

## SB93 INTRODUCED



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



SYNOPSIS:

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

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

A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-43-2

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



## SB93 INTRODUCED

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

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

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

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

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



## SB93 INTRODUCED

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

(d) The aldermen in the cities or towns shall be elected by the city or town at large at the general election held at the time provided by law<sup>7</sup> and quadrennially thereafter, or from wards as the councils may determine<sup>7</sup> not less than six months before an election, and shall receive such salary as the council may prescribe, which must be fixed by the council not less than six months prior to each general municipal election.

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

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