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June 28, 2001

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Tricia Knight
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as the "Exercise of Local Legislative Option" (File No. SA2001RF0018).

Background

The Constitution of the State of California provides that no state Senator may serve more than two four-year terms and that no Member of the Assembly may serve more than three two-year terms. However, a recently proposed initiative (File No. SA 2001RF0012), if adopted by the electorate would allow state legislators to run for an additional term upon the petition of voters in their district. This measure would go into effect only if the voters approve the initiative that authorizes the local voters to override the limitations on terms of office for state legislators.

Proposal

This measure specifies the petition process which local voters must follow in order for a state legislator to run for an additional term. The measure also establishes public disclosure and political contribution limits related to these term-limit provisions.

Petition Process. The petition process starts with voters petitioning the Secretary of State to permit a legislator, who would normally be ineligible to serve an additional term due to term limits, to be a candidate for that office during the next election. The proponents of the petition would have to be registered voters in the district in which the legislator is serving, and an incumbent legislator would not be eligible to be a proponent. Proposed petitions would be submitted to the Secretary of State for verification of the validity of all proponents. Under this measure, only approved proponents could circulate petitions. All petitions must be signed by registered voters in the legislator's district and would have to be submitted to local election officials. Upon certification by the Secretary of State that the petitions were valid, the name of the legislator would be placed on the ballot for that office during the next general election. Legislators placed on the ballot through this petition process, if elected, could extend their term in office by a maximum of four years.

Disclosure and Limitations on Political Contributions. This measure also establishes restrictions on campaign finance activities related to the support or opposition of a petition. Committees formed to support or oppose the qualification of a petition must file campaign statements with the Secretary of State. No person may contribute more than \$250 for the purpose of supporting or opposing the qualification of a petition. In addition, no candidate may make, solicit, or receive any contributions for the purpose of supporting or opposing a petition.

Fiscal Effect

Under this measure, local governments would incur unknown, probably minor, costs for verifying the signatures on the petition. The magnitude of these costs would depend on the number of signatures required to validate the petition and the extent to which the local term-limit option is utilized.

The Secretary of State would incur minor costs for reconfiguring the Cal-Voter database and for tracking the eligibility of candidates for reelection.

Summary

This measure would result in unknown, probably minor, costs to local governments for signature verification and minor costs to the state government.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

B. Timothy Gage
Director of Finance