

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



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4 SYNOPSIS:

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

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

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A BILL



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29 TO BE ENTITLED
30 AN ACT

32 Proposing an amendment to Sections 47, 117, 132, 138,
33 146, 160, and 262 of the Constitution of Alabama of 2022,
34 relating to eligibility to serve in certain state and local
35 offices; to provide that only natural born citizens of the
36 United States may serve as Governor; Lieutenant Governor;
37 Justice of the Alabama Supreme Court; judge of the Alabama
38 Court of Civil Appeals or Court of Criminal Appeals; judge of
39 a circuit court or district court; member of the Legislature;
40 Attorney General; State Auditor; Secretary of State; State
41 Treasurer; Commissioner of Agriculture and Industries; member
42 of the State Board of Education; or local sheriff, district
43 attorney, circuit clerk, or constable.

44 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

47 PROPOSED AMENDMENT

48 "Section 47

49 Senators shall be at least ~~twenty-five~~ 25 years of age,
50 and representatives ~~twenty-one~~ 21 years of age at the time of
51 their election. They shall be natural born citizens of the
52 United States, shall have been ~~citizens and~~ residents of this
53 state for three years and residents of their respective
54 counties or districts for one year next before their election,
55 ~~if such county or district shall have been so long~~
56 ~~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, 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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85 of any sheriff or his or her deputy, and put to death, or
86 suffers ~~grevious~~grievous bodily harm, owing to the neglect,
87 connivance, cowardice, or other grave fault of the sheriff,
88 such sheriff may be impeached, under ~~section~~ Section 174 ~~of~~
89 ~~this Constitution~~. If the sheriff ~~be~~ is impeached, and
90 thereupon convicted, he or she shall not be eligible to hold
91 any office in this state during the time for which he or she
92 had been elected or appointed to serve as sheriff."

93 "Section 146

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

100 "Section 160

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

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



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

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

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

133 "Section 262

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

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

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

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

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

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

167 END OF PROPOSED AMENDMENT

168 Section 2. An election upon the proposed amendment

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

176 "Proposing an amendment to Sections 47, 117, 132, 138,
177 146, 160, and 262 of the Constitution of Alabama of 2022, to
178 provide that only a natural born citizen of the United States
179 may serve as Governor; Lieutenant Governor; Justice of the
180 Alabama Supreme Court; judge of the Alabama Court of Civil
181 Appeals or Court of Criminal Appeals; judge of a circuit court
182 or district court; member of the Legislature; Attorney
183 General; State Auditor; Secretary of State; State Treasurer;
184 Commissioner of Agriculture and Industries; member of the
185 State Board of Education; or local sheriff, district attorney,
186 circuit clerk, or constable.

187 Proposed by Act ____."

188 This description shall be followed by the following
189 language:

190 "Yes() No()."

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