

1 SB256  
2 127573-1  
3 By Senators Whatley, Fielding, Irons, Beasley, Figures, Dial,  
4 Ward and Waggoner (Constitutional Amendment)  
5 RFD: Judiciary  
6 First Read: 08-FEB-12

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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 ( )."