

SB41 INTRODUCED



1 SB41
2 ZHY3KWR-1
3 By Senator Singleton
4 RFD: Judiciary
5 First Read: 06-Feb-24



SYNOPSIS:

Under existing law, the Chief Justice and eight associate justices of the Alabama Supreme Court are elected by popular vote from the state at large.

Under existing law, the judges of the Court of Criminal Appeals and the Court of Civil Appeals are elected by popular vote from the state at large.

Under existing law, the presiding judge of the Court of Criminal Appeals is elected from the members of the court.

Under existing law, the presiding judge of the Court of Civil Appeals automatically goes to the longest serving judge on the court.

This bill would provide that the Chief Justice of the Supreme Court and the presiding judges of the Court of Criminal Appeals and Court of Civil Appeals be elected by popular vote from the state at large.

This bill would provide for the election of associate justices of the Supreme Court and judges of the appellate courts by district and would provide for the districts.

Under existing law, the seats on the Supreme Court and the Courts of Appeals have been given place names.

This bill would modify the place names for



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certain existing seats on the Supreme Court and Courts
of Appeals.

This bill would also repeal the existing law
relating to the selection of the presiding judge of the
Courts of Appeals.

A BILL
TO BE ENTITLED
AN ACT

Relating to courts; to amend Sections 12-2-1, 12-3-2,
12-3-3, 17-6-48, and 17-6-48.1, Code of Alabama 1975, to
further provide for the election of justices of the Supreme
Court and judges of the appellate courts; and to repeal
Sections 12-3-4 and 12-3-5, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-2-1, 12-3-2, 12-3-3, 17-6-48,
and 17-6-48.1, Code of Alabama 1975, are amended to read as
follows:

"§12-2-1

(a) The Supreme Court, except as otherwise provided,
shall consist of a chief justice and eight associate justices,
who shall be elected by the qualified electors of the state at
the general elections as provided by law for the election of
members of the House of Representatives in Congress and who
shall hold their offices for the term of six years from the
first Monday after the second Tuesday in January next



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succeeding their election and until their successors are elected and qualified. Subject to ~~the provisions of~~ the Constitution respecting filling of vacancies in judicial offices, members of the Supreme Court shall be elected as follows: The Chief Justice and three associate justices shall be elected at the general election in November, 1976, two associate justices shall be elected at the general election in November, 1978, and three associate justices shall be elected at the general election in November, 1980. Thereafter members of the Supreme Court shall be elected in the general election next preceding the expiration of the respective term for which the incumbent holds office.

(b) (1) Notwithstanding subsection (a), commencing with the 2026 general election, justices of the Supreme Court shall be elected as follows:

a. The chief justice shall be elected from the state at large in the 2030 general election.

b. The associate justice in Place 1, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the first State Board of Education District, as provided in Chapter 3 of Title 16.

c. The associate justice in Place 2, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the second State Board of Education District, as provided in Chapter 3 of Title 16.

d. The associate justice in Place 3, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the third State Board of Education District, as



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provided in Chapter 3 of Title 16.

e. The associate justice in Place 4, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the fourth State Board of Education District, as provided in Chapter 3 of Title 16.

f. The associate justice in Place 5, as provided in Section 17-6-48.1, shall be elected in the 2028 general election from the fifth State Board of Education District, as provided in Chapter 3 of Title 16.

g. The associate justice in Place 6, as provided in Section 17-6-48.1, shall be elected in the 2028 general election from the sixth State Board of Education District, as provided in Chapter 3 of Title 16.

h. The associate justice in Place 7, as provided in Section 17-6-48.1, shall be elected in the 2026 general election from the seventh State Board of Education District, as provided in Chapter 3 of Title 16.

i. The associate justice in Place 8, as provided in Section 17-6-48.1, shall be elected in the 2026 general election from the eighth State Board of Education District, as provided in Chapter 3 of Title 16.

(2) All judges elected pursuant to this subsection shall serve a six-year term of office.

(3) A vacancy in the office of a justice of the Supreme Court shall be filled as provided by Section 153 of the Constitution of Alabama of 2022.

(4) A candidate for associate justice for a district shall have been a qualified elector of this state and a



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resident of the district for at least one year prior to the qualification deadline date for candidacy in addition to other qualifications which may be prescribed by general law.

(5) Nothing in this subsection shall be construed to terminate the term of a justice in office on January 1, 2025.

~~(b)~~ (c) Persons elected to the Supreme Court, or appointed to fill a vacant term of office on the Supreme Court, after January 1, 2010, must have been licensed by the Alabama State Bar Association a combined total of 10 years or more, or by any other state bar association for a combined total of 10 years or more, prior to beginning a term of office or appointment to serve a vacant term of office."

"§12-3-2

(a) (1) The offices of the three judges of the Court of Criminal Appeals that were filled in the general election of 1970 pursuant to Act No. 987 of the 1969 Regular Session of the Legislature shall be filled by election from the state at large in the general election held each six years thereafter, or as the end of the term of such office may thereafter occur pursuant to the Constitution.

~~(b)~~ (2) The offices of the two judges of the Court of Criminal Appeals that were filled in the general election of 1972 pursuant to Act No. 75 of the 1971 Third Special Session of the Legislature shall be filled by election from the state at large in the general election held each six years thereafter, or as the end of the term of such office may thereafter occur pursuant to the Constitution.

(b) (1) Notwithstanding subsection (a), commencing with



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the 2026 general election, judges shall be elected as follows:

a. The presiding judge shall be elected from the state at large at the 2026 general election.

b. The judge in Place 1, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the first and second State Board of Education Districts, as provided in Chapter 3 of Title 16.

c. The judge in Place 2, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the fourth and fifth State Board of Education Districts, as provided in Chapter 3 of Title 16.

d. The judge in Place 3, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the third and sixth State Board of Education Districts, as provided in Chapter 3 of Title 16.

e. The judge in Place 4, as provided in Section 17-6-48.1, shall be elected in the 2026 general election from the seventh and eighth State Board of Education Districts, as provided in Chapter 3 of Title 16.

(2) A vacancy in the office of a judge shall be filled as provided by Section 153 of the Constitution of Alabama of 2022.

(3) A candidate for associate judge for a district shall have been a qualified elector of this state and a resident of the district for at least one year prior to the qualification deadline date for candidacy in addition to other qualifications which may be prescribed by general law.

(4) Nothing in this subsection shall be construed to



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terminate the term of a judge in office on January 1, 2025.

(c) The presiding judge of the Court of Criminal Appeals may ~~from time to time~~ designate panels of three judges to decide cases submitted to ~~said~~ the court; provided, that the concurrence of three of the five judges shall be required for each decision."

"§12-3-3

(a) The offices of the judges of the Court of Civil Appeals that were filled at the general election in 1972 for terms of two, four and six years pursuant to Act No. 987 of the 1969 Regular Session of the Legislature shall, at the general election immediately preceding the expiration of said respective terms, be filled by election from the state at large for terms of six years, and shall likewise be filled by election from the state at large each six years thereafter, or as the end of the term of each such office may thereafter occur pursuant to the Constitution.

(b) (1) Notwithstanding subsection (a), commencing with the 2026 general election, judges shall be elected as follows:

a. The presiding judge shall be elected from the state at large at the 2026 general election.

b. The judge in Place 1, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the first and second State Board of Education Districts, as provided in Chapter 3 of Title 16.

c. The judge in Place 2, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the fourth and fifth State Board of Education Districts, as



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provided in Chapter 3 of Title 16.

d. The judge in Place 3, as provided in Section 17-6-48.1, shall be elected in the 2030 general election from the third and sixth State Board of Education Districts, as provided in Chapter 3 of Title 16.

e. The judge in Place 4, as provided in Section 17-6-48.1, shall be elected in the 2026 general election from the seventh and eighth State Board of Education Districts, as provided in Chapter 3 of Title 16.

(2) A vacancy in the office of a judge shall be filled as provided by Section 153 of the Constitution of Alabama of 2022.

(3) A candidate for associate judge for a district shall have been a qualified elector of this state and a resident of the district for at least one year prior to the qualification deadline date for candidacy in addition to other qualifications which may be prescribed by general law.

(4) Nothing in this subsection shall be construed to terminate the term of a judge in office on January 1, 2025.

~~(b) In the event the number of judges on the court is increased to more than three, unless otherwise provided by the act increasing the number of judges, the Governor shall make appointments of the additional judges so that, as nearly as may be, one third of the members of such court shall be elected each second year."~~

"§17-6-48

In all primary and general elections of ~~associate justices of the Supreme Court of Alabama, justices of the~~



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~~courts of appeals of Alabama,~~ judges of the circuit and district courts, and associate members of the public service commission, ~~wherein~~ where two or more ~~of such justices,~~ judges, or officers are ~~to be~~ elected at the same time, each of ~~such~~ the places to be filled shall be designated by number by the Secretary of State."

"§17-6-48.1

(a) Beginning with the 2022 statewide election, the following offices on the supreme court, court of criminal appeals, and court of civil appeals shall be permanently identified as follows:

(1) The supreme court:

a. The office of associate justice identified as "Place No. 1" on the 2018 statewide election ballot shall be "Place 1" on the supreme court.

b. The office of associate justice identified as "Place No. 2" on the 2018 statewide election ballot shall be "Place 2" on the supreme court.

c. The office of associate justice identified as "Place No. 3" on the 2018 statewide election ballot shall be "Place 3" on the supreme court.

d. The office of associate justice identified as "Place No. 4" on the 2018 statewide election ballot shall be "Place 4" on the supreme court.

e. The office of associate justice identified as "Place No. 1" on the 2016 statewide election ballot shall be "Place 5" on the supreme court.

f. The office of associate justice identified as "Place



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No. 2" on the 2016 statewide election ballot shall be "Place 6" on the supreme court.

g. The office of associate justice identified as "Place No. 3" on the 2016 statewide election ballot shall be "Place 7" on the supreme court.

h. The office of associate justice identified as "Place No. 1" on the 2014 statewide election ballot shall be "Place 8" on the supreme court.

(2) a. The court of criminal appeals:

~~a.~~ 1. The office of judge identified as "Place No. 1" on the 2018 statewide election ballot shall be "Place 1" on the court of criminal appeals.

~~b.~~ 2. The office of judge identified as "Place No. 2" on the 2018 statewide election ballot shall be "Place 2" on the court of criminal appeals.

~~c.~~ 3. The office of judge identified as "Place No. 3" on the 2018 statewide election ballot shall be "Place 3" on the court of criminal appeals.

~~d.~~ 4. The office of judge identified as "Place No. 1" on the 2014 statewide election ballot shall be "Place 4" on the court of criminal appeals.

~~e.~~ 5. The office of judge identified as "Place No. 2" on the 2014 statewide election ballot shall be "Place 5" on the court of criminal appeals.

b. Commencing with the 2026 general election, the court of criminal appeals:

1. The office of judge identified as "Place No. 1" on the 2030 election ballot shall be "Place 1" on the court of



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criminal appeals.

2. The office of judge identified as "Place No. 2" on the 2030 election ballot shall be "Place 2" on the court of criminal appeals.

3. The office of judge identified as "Place No. 3" on the 2030 election ballot shall be "Place 3" on the court of criminal appeals.

4. The office of judge identified as "Place No. 4" on the 2026 election ballot shall be "Place 4" on the court of criminal appeals.

c. Beginning on January 1, 2025, until the date the presiding judge is elected statewide, as provided in Section 12-2-1, the judge in Place 4 shall continue to serve as the presiding judge.

(3) a. The court of civil appeals:

~~a.~~ 1. The office of judge identified as "Place No. 1" on the 2018 statewide election ballot shall be "Place 1" on the court of civil appeals.

~~b.~~ 2. The office of judge identified as "Place No. 2" on the 2018 statewide election ballot shall be "Place 2" on the court of civil appeals.

~~c.~~ 3. The office of judge identified as "Place No. 3" on the 2018 statewide election ballot shall be "Place 3" on the court of civil appeals.

~~d.~~ 4. The office of judge identified as "Place No. 1" on the 2014 statewide election ballot shall be "Place 4" on the court of civil appeals.

~~e.~~ 5. The office of judge identified as "Place No. 2" on



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the 2014 statewide election ballot shall be "Place 5" on the court of civil appeals.

b. Commencing with the 2026 general election, the court of civil appeals:

1. The office of judge identified as "Place No. 1" on the 2030 election ballot shall be "Place 1" on the court of civil appeals.

2. The office of judge identified as "Place No. 2" on the 2030 election ballot shall be "Place 2" on the court of civil appeals.

3. The office of judge identified as "Place No. 3" on the 2030 election ballot shall be "Place 3" on the court of civil appeals.

4. The office of judge identified as "Place No. 4" on the 2030 election ballot shall be "Place 4" on the court of civil appeals.

c. Beginning on January 1, 2025, until the date the presiding judge is elected statewide, as provided in Section 12-2-1, the judge in Place 4 shall continue to serve as the presiding judge.

(b) The clerks of the supreme court, the court of civil appeals, and the court of criminal appeals shall provide written notification of election ballot placement to the Secretary of State and make the same available to any political party's executive director."

Section 2. Nothing in the amendatory language added on January 1, 2025, to Sections 12-2-1, 12-3-2, or 12-3-3, Code of Alabama 1975, is intended to affect how a judgeship is



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337 filled upon a vacancy of a seat before the end of the term for
338 that judgeship.

339 Section 3. Sections 12-3-4 and 12-3-5 of the Code of
340 Alabama 1975, relating to the presiding judges of the Courts
341 of Appeals and the residency requirements of a judge, are
342 repealed.

343 Section 4. This act shall become effective on January
344 1, 2025.