

SUPREME COURT OF ALABAMA

Barbara Moore, Vanessa Reed, and Christine Burrell v. State of Alabama ex rel. Mayor Robin Sims, as informant

Moore v. State ex rel. Sims · No. SC-2026-0038 · Decided April 24, 2026

SUMMARY

The Supreme Court of Alabama reviews a Jefferson Circuit Court judgment granting a writ of quo warranto and a permanent injunction that removed three Lipscomb city council members for allegedly failing to satisfy statutory residency requirements. The Court concludes that the trial court lacked subject-matter jurisdiction because the statutory prerequisites for commencing a quo warranto action were not satisfied, and it reverses and remands. The excerpt addresses the statutory commencement requirements, including judicial direction or security for costs, as well as related election and appellate-procedure issues.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Mendheim, Justice; Stewart, C.J.; Shaw, J.; Wise, J.; Sellers, J.; Cook, J.; McCool, J.; Parker, J.
JURISDICTION	Supreme Court of Alabama
DECIDED	April 24, 2026
DOCKET	SC-2026-0038
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a Jefferson Circuit Court judgment granting a writ of quo warranto and a permanent injunction that removed three Lipscomb city council members from office.
STANDARD OF REVIEW	Findings of fact based on live testimony are reviewed under the ore tenus standard and are presumed correct unless plainly or palpably wrong or against the preponderance of the evidence. Conclusions of law and other legal issues are reviewed de novo.
PRECEDENTIAL VALUE	published; precedential opinion of the Supreme Court of Alabama
PARTIES	Barbara Moore, Vanessa Reed, Christine Burrell v. State of Alabama ex rel. Mayor Robin Sims, as informant

TOPICS

subject matter jurisdiction

appellate procedure

remedies

municipal law

statutory interpretation

PRACTICE AREAS

civil procedure

appellate procedure

municipal law

election law

remedies

QUESTIONS PRESENTED

1. Whether the trial court had subject-matter jurisdiction over an informant-initiated quo warranto action when the relator had not provided the security for costs required by Alabama Code § 6-6-591(b).
2. Whether a bond required under Rule 65(c), Alabama Rules of Civil Procedure, for a temporary restraining order could satisfy the separate statutory security-for-costs requirement for the quo warranto action.
3. What disposition was required when the trial court's judgment was entered without subject-matter jurisdiction.

HOLDINGS

1. Under Alabama Code § 6-6-591(b), a quo warranto action commenced without a circuit judge's direction must be brought on the information of a person who gives security for the costs of the action, and that security is a condition precedent to the circuit court's subject-matter jurisdiction.
2. A bond required under Rule 65(c) for a temporary restraining order or preliminary injunction does not satisfy the separate security-for-costs requirement under § 6-6-591(b).
3. Because the trial court lacked subject-matter jurisdiction, its judgment declaring the council seats vacant and ordering that they be filled was void and had to be reversed.

KEY QUOTATIONS

“Under the plain meaning of § 6-6-591, there are only two alternative methods for commencing a quo warranto action: (1) at the direction of a circuit-court judge or (2) without the direction of a circuit-court judge on the information of any person giving security for the costs of the action. No other permissible methods for commencing a quo warranto action are provided by the statute.” (22)

“The fact that a TRO was granted at the outset of this action does not change the overarching point that giving security for a quo warranto action is a stand-alone requirement for such an action if it is brought by a relator in the name of the State, as it was in this case.” (30-31)

“Because the trial court lacked subject-matter jurisdiction over this action, its judgment is void.” (32)

FACTUAL BACKGROUND

Moore, Reed, and Burrell served on the Lipscomb City Council and were sworn into office after the August 2025 municipal election. The election was conducted using a redistricting map that the council members contended had not been lawfully adopted, and the members were seated in the districts they had previously represented. Sims filed a quo warranto action alleging that the council members did not reside in their assigned

districts, obtained a temporary restraining order supported by a \$1,500 bond, and later obtained a judgment declaring the seats vacant. The record did not show that Sims provided separate security for costs of the quo warranto action.

PROCEDURAL HISTORY

Robin Sims filed an action in the Jefferson Circuit Court seeking quo warranto relief and injunctive relief against Moore, Reed, and Burrell based on alleged failure to satisfy municipal district residency requirements. The trial court denied the council members' motion to dismiss, declared their council seats vacant, granted a permanent injunction, and denied their postjudgment motion. The council members appealed, and the Supreme Court of Alabama determined that the trial court lacked subject-matter jurisdiction because Sims had not provided the security for costs required to commence an informant-initiated quo warranto action.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter an order vacating its judgment.

CASES CITED

- Ex parte Baron Servs., Inc., 874 So. 2d 545, 548-49 (Ala. 2004)
- Ex parte Cater, 772 So. 2d 1117, 1119 (Ala. 2000)
- Eubanks v. Hale, 752 So. 2d 1113, 1144-45 (Ala. 1999)
- Brown v. Board of Educ. of Montgomery County, 863 So. 2d 73, 75 (Ala. 2003)
- Water Works & Sewer Bd. of Prichard v. Synovus Bank, 404 So. 3d 202, 205 (Ala. 2024)
- Douglas v. Griggers, 401 So. 3d 288, 291, 297 (Ala. 2024)
- Turner v. Ivey, 387 So. 3d 1088, 1094 (Ala. 2023)
- State ex rel. Radcliff v. Lauten, 256 Ala. 559, 561, 56 So. 2d 106, 107 (1952)
- Riley v. Hughes, 17 So. 3d 643, 646, 648-49 (Ala. 2009)
- Birmingham Bar Ass'n v. Phillips & Marsh, 239 Ala. 650, 657-58, 196 So. 725, 732 (1940)
- Brannan v. Smith, 784 So. 2d 293, 296-97 (Ala. 2000)
- Wenzel v. State ex rel. Powell, 241 Ala. 406, 407, 3 So. 2d 26, 26 (1941)
- Evans v. State ex rel. Sanford, 215 Ala. 61, 62, 109 So. 357, 357 (1926)
- Burkes v. Franklin, 370 So. 3d 235, 240-41 (Ala. 2022)
- Etherton v. City of Homewood, 700 So. 2d 1374, 1378 (Ala. 1997)
- Roberts v. NASCO Equip. Co., 986 So. 2d 379, 385 (Ala. 2007)
- Morrow v. State, 928 So. 2d 315, 320 n.5 (Ala. Crim. App. 2004)
- Huff v. State, 596 So. 2d 16, 19 (Ala. Crim. App. 1991)
- Spinks v. Automation Personnel Services, Inc., 49 So. 3d 186, 190-91 (Ala. 2010)

- Anders v. Fowler, 423 So. 2d 838, 840 (Ala. 1982)
- Lightsey v. Kensington Mortg. & Fin. Corp., 294 Ala. 281, 285, 315 So. 2d 431, 434 (1975)
- City of Gadsden v. Boman, 143 So. 3d 695, 706-07 (Ala. 2013)
- Milton v. Haywood, 393 So. 3d 1156, 1156, 1158 & n.4 (Ala. 2023)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/supreme-court-of-alabama-supreme-court-of-alabama/2026/barbara-moore-vanessa-reed-and-christine-burrell-v-state-of-t7dt36e0>