

1 HB317
2 216377-1
3 By Representatives Wheeler, Mooney, Holmes, Wingo and Fincher
4 (Constitutional Amendment)
5 RFD: Constitution, Campaigns and Elections
6 First Read: 09-FEB-22

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

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 with the 2026 General Election, to limit a legislator to a maximum of two full terms of office, plus up to two years of extra service filling a vacancy, in each house. The amendment would provide that service in the Senate and service in the House of Representatives before November 2026 would not disqualify, in whole or in part, an individual from service in that respective body following that date.

A BILL
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 with the legislators elected
7 during the 2026 General Election, to limit a legislator to a
8 maximum of two full terms of office, plus up to two years of
9 service filling a vacancy, in each house; and to provide that
10 service in the Senate and service in the House of
11 Representatives before November 2026 would not disqualify, in
12 whole or in part, an individual from service in the respective
13 body following that date.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 PROPOSED AMENDMENT

22 "Section 46.

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

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

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

18 Whenever a vacancy shall occur in either house, the ~~governor~~
19 Governor shall issue a writ of election to fill ~~such the~~
20 vacancy for the remainder of the term. Commencing with the
21 general election in November 2026, no individual may serve as
22 a legislator in the Senate or the House of Representatives for
23 more than two full terms of office in each respective house.
24 In addition to the two full terms, a legislator may fill an
25 unexpired term caused by a vacancy for any reason for up to
26 two years in each respective house. Notwithstanding the
27 foregoing, service in the Senate before November 2026 shall

1 not disqualify, in whole or in part, an individual from
2 service in the Senate for two additional terms following that
3 date, and service in the House of Representatives before
4 November 2026 shall not disqualify, in whole or in part, an
5 individual from service in the House of Representatives for
6 two additional terms following that date."

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

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

18 "Proposing an amendment to the Constitution of
19 Alabama of 1901, to amend Section 46 of the Constitution of
20 Alabama of 1901, now appearing as Section 46 of the Official
21 Recompilation of the Constitution of Alabama of 1901, as
22 amended, commencing with the general election in November
23 2026, to limit a state legislator to a maximum of two full
24 terms of office in each respective house, plus up to two years
25 of filling a vacancy in each house, without consideration of
26 earlier service.

27 "Proposed by Act _____."

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