

1 SB279
2 216637-1
3 By Senators Singleton, Sanders-Fortier, Figures and Smitherman
4 RFD: Judiciary
5 First Read: 01-MAR-22

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 is 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.

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

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

8 This bill would modify the place names for
9 certain existing seats on the Courts of Appeals.

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

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to courts; to amend Sections 12-2-1,
19 12-3-2, 12-3-3, 12-3-4, 17-6-48, and 17-6-48.1, Code of
20 Alabama 1975, to further provide for the election of justices
21 of the Supreme Court and judges of the appellate courts; and
22 to repeal Section 12-3-4, Code of Alabama 1975.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Sections 12-2-1, 12-3-2, 12-3-3, 12-3-4,
25 17-6-48, and 17-6-48.1, Code of Alabama 1975, are amended to
26 read as follows:

27 "§12-2-1.

1 "(a) The Supreme Court, except as otherwise
2 provided, shall consist of a chief justice and eight associate
3 justices, who shall be elected by the qualified electors of
4 the state at the general elections as provided by law for the
5 election of members of the House of Representatives in
6 Congress and who shall hold their offices for the term of six
7 years from the first Monday after the second Tuesday in
8 January next succeeding their election and until their
9 successors are elected and qualified. Subject to the
10 provisions of the Constitution respecting filling of vacancies
11 in judicial offices, members of the Supreme Court shall be
12 elected as follows: The Chief Justice and three associate
13 justices shall be elected at the general election in November,
14 1976, two associate justices shall be elected at the general
15 election in November, 1978, and three associate justices shall
16 be elected at the general election in November, 1980.
17 Thereafter members of the Supreme Court shall be elected in
18 the general election next preceding the expiration of the
19 respective term for which the incumbent holds office.

20 "(b) (1) Notwithstanding subsection (a), commencing
21 with the 2024 general election, justices of the Supreme Court
22 shall be elected as follows:

23 "a. The chief justice shall be elected from the
24 state at large in the 2024 general election.

25 "b. The associate justice in Place 1, as provided in
26 Section 17-6-48.1, shall be elected in the 2024 general

1 election from the first State Board of Education District, as
2 provided in Chapter 3 of Title 16.

3 "c. The associate justice in Place 2, as provided in
4 Section 17-6-48.1, shall be elected in the 2024 general
5 election from the second State Board of Education District, as
6 provided in Chapter 3 of Title 16.

7 "d. The associate justice in Place 3, as provided in
8 Section 17-6-48.1, shall be elected in the 2024 general
9 election from the third State Board of Education District, as
10 provided in Chapter 3 of Title 16.

11 "e. The associate justice in Place 4, as provided in
12 Section 17-6-48.1, shall be elected in the 2024 general
13 election from the fourth State Board of Education District, as
14 provided in Chapter 3 of Title 16.

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

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

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

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

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

7 "(3) A vacancy in the office of a justice of the
8 Supreme Court shall be filled as provided in Amendment 328, as
9 amended by Amendment 950, now appearing as Section 153 of the
10 Official Recompilation of the Constitution of Alabama of 1901,
11 as amended.

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

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

24 "§12-3-2.

25 "(a) (1) The offices of the three judges of the Court
26 of Criminal Appeals that were filled in the general election
27 of 1970 pursuant to Act No. 987 of the 1969 Regular Session of

1 the Legislature shall be filled by election from the state at
2 large in the general election held each six years thereafter,
3 or as the end of the term of such office may thereafter occur
4 pursuant to the Constitution.

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

12 "(b) (1) Notwithstanding subsection (a), for the
13 election of judges after January 1, 2023, judges shall be
14 elected as follows:

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

17 "b. The judge in Place 1, as provided in Section
18 17-6-48.1, shall be elected in the 2024 general election from
19 the first and second State Board of Education Districts, as
20 provided in Chapter 3 of Title 16.

21 "c. The judge in Place 2, as provided in Section
22 17-6-48.1, shall be elected in the 2024 general election from
23 the fourth and fifth State Board of Education Districts, as
24 provided in Chapter 3 of Title 16.

25 "d. The judge in Place 3, as provided in Section
26 17-6-48.1, shall be elected in the 2024 general election from

1 the third and sixth State Board of Education Districts, as
2 provided in Chapter 3 of Title 16.

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

7 "(2) Nothing in this subsection shall be construed
8 to terminate the term of a judge in office on the effective
9 date of this act.

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

15 "§12-3-3.

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

1 "(b) (1) Notwithstanding subsection (a), for the
2 election of judges after January 1, 2023, judges shall be
3 elected as follows:

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

6 "b. The judge in Place 1, as provided in Section
7 17-6-48.1, shall be elected in the 2024 general election from
8 the first and second State Board of Education Districts, as
9 provided in Chapter 3 of Title 16.

10 "c. The judge in Place 2, as provided in Section
11 17-6-48.1, shall be elected in the 2024 general election from
12 the fourth and fifth State Board of Education Districts, as
13 provided in Chapter 3 of Title 16.

14 "d. The judge in Place 3, as provided in Section
15 17-6-48.1, shall be elected in the 2024 general election from
16 the third and sixth State Board of Education Districts, as
17 provided in Chapter 3 of Title 16.

18 "e. The judge in Place 4, as provided in Section
19 17-6-48.1, shall be elected in the 2026 general election from
20 the seventh and eighth State Board of Education Districts, as
21 provided in Chapter 3 of Title 16.

22 "(2) Nothing in this subsection shall be construed
23 to terminate the term of a judge in office on the effective
24 date of this act.

25 ~~"(b) In the event the number of judges on the court~~
26 ~~is increased to more than three, unless otherwise provided by~~
27 ~~the act increasing the number of judges, the Governor shall~~

1 ~~make appointments of the additional judges so that, as nearly~~
2 ~~as may be, one third of the members of such court shall be~~
3 ~~elected each second year.~~

4 "§17-6-48.

5 "In all primary and general elections of ~~associate~~
6 ~~justices of the Supreme Court of Alabama, justices of the~~
7 ~~courts of appeals of Alabama,~~ judges of the circuit and
8 district courts, and associate members of the public service
9 commission, ~~wherein~~ where two or more ~~of such justices,~~
10 judges, or officers are ~~to be~~ elected at the same time, each
11 of ~~such~~ the places to be filled shall be designated by number
12 by the Secretary of State.

13 "§17-6-48.1.

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

18 "(1) The supreme court:

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

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

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

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

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

7 "f. The office of associate justice identified as
8 "Place No. 2" on the 2016 statewide election ballot shall be
9 "Place 6" on the supreme court.

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

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

16 "(2) a. The court of criminal appeals:

17 "~~a.~~ 1. The office of judge identified as "Place No.
18 1" on the 2018 statewide election ballot shall be "Place 1" on
19 the court of criminal appeals.

20 "~~b.~~ 2. The office of judge identified as "Place No.
21 2" on the 2018 statewide election ballot shall be "Place 2" on
22 the court of criminal appeals.

23 "~~c.~~ 3. The office of judge identified as "Place No.
24 3" on the 2018 statewide election ballot shall be "Place 3" on
25 the court of criminal appeals.

1 ~~"d.~~ 4. The office of judge identified as "Place No.
2 1" on the 2014 statewide election ballot shall be "Place 4" on
3 the court of criminal appeals.

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

7 "b. For the election of judges after January 1,
8 2023, the court of criminal appeals:

9 "1. The office of judge identified as "Place No. 1"
10 on the 2024 election ballot shall be "Place 1" on the court of
11 criminal appeals.

12 "2. The office of judge identified as "Place No. 2"
13 on the 2024 election ballot shall be "Place 2" on the court of
14 criminal appeals.

15 "3. The office of judge identified as "Place No. 3"
16 on the 2024 election ballot shall be "Place 3" on the court of
17 criminal appeals.

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

21 "c. Beginning on January 1, 2023, until the date the
22 presiding judge is elected statewide, as provided in Section
23 12-2-1, the judge in Place 4 shall continue to serve as the
24 presiding judge.

25 "(3)a. The court of civil appeals:

1 ~~"a.~~ 1. The office of judge identified as "Place No.
2 1" on the 2018 statewide election ballot shall be "Place 1" on
3 the court of civil appeals.

4 ~~"b.~~ 2. The office of judge identified as "Place No.
5 2" on the 2018 statewide election ballot shall be "Place 2" on
6 the court of civil appeals.

7 ~~"c.~~ 3. The office of judge identified as "Place No.
8 3" on the 2018 statewide election ballot shall be "Place 3" on
9 the court of civil appeals.

10 ~~"d.~~ 4. The office of judge identified as "Place No.
11 1" on the 2014 statewide election ballot shall be "Place 4" on
12 the court of civil appeals.

13 ~~"e.~~ 5. The office of judge identified as "Place No.
14 2" on the 2014 statewide election ballot shall be "Place 5" on
15 the court of civil appeals.

16 "b. For the election of judges after January 1,
17 2023, the court of civil appeals:

18 "1. The office of judge identified as "Place No. 1"
19 on the 2024 election ballot shall be "Place 1" on the court of
20 civil appeals.

21 "2. The office of judge identified as "Place No. 2"
22 on the 2024 election ballot shall be "Place 2" on the court of
23 civil appeals.

24 "3. The office of judge identified as "Place No. 3"
25 on the 2024 election ballot shall be "Place 3" on the court of
26 civil appeals.

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

4 "c. Beginning on January 1, 2023, until the date the
5 presiding judge is elected statewide, as provided in Section
6 12-2-1, the judge in Place 4 shall continue to serve as the
7 presiding judge.

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

13 Section 2. Section 12-3-4 of the Code of Alabama
14 1975, relating to the presiding judge of the Courts of
15 Appeals, is repealed.

16 Section 3. This act shall become effective on
17 January 1, 2023, following its passage and approval by the
18 Governor, or its otherwise becoming law.