

# HB10 INTRODUCED



1 11QI3L-1  
2 By Representative Hill  
3 RFD: County and Municipal Government  
4 First Read: 07-Mar-23  
5 PFD: 08-Feb-23



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SYNOPSIS:

Existing law permits municipalities to redraw boundary lines to change the territories of existing districts or wards, consolidate them, or create new districts or wards by subdivision. Municipalities must adjust district boundaries by an ordinance that must describe the territories of redrawn districts by metes and bounds.

This bill would allow municipalities to use census tracts to make the required description in the ordinance in order to redraw districts, and it would apply retroactively to validate districts and wards already redrawn using census tracts.

This bill would also make nonsubstantive changes by eliminating duplicative language and updating antiquated language and terminology.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to municipalities; to amend Section 11-46-23, Code of Alabama 1975, to permit municipalities to adjust districts and wards by census tract description; to make



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29 nonsubstantive, technical revisions to update the existing  
30 code language to current style; and to provide for retroactive  
31 application of this act.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Section 11-46-23, Code of Alabama 1975, is  
34 amended to read as follows:

35 "§11-46-23

36 ~~The boundaries of wards within municipalities which~~  
37 ~~have been divided into wards as now defined shall so remain~~  
38 ~~until changed by ordinance. Hereafter the municipal governing~~  
39 ~~body may, in its discretion, readjust the boundary lines of~~  
40 ~~wards and may divide or consolidate any number of wards and~~  
41 ~~resubdivide the same into voting districts; provided, that no~~  
42 ~~such adjustment shall be made within three months of any~~  
43 ~~election unless such adjustment is made during calendar year~~  
44 ~~1984 for the purpose of complying with the Voting Rights Act~~  
45 ~~of 1965 as amended.~~

46 ~~Whenever the municipal governing body readjusts any~~  
47 ~~ward lines or divides a ward into voting districts, the~~  
48 ~~ordinance whereby the ward is established or subdivided into~~  
49 ~~voting districts shall describe the territory composing the~~  
50 ~~ward, and when the ward has been subdivided, the territory~~  
51 ~~composing each district therein, by metes and bounds, and the~~  
52 ~~municipal clerk, within five days after adoption of the~~  
53 ~~ordinance, shall file with the judge of probate of the county~~  
54 ~~in which the municipality lies a certified copy of such~~  
55 ~~ordinance, accompanied by a map or plat of the city or town~~  
56 ~~showing the boundaries of all wards and voting districts in~~



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57 ~~wards into which the municipality is then divided and shall~~  
58 ~~also publish notice of all such changes or adjustments of~~  
59 ~~boundaries of wards and voting districts within wards in a~~  
60 ~~newspaper published in such city or town, or if there is no~~  
61 ~~newspaper is published therein then by posting notice thereof~~  
62 ~~at three public places in such city or town. This published~~  
63 ~~notice need not be accompanied by a map or plat of the city or~~  
64 ~~town.~~ (a) For the purposes of this section the following terms  
65 have the following meanings:

66 (1) ADJUST and ADJUSTMENT. Any change in a district of  
67 a municipality by redrawing boundary lines to enlarge or  
68 reduce the territory of adjoining districts, merge two or more  
69 districts, create new districts by subdividing districts or as  
70 the result of annexation, or some combination of these  
71 actions.

72 (2) DISTRICT. The term includes a ward.

73 (b) Consistent with the number of districts allowed to  
74 a municipality under Chapter 43, a municipality may adjust its  
75 districts, provided that no adjustment shall be made within  
76 three months before an election.

77 (c) (1) Districts shall be adjusted by an ordinance  
78 adopted by the municipality containing the effective date of  
79 the adjustment and a description by census tract or by metes  
80 and bounds of the territory of each district.

81 (2) Within five days of adoption of the ordinance, the  
82 municipality shall do all of the following:

83 a. File with the judge of probate of the county in  
84 which the municipality is located a certified copy of the



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85 ordinance with a map of the municipality showing the new  
86 boundaries of the districts.

87 b. Give notice of the adjustment in a newspaper  
88 generally circulated to the public in the municipality by  
89 publishing a copy of the ordinance. The map required in  
90 paragraph a. may be included in the notice. If there is no  
91 newspaper of general circulation published in the county in  
92 which the municipality is located, the notice shall be posted  
93 in at least three public places in the municipality and on the  
94 official website of the municipality."

95 Section 2. This act shall be curative and shall be  
96 applied retroactively to validate any redrawing by a  
97 municipality of a district or ward using census tracts before  
98 the effective date of the act.

99 Section 3. This act shall become effective on the first  
100 day of the third month following its passage and approval by  
101 the Governor, or its otherwise becoming law.