

1 SB190  
2 217246-2  
3 By Senators McClendon, Gudger, Givhan, Price, Jones, Butler,  
4 Weaver, Barfoot, Stutts, Marsh, Holley, Albritton, Chesteen,  
5 Elliott, Allen, Scofield, Roberts, Sessions, Waggoner, Orr and  
6 Reed  
7 RFD: Judiciary  
8 First Read: 08-FEB-22

SYNOPSIS: Under existing law, any legal action contesting the validity of any statewide redistricting plan must be commenced in the Circuit Court of Montgomery County.

This bill would require any legal action contesting the validity of any statewide redistricting plan to be heard by a three-judge panel comprised of judges appointed by the Chief Justice of the Alabama Supreme Court.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to legal challenges to redistricting plans; to amend Section 29-1-2.5, Code of Alabama 1975, to require any legal challenge to a statewide redistricting plan to be heard by a three-judge panel appointed by the chief justice.  
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 29-1-2.5, Code of Alabama 1975,  
2           is amended to read as follows:

3           "§29-1-2.5.

4           "(a) Any legal action ~~which~~ that contests the  
5           validity of any redistricting or reapportionment plan, or any  
6           portion of ~~any such~~ a plan, for the state Senate, state House  
7           of Representatives, United States Congress, State Board of  
8           Education, or any other statewide redistricting or  
9           reapportionment plan, or portion of any other statewide plan,  
10          enacted by the Legislature, shall be commenced in the Circuit  
11          Court of Montgomery County.

12          ~~"(b) Any legal action pending in any court other~~  
13          ~~than the Circuit Court of Montgomery County on July 3, 2001,~~  
14          ~~which contests the validity of any redistricting or~~  
15          ~~reapportionment plan, or any portion of any such plan, for the~~  
16          ~~state Senate, state House of Representatives, United States~~  
17          ~~Congress, State Board of Education, or any other statewide~~  
18          ~~redistricting or reapportionment plan, or portion of any other~~  
19          ~~statewide plan, enacted by the Legislature, shall be~~  
20          ~~transferred to or re-filed in the Circuit Court of Montgomery~~  
21          ~~County. Upon the filing of any legal action pursuant to this~~  
22          ~~section, the circuit clerk shall immediately notify the Chief~~  
23          ~~Justice of the Alabama Supreme Court, and the chief justice~~  
24          ~~shall appoint a three-judge panel to hear the case. The panel~~  
25          ~~may be drawn from all current and retired circuit judges,~~  
26          ~~current and retired judges from the Court of Civil Appeals,~~  
27          ~~and retired Supreme Court Justices.~~

1                   "(c) The circuit clerk shall ensure that the  
2                   three-judge panel appointed pursuant to subsection (b) has  
3                   sufficient work space to carry out official duties. The case  
4                   shall be handled in all other respects in the same manner as  
5                   other cases pending in the Circuit Court of Montgomery County.

6                   "(d) Any appeal shall be made to the Supreme Court  
7                   of Alabama."

8                   Section 2. This act shall become effective  
9                   immediately following its passage and approval by the  
10                  Governor, or its otherwise becoming law.