of the council at least six months prior to the  
59 next general election, may elect to operate under subsection  
60 (a).

61 (d) The aldermen in the cities or towns shall be  
62 elected by the city or town at large at the general election  
63 held at the time provided by law~~T~~ and quadrennially  
64 thereafter, or from wards as the councils may determine~~T~~ not  
65 less than six months before an election, and shall receive  
66 such salary as the council may prescribe, which must be fixed  
67 by the council not less than six months prior to each general  
68 municipal election.

69 (e) The six-month requirement in this section may be  
70 waived when necessary to comply with a mandate by the U.S.  
71 Justice Department pursuant to the Voting Rights Act of 1965,  
72 as amended, or with an order issued by a state or federal  
73 court."

74 Section 2. This act shall become effective on October  
75 1, 2026.