

1 SB266
2 127573-1
3 By Senators Whatley, Dial, Waggoner, Holley, Scofield and
4 Taylor (Constitutional Amendment)
5 RFD: Judiciary
6 First Read: 24-MAR-11

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8 SYNOPSIS: Currently, the Constitution of Alabama of
9 1901, provides that no person may be elected or
10 appointed to a judicial office after reaching the
11 age of 70 years.

12 This bill would increase the age restriction
13 to 75 years.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Section 6.16, as added by Amendment 328 to
20 the Constitution of Alabama of 1901, now appearing as Section
21 155 of the Official Recompilation of the Constitution of
22 Alabama of 1901, as amended, providing that no person over the
23 age of 70 years shall be elected or appointed to a judicial
24 office; to increase the age to 75 years.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The following amendment to the
27 Constitution of Alabama of 1901, as amended, is proposed and

1 shall become valid as a part thereof when approved by a
2 majority of the qualified electors voting thereon and in
3 accordance with Sections 284, 285, and 287 of the Constitution
4 of Alabama of 1901, as amended:

5 PROPOSED AMENDMENT

6 Section 6.16, as added by Amendment 328 to the
7 Constitution of Alabama of 1901, now appearing as Section 155
8 of the Official Recompilation of the Constitution of Alabama
9 of 1901, as amended, is amended to read as follows:

10 "6.16. Retirement.

11 "The legislature shall provide by law for he
12 retirement of judges, including supernumerary judges, with
13 such conditions, retirement benefits, and pensions for them
14 and their dependents as it may prescribe. No person shall be
15 elected or appointed to a judicial officer after reaching the
16 age of ~~seventy~~ 75 years, provided that a judge over the age of
17 ~~seventy~~ 75 may be appointed to the office of supernumerary
18 judge if he is not eligible to receive state judicial
19 retirement benefits."

20 Section 2. An election upon the proposed amendment
21 shall be held in accordance with Sections 284 and 285 of the
22 Constitution of Alabama of 1901, now appearing as Sections 284
23 and 285 of the Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, and the election laws of this
25 state.

26 Section 3. The appropriate election official shall
27 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the
2 following description of the substance or subject matter of
3 the proposed constitutional amendment:

4 "Proposing an amendment to the Constitution of
5 Alabama of 1901, to increase the maximum age at which a person
6 may be elected or appointed to a judicial office from 70 years
7 to 75 years of age.

8 "Proposed by Act _____."

9 This description shall be followed by the following
10 language:

11 "Yes () No ()."