

2008

PROPOSITION 93 LIMITS ON LEGISLATORS' TERMS IN OFFICE.

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**LIMITS ON LEGISLATORS' TERMS IN OFFICE.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

- Reduces the total amount of time a person may serve in the state legislature from 14 years to 12 years.
- Allows a person to serve a total of 12 years either in the Assembly, the Senate, or a combination of both.
- Provides a transition period to allow current members to serve a total of 12 consecutive years in the house in which they are currently serving, regardless of any prior service in another house.

SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- This measure would have no direct fiscal effect on state or local governments.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

The state's voters passed Proposition 140 at the November 1990 election. As well as other changes, Proposition 140 changed the State Constitution to create term limits for the Legislature—Members of the Assembly and Senate. Term limits restrict the number of years that individuals can serve in the Legislature. Currently, an individual generally cannot serve a total of more than 14 years in the Legislature. (An exception is when an individual serves additional time by finishing out less than one-half of another person's term.) An individual's service is restricted to six years in the Assembly (three two-year terms) and eight years in the Senate (two four-year terms).

PROPOSAL

Time Limits Without Regard to Legislative House. Under this measure, an individual could serve a total of 12 years in the Legislature (compared to 14 years currently). Unlike the current system, these years could be served without regard to whether they were in the Assembly or Senate. In other words, an individual could serve six two-year terms in the Assembly, three four-

year terms in the Senate, or some combination of terms in both houses. (As under current law, an individual could serve additional time by finishing out less than one-half of another person's term.)

Current Members of the Legislature. Under this measure, existing Members of the Legislature could serve up to a total of 12 years in their current legislative house (regardless of how many years were already served in the other house). This could result in some current Members serving longer than 14 years in the Legislature.

FISCAL EFFECTS

By altering term limits for Members of the Legislature, the measure would likely change which individuals are serving in the Legislature at any time. This would not have any direct fiscal effect on total state spending or revenues. The different composition of the Legislature, however, would likely lead to different decisions being made—for example on legislation and the state budget—than would otherwise be the case. These decisions could have an effect on state spending and revenues. Any such indirect impacts, however, are unknown and impossible to estimate.

★ ARGUMENT IN FAVOR OF PROPOSITION 93 ★

Proposition 93 reforms California's 17-year-old term limits law to make the Legislature more effective. This thoughtful proposition strikes a reasonable balance between the need to elect new people with fresh ideas, and the need for experienced legislators with the knowledge and expertise to solve the complex problems facing our state.

California's current term limits law allows legislators to serve a total of 14 years: 3 two-year terms in the State Assembly and 2 four-year terms in the State Senate.

Proposition 93 reforms the law in two important ways:

- It reduces the total number of years new legislators can serve from 14 years to 12, and;
- It allows all 12 years to be served entirely in the State Assembly, State Senate, or a combination of both.

These simple but important adjustments will let legislators spend more time working for taxpayers, and less time worrying about which office to run for next.

An independent study by the nonpartisan Public Policy Institute of California (PPIC) found that term limits have produced important benefits, but "have been accompanied by unintended consequences [that] diminish the Legislature's capacity to perform its basic duties."

The study found term limits increased the potential for "fiscal irresponsibility" in the Legislature, while providing "less incentive, experience, and leadership to correct it." Rapid turnover in the Legislature has also reduced "expertise in many important policy areas."

Other independent studies have reached similar conclusions. You can read these studies at www.termlimitsreform.com/studies.

The PPIC study recommends specific changes to our current term limits law to "improve the Legislature's ability to perform its role." These changes form the basis for the reforms in Proposition 93.

There is a real need to reform term limits:

- The Legislature takes twice as long to pass a budget now than before we had term limits.
- Freshman legislators with little or no state policy experience are now in charge of twelve important committees that decide policy for our schools, housing, jobs, public safety, transportation, and the environment.

Proposition 93 isn't a magic cure for these problems.

But it is an important and balanced step in the right direction. It will make our Legislature more effective, more accountable, and better able to solve problems you care about.

Allowing legislators to serve 12 years in either the State Assembly or State Senate will let them gain experience and expertise—essential for dealing with complicated public policy issues with long-term consequences. Committees will be led by experienced lawmakers who can better oversee state bureaucrats. And more legislators will focus on California's long-term needs, instead of their own short-term careers.

By serving 12 years in one house, fewer politicians will be plotting their next political move as soon as they get elected—meaning fewer fundraisers, less "musical chairs" and more on-time budgets.

Proposition 93 will improve the Legislature's ability to solve problems. Read the PPIC study at www.ppic.org.

Proposition 93 balances the benefits of term limits with the need for more lawmaking experience. Vote "yes" on Proposition 93.

BETTY JO TOCCOLI, President

California Small Business Association

RICHARD RIORDAN, Former California Education Secretary

SUSAN SMARTT, Executive Director

California League of Conservation Voters

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 93 ★

A NO vote on Proposition 93 is a vote FOR term limits. Career politicians and powerful special interests who fund them refuse to respect the will of the people. They're at it again with Proposition 93.

The only ones who want to "reform" term limits are the politicians and special interests who have their power curtailed by term limits. But don't be fooled—Proposition 93 is no reform.

Proposition 93 is *not* reform when it has a *special loophole that benefits 42 incumbent politicians* who are termed out by giving them more time in office. Some politicians will even be able to serve up to 20 years in office—just like before we passed term limits.

Proposition 93 is *not* reform when it *lengthens* terms for politicians. It *doubles* Assembly terms from 6 years to 12 years and *makes Senate terms 50% longer*—increasing them from 8 years to 12 years.

Proposition 93 is *not* reform when it dramatically *increases terms for more than 80% of state legislators*.

Proposition 93 is *not* reform when *powerful special interests with business before the Legislature* are spending millions of dollars to pass it.

To learn more about Proposition 93, the scam to cripple term limits, please visit www.stopthepoliticians.com.

Proposition 93 is an arrogant and self-serving power grab by career politicians. Save California's term limits—vote NO on Proposition 93.

MARTHA MONTELONGO, Vice-President
California Term Limits Defense Fund

JON COUPAL, President
Howard Jarvis Taxpayers Association

STEVE POIZNER, California Insurance Commissioner

★ **ARGUMENT AGAINST PROPOSITION 93** ★

Proposition 93 is a scam that would actually *lengthen* politicians' terms in office. It is intentionally deceptive because it claims to toughen term limits when it would in fact cripple term limits.

Proposition 93 is designed to trick voters and sabotage voter-approved term limits. It's written by career politicians and funded by millions of dollars from special interests with business before the Legislature.

Look at the facts and decide for yourself:

Proposition 93 has a *special loophole that benefits 42 incumbent politicians* who are termed out by giving them more time in office. Some politicians will even be able to serve up to 20 years in office—just like before we passed term limits.

The initiative lengthens terms for politicians. It *doubles* Assembly terms from 6 years to 12 years and *makes Senate terms 50% longer*—increasing them from 8 years to 12 years.

Proposition 93 will dramatically *increase terms for more than 80% of state legislators*. Politicians will have more time to develop cozy relationships with lobbyists.

That's why Proposition 93 is *funded by millions of dollars from major special interests with business before the Legislature*, including developers, energy companies, gambling interests, large insurance companies, and trial lawyers.

In order to uphold the will of the voters and save California's term limits, vote NO on Proposition 93.

Time and again, Californians have voted for reasonable term limits to break the stranglehold that power-hungry career politicians had on our state legislature. The current voter-approved term limits require politicians to give up power and level the playing field so voters have more choices in elections.

That is why politicians and their special interest cronies don't like term limits. And that's why they are trying to fool us into supporting Proposition 93.

This initiative is written by leaders of the state legislature trying to hang on to their power and perks. They know, if it doesn't pass, they will be termed out of office next year.

California's leading taxpayer groups oppose Proposition 93. They say it's just another attempt by politicians to deceive the public and evade term limits.

Newspapers also criticize the initiative, calling it a "phony reform." One newspaper said it "has a loophole for those already in office." Another reported the initiative "would add to the political longevity of California's state lawmakers." A third declared it "looks like legislators are trying to take care of themselves."

California's current term limits law opened up the system and enabled new people with new ideas to seek office. But Proposition 93 sets back the clock and limits opportunities for more women and minorities to be elected to the Legislature.

If Proposition 93 passes, career politicians and special interests win. California's voters lose.

Proposition 93 is a scam to subvert the will of the voters. Don't let politicians and special interests get away with tricking us. Don't be fooled by this sneaky effort to sabotage term limits. VOTE NO on PROPOSITION 93.

LEWIS K. UHLER, President
National Tax Limitation Committee

JULIE VANDERMOST, President
California Women's Leadership Association

TIMOTHY J. ESCOBAR, Vice-President
U.S. Term Limits

★ **REBUTTAL TO ARGUMENT AGAINST PROPOSITION 93** ★

Look carefully at who's attacking Proposition 93.

An East Coast group called U.S. Term Limits is the key opponent of Proposition 93. Here's what you should know about them:

On October 2, 2007, a top official of U.S. Term Limits was indicted for conspiracy to commit campaign fraud.

Last year, Oregon newspapers exposed U.S. Term Limits for using out-of-state money to promote a phony reform initiative, which voters rejected. (*The Oregonian*, "N.Y. cash colors Oregon ballot," August 5, 2006.)

North Dakota's Secretary of State accused their campaign of "deceit, fraud, conspiracy, perjury, and disregard for the Constitution and state law."

Now these same people have come to California to wage a campaign against Proposition 93.

They say Proposition 93 "lengthens terms for politicians." In fact, it **REDUCES** the time legislators can serve from 14 to 12 years. To be consistent with the Constitution, existing lawmakers may serve a **TOTAL** of 12 years in the house they're in . . . NOT 12 years more.

We can't afford to lose the experience already gained by existing lawmakers; it's desperately needed to help solve California's problems.

They say Proposition 93 shuts the door on women and minorities. That's not true. Proposition 93 lets legislators spend more time working for taxpayers and less time campaigning for their next office.

Don't be fooled. Proposition 93 improves California's term limits law by striking a reasonable balance between the need for new ideas and the urgent need for experienced legislators to solve the complex problems facing our state. Vote YES.

LIANE M. RANDOLPH, Former Chairman
California Fair Political Practices Commission

RICK MATTOS, President
California Association of Highway Patrolmen

ELIZABETH M. PERRY, Public Policy Director
Older Women's League of California

PROP 92 Community Colleges. Funding. Governance. Fees. Initiative Constitutional Amendment and Statute.

SUMMARY *Put on the Ballot by Petition Signatures*

Establishes independent community college districts and Board of Governors. Requires minimum funding for schools and community colleges to be calculated separately. Sets fees at \$15/unit and limits future increases. Fiscal Impact: Increased state spending on K–14 education from 2007–08 through 2009–10 averaging about \$300 million annually, with unknown impacts annually thereafter. Potential loss in community college student fee revenues of about \$70 million annually.

WHAT YOUR VOTE MEANS

YES A YES vote on this measure means: The existing formula that establishes a minimum funding level for K–12 schools and community colleges would be replaced with separate formulas for each system. Community college fees would be reduced from \$20 per unit to \$15 per unit, and various changes would be made to the state-level community college governing board.

NO A NO vote on this measure means: Existing laws regarding community college funding, fees, and governance would be unchanged.

ARGUMENTS

PRO Proposition 92 doesn't raise taxes. It lowers community college fees to \$15 per unit, limits future fee increases, and stabilizes funding. When the Legislature doubled community college fees, 305,000 fewer Californians enrolled. Wages for students who earn a community college vocational degree jump from \$25,600 to \$47,571 in three years.

CON 92 isn't what it seems. It locks huge new spending into California's Constitution with no way to pay for it, which could result in new taxes or cuts to critical programs, including K–12 schools. It contains no accountability and no guarantee funds will reach college classrooms. No on 92.

FOR ADDITIONAL INFORMATION

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PROP 93 Limits on Legislators' Terms in Office. Initiative Constitutional Amendment.

SUMMARY *Put on the Ballot by Petition Signatures*

Reduces permissible state legislative service to 12 years. Allows 12 years' service in one house. Current legislators can serve 12 years in current house, regardless of prior legislative service. Fiscal Impact: No direct fiscal effect on state or local governments.

WHAT YOUR VOTE MEANS

YES A YES vote on this measure means: Members of the State Legislature could serve a maximum total of 12 years in office—without regard to whether the years were served in the Assembly or Senate. Some current Members could serve more than the 14 total years now allowed.

NO A NO vote on this measure means: Members of the State Legislature could continue to serve a maximum total of 14 years in office—up to 6 years in the Assembly and up to 8 years in the Senate.

ARGUMENTS

PRO Prop. 93 strikes a reasonable balance between the need to elect new people with fresh ideas and the need for knowledgeable, experienced legislators working to protect taxpayers. Independent studies prove it will help make our Legislature more effective, accountable, and better able to deal with the complex problems facing California.

CON Proposition 93 is a scam written by politicians and funded by special interests. It has a special loophole that benefits 42 termed out incumbent politicians by giving them more time in office. It doubles Assembly terms from 6 to 12 years and increases Senate terms from 8 to 12 years.

FOR ADDITIONAL INFORMATION

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employee member from a list of at least three *current classified employees* persons furnished by the exclusive representatives of classified employees of the California Community Colleges. *The Governor shall appoint one of the employees from a list of at least three persons submitted to the Governor by the statewide organization representing community college chief executive officers recognized to participate in the consultation process established by subdivision (e) of Section 70901.*

SECTION 14. Section 71003 of the Education Code is amended to read:

71003. (a) Except for the student members, the faculty members, and the ~~classified employee member~~ members appointed by the Governor, any vacancy in an appointed position on the board shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the membership of the Senate. A vacancy in the office of a student member, a faculty member, or ~~the classified an~~ employee member shall be filled by appointment by the Governor.

(b) ~~The~~ *Except in the case of the student members, the appointee to fill a vacancy shall hold office only for the balance of the unexpired term. Vacancies in the student member positions shall be filled by an appointment by the Governor for a full one-year term.*

SECTION 15. Section 71090.5 of the Education Code is amended to read:

~~71090.5. In addition to the position authorized by Pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution, the Governor, with the recommendation of the board of governors, the Board of Governors of the California Community Colleges shall appoint a Chancellor and up to six deputy chancellors and vice chancellors, who shall be exempt from state civil service. The appointments shall not exceed an aggregate total of six seven, for both the positions appointed pursuant to this section. of deputy and vice chancellor.~~

SECTION 16. Section 76301 is added to the Education Code, to read:

76301. (a) *Notwithstanding any other provision of law, the fee prescribed by Section 76300 shall be fifteen dollars (\$15) per unit per semester or the fee existing on the effective date of this section, whichever is lower.*

(b) *The fee prescribed by Section 76300 and this section shall not be increased in any year by an amount exceeding the lesser of:*

(1) *The percentage change in per capita personal income of California residents from the second preceding year to the immediate preceding year, rounded down to the nearest whole dollar; or*

(2) *Ten percent.*

(c) *This section shall be effective with the first full fall academic term commencing at least 60 days following the effective date of this section.*

SECTION 17. Section 76301.5 is added to the Education Code, to read:

76301.5. (a) *The Legislature shall allocate to any community college district that does not receive General Fund revenues through the community college apportionment because the district's local property tax and student fee revenue exceeds the general revenue calculated for the district in the annual Budget Act an amount equal to the total revenue that would have been generated by the district if the fee otherwise had remained at the level on the day preceding the effective date of this section.*

(b) *This section shall be effective only in years in which the fee prescribed by this chapter is less than the fee existing on the day preceding the effective date of this section.*

SECTION 18. Section 84754 is added to the Education Code, to read:

84754. (a) *Notwithstanding any other provision of law, decreases in FTES shall result in revenue reductions made evenly over a three-year period beginning in the year following the initial year of decrease in FTES.*

(b) *Districts shall be entitled to the restoration of any reductions in apportionment revenue due to decreases in FTES during the three years following the initial year of decrease in FTES if there is a subsequent increase in FTES.*

(c) *No district shall be entitled to revenue stability pursuant to subdivision (a) for more than 10 percent of its pre-decline total FTES, unless the Chancellor issues a finding that the decline was the consequence of a natural or man-made disaster or a regionalized financial calamity.*

(d) *By enacting this section, the people intend to maintain access for students and provide fiscal stability for community college districts and their employees during periods of enrollment instability.*

SECTION 19. GENERAL PROVISIONS

(a) **Conflicting Measures:**

(1) This measure is intended to be comprehensive. It is the intent of the people that in the event that this measure and another initiative measure or measures relating to the same issue shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

(2) If this measure is approved by the voters but superseded by law by any other conflicting ballot measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.

(b) **Severability:** The provisions of this act are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(c) **Amendment:** The provisions of Sections 8 through 15, inclusive, and Section 17 of this act may be amended by a statute that is passed by a vote of four-fifths of the membership of each house of the Legislature and signed by the Governor. All amendments to Sections 8 through 15, inclusive, of this act shall be to further the act and shall be consistent with its purposes. The per-unit fee level set by subdivision (a) of Section 16 of this act may be increased pursuant to subdivision (b) of Section 16 of this act by a statute specifically and exclusively for that purpose that is passed by a vote of two-thirds of the membership of each house and signed by the Governor. The per-unit fee level set by subdivision (a) of Section 16 of this act may be reduced by a statute that is passed by a majority vote of each house and signed by the Governor.

PROPOSITION 93

This initiative measure is submitted to the people of California in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends the California Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

TERM LIMITS AND LEGISLATIVE REFORM ACT

SECTION 1. TITLE.

This measure shall be known as the "Term Limits and Legislative Reform Act."



SECTION 2. FINDINGS AND DECLARATIONS.

The People of California find and declare the following:

A. Under a law enacted in 1990, a Member of the Legislature may serve a total of 14 years, consisting of no more than six years in the Assembly and no more than eight years in the Senate.

B. A variety of academic and public policy groups, some of which once supported term limits, have studied the effect of term limits in California and have concluded that our law is in need of reform to make government work for the people.

C. California faces many complex and critical issues ranging from underperforming schools to global warming to inadequate healthcare. The legislation required to solve these problems can take years to develop and pass, and Members of the Legislature must spend substantial amounts of time obtaining the kind of support among their colleagues necessary to address these urgent issues.

D. Currently, term limits produce a rapid turnover of lawmakers, some of whom never get enough time to build leadership skills or gain expertise in making public policy, and our most knowledgeable and experienced legislators are forced to leave the Assembly or the Senate prematurely, thus depriving Californians of their policy expertise.

E. When legislators lack the skills, the only ones who have the skills are the lobbyists.

F. We have to reform term limits to reduce partisanship, put an end to the constant campaign cycle, and work more effectively together across partisan lines.

G. We need to increase the flexibility of legislative terms to enable members to build necessary policy and process expertise, and slow the current whirlwind rotation by elected representatives from one elected office to another, which compromises public policy.

H. It is critical that we permit legislators to remain in a single house of the Legislature for a longer period of time in order to acquire the knowledge and expertise necessary to tackle the tough issues facing the State of California.

I. The National Conference of State Legislatures, Council of State Governments, and State Legislative Leaders Forum issued a report concluding that “[t]he effects of [term limits] on Sacramento’s policymaking processes have been more profound,” including “a widespread sense in Sacramento that something needs to be done soon to provide more stability and expertise to the Legislature’s policymaking process.”

J. We need to reform California’s term limits law to permit members to remain in a single house for a longer period of time while reducing the total number of years that new members may serve.

SECTION 3. PURPOSE AND INTENT.

It is the intent of the people of California in enacting this measure to:

A. Provide greater stability and expertise to the Legislature’s policymaking process.

B. Reduce the number of years that new members may serve in the Legislature from 14 to 12 to prevent members from becoming entrenched and to promote the opportunity for others to serve.

C. Permit legislators to gain the knowledge and experience necessary to tackle the critical issues facing our state.

D. Afford current members of the Senate and the Assembly the same opportunity to serve 12 years in a single house as newly elected members and preserve existing law regarding uncompleted terms.

SECTION 4. Section 2 of Article IV of the California Constitution is hereby amended to read:

SEC. 2. (a)(1) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. ~~No Senator may serve more than 2 terms:~~

(2) The Assembly has a membership of 80 members elected for 2-year terms. ~~No member of the Assembly may serve more than 3 terms:~~

~~Their terms~~

(3) ~~The term of a Senator or a Member of the Assembly shall commence on the first Monday in December next following their his or her election.~~

(4) ~~During his or her lifetime, a person may serve no more than 12 years in the Senate, the Assembly, or both, in any combination of terms.~~

(b) ~~Notwithstanding paragraph (4) of subdivision (a), a Member of the Senate or the Assembly who is in office on the effective date of this subdivision may serve 12 years in the house in which he or she is currently serving. The 12-year limit in this subdivision shall include those years already served in the house in which the Member is currently serving and any additional years served in that house must be served consecutively.~~

~~(b)~~

(c) ~~Election of members~~ Members of the Assembly shall be elected on the first Tuesday after the first Monday in November of even-numbered years unless otherwise prescribed by the Legislature. Senators shall be elected at the same time and places as ~~members~~ Members of the Assembly.

~~(c)~~

(d) A person is ineligible to be a ~~member~~ Member of the Legislature unless the person is an elector and has been a resident of the legislative district for one year, and a citizen of the United States and a resident of California for 3 years, immediately preceding the election, ~~and service of the full term of office to which the person is seeking to be elected would not exceed the maximum years of service permitted by subdivisions (a) and (b) of this section.~~

~~(d)~~

(e) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy.

SECTION 5. Section 7 of Article XX of the California Constitution is hereby amended to read:

SEC. 7. The limitations ~~on the number of terms~~ prescribed by Section 2 of Article IV, Sections 2 and 11 of Article V, Section 2 of Article IX, and Section 17 of Article XIII apply only to terms *or years of service* to which persons are elected or appointed on or after November 6, 1990, ~~except that an incumbent Senator whose office is not on the ballot for the general election on that date may serve only one additional term.~~ Those limitations *on terms and years of service* shall not apply to any unexpired term to which a person is elected or appointed, *or to any years served as part of an unexpired term*, if the remainder of the term is less than half of the full term.

SECTION 6. SEVERABILITY.

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 7. CONFLICTING INITIATIVES.

In the event that this measure and another initiative measure or measures that address the number of years or terms that a Member of the Legislature may serve shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void.