

SB21 INTRODUCED



1 SB21
2 KHT9755-1
3 By Senator Chesteen (Constitutional Amendment)
4 RFD: State Governmental Affairs
5 First Read: 13-Jan-26
6 PFD: 27-Oct-25



SYNOPSIS:

Under existing law, the Governor and Lieutenant Governor are required to be citizens of the United States for 10 years before election; the Attorney General, State Auditor, Secretary of State, State Treasurer, and Commissioner of Agriculture and Industries for seven years; members of the Senate and House of Representatives for three years; and for other constitutional offices there is no requirement.

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to eligibility to serve in a constitutional office, to provide that only a natural born citizen of the United States may serve as Governor; Lieutenant Governor; Justice of the Alabama Supreme Court; judge of the Alabama Court of Civil Appeals or Court of Criminal Appeals; judge of a circuit court or district court; member of the Legislature; Attorney General; State Auditor; Secretary of State; State Treasurer; Commissioner of Agriculture and Industries; member of the State Board of Education; or local sheriff, district attorney, circuit clerk, or constable.

A BILL



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TO BE ENTITLED

AN ACT

Proposing an amendment to Sections 47, 117, 132, 138, 146, 160, and 262 of the Constitution of Alabama of 2022, relating to eligibility to serve in certain state and local offices; to provide that only natural born citizens of the United States may serve as Governor; Lieutenant Governor; Justice of the Alabama Supreme Court; judge of the Alabama Court of Civil Appeals or Court of Criminal Appeals; judge of a circuit court or district court; member of the Legislature; Attorney General; State Auditor; Secretary of State; State Treasurer; Commissioner of Agriculture and Industries; member of the State Board of Education; or local sheriff, district attorney, circuit clerk, or constable.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

"Section 47

Senators shall be at least ~~twenty-five~~ 25 years of age, and representatives ~~twenty-one~~ 21 years of age at the time of their election. They shall be natural born citizens of the United States, shall have been ~~citizens and~~ residents of this state for three years and residents of their respective counties or districts for one year next before their election, ~~if such county or district shall have been so long established; but if not, then of the county or district from~~



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57 ~~which the same shall have been taken;~~ and ~~they~~ shall reside in
58 their respective counties or districts during their terms of
59 office."

60 "Section 117

61 The governor and lieutenant governor shall each be at
62 least ~~thirty~~ 30 years of age when elected, shall be a natural
63 born citizen of the United States, and shall have been
64 ~~citizens of the United States ten years and~~ a resident
65 ~~citizens~~ of this state at least seven years next before the
66 date of ~~their~~ his or her election. The lieutenant governor
67 shall be ex officio president of the senate, ~~r~~ but shall have no
68 right to vote except in the event of a tie."

69 "Section 132

70 No ~~person~~ individual shall be eligible to the office of
71 attorney-general, state auditor, secretary of state, state
72 treasurer, or commissioner of agriculture and industries
73 unless he ~~shall have been~~ or she is a natural born citizen of
74 the United States ~~at least seven years, and shall have,~~ has
75 resided in this state at least five years next preceding his
76 or her election, and ~~shall be~~ is at least ~~twenty-five~~ 25 years
77 old when elected."

78 "Section 138

79 A sheriff shall be a natural born citizen of the United
80 States, shall be elected in each county by the qualified
81 electors ~~thereof who~~ of the county, shall hold office for a
82 term of four years unless sooner removed, and ~~he~~ shall be
83 eligible to serve in such office as his or her own successor.
84 Whenever any prisoner is taken from jail, or from the custody



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of any sheriff or his or her deputy, and put to death, or suffers ~~grevious~~ ~~[grievous]~~ bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under ~~section~~ Section 174 ~~of this Constitution~~. If the sheriff ~~be~~ is impeached, and thereupon convicted, he or she shall not be eligible to hold any office in this state during the time for which he or she had been elected or appointed to serve as sheriff."

"Section 146

Judges of the supreme court, courts of appeals, circuit ~~court~~ courts, and district ~~court~~ courts shall be natural born citizens of the United States, licensed to practice law in this state, and have such other qualifications as the legislature may prescribe. Judges of the probate court shall have such qualifications as may be provided by law."

"Section 160

(a) A district attorney for each judicial circuit shall be elected by the qualified electors of those counties in such circuit. ~~Such~~ A district attorney shall be a natural born citizen of the United States, licensed to practice law in this state, and ~~shall~~, at the time of his or her election and during his or her continuance in office, reside in his or her circuit. His or her term of office shall be for six years and he or she shall receive such compensation as provided by law. Vacancies in the office of district attorney and ~~in~~ his or her staff shall be filled as provided by law.

(b) Clerks of the circuit courts shall be natural born citizens of the United States and elected by the qualified



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electors in each county for a term of six years. ~~If the office of register in chancery continues to be provided by law then the clerk of the circuit court may also fill such office in a manner prescribed by law.~~ Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located.

(c) ~~Persons~~ Individuals elected to the position of constable to assist the courts of the state as provided by law shall be natural born citizens of the United states, subject to the same restrictions, rights, and limitations as are specified in ~~section~~ Section 280 ~~of the Constitution of 1901~~, and no law shall prohibit the receipt of fees for the performance of official duties of ~~said~~ the position while holding any other elected or appointed office.

(d) The revenue from fines, forfeitures, and court costs produced in district courts from the exercise of jurisdiction under municipal ordinances shall be apportioned between the municipality and the state as ~~shall be~~ provided by law."

"Section 262

~~1.~~ (a) General supervision of the public schools in Alabama shall be vested in a state board of education, which shall be elected in such manner as the legislature may provide. Each member of the State Board of Education shall be a natural born citizen of the United States.

~~2.~~ (b) The chief state school officer shall be the state superintendent of education, who shall be appointed by the



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state board of education and serve at its pleasure. The authority and duties of the superintendent of education shall be determined by the state board of education according to such ~~regulations~~ laws as the legislature may prescribe. The superintendent of education shall receive an annual salary which shall be fixed by the legislature of Alabama and shall be paid from the state treasury in installments as the salaries of other state officers are paid.

~~3.~~ (c) The legislature shall enact appropriate laws to implement or enforce this article ~~of amendment~~.

~~4.~~ (d) The provisions of article V and XIV of ~~the Constitution of Alabama~~ this constitution as amended in conflict with this article are expressly repealed. However, this ~~amendment~~ section shall not be so construed as to ~~effect~~ affect the election or term of the state superintendent of education chosen before ~~it~~ this section becomes valid as a part of the Constitution."

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; harmonize language; and translate effective dates.

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment



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shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to Sections 47, 117, 132, 138, 146, 160, and 262 of the Constitution of Alabama of 2022, to provide that only a natural born citizen of the United States may serve as Governor; Lieutenant Governor; Justice of the Alabama Supreme Court; judge of the Alabama Court of Civil Appeals or Court of Criminal Appeals; judge of a circuit court or district court; member of the Legislature; Attorney General; State Auditor; Secretary of State; State Treasurer; Commissioner of Agriculture and Industries; member of the State Board of Education; or local sheriff, district attorney, circuit clerk, or constable.

Proposed by Act ____."

This description shall be followed by the following language:

"Yes() No()."

Section 3. The proposed amendment shall become valid as a part of the Constitution of Alabama of 2022, when approved by a majority of the qualified electors voting thereon.