

1992

## Congressional Term Limits.

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**Official Title and Summary Prepared by the Attorney General****CONGRESSIONAL TERM LIMITS.  
INITIATIVE STATUTE.**

- Excludes from ballot for United States House of Representatives any person who has represented California congressional district(s) as member of the House during six or more of previous eleven years.
- Excludes from ballot for United States Senate any person who has represented California as Senator during twelve or more of previous seventeen years.
- Congressional service prior to 1993 is not counted.
- Full current and previous terms are counted even if person resigned during term.
- Term limits do not restrict "write-in" candidacies.

**Summary of Legislative Analyst's  
Estimate of Net State and Local Government Fiscal Impact:**

- This measure would have no direct fiscal impact on state or local governments.
  - However, to the extent that the measure results in more write-in candidates, counties would have additional elections-related costs for counting write-in votes. These costs probably would not be significant on a statewide basis.
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## Analysis by the Legislative Analyst

### Background

The Congress of the United States consists of the Senate and the House of Representatives. California's delegation to Congress consists of two senators and 45 representatives. (The number of representatives will increase to 52 in 1993.) Senators are elected for terms of six years and representatives for terms of two years. The United States Constitution sets the general qualifications and duties of members of Congress.

There are no federal or California laws that limit the number of terms senators and representatives may serve in Congress. One state—Colorado—has set term limits for its senators and representatives in Congress.

In 1990, the people of California approved Proposition 140, which set lifetime term limits for members of the *state* Legislature and most *statewide* officers (such as Governor). It did not limit the terms of the members of Congress from California.

### Proposal

This measure would limit the number of terms that senators and representatives from California may serve in Congress. The measure prevents a person from being placed on the ballot as a candidate for another term who has served:

- 12 or more of the previous 17 years as a senator from California.

- 6 or more of the previous 11 years as a representative from California.

Thus, the measure would not limit the number of terms a person may serve over a lifetime, but would instead limit the number of terms that a person may serve within a period of years. Congressional service before 1993 would not count toward the limits.

The measure implements the limitations by prohibiting California election officials from placing these individuals' names on the ballot.

However, these limitations would not restrict any person from campaigning for Congress as a "write-in" candidate. Current state law requires any person who is a write-in candidate for elective office, including U.S. Senator or Representative, to complete filing requirements and be certified by the California Secretary of State. If a write-in candidate does not file with the Secretary of State, any vote cast for that individual is not counted.

### Fiscal Effect

This measure would have no direct fiscal impact on state or local governments. To the extent it results in more write-in candidates, however, counties would incur additional elections-related costs in counting write-in votes. These costs are unknown, but probably would not be significant on a statewide basis.

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For text of Proposition 164 see page 72

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## Argument in Favor of Proposition 164

*"Everybody is running for their own survival. The first priority of a member is to stay in office."*—16 year California Congressman Leon Panetta, USA Today 4/28/92

Our founding fathers would be shocked at the abuses and attitudes of Congress today.

While their policies were sending a record number of Californians to the unemployment line, members of the House voted themselves \$40,000 in pay raises and Senate members \$27,600. Each one of them now earns more than \$129,000 a year. And most of them will be eligible for million dollar tax-subsidized pensions.

Our professional politicians in California's delegation have already given us a \$4 trillion dollar national debt, a 9.5% California unemployment rate, 500,000 lost California jobs, banking and postal scandals, and the largest tax increase in U.S. history.

Incumbent politicians have rigged the system to assure their re-election. The longer they are in Washington, the less our career representatives care about us. And the record shows that it's the long-term incumbents who are most likely to be caught in scandals.

California voters launched a national drive for term limits when we passed Prop. 140 in 1990. Term limits are an even better idea for Congress in 1992.

Prop. 164 will put term limits on California's Congressmembers. The terms of the President, the Governor and the California legislature are already limited; it's time to limit Congressional terms, too.

Prop. 164 will:

**INCREASE CALIFORNIA'S CLOUT IN CONGRESS.** Prop. 164 begins to break up the "good ol' boy" seniority system in Congress which rewards tenure not accomplishment and allows small states enormous power in Congress. With the largest delegation in the country, California's 54 representatives can work hard for California, instead of taking a back seat to politicians

from Mississippi and West Virginia.

**GIVE POWER BACK TO THE PEOPLE OF CALIFORNIA.** Our representatives will be reminded they are public servants—not masters—who can serve for a definite time and then return home to *live under the laws they made.*

**REINVIGORATE CONGRESS WITH NEW BLOOD AND NEW IDEAS** to tackle the tough problems facing our nation today.

**REINTRODUCE COURAGE AND HONESTY** among our representatives by **WEAKENING THE HOLD OF SPECIAL INTERESTS, LOBBYISTS AND BUREAUCRACY** on Congress. Prop. 164 will force our representatives to face facts, come clean on problems and propose bold new solutions.

**PROTECT YOUR RIGHT TO VOTE AND GIVE YOU A REAL CHOICE OF CANDIDATES.** Incumbents dominate elections with free mail, huge staffs, free travel and PAC funding. Term limits will open up elections to competition and Prop. 164's special write-in provision will allow voters to re-elect exceptional representatives even if their terms have expired.

The dream of our founding fathers has not failed; the careerist politicians we've elected *have* failed. They put their own careers and multi-million dollar retirements ahead of the needs of California and the nation.

Prop. 164 will end political cronyism and reward merit, giving us a Congressional delegation that will solve problems, not add to them.

**PETER F. SCHABARUM**  
*Chairman, Citizens for Term Limits*

**MARTYN B. HOPPER**  
*State Director, National Federation of Independent Business*

**ALAN HESLOP, Ph.D.**  
*Professor of Government*

## Rebuttal to Argument in Favor of Proposition 164

Proposition 164 won't make government more responsive. It will just give California citizens and taxpayers the short end of the stick.

Proposition 164 is biased against California unless the country has a national term limit law.

"We'd rejoice to see them pass that (term limits) in California because it would give us relatively more power." 18-year South Carolina Congressman Butler Derrick, Los Angeles Times, 6/10/92

"... for California to set limits unilaterally, (i)t would just mean that Texas, Mississippi, Georgia and other Southern states would end up with most of the committee chairmanships." 20-year Texas Congressman Charlie Wilson, Los Angeles Times, 6/10/92

We must revitalize Congress. The way to do that is by voting out those who are not doing their job and by passing legislation to reform campaign financing in Washington. Proposition 164 doesn't do either.

Proposition 164 doesn't "break up the 'good ol' boy' seniority system in Congress." It means we get left out.

Senior politicians from New York and Florida will be in control while we have a revolving door of back benchers.

Here's what will happen:

- California will remain the largest source of Federal tax dollars, but senior members of Congress will grab those dollars for their states. We will get **LESS** than our fair share.
- California will lose jobs as powerful politicians from Texas, Illinois and elsewhere move government contracts to their states.

Let the people choose their representatives. Proposition 164 isn't reform, it's a disaster.

**VOTE NO ON PROPOSITION 164.**

**JUDGE BRUCE SUMNER (Ret.), Former Chairman,**  
*California Constitution Revision Commission*

**DANIEL P. GARCIA**  
*First Vice Chairman, Los Angeles Area Chamber of Commerce*

**JOHN PHILLIPS**  
*Chair, California Common Cause*

Argument Against Proposition 164

No matter how you feel about term limits, vote NO on Proposition 164. It's not about term limits or Congressional reform; it's about destroying California's clout in Congress.

Proposition 164 will cost California thousands of jobs, weaken our environmental protections, and shift greater burdens onto the backs of California taxpayers.

Proposition 164 only affects *California's own* Members of Congress. It does not apply term limits to *all* Members of Congress.

What's so bad about that? The answer is that California *competes* with other states for Federal dollars—and we are sending more money to Washington than we get back in Federal dollars for California. Proposition 164 means we will pay hundreds of billions of dollars in Federal taxes and get less and less in return.

Powerful members of Congress decide how those Federal dollars are spent. How do they get to be powerful? They stay a long time in Congress. It's called the seniority system. If California limits our terms while Texas, Florida, and New York don't limit theirs, Californians will lose. Our clout in Congress will go to other states, and they will grab more of the hard earned dollars California taxpayers send to Washington.

We need strong California representation to get help for our struggling economy. What happens if we are devastated by another earthquake, or similar disaster? We need Congressional members on the major committees to see that we get help. With California-only term limits, we will end up with a delegation of low ranking members who can't fight for our state against the powerful interests from other states.

Hundreds of thousands of jobs are at stake as cutbacks continue. Who will fight to protect those jobs for

California? The Texans, New Yorkers and Floridians will be there for their states. Where will California be?

The Governor's office and the Legislature agree that we need to fight for more Federal help to pay for the immigrant load on California. If we don't get Federal help, California taxpayers must bear a greater burden. Proposition 164 means those Federal dollars will go to other states.

This year we will be electing both U.S. Senators and all California Members of Congress. If we don't like the job incumbents are doing we can vote them out of office. Proposition 164 removes members of Congress without a vote of the people, whether or not they are doing a good job.

To quote the *Sacramento Bee*: "Seniority still counts for a lot in Washington, and if California members of the House are limited to only three two-year terms, and its U.S. Senators to only two six-year terms, the state will have doomed itself to be permanently represented by a bunch of back benchers."

With 54 Members in Congress—the most in the country—we should have the strongest delegation fighting for California in Washington. Proposition 164 assures that we have one of the weakest. Keep California strong. Vote NO on Proposition 164.

- DANIEL LOWENSTEIN  
*Former Chair, Fair Political Practices Commission (FPPC)*
- EVA SKINNER  
*Former Member, Board of Directors,  
American Association of Retired Persons (AARP)*
- JOAN CLAYBROOK  
*President, Public Citizen*

Rebuttal to Argument Against Proposition 164

**HOW MUCH HAS CALIFORNIA'S CONGRESSIONAL DELEGATION DONE FOR YOU?**

Opponents say California is "sending more money to Washington than we get back in Federal dollars for California." That's TRUE! *And* that's a reason to VOTE FOR PROPOSITION 164.

Career politicians have robbed California of our clout. Smaller states are constantly beating California for our fair share of Federal spending.

WASHINGTON, D.C. has a CANCER that is eating away at the heart of America. This cancer's name is CAREER POLITICIANS.

In 1991, nearly half—\$182 million—of the \$387 million allotted for special road projects in the Senate transportation appropriations bill went to West Virginia—all thanks to its senior Senator, Robert Byrd. That's \$101 for every West Virginia resident and less than \$1 for every Californian.

*This is proof that the current seniority system has placed California at a DISADVANTAGE.*

Other states are just as disenchanting with the career

politicians' pork-barrel. **CALIFORNIA IS NOT ALONE** in the term limits fight. More than a dozen other states will be joining us *this year*.

In 1998, when California's term limits take effect, the seniority system in Congress will be long dead.

Since the career politicians invaded our capitol, the seniority system has rewarded big-money lobbyists, big-spending bureaucrats, special interests and the politicians themselves.

Congress, quick to raise salaries to \$129,500 is now dragging its feet on unemployment, medical insurance and the environment.

Let's reward merit and hard work—not seniority. **Return clout to California—VOTE YES ON PROPOSITION 164.**

- JAY KIM  
*Business owner*
- TED COSTA  
*CEO, Peoples' Advocate*
- ANNA SPARKS  
*Humboldt County Supervisor*

## Proposition 164: Text of Proposed Law

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

This initiative measure adds a section to the Elections Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED LAW

#### THE CALIFORNIA TERM LIMITATIONS ACT OF 1992

**SECTION ONE. TITLE.** This act shall be known and may be cited as "The California Term Limitations Act of 1992."

**SECTION TWO. FINDINGS AND DECLARATIONS.** The People of the State of California hereby find and declare as follows:

(a) Federal officeholders who remain in office for extended periods of time become preoccupied with their own reelection and for that reason devote more effort to campaigning for their office than making legislative decisions for the benefit of the People of California.

(b) Federal officeholders have become too closely aligned with the special interest groups who provide contributions and support for their reelection campaigns, give them special favors, and lobby the House of Representatives and Senate for special interest legislation, all of which create corruption or the appearance of corruption of the legislative system.

(c) Entrenched incumbency has discouraged qualified citizens from seeking office and has led to a lack of competitiveness and a decline in robust debate on issues of importance to the People of California.

(d) Due to the appearance of corruption and the lack of competition for the legislative seats held by entrenched incumbents, there has been a reduction in voter participation which is counter-productive in a representative democracy.

(e) The citizens of this state have a compelling interest in preventing corruption and the appearance of corruption by limiting the number of terms which any Senator or Representative representing the People of this state may serve.

(f) The citizens of this state have a compelling interest in preserving the integrity of the ballot by promoting competitive elections and limiting the influence of special interests upon entrenched incumbent legislators.

(g) The citizens of this state have a compelling interest in voting for the candidate or candidates of their choice, and in standing for and holding elective office, and in preventing the perpetual monopolization of elective offices by incumbents.

(h) The citizens of this state have a compelling interest in extending the equal protection of the laws by ensuring that more of the People of this state have an equal opportunity to stand for and hold elective office.

**SECTION THREE. PURPOSE AND INTENT.** The People of the State of California declare their purpose and intent in enacting this legislation to be as follows:

(a) To promote, protect, and defend the compelling interest of the citizens of this state in preventing corruption and the appearance of corruption among the federal legislative representatives of this state by limiting the number of terms in which any Senator or Representative may hold his or her office.

(b) To promote, protect, and defend the compelling interest of the citizens of this state in preserving the integrity of the ballot by ensuring, to the greatest

extent permitted by law, competitive elections without the corrupting influences of special interests upon entrenched incumbents.

(c) To promote, protect and defend the right of the citizens of this state, guaranteed by the First Amendment to the United States Constitution, to vote for the candidates of their choice, and to stand for and hold elective office, by curtailing the effects of entrenched incumbency and freely permitting write-in candidacies.

(d) To promote, protect, and defend the right of the citizens of this state to equal protection of the laws, guaranteed by the Fourteenth Amendment to the United States Constitution, by giving more of the citizens of this state the opportunity to stand for and hold elective office.

**SECTION FOUR. LIMITATION ON BALLOT ACCESS BY FEDERAL LEGISLATIVE CANDIDATES.** Section 25003 is hereby added to the California Elections Code to read as follows:

**25003. (a) FEDERAL LEGISLATIVE CANDIDATES; BALLOT ACCESS.** *Notwithstanding any other provision of law, the Secretary of State, or other election official authorized by law, shall not accept or verify the signatures on any nomination paper for any person, nor shall he or she certify or place on the list of certified candidates, nor print or cause to be printed on any ballot, ballot pamphlet, sample ballot, or ballot label the name of any person, who does either of the following:*

(1) *Seeks to become a candidate for a seat in the United States House of Representatives, and who, by the end of the then current term of office will have served, or but for resignation would have served, as a member of the United States House of Representatives representing any portion or district of the State of California during six or more of the previous eleven years;*

(2) *Seeks to become a candidate for a seat in the United States Senate, and who, by the end of the then current term of office will have served, or but for resignation would have served, as a member of the United States Senate representing the State of California during twelve or more of the previous seventeen years.*

(b) **"WRITE-IN" CANDIDACIES.** *Nothing in this section shall be construed as preventing or prohibiting any qualified voter of this state from casting a ballot for any person by writing the name of that person on the ballot, or from having such a ballot counted or tabulated, nor shall any provision of this section be construed as preventing or prohibiting any person from standing or campaigning for any elective office by means of a "write-in" campaign.*

(c) **CONSTRUCTION.** *Nothing in this section shall be construed as preventing or prohibiting the name of any person from appearing on the ballot at any direct primary or general election unless that person is specifically prohibited from doing so by the provisions of subdivision (a), and to that end the provisions of subdivision (a) shall be strictly construed.*

**SECTION FIVE. APPLICATION.** This act shall take effect and be applicable to federal legislative candidates whose terms of office begin on or after January 1, 1993. Service prior to January 1, 1993 shall not be counted for the purpose of this act.

**SECTION SIX. SEVERABILITY.** If any provision of this act shall be held by a court of competent jurisdiction to be invalid or unconstitutional for any reason, such invalidity or unconstitutionality shall not affect the other provisions of this act, and to that end the provisions of this act are severable.

## Proposition 165: Text of Proposed Law

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

This initiative measure expressly amends the Constitution by amending and adding sections thereto, and amends, repeals, and adds sections to the Welfare and Institutions Code; 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

#### GOVERNMENT ACCOUNTABILITY AND TAXPAYER PROTECTION ACT OF 1992

**SECTION 1.** This initiative measure shall be known and may be cited as the Government Accountability and Taxpayer Protection Act of 1992.

**SECTION 2.** Despite repeated attempts by the people to limit the size of government programs, the public sector continues to grow faster than our ability to pay for it. California's taxpayers must now work well into the fifth month of the year to earn enough income to pay all our taxes.

This is a burden that can only become more and more onerous. The reasons why are autopilot spending programs, or entitlements—the prime engine driving California's perennial overspending.

California's fiscal imbalance is also reflected by a growing social imbalance. In the past few years, welfare caseloads have escalated at a growth rate four times faster than our general population.

While California's tax-receivers grow quickly in numbers, California taxpayers are starting to flee our State. This leaves California with proportionally fewer taxpayers, and State government in a perpetual budget crisis. No matter how robust our economy becomes, the State will not be able to finance existing programs at current levels with projected tax revenues.

This is why welfare reform and budget reform are one and the same. The

State's fiscal future is in jeopardy and reforms of the budget process, including reform of significant programs of public expenditure which have heretofore mandated automatic increases without regard to the capacity of the State fisc, must be adopted immediately.

We are willing to finance essential services. We believe that the State has a responsibility to look after the welfare of individuals in need. But we declare that every citizen also has an obligation to do their best to contribute to the welfare of society.

Nearly 77 percent of the State general fund budget is spent on primary and secondary education, and health and welfare programs. While education accounts for 44.9 percent of that budget, an existing constitutional initiative (Proposition 98) prohibits any substantial reduction in educational funding.

The existing budget process is not designed to reduce spending; there is no expeditious mechanism for correcting spending during the fiscal year when revenue projections are not met or caseload growth exceeds projections.

The people believe it is time to take our destiny in our own hands.

In order to restore responsibility to our government, we the people further find that it is necessary to reform the budget process and the welfare system and do hereby enact The Government Accountability and Taxpayer Protection Act of 1992.

**SECTION 3.** Section 31 of Article I of the California Constitution is added, to read:

**SEC. 31.** *The people of the State of California find and declare that limiting the tax burden and reducing the size and cost of government are matters of statewide concern and that substantial reform of the State's budget process, including addressing major automatic spending requirements, is necessary.*

*The rapidly rising costs of public assistance must be controlled if overall government spending is to be reduced. Public assistance is not a fundamental right; it is a benefit dependent upon eligibility and compliance with reasonable*