

November 21, 2008

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Krystal Paris
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional measure related to term limits (A.G. File No. 08-0016).

Background

The state's voters passed Proposition 140 at the November 1990 election. As well as other changes, Proposition 140 changed the State Constitution to create term limits for elected Members of the state Assembly and Senate. Term limits restrict the number of years that individuals can serve in the Legislature. Currently, an individual generally cannot serve a total of more than 14 years in the Legislature. (An exception is when an individual serves additional time by finishing out less than one-half of another person's term.) An individual's service is restricted to six years in the Assembly (three two-year terms) and eight years in the Senate (two four-year terms). Under current law, there are no limits on terms in office based on a legislator's fundraising or campaign contributions. Additionally, under current law, a member of the Legislature must be reelected by a popular vote in order to serve additional terms.

Proposal

This measure replaces existing term limits with new requirements, including requirements related to consecutive terms served and fundraising.

Time Limits Based on Consecutive Terms Served. The measure would limit the number of *consecutive* terms in office that an individual could serve. (Current law limits the total number of terms in office, rather than the number of consecutive terms in office.) Under the measure, an individual could serve up to 8 consecutive years in the Assembly (four two-year terms) and up to 12 consecutive years in the Senate (three four-year terms). The measure, however, does not preclude service beyond these lengths as long as the terms are not consecutive. In other words, an individual could serve three

four-year terms in the Senate, followed by four two-year terms in the Assembly, and then return to the Senate.

Time Limits Based on Fundraising Allows Incumbents to Serve Additional Terms Without Reelection. Under the measure, an incumbent legislator could serve an additional term in office *without reelection* if, during a current term in office, the individual received no privately funded “junkets” (not defined by the measure) or campaign contributions (except for the purpose of retiring campaign debt). The Secretary of State would be responsible for determining when an incumbent was eligible to serve an additional term without reelection.

Fiscal Effects

By altering term limits for Members of the Legislature, the measure would likely change which individuals are serving in the Legislature at any time. This would not have any direct fiscal effect on total state spending or revenues. The different composition of the Legislature, however, would likely lead to different decisions being made—for example on legislation and the state budget—than would otherwise be the case. These decisions could have an effect on state spending and revenues. Any such indirect impacts, however, are unknown and impossible to estimate.

Fiscal Summary. This measure would have no significant fiscal effect on state or local governments.

Sincerely,

Mac Taylor
Legislative Analyst

Michael C. Genest
Director of Finance