

State of Tennessee

Constitutional Amendment

Imposing Term Limits

JOINT RESOLUTION NO. _____

By The People

A RESOLUTION to propose an amendment to Article II, Sections 9 and 10, of the Constitution of Tennessee, to limit the number of terms, that a Representative or Senator may serve in the General Assembly of the State of Tennessee, and an amendment to Article VI, Sections 3, 4, and 13 to limit the number of terms, and duration of terms, that any justice, judge, chancellor, or judicial clerk may serve in the same judicial office.

WHEREAS, self-government is to be preferred over government by professional politicians and judicial officers who too often succumb to the trappings of power and outside influence – contrary to the peace, safety, and happiness of the people; and

WHEREAS, without terms limits, judicial officers and politicians become entrenched, antithetical to the republican form of government guaranteed in the federal constitution, Article IV, Section 4; and

WHEREAS, without term limits our legislators and judicial officers bear more resemblance to a ruling class rather than a citizen legislature, and fair mediators of justice; and

WHEREAS, without term limits, there is less opportunity for common citizens to participate in the government of this state; and

WHEREAS, the power of government tends to corrupt, and absolute power corrupts absolutely; and

WHEREAS, the power of the executive branch is limited by number of terms in office permitted; the power of the other branches of government should also be equally limited; and

WHEREAS, pursuant to Article I, Section 1, of the Constitution of the State of Tennessee, the people have at all times, the unalienable, indefeasible right to alter their form of government; and

WHEREAS, pursuant to Article I, Section 1, of the Constitution of the State of Tennessee, the people have at all times, the unalienable, indefeasible right to reform their government; and

WHEREAS, pursuant to Article I, Section 23, of the Constitution of the State of Tennessee, citizens have the right to instruct their representatives; and

WHEREAS, pursuant to Article I, Section 31, of the Constitution of the State of Tennessee, the people have the right to exercise sovereignty; and

WHEREAS, the people and citizens of the State of Tennessee hereby assert rights set forth in Article I, Sections 1, 23, and 31 to alter and reform our government, to instruct our representatives, and to exercise sovereignty; now, therefore,

BE IT RESOLVED BY THE SENATE OF GENERAL ASSEMBLY OF THE STATE OF TENNESSEE NOW SITTING, THE HOUSE OF REPRESENTATIVES CONCURRING, RECOGNIZING THAT SOVEREIGNTY IS VESTED IN THE PEOPLE AND NOT THE LEGISLATURE PURSUANT TO ARTICLE I, SECTION 31, and that a majority of all the people and citizens of the state of Tennessee concurring, as shown by their signatures, it is proposed that Article II, Sections 9 and 10, and Article VI, Sections 3, 4, and 13 of the Constitution of Tennessee be amended by deleting the sections and substituting instead the following:

Article II, Section 9. No person shall be a representative unless he shall be a citizen of the United States, of the age of twenty-one years, and shall have been a citizen of this state for three years, and a resident in the county he represents one year, immediately preceding the election. No person shall serve more than two terms in the House of Representatives, except if a candidate for a third or more terms, presents a nominating petition with a count of qualified nominating signatures greater than one-half the votes from the immediately preceding election for the same office.

Article II, 10. No person shall be a senator unless he shall be a citizen of the United States, of the age of thirty years, and shall have resided three years in this state, and one year in the county or district, immediately preceding the election. No senator or representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment to which is vested in the executive or the General Assembly, except to the office of trustee of a literary institution. No person shall serve more than two terms in the Senate, except if a candidate for a third or more terms, presents a nominating

petition with a count of qualified nominating signatures greater than one-half the votes from the immediately preceding election for the same office.

Article VI, Section 3. Judges of the Supreme Court or any intermediate appellate court shall be appointed for a full term or to fill a vacancy by and at the discretion of the governor; shall be confirmed by the Legislature; and thereafter, shall be elected in a retention election by the qualified voters of the state. Confirmation by default occurs if the Legislature fails to reject an appointee within sixty calendar days of either the date of appointment, if made during the annual legislative session, or the convening date of the next annual legislative session, if made out of session. The Legislature is authorized to prescribe such provisions as may be necessary to carry out Sections two and three of this article. Every judge of the Supreme Court shall be thirty-five years of age, and shall before his election, have been a resident of the state for five years. His term of service shall be four years, and shall not serve more than two terms in the same judicial office.

Article VI, Section 4. The Judges of the Circuit and Chancery Courts, and of other Inferior Courts, shall be elected by the qualified voters of the district or circuit to which they are to be assigned. Every judge of such courts shall be thirty years of age, and shall before his election, have been a resident of the state for five years, and of the circuit or district one year. His term of service shall be four years, and shall not serve more than two terms in the same judicial office.

Article VI, Section 13. Judges of the Supreme Court shall appoint their clerks who shall hold their offices for four years. Chancellors shall appoint their clerks and masters, who shall hold their offices for four years. Clerks of the Inferior Courts holden in the respective counties or districts, shall be elected by the qualified voters thereof for the term of four years. Any clerk may be removed from office for malfeasance, incompetency or neglect of duty, in such manner as may be prescribed by law.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the next General Assembly and that this resolution proposing such amendment be properly published and made known to the public in general, by the Secretary of State in as required by Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the Clerk of the Senate is directed to deliver copies of this resolution to the Secretary of State, with this final resolving clause being deleted from such copies.

Term Limits – Article I, Sections 1, 23, and 31 Application to the General Assembly Now Sitting

As a citizen of the state of Tennessee, I hereby assert rights in Art. I, §§ 1, 23, and 31 for the proper purpose to impose term limits, and duration of terms in office, set forth in the Proposed Resolution for Amendments to Art. II, §§ 9 and 10, and Art. VI, §§ 3, 4, and 13.

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