

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

1
2 ENROLLED, An Act,

3 Relating to municipalities; to amend Section 11-43-2
4 of the Code of Alabama 1975, relating to the legislative
5 functions of the mayor of cities or towns with 12,000 or more
6 inhabitants, but less than 25,000 inhabitants; to authorize
7 the council by majority vote to elect to continue operating as
8 a city or town with a population of less than 12,000
9 inhabitants as it relates to the exercise of the legislative
10 functions of the mayor.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 11-43-2 of the Code of Alabama
13 1975, is amended to read as follows:

14 "§11-43-2.

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

23 "(b) In all cities and towns having a population of
24 less than 12,000 inhabitants according to the last or any
25 subsequent federal census, the legislative functions shall be

1 exercised by the mayor and five aldermen. The mayor shall
2 preside over all deliberations of the council. At his or her
3 discretion he or she may vote as a member of the council on
4 any question coming to a vote, except in case of a tie, in
5 which event he or she must vote.

6 "(c) (1) Notwithstanding subsection (a), cities and
7 towns having a population of ~~less than 12,000 inhabitants~~
8 ~~according to the immediate past federal decennial census that~~
9 ~~have a population of 12,000 or more~~ inhabitants, but less than
10 25,000 inhabitants ~~after,~~ according to the most recent federal
11 decennial census, ~~shall continue to operate under subsection~~
12 ~~(b) for 30 days after the release of the federal decennial~~
13 ~~census.~~ ~~(2) During the 30-day period, by ordinance adopted by a~~
14 ~~majority vote of the council and the mayor together, the city~~
15 by ordinance adopted by a majority vote of the council at
16 least six months prior to the next general municipal election,
17 may elect ~~to continue~~ to operate pursuant to subsection (b) as
18 it relates to the exercise of the legislative functions of the
19 mayor until the population of the city or town is 25,000
20 inhabitants or more according to the most recent ~~release of~~
21 ~~the next~~ federal decennial census.

22 "~~(3) (2) Thereafter, if the city continues to have~~
23 Any city or town having a population of 12,000 or more
24 inhabitants, but less than 25,000 inhabitants ~~after the most~~
25 ~~recent,~~ according to the most recent federal decennial census,

1 ~~by the same procedure, the city may elect to continue to~~
2 ~~operate under subsection (b) as it relates to the exercise of~~
3 ~~the legislative functions of the mayor until the 30 days after~~
4 ~~the release of the next federal decennial census which has~~
5 ~~elected to operate under subsection (b) by ordinance adopted~~
6 ~~by a majority vote of the council at least six months prior to~~
7 ~~the next general election, may elect to operate under~~
8 ~~subsection (a).~~

9 "(d) The aldermen in the cities or towns shall be
10 elected by the city or town at large at the ~~first~~ general
11 election held ~~on the fourth Tuesday in August, 1984,~~ at the
12 time provided by law, and quadrennially thereafter, or from
13 wards as the councils may determine, not less than six months
14 before an election, and shall receive such salary as the
15 council may prescribe, which must be fixed by the council not
16 less than six months prior to each general municipal election.

17 "~~Provided, however, the~~ The six-month
18 requirement in this section may be waived when necessary to
19 comply with a mandate by the U.S. Justice Department pursuant
20 to the Voting Rights Act of 1965, as amended, or with an order
21 issued by a state or federal court."

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 15-MAR-22.

Jeff Woodard
Clerk

Senate

05-APR-22

Passed