

2002

## Legislative Term Limits. Local Voter Petitions.

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### Recommended Citation

Legislative Term Limits. Local Voter Petitions. California Proposition 45 (2002).  
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**LEGISLATIVE TERM LIMITS. LOCAL VOTER PETITIONS.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**



## OFFICIAL TITLE AND SUMMARY

*Prepared by the Attorney General*

**LEGISLATIVE TERM LIMITS. LOCAL VOTER PETITIONS.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

- Allows registered voters in legislative districts to submit petition signatures to permit their incumbent legislator to run for re-election and to serve for a maximum of four years beyond the presently allowed two four-year terms for State Senators and three two-year terms for members of the Assembly, if a majority of voters approves.
- Option can be exercised only once per legislator.
- Legislator can run under option only in district where legislator currently serves.
- Petitions must be filed before the end of legislator's final term.
- Provides for signature verification.

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

- Counties would incur unknown costs to verify petition signatures, potentially up to several hundreds of thousands of dollars every other year on a statewide basis.
- The state would incur little or no costs to track the eligibility of re-election candidates.

## ANALYSIS BY THE LEGISLATIVE ANALYST

### BACKGROUND

In 1990, California voters approved Proposition 140, a state constitutional amendment that limited the number of terms that an elected state official can serve in the same office. As regards the Legislature, Proposition 140 limited Members of the Assembly to three two-year terms and Members of the Senate to two four-year terms. A legislator who has served his/her maximum number of terms in an office is considered “termed-out” and is ineligible for reelection.

### PROPOSAL

This measure allows local voters to petition the Secretary of State to permit their incumbent Senator or Assembly Member who is termed-out to run for reelection to that same office at the next election or elections (in the case of the Assembly), thereby allowing the legislator to serve up to an additional four

years in office. The petition would have to be signed by registered voters residing in the legislator’s district, equal in number to 20 percent of the ballots cast for that office in the last general election. The voter petition can be used only one time to place the name of the incumbent Senator or Assembly Member on the ballot for reelection. If local voters petition in such a manner, a Senator could serve a maximum of three four-year terms and an Assembly Member a maximum of five two-year terms.

### FISCAL EFFECT

Counties would incur unknown costs for verifying the signatures on the petitions. The magnitude of these costs is unknown, but potentially up to several hundreds of thousands of dollars every other year on a statewide basis. The state would incur little or no costs for tracking the eligibility of candidates for reelection.

### ARGUMENT IN FAVOR OF PROPOSITION 45

Yes on 45! Protect term limits and Restore Decision Making to Local Voters.

*Proposition 45 (The Term Limit Local Option Initiative) empowers the people to choose their own representative—TO THROW OUT THE SCOUNDRELS or return—for a maximum of 4 years—a single lawmaker whose ability and effectiveness benefits the people of that district.*

Term limits have brought a breath of fresh air to California government. Before the introduction of term limits, entrenched incumbents, awash in campaign contributions from special interest lobbyists, and immune to the wrath of the people in their districts, clung to power—election after election. *Term limits forced these career politicians out of public office.*

But now, with California facing such enormous challenges, we need *Proposition 45* to empower the people with the option of keeping their own representative. Proposition 45 would allow a few especially valued state lawmakers to run for an additional 4 years in office *ONE TIME ONLY*. This may be accomplished *ONLY* if constituents in the lawmaker's district gather sufficient signatures to qualify the officeholder for the ballot. And then, *ONLY* if the majority of voters in that district vote to keep that individual.

*Firefighters say "Yes on 45."* Decisions made in Sacramento determine their ability to protect the public. Firefighters

need at least a few legislators with enough life and legislative experience to deal with the complex and dangerous world in which we now live.

*Business leaders and Law Enforcement say "Yes on 45."* As our economy struggles to recover from the aftermath of September 11th and the terrorist assault on America, small business and law enforcement will be impacted by the difficult and complicated decisions that must be made in Sacramento. We need experienced lawmakers who are prepared to handle these complex problems.

*Keep term limits in place! But allow the voters the option to return a few experienced lawmakers who have the ability to protect the public health and safety in these difficult times.*

*Yes on Proposition 45—Protect Term Limits, Restore Decision-Making Power to the People.*

DAN TERRY, *President*  
*California Professional Firefighters*  
HANK LACAYO, *President*  
*Congress of California Seniors*  
KAY MCVAY, *President*  
*California Nurses Association*

### REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 45

Prop. 45 will destroy term limits in California, and allow career politicians and their powerful special interest allies to expand their stranglehold on power in Sacramento.

*Vote NO on Prop. 45, and keep our state's term limits law in place.*

Those in favor of Prop. 45 made an excellent statement in their ballot argument. They said:

*"Before the introduction of term limits, entrenched incumbents, awash in campaign contributions from special interest lobbyists, and immune to the wrath of the people in their districts, clung to power—election after election."*

*This is correct.*

*The problem is that the very same career politicians, entrenched incumbents, and special interest lobbyists are financing Prop. 45 to the tune of millions of dollars.*

*They're trying to pass the biggest SCAM in California history, in order to kill term limits and expand power for themselves.*

Look at who has given millions of dollars to Prop. 45.

Entrenched incumbent politicians in Sacramento are leading the charge, giving more than \$1 million. After that are tobacco companies, trial lawyers, and oil and energy companies.

These powerful special interests hate term limits. They want to kill term limits, so they can expand their cozy relationships with the Sacramento power structure.

*Under Prop. 45, each and every politician in the legislature will be able to stay in office longer.* That's no way to bring much needed change to Sacramento.

*Vote NO on Prop. 45.*

*Don't let the career politicians and powerful special interests get away with this SCAM.*

EDWARD J. "TED" COSTA, *CEO*  
*California Committee To Limit Terms*  
ANITA ANDERSON, *V.P.*  
*US Term Limits*  
MANUEL S. KLAUSNER

### ARGUMENT AGAINST PROPOSITION 45

Proposition 45 is purposely designed to kill term limits. If passed, it will eliminate all reasonable limits on California politicians. And it will give free reign to the powerful special interests and lobbyists who already have too much influence in Sacramento.

In order to keep term limits alive in California, vote NO on Proposition 45.

Ten years ago, the people of California suffered under a state government that was totally out of control. Power-hungry career politicians had a stranglehold on our state legislature. The politicians rigged the system so that they never faced any real competition—many of them consistently ran with no opposition at all. The same politicians served for 20, 30, even 40 years in one office. The people’s voice was effectively shut out of the legislative process—and of the state treasury.

In response, California citizens voted for term limits on the state legislature. At the time, we knew that the only way to stop the career politicians was to require some rotation in office, some change in leadership.

We were right about the need for term limits then, and we’re right today. Since the passage of term limits, electoral competition in California has increased dramatically. New people with new ideas are finally seeking office and getting elected. But term limits are still new. They have not yet had enough time to fully remove the old guard from power in Sacramento.

And that’s why the career politicians and their special interest cronies are advancing Proposition 45. They will stop at nothing to preserve their own power. They spent many millions of dollars opposing term limits ten years ago, and

they are spending millions more pushing Proposition 45 today. All for the purpose of maintaining their own personal power and overriding the people’s vote in favor of term limits.

One look at Proposition 45’s list of financial supporters tells the story. Lobbyists, big oil companies, trial lawyers PACs, tobacco companies, energy industries, you name it. Just about everyone who has tens of millions of dollars in business interests in front of the politicians in Sacramento has contributed tens of thousands of dollars to this effort to kill term limits.

These powerful special interests are not looking for “good government.” They’re looking for government for sale to the highest bidder. For the special interests, term limits are very expensive. Term limits mean that the big special interests cannot develop cozy relationships with legislators who will do their bidding year after year for 20 and 30 years. Under term limits, people with new ideas, people who are not beholden to the political bosses will get into office.

Proposition 45 is nothing more than a scam. It suggests that it is only weakening term limits. In fact, it will destroy term limits by allowing lifelong politicians to escape the limits of current law.

Do not be fooled by this anti-term limits scam. Vote NO on Proposition 45.

RICHARD RIORDAN

*Former Mayor of Los Angeles*  
LEWIS K. UHLER, *President*  
*National Tax Limitation Committee*  
EDNA GONZALEZ, *President*  
*“Stop the Politicians”*

### REBUTTAL TO ARGUMENT AGAINST PROPOSITION 45

*Proposition 45 will not end term limits.* It will keep term limits in place while giving voters the option of extending the term of their own lawmaker—one time only for four years. *Proposition 45 gives back local control to the voters.*

Proposition 45 is a reasonable and fair reform that will improve government and increase local control over public officials. That’s why it is supported by respected political reform organizations like the *League of Women Voters of California* and the *California Tax Reform Association*.

These are uncertain times. Proposition 45 recognizes that sometimes there are times of crisis and challenge when voters should have the option of extending the term of responsive and capable leaders. Today, stable leadership and the ability to solve complex problems, like a faltering economy, are of great importance.

Big oil, tobacco or energy companies do not run our campaign. We are a broad-based coalition that includes the *California Professional Firefighters*, the *California Federation of Teachers*, and the *California Association of Highway Patrolmen*. We support Proposition 45 because there are times when we need experienced leadership and citizens should be able to pick whom they want to lead them through difficult times.

*Vote yes on Proposition 45. Give back the decision-making power to the voters, where it belongs.*

ROBERT P. BLANKENSHIP, *President*  
*California Police Chiefs Association*  
MARY BERGAN, *President*  
*California Federation of Teachers*  
BARBARA B. INATSUGU, *President*  
*League of Women Voters of California*



## PROPOSITION 44

This law proposed by Senate Bill 1988 of the 1999–2000 Regular Session (Chapter 867, Statutes of 2000) is submitted to the people in accordance with the provisions of subdivision (c) of Article II of Section 10 of the California Constitution.

This proposed law adds sections to the Business and Professions Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

## PROPOSED LAW

SEC. 5. Section 1003 is added to the Business and Professions Code, to read:

1003. (a) *Except as otherwise allowed by law, the employment of runners, cappers, steerers, or other persons to procure patients constitutes unprofessional conduct.*

(b) *A licensee of the State Board of Chiropractic Examiners shall have his or her license to practice revoked for a period of*

*10 years upon a second conviction for violating any of the following provisions or upon being convicted of more than one count of violating any of the following provisions in a single case: Section 650 of this code, Section 750 or 1871.4 of the Insurance Code, or Section 549 or 550 of the Penal Code. After the expiration of this 10-year period, an application for license reinstatement may be made pursuant to subdivision (c) of Section 10 of the Chiropractic Act.*

SEC. 6. Section 1004 is added to the Business and Professions Code, to read:

1004. *The State Board of Chiropractic Examiners shall investigate any licensee against whom an information or indictment has been filed that alleges a violation of Section 550 of the Penal Code or Section 1871.4 of the Insurance Code, if the district attorney does not otherwise object to initiating an investigation.*



## PROPOSITION 45

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 expressly amends the California Constitution by adding sections thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

## PROPOSED AMENDMENT OF ARTICLE II

## SECTION 1. Preamble

Term limits have reinvigorated the political process by promoting full participation and bringing a breath of fresh air to California government. The people recognize that in some instances a few specially skilled and popular lawmakers have been unable to complete important legislative programs for their districts before they must leave office. In recognition of these special cases, the people of California seek an opportunity by petition to extend some specific district representatives' terms in office by a maximum of four years.

SEC. 2. Section 21 is added to Article II of the California Constitution, to read:

SEC. 21. *Local Legislative Option. Local legislative option is the power of the voters residing in an Assembly or Senate district to exercise an option to allow their term-limited state legislator to stand for re-election for an extended term(s) in office, not to exceed a total of four years, notwithstanding Article IV, Section 2(a) of this Constitution.*

(a) *Local legislative option may be exercised only one time per lawmaker.*

SEC. 3. Section 22 is added to Article II of the California Constitution, to read:

SEC. 22. (a) *Exercise of the local legislative option is initiated by delivering to the Secretary of State a petition invoking the right of the people to re-elect a legislator who would otherwise be ineligible for re-election by reason of Article IV, Section 2(a).*

*Proponents have 90 days to circulate petitions and must submit petitions for verification at least 30 business days prior to the first day candidates may file declarations of intention to become a candidate for legislative office.*

(b) *A petition invoking local legislative option must be signed by electors of the district equal in number to 20 percent of the ballots cast for that office in the last general election for which the local legislative option is sought.*

(c) *Only electors registered to vote in the district in which the legislator is serving at the time the petition is filed, or following a redistricting, in the district in which the local legislative option is sought, may sign the petition.*

(d) *Legislators permitted to run under this section may run only in the district in which they are currently serving, or if that district is changed pursuant to redistricting, then in the successor district whose lines include the larger portion of the former district.*

(e) *Local voters may exercise this option to extend the time that a legislator would otherwise be permitted to serve by a period of four years.*

(f) *The petition must be in substantially the following form:*

*We the undersigned registered voters of the \_\_\_ Assembly [or Senate] district hereby invoke our right pursuant to Article II, Section 21 of the California Constitution to vote for or against [here list the legislator by name] at the next election(s) for that office, but not to exceed a total of four years. Our reasons are as follows: [here set forth reasons in no more than 200 words]*

(g) *Petitions shall be submitted to local election officers who shall certify the signatures to the Secretary of State in the same fashion as initiative petitions are certified. As soon as sufficient valid signatures are certified, the Secretary of State shall so advise local election officials, who shall place the name of the certified legislator on the ballot in the same fashion as if he or she were not subject to Article IV, Section 2(a).*