

1 HB561
2 200481-1
3 By Representatives Mooney, Holmes, Fincher, Hanes and Ingram
4 (Constitutional Amendment)
5 RFD: Constitution, Campaigns and Elections
6 First Read: 02-MAY-19

SYNOPSIS: Under existing law, there is no limit on the number of terms an individual may serve as a member of the Alabama House of Representatives or the Alabama Senate.

This bill would propose an amendment to Section 46 of the Constitution of Alabama of 1901, now appearing as Section 46 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, commencing on November 1, 2022, to limit a legislator to a maximum of five full terms of office, plus up to two years of extra service filling a vacancy, for a total of 22 years in the Legislature. The amendment would provide that service in the Senate and service in the House of Representatives before November 2020 would not disqualify, in whole or in part, an individual from service in that respective body following that date.

A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Proposing an amendment to Section 46 of the
5 Constitution of Alabama of 1901, now appearing as Section 46
6 of the Official ReCompilation of the Constitution of Alabama
7 of 1901, as amended, commencing on November 1, 2022, to limit
8 a legislator to a maximum of five full terms of office, plus
9 up to two years of service filling a vacancy, for a total of
10 22 years in the Legislature; and to provide that service in
11 the Senate and service in the House of Representatives before
12 November 2020 would not disqualify, in whole or in part, an
13 individual from service in the respective body following such
14 date.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. The following amendment to the
17 Constitution of Alabama of 1901, as amended, is proposed and
18 shall become valid as a part thereof when approved by a
19 majority of the qualified electors voting thereon and in
20 accordance with Sections 284, 285, and 287 of the Constitution
21 of Alabama of 1901, as amended:

22 PROPOSED AMENDMENT

23 "Section 46.

24 "Senators and representatives shall be elected by
25 the qualified electors on the first Tuesday after the first
26 Monday in November unless the ~~legislature~~ Legislature shall
27 change the time of holding elections and in every fourth year

1 thereafter. The terms of office of the senators and
2 representatives shall commence on the day after the general
3 election at which they are elected, and expire on the day
4 after the general election held in the fourth year after their
5 election, except as otherwise provided in this Constitution.

6 ~~At the general election in the year nineteen hundred and two~~
7 ~~all the representatives, together with the senators for the~~
8 ~~even numbered districts and for the thirty-fifth district,~~
9 ~~shall be elected. The terms of those senators who represent~~
10 ~~the odd numbered districts under the law in force prior to the~~
11 ~~ratification of this Constitution, are hereby extended until~~
12 ~~the day after the general election in the year nineteen~~
13 ~~hundred and six; and until the expiration of his term as~~
14 ~~hereinbefore extended, each such senator shall represent the~~
15 ~~district established by this Constitution, bearing the number~~
16 ~~corresponding with that for which he was elected. In the year~~
17 ~~nineteen hundred and six, and in every fourth year thereafter,~~
18 ~~all the senators and representatives shall be elected.~~

19 Whenever a vacancy shall occur in either house, the ~~governor~~
20 Governor shall issue a writ of election to fill ~~such the~~
21 vacancy for the remainder of the term. Commencing with the
22 general election in November 2022, no individual may serve as
23 a legislator in the Senate or the House of Representatives for
24 more than five full terms of office, in the Legislature. In
25 addition to the five full terms, a legislator may fill an
26 unexpired term caused by a vacancy for any reason, for up to
27 two years, for a total sum of not more than 22 years of

1 service in the Legislature. Notwithstanding the foregoing,
2 service in the Senate before November 2020 shall not
3 disqualify, in whole or in part, an individual from service in
4 the Senate following that date, and service in the House of
5 Representatives before November 2020 shall not disqualify, in
6 whole or in part, an individual from service in the House of
7 Representatives following that date."

8 Section 2. An election upon the proposed amendment
9 shall be held in accordance with Sections 284 and 285 of the
10 Constitution of Alabama of 1901, now appearing as Sections 284
11 and 285 of the Official Recompilation of the Constitution of
12 Alabama of 1901, as amended, and the election laws of this
13 state.

14 Section 3. The appropriate election official shall
15 assign a ballot number for the proposed constitutional
16 amendment on the election ballot and shall set forth the
17 following description of the substance or subject matter of
18 the proposed constitutional amendment:

19 "Proposing an amendment to the Constitution of
20 Alabama of 1901, to amend Section 46 of the Constitution of
21 Alabama of 1901, now appearing as Section 46 of the Official
22 Recompilation of the Constitution of Alabama of 1901, as
23 amended, commencing with the general election in November
24 2022, to limit a legislator to a maximum of five full terms of
25 office in the Legislature, plus up to two years of filling a
26 vacancy in the Legislature, for a total sum of not more than

1 22 years of service in the Legislature, without consideration
2 of earlier service.

3 "Proposed by Act _____."

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."