

2012

# 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.
- Applies only to legislators first elected after the measure is passed.
- Provides that legislators elected before the measure is passed continue to be subject to existing term limits.

**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**

*Existing Legislative Term Limits.* Proposition 140, passed by the state’s voters at the November 1990 election, changed the State Constitution to create term limits for Members of the California Legislature. The Legislature has two houses: the State Assembly and the State Senate. Currently, an individual’s service generally is restricted to three two-year terms in the Assembly (a maximum of six years) and two four-year terms in the Senate (a maximum of eight years). This means that individuals generally cannot serve more than 14 years in the Legislature. An exception is when an individual serves additional time by finishing out less than one-half of the term of another person who left the Legislature (for example, due to resignation).

**PROPOSAL**

This measure, a state constitutional amendment, makes changes to legislative term limits. Senators and Assembly Members who were first elected to the Legislature on or before the date of this election (June 5, 2012) would continue to be subject to the current legislative term limits in the Constitution. Future legislators—that is, legislators first elected after the date of this election—would be subject to the new term limits.

*Reduces Total Number of Years in the Legislature.* This measure reduces to 12 years the total number of years that a future legislator may serve in the Legislature during his or her lifetime.

*Increases Total Number of Years That Can Be Served in One House.* This measure allows future legislators to serve in either house of the Legislature for up to 12 years. Accordingly, an individual could be elected to up to six two-year terms in the Assembly or up to three four-year terms in the Senate. This means that future legislators could serve for a longer period of time in a single house of the Legislature than is currently the case. Alternatively, an individual could be elected to serve in one house of the Legislature and then be elected to the other house, but his or her total service in the Legislature would be limited to no more than 12 years.

**FISCAL EFFECTS**

This measure would have no direct fiscal effect on state and local governments. By altering term limits for Members of the Legislature, however, it likely would change which individuals serve in the Assembly and the Senate at any given time. This different composition of the Assembly and the Senate might lead to different decisions being made than otherwise would be the case (for example, on legislation and the state budget). However, these decisions and any effect that they might have on state and local spending and revenues cannot be predicted.

★ ARGUMENT IN FAVOR OF PROPOSITION 28 ★

Our current term limits law needs fixing. It's two decades old, but our Legislature is still filled with career politicians more focused on campaigning for their next office than doing their job. Proposition 28 is a simple reform that will help make our Legislature more accountable.

**A STRICT 12-YEAR LIMIT.**

The current term limits law is based on the number of terms served. It says legislators can only complete their 14-year lifetime limit by serving three two-year terms in the Assembly and two four-year terms in the Senate.

But the courts have opened up a loophole allowing politicians to serve up to nearly 17 years by filling partial term vacancies that don't get counted as part of their limit. Prop. 28 reduces the lifetime limit to 12 years and closes that "17-year loophole" by imposing a strict limit based on the number of years served in the Legislature, not on the number of terms.

After 12 years in the Legislature—whether in the Assembly, Senate, or a combination of the two—a politician is prohibited from running for the Legislature. Every year counts. To make sure there are no more loopholes, current and former legislators are prohibited from using Proposition 28 to extend their lifetime limits.

**MAKE LEGISLATORS MORE ACCOUNTABLE.**

The current term limits law inadvertently encourages the wrong behaviors. The only way legislators can complete their lifetime limit is to move from office to office. Once elected, they start holding fundraisers and looking for their next office. Many Assembly members fail to reach the six-year maximum before they leave to seek their next office.

Politicians looking ahead for their next office are not concentrating on representing concerns of their current

district. Proposition 28 gives legislators the choice of running for re-election in the same district instead of flipping offices to complete their lifetime limits. This will focus legislators on serving their districts to get re-elected instead of on lining up support in Sacramento to run elsewhere.

**FOCUS LEGISLATORS ON DOING THEIR JOB.**

Legislators who are jumping from office to office aren't focused on learning their job. This leaves legislators ill-prepared to stand up to more experienced special interest lobbyists and take on the big issues and challenges facing our state. Almost 40% of Assembly members are new to their jobs after each election. By removing the incentive to change office just to complete their lifetime limits, Proposition 28 means legislators will be more likely to learn their job and develop the expertise to get things done.

**HELP FIX OUR TERM LIMITS LAW. THE STATUS QUO ISN'T WORKING.**

Proposition 28 won't solve all the problems in Sacramento. But it is a step forward that brings positive change that helps make the Legislature more effective and accountable.

**READ PROP. 28 FOR YOURSELF.** Prop. 28 does what it says. It's a strict 12-year limit that closes the 17-year loophole and improves accountability. Prop. 28 is a step in the right direction. Yes on 28.

**JENNIFER A. WAGGONER**, President  
League of Women Voters of California  
**KATHAY FENG**, Executive Director  
California Common Cause  
**HANK LACAYO**, President  
Congress of California Seniors

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 28 ★

The arguments made by the supporters of Proposition 28 show that it's a scam to TRICK voters into *weakening* term limits.

The special interests and career politicians behind Prop. 28 state that under the current term limits law "almost 40% of Assembly members are new to their jobs after each election." Exactly.

That's because the current term limits law moves politicians out of office and allows new people to be elected—and prevents political bosses from accumulating too much power in the Legislature.

Under Proposition 28, members of the State Assembly will actually have **THEIR TIME IN OFFICE DOUBLED—NOT REDUCED.**

Under Proposition 28, members of the State Senate will actually have **THEIR TIME IN OFFICE INCREASED BY 50%—NOT REDUCED.**

An independent study conducted by U.S. Term Limits, the nation's leading pro-term limits organization, showed that

80% of legislators will have their time in office *lengthened* and only 8% will have their time in office reduced if politicians are allowed to stay in the same office for 12 years.

Prop. 28 is the FIFTH time that the politicians and special interests have tried to weaken term limits and lengthen politicians' time in office. They've used sneaky and misleading initiatives and court challenges to overturn the will of the people. Don't let them get away with it. Vote NO on Proposition 28—IT'S A SCAM!

**TED COSTA**, President  
People's Advocate, Inc.  
**KRISTEN LUCERO**, Vice President  
Californians for Term Limits  
**PETER C. FOY**, Chairman  
Americans for Prosperity, California

★ **ARGUMENT AGAINST PROPOSITION 28** ★

**PROPOSITION 28 IS A SCAM!**

It is one of the most dishonest and deceitful ballot measures in the history of California—and that's saying a lot! This is just the latest slimy effort by politicians and their special interest supporters to try and FOOL VOTERS into gutting California's voter-approved term limits law.

Proposition 28 is designed to trick voters into thinking it strengthens term limits *when it does the exact opposite*. Prop. 28 actually *weakens* term limits for state legislators and dramatically *lengthens* the amount of time politicians can stay in office!

That is why Prop. 28 is written and funded with millions of dollars by the most powerful special interests in California including unions opposed to pension reforms that could save taxpayers billions of dollars.

Proposition 28's top backer is a wealthy developer who sought a special exemption from environmental regulations by the Legislature—at the exact same time he was paying to qualify this initiative—so that he could make millions by building a sports stadium.

The Legislature gladly gave the developer the sweetheart deal he wanted—and he rewarded the politicians by making sure that those who were elected to the state Legislature would be able to stay in office *for many more years than the current term limits law allows*.

*The Los Angeles Times* on December 30<sup>th</sup>, 2009 reported, "Two months after state lawmakers exempted a football stadium proposed for the City of Industry from environmental laws, the sports venue's developer has contributed \$300,000 to a ballot measure that would allow future legislators to stay in one office longer."

Look at the facts and judge for yourself.

Proposition 28 allows politicians to be in the California State Assembly for 12 years—not the 6 year maximum permitted under current law.

*That means members of the State Assembly will actually have THEIR TIME IN OFFICE DOUBLED—NOT REDUCED!*

Proposition 28 also allows politicians to be in the California State Senate for 12 years—not the 8 year maximum permitted under current law.

*That means members of the State Senate will actually have THEIR TIME IN OFFICE INCREASED BY 50%—NOT REDUCED.*

The politicians and special interests spent millions to try and stop term limits when it first passed. Since then, they have tried twice to trick voters into letting the politicians stay in power for many more years.

Proposition 28 is just their latest slimy trick to fool voters.

Don't let them get away with it!

If Proposition 28 passes, career politicians and special interests win. California's voters lose.

Proposition 28 is a scam to subvert the will of the voters. Don't let the politicians and special interests get away with tricking us and finally succeed in gutting term limits. Don't be fooled by this sneaky effort to sabotage term limits. VOTE NO on PROPOSITION 28!

**PHILIP BLUMEL**, President

U.S. Term Limits

**ANITA ANDERSON**, Vice President

Parents In Charge Foundation

**LEW UHLER**, President

National Tax Limitation Committee

★ **REBUTTAL TO ARGUMENT AGAINST PROPOSITION 28** ★

When I campaigned for the original term limits law more than 20 years ago, we had one goal: end the era of career politicians focused on their own interests over the needs of voters.

We hoped the law would bring a new type of "citizen legislator," who would serve for a short period and return to private life, giving others opportunities to bring fresh ideas and new perspectives to government.

It hasn't turned out that way.

Politicians spend most of their time in office looking for their next job, trying to extend their political careers by constantly rotating from one office to another.

The opponents' arguments are misleading. Read Prop. 28 for yourself. It does exactly what it says it will do. Prop. 28 closes the loophole that allows legislators to serve as many as 17 years.

Prop. 28 mandates a hard lifetime limit of 12 years, which can be served in the Senate, the Assembly, or a combination of both. No current or former legislator can extend their time in office because of Prop. 28.

The status quo isn't working. After two decades, our term limits law needs reform. Not surprisingly, special interests are arguing for business as usual.

Will Prop. 28 fix every problem we have in Sacramento? No.

But it is a step in the right direction. Prop. 28 imposes a hard 12 year limit. It will help improve accountability and focus legislators on the job we elected them to do.

Vote Yes on Prop. 28.

**DAN SCHNUR**, Chairman (2010–2011)

California Fair Political Practices Commission

### PROPOSITION 28

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

This initiative measure amends a section of 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

Section 1. This measure shall be known and may be cited as the “Legislative Term Limits Reform Act of 2010.”

SEC. 2. It is the intent of this measure to change the current term limits law for legislators who are now permitted to serve up to 14 years in the Legislature by doing the following:

(1) Reducing the total number of years a legislator is permitted to serve from 14 to 12.

(2) Permitting a legislator to serve her or his years of service either in the Assembly, Senate, or a combination of the two.

(3) Prohibiting any current or former legislator from benefiting in any way from this reform.

SEC. 3. Section 2 of Article IV of the California Constitution is 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.~~

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

(4) *During her or his lifetime a person may serve no more than 12 years in the Senate, the Assembly, or both, in any combination of terms. This subdivision shall apply only to those Members of the Senate or the Assembly who are first elected to the Legislature after the effective date of this subdivision and who have not previously served in the Senate or Assembly. Members of the Senate or Assembly who were elected before the effective date of this subdivision may serve only the number of terms allowed at the time of the last election before the effective date of this subdivision.*

(b) Election of members of the Assembly shall be 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 of the Assembly.

(c) A person is ineligible to be a 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 subdivision (a) of this section.*

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

#### SEC. 4. Severability

The provisions of this measure are severable. If any provision of this measure 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.

#### SEC. 5. Conflicting Initiatives

In the event that this measure and another measure or measures changing the number of terms or years a legislator may serve in office 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 other measure or measures shall be void.

### PROPOSITION 29

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

This initiative measure adds sections to the Revenue and Taxation Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

#### PROPOSED LAW

*The people of the State of California do enact as follows:*

#### HOPE 2010: THE CALIFORNIA CANCER RESEARCH ACT

##### SECTION 1. Findings and Declarations

(a) Despite continuing advancements in medical treatment and prevention, cancer remains a leading cause of death in California, responsible for nearly one in every four deaths each year.

(b) Medical experts expect more than 140,000 Californians to be diagnosed with cancer each year.

(c) Cigarette smoking and other uses of tobacco remain the leading causes of cancer in California, as well as many other serious health problems, including cardiovascular disease, emphysema, and other chronic illnesses.

(d) The treatment of tobacco-related diseases continues to impose a significant burden upon California's overstressed health care system. Tobacco use costs Californians billions of dollars a year in medical expenses and lost productivity.