

1 HB434
2 197114-1
3 By Representative Wheeler (Constitutional Amendment)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 10-MAR-20

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, there is no limit on the
9 number of terms an individual may serve as a member
10 of the Alabama House of Representatives or the
11 Alabama Senate.

12 This bill would propose an amendment to
13 Section 46 of the Constitution of Alabama of 1901,
14 now appearing as Section 46 of the Official
15 Recompilation of the Constitution of Alabama of
16 1901, as amended, commencing on November 1, 2022,
17 to limit a legislator to a maximum of two full
18 terms of office, plus up to two years of extra
19 service filling a vacancy, in each house. The
20 amendment would provide that service in the Senate
21 and service in the House of Representatives before
22 November 2020 would not disqualify, in whole or in
23 part, an individual from service in that respective
24 body following that date.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Proposing an amendment to Section 46 of the
4 Constitution of Alabama of 1901, now appearing as Section 46
5 of the Official Recompilation of the Constitution of Alabama
6 of 1901, as amended, commencing on November 1, 2022, to limit
7 a legislator to a maximum of two full terms of office, plus up
8 to two years of service filling a vacancy, in each house; and
9 to provide that service in the Senate and service in the House
10 of Representatives before November 2020 would not disqualify,
11 in whole or in part, an individual from service in the
12 respective body following such date.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 PROPOSED AMENDMENT

21 "Section 46.

22 "Senators and representatives shall be elected by
23 the qualified electors on the first Tuesday after the first
24 Monday in November unless the ~~legislature~~ Legislature shall
25 change the time of holding elections and in every fourth year
26 thereafter. The terms of office of the senators and
27 representatives shall commence on the day after the general

1 election at which they are elected, and expire on the day
2 after the general election held in the fourth year after their
3 election, except as otherwise provided in this Constitution.
4 ~~At the general election in the year nineteen hundred and two~~
5 ~~all the representatives, together with the senators for the~~
6 ~~even numbered districts and for the thirty-fifth district,~~
7 ~~shall be elected. The terms of those senators who represent~~
8 ~~the odd numbered districts under the law in force prior to the~~
9 ~~ratification of this Constitution, are hereby extended until~~
10 ~~the day after the general election in the year nineteen~~
11 ~~hundred and six; and until the expiration of his term as~~
12 ~~hereinbefore extended, each such senator shall represent the~~
13 ~~district established by this Constitution, bearing the number~~
14 ~~corresponding with that for which he was elected. In the year~~
15 ~~nineteen hundred and six, and in every fourth year thereafter,~~
16 ~~all the senators and representatives shall be elected.~~
17 Whenever a vacancy shall occur in either house, the ~~governor~~
18 Governor shall issue a writ of election to fill ~~such the~~
19 vacancy for the remainder of the term. Commencing with the
20 general election in November 2022, no individual may serve as
21 a legislator in the Senate or the House of Representatives for
22 more than two full terms of office in each respective house.
23 In addition to the two full terms, a legislator may fill an
24 unexpired term caused by a vacancy for any reason for up to
25 two years in each respective house. Notwithstanding the
26 foregoing, service in the Senate before November 2020 shall
27 not disqualify, in whole or in part, an individual from

1 service in the Senate for two additional terms following that
2 date, and service in the House of Representatives before
3 November 2020 shall not disqualify, in whole or in part, an
4 individual from service in the House of Representatives for
5 two additional terms following that date."

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

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

17 "Proposing an amendment to the Constitution of
18 Alabama of 1901, to amend Section 46 of the Constitution of
19 Alabama of 1901, now appearing as Section 46 of the Official
20 Recompilation of the Constitution of Alabama of 1901, as
21 amended, commencing with the general election in November
22 2022, to limit a legislator to a maximum of two full terms of
23 office in each respective house, plus up to two years of
24 filling a vacancy in each house, without consideration of
25 earlier service.

26 "Proposed by Act _____."

1 This description shall be followed by the following
2 language:
3 "Yes () No ()."