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Opinion No. 08-173

Terms of State Legislators and Speakers

QUESTIONS

1. When does a state legislator's service and power of office in the Tennessee General Assembly end?

2. When does the service and power of office of the Speaker of the House and/or the Lieutenant Governor/Speaker of the Senate end?

OPINIONS

1. Under Article II, Section 3, of the Tennessee Constitution, a legislator's term of office ends on the day of the general election.

2. The Speaker of each House holds office as Speaker for a term of two years from the day he is elected as Speaker, and holds over in office until his successor in office is elected and qualified.

ANALYSIS

1. State Legislator's Term of Office

This opinion addresses the term of office of a Tennessee state legislator and the Speaker of the Tennessee House or Senate. Article II, Section 3, of the Tennessee Constitution provides in relevant part:

> The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people. Representatives shall hold office for two years and Senators for four years from the day of the general election, except that the Speaker of the Senate and the Speaker of the House of Representatives, each shall hold his office as Speaker for two years or until his successor is elected and qualified[.]

Thus, a legislator's term of office ends on the day of the general election.. Op. Tenn. Att'y Gen. 82-292 (June 7, 1982).

2. Speakers' Terms of Office

The second question is when the service and power of office of the Speaker of the House and/or the Lieutenant Governor/Speaker of the Senate end. Under Article II, Section 3, of the Tennessee Constitution, the Speaker of each House holds office as Speaker for two years or until his successor is elected and qualified. Thus, the Speaker of each House holds office as Speaker for two years from the day he is elected as Speaker, and until his successor in office is elected and qualified. Op. Tenn. Att'y Gen. 79-383 (August 23, 1979) (Speakers do not serve at the pleasure of a majority of the membership but are elected to two-year terms).

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