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October 31, 1997

Hon. Daniel E. Lungren
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Rosemary Calderon

Dear Attorney General Lungren:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as the "Congressional Term Limits Declaration Act of 1998" (File No. SA 97 RF 0034, Amendment No. 1-S).

Background. Under the provisions of Proposition 164, which was enacted by the voters in 1992, the terms of California's Members of Congress are limited. However, the provisions of Proposition 164 will not be implemented because the U.S. Supreme Court has ruled on similar limits established by other states and held that terms of office for federal elective officials can only be modified by amending the U.S. Constitution.

Proposal. This measure would *allow* all candidates for the U.S. Senate and House of Representatives from California to sign and submit declarations stating that they will either adhere to or decline to adhere to voluntary term limitations. In signing the declarations, the candidates can state that they will voluntarily serve no more than three terms (six years) in the House of Representatives, or two terms (12 years) in the U.S. Senate. Alternatively, the candidates can declare that they will not agree to such limitations.

In addition to these declarations, the candidates *may* authorize the Secretary of State to place on the primary, general, and special election ballots, a statement that the candidate chose to sign a declaration to adhere to term limits or chose to sign a declaration to not adhere to term limits.

The measure *does not require* that candidates sign declarations, nor does it require them to ask the Secretary of State to provide information regarding the declarations on the ballot.

Under current law, the Secretary of State is responsible for processing candidacy materials and could incorporate the measure's new requirements within existing systems. County elections officials are responsible for the preparation and content of ballots. In addition, counties are responsible for the costs of ballots for elections of state and federal officeholders.

Fiscal Effect. This measure would result in probably minor costs for the Secretary of State to prepare and collect candidate declarations regarding term limits. This measure would also result in probably minor costs to counties to add statements to ballots regarding term limits.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Craig L. Brown
Director of Finance