

**SB41 INTRODUCED**



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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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



## SB41 INTRODUCED

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

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

34

35

36

A BILL

37

TO BE ENTITLED

38

AN ACT

39

40 Relating to courts; to amend Sections 12-2-1, 12-3-2,  
41 12-3-3, 17-6-48, and 17-6-48.1, Code of Alabama 1975, to  
42 further provide for the election of justices of the Supreme  
43 Court and judges of the appellate courts; and to repeal  
44 Sections 12-3-4 and 12-3-5, Code of Alabama 1975.

45

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

46

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

49

"§12-2-1

50

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



## SB41 INTRODUCED

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

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

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

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

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

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



## SB41 INTRODUCED

85 provided in Chapter 3 of Title 16.

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

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

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

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

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

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

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

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



## SB41 INTRODUCED

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

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

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

125 "§12-3-2

126 (a) (1) The offices of the three judges of the Court of  
127 Criminal Appeals that were filled in the general election of  
128 1970 pursuant to Act No. 987 of the 1969 Regular Session of  
129 the Legislature shall be filled by election from the state at  
130 large in the general election held each six years thereafter,  
131 or as the end of the term of such office may thereafter occur  
132 pursuant to the Constitution.

133 ~~(b)~~ (2) The offices of the two judges of the Court of  
134 Criminal Appeals that were filled in the general election of  
135 1972 pursuant to Act No. 75 of the 1971 Third Special Session  
136 of the Legislature shall be filled by election from the state  
137 at large in the general election held each six years  
138 thereafter, or as the end of the term of such office may  
139 thereafter occur pursuant to the Constitution.

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



## SB41 INTRODUCED

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

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

144 b. The judge in Place 1, as provided in Section  
145 17-6-48.1, shall be elected in the 2030 general election from  
146 the first and second State Board of Education Districts, as  
147 provided in Chapter 3 of Title 16.

148 c. The judge in Place 2, as provided in Section  
149 17-6-48.1, shall be elected in the 2030 general election from  
150 the fourth and fifth State Board of Education Districts, as  
151 provided in Chapter 3 of Title 16.

152 d. The judge in Place 3, as provided in Section  
153 17-6-48.1, shall be elected in the 2030 general election from  
154 the third and sixth State Board of Education Districts, as  
155 provided in Chapter 3 of Title 16.

156 e. The judge in Place 4, as provided in Section  
157 17-6-48.1, shall be elected in the 2026 general election from  
158 the seventh and eighth State Board of Education Districts, as  
159 provided in Chapter 3 of Title 16.

160 (2) A vacancy in the office of a judge shall be filled  
161 as provided by Section 153 of the Constitution of Alabama of  
162 2022.

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

168 (4) Nothing in this subsection shall be construed to



## SB41 INTRODUCED

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

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

175 "§12-3-3

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

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

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

190 b. The judge in Place 1, as provided in Section  
191 17-6-48.1, shall be elected in the 2030 general election from  
192 the first and second State Board of Education Districts, as  
193 provided in Chapter 3 of Title 16.

194 c. The judge in Place 2, as provided in Section  
195 17-6-48.1, shall be elected in the 2030 general election from  
196 the fourth and fifth State Board of Education Districts, as





## SB41 INTRODUCED

197 provided in Chapter 3 of Title 16.

198 d. The judge in Place 3, as provided in Section  
199 17-6-48.1, shall be elected in the 2030 general election from  
200 the third and sixth State Board of Education Districts, as  
201 provided in Chapter 3 of Title 16.

202 e. The judge in Place 4, as provided in Section  
203 17-6-48.1, shall be elected in the 2026 general election from  
204 the seventh and eighth State Board of Education Districts, as  
205 provided in Chapter 3 of Title 16.

206 (2) A vacancy in the office of a judge shall be filled  
207 as provided by Section 153 of the Constitution of Alabama of  
208 2022.

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

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

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

222 "§17-6-48

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



## SB41 INTRODUCED

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

231 "§17-6-48.1

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

236 (1) The supreme court:

237 a. The office of associate justice identified as "Place  
238 No. 1" on the 2018 statewide election ballot shall be "Place  
239 1" on the supreme court.

240 b. The office of associate justice identified as "Place  
241 No. 2" on the 2018 statewide election ballot shall be "Place  
242 2" on the supreme court.

243 c. The office of associate justice identified as "Place  
244 No. 3" on the 2018 statewide election ballot shall be "Place  
245 3" on the supreme court.

246 d. The office of associate justice identified as "Place  
247 No. 4" on the 2018 statewide election ballot shall be "Place  
248 4" on the supreme court.

249 e. The office of associate justice identified as "Place  
250 No. 1" on the 2016 statewide election ballot shall be "Place  
251 5" on the supreme court.

252 f. The office of associate justice identified as "Place



## SB41 INTRODUCED

253 No. 2" on the 2016 statewide election ballot shall be "Place  
254 6" on the supreme court.

255 g. The office of associate justice identified as "Place  
256 No. 3" on the 2016 statewide election ballot shall be "Place  
257 7" on the supreme court.

258 h. The office of associate justice identified as "Place  
259 No. 1" on the 2014 statewide election ballot shall be "Place  
260 8" on the supreme court.

261 (2) a. The court of criminal appeals:

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

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

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

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

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

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

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



## SB41 INTRODUCED

281 criminal appeals.

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

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

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

291 c. Beginning on January 1, 2025, until the date the  
292 presiding judge is elected statewide, as provided in Section  
293 12-2-1, the judge in Place 4 shall continue to serve as the  
294 presiding judge.

295 (3) a. The court of civil appeals:

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

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

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

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

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



## SB41 INTRODUCED

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

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

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

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

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

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

325 c. Beginning on January 1, 2025, until the date the  
326 presiding judge is elected statewide, as provided in Section  
327 12-2-1, the judge in Place 4 shall continue to serve as the  
328 presiding judge.

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

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



## SB41 INTRODUCED

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.