

# HB394 INTRODUCED



1 Z2YJKW-1  
2 By Representative Mooney  
3 RFD: State Government  
4 First Read: 27-Apr-23  
5  
6 2023 Regular Session



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SYNOPSIS:

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

This bill would propose an amendment to Section 46 of the Constitution of Alabama of 2022, commencing on November 1, 2026, to limit a legislator to a maximum of five full terms of office, plus up to two years of extra service filling a vacancy, for a total of 22 years in the Legislature. The amendment would provide that service in the Senate and service in the House of Representatives before November 2022 would not disqualify, in whole or in part, an individual from service in that respective body following that date.

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to Section 46 of the Constitution of Alabama of 2022, commencing on November 1, 2026, to limit a legislator to a maximum of five full terms of office, plus up to two years of service filling a vacancy, for



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29 a total of 22 years in the Legislature; and to provide that  
30 service in the Senate and service in the House of  
31 Representatives before November 2022 would not disqualify, in  
32 whole or in part, an individual from service in the respective  
33 body following that date.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. The following amendment to the Constitution  
36 of Alabama of 2022, is proposed and shall become valid as a  
37 part of the Constitution when approved by a majority of the  
38 qualified electors voting thereon and in accordance with  
39 Sections 284, 285, and 287 of the Constitution of Alabama of  
40 2022:

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### 42 PROPOSED AMENDMENT

43 "Section 46

44 (a) (1) Senators and representatives shall be elected by  
45 the qualified electors on the first Tuesday after the first  
46 Monday in November unless the Legislature shall change the  
47 time of holding elections and in every fourth year thereafter.  
48 The terms of office of the senators and representatives shall  
49 commence on the day after the general election at which they  
50 are elected, and expire on the day after the general election  
51 held in the fourth year after their election, except as  
52 otherwise provided in this Constitution. ~~At the general~~  
53 ~~election in the year nineteen hundred and two all the~~  
54 ~~representatives, together with the senators for the even~~  
55 ~~numbered districts and for the thirty-fifth district, shall be~~  
56 ~~elected. The terms of those senators who represent the odd~~



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57 ~~numbered districts under the law in force prior to the~~  
58 ~~ratification of this Constitution, are hereby extended until~~  
59 ~~the day after the general election in the year nineteen~~  
60 ~~hundred and six; and until the expiration of his or her term~~  
61 ~~as hereinbefore extended, each such senator shall represent~~  
62 ~~the district established by this Constitution, bearing the~~  
63 ~~number corresponding with that for which he or she was~~  
64 ~~elected.~~ In the year nineteen hundred and six, and in every  
65 fourth year thereafter, all the senators and representatives  
66 shall be elected.

67 (2) Commencing with the general election in November  
68 2026, no individual may serve as a legislator in the Senate or  
69 the House of Representatives for more than five full terms of  
70 office, in the Legislature. In addition to the five full  
71 terms, a legislator may fill an unexpired term caused by a  
72 vacancy for any reason, for up to two years, for a total sum  
73 of not more than 22 years of service in the Legislature.  
74 Notwithstanding the foregoing, service in the Senate before  
75 November 2022 shall not disqualify, in whole or in part, an  
76 individual from service in the Senate following that date, and  
77 service in the House of Representatives before November 2022  
78 shall not disqualify, in whole or in part, an individual from  
79 service in the House of Representatives following that date.

80 (b) Except as provided in subsection (c), when a  
81 vacancy occurs in either house of the Legislature, the  
82 Governor shall issue a writ of election to fill the vacancy  
83 for the remainder of the term. However, if the Secretary of  
84 State determines that a legally qualified candidate for



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85 election to the vacancy is unopposed when the last date for  
86 filing certificates of nomination has passed, the election  
87 shall not be held. The Secretary of State shall issue a  
88 certificate of election to the candidate, the same as if an  
89 election had been held, and the certificate shall be accepted  
90 by the house in which the vacancy occurred as evidence of the  
91 unopposed candidate's right to fill the position created by  
92 the vacancy. In the event an election is held, all the costs  
93 and expenses incurred thereby shall be paid out of any funds  
94 in the State Treasury not otherwise appropriated.

95 (c) When a vacancy occurs in either house of the  
96 Legislature on or after October 1 of the third year of a  
97 quadrennium, the seat shall remain vacant until a successor is  
98 elected at the next succeeding general election."

99 Upon ratification of this constitutional amendment, the  
100 Code Commissioner shall number and place this amendment as  
101 appropriate in the constitution omitting this instructional  
102 paragraph and may make the following nonsubstantive revisions:  
103 change capitalization, spelling, and punctuation for purposes  
104 of style and uniformity; correct manifest grammatical,  
105 clerical, and typographical errors; and correct incorrect  
106 cross-references.

107 Section 2. An election upon the proposed amendment  
108 shall be held in accordance with Sections 284 and 285 of the  
109 Constitution of Alabama of 2022, and the election laws of this  
110 state.

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



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113 amendment on the election ballot and shall set forth the  
114 following description of the substance or subject matter of  
115 the proposed constitutional amendment:

116 "Proposing an amendment to the Constitution of Alabama  
117 of 2022, to amend Section 46 of the Constitution of Alabama of  
118 2022, commencing with the general election in November 2026,  
119 to limit a legislator to a maximum of five full terms of  
120 office in the Legislature, plus up to two years of filling a  
121 vacancy in the Legislature, for a total sum of not more than  
122 22 years of service in the Legislature, without consideration  
123 of earlier service.

124 Proposed by Act \_\_\_\_."

125 This description shall be followed by the following  
126 language:

127 "Yes ( ) No( )."