

SPECIAL REPORT

Tuesday, October 19, 2021

Governor Kay Ivey has notified lawmakers she will call them to Montgomery for a special session to convene on Thursday, October 28 for the primary purpose of approving redistricting maps for the Alabama Legislature, U.S. congressional seats and the state school board.

We expect significant deliberation in the process of developing viable plans and the session could last several weeks. The legislative committee on reapportionment, jointly chaired by Sen. Jim McClendon (R—Springville) and Rep. Chris Pringle (R—Mobile), is expected to review proposed maps this week. Those proposals are not expected to be made public until after that is done.

The looming question is whether the special session will be limited to redistricting, in the current wake of public outcry against President Biden’s vaccine policies. The Legislature acted on the vaccine mandate issue in the 2021 Regular Session by passing legislation to limit vaccine passports. At that time, lawmakers considered and rejected proposals that would have had more sweeping consequences to business entities’ ability to require vaccines in certain circumstances. These were rejected based on the conservative belief that government should not micromanage private businesses, and the bill was applauded by some as striking a reasonable balance but criticized by others as going too far. Also during that session, lawmakers championed a measure to alleviate the business community’s liability concerns related to COVID-19.

Alabama policymakers find themselves in the precarious situation where public discourse is generating pressure to enact policy to place restrictions or liability on employers related to requiring vaccines. Employers risk legal exposure by getting caught between federal requirements to vaccinate employees and potential prohibitions at the state level on requiring vaccines.

Policymakers are considering policy and legal alternatives to respond to the public outcry without placing burdens on employers, including litigation. Governor Ivey will spell out her priorities in a proclamation calling the Legislature into session by October 28.
