

Introduced by Senators Hancock, Ashburn, and Lowenthal

July 23, 2009

Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of, and adding Section 2.5 to, Article IV thereof, and by amending Section 7 of Article XX thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 24, as introduced, Hancock. Legislature: term limits.

Existing provisions of the California Constitution prohibit a Senator from serving more than 2 terms of 4 years each and a Member of the Assembly from serving more than 3 terms of 2 years each.

This measure would instead prohibit a person who is first elected as a Member of the Legislature on or after November 2, 2010, from serving, during his or her lifetime, more than 12 years in the Senate, the Assembly, or both, in any combination.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

- 1 *Resolved by the Senate, the Assembly concurring,* That the
- 2 Legislature of the State of California at its 2009–10 Regular
- 3 Session commencing on the first day of December 2008, two-thirds
- 4 of the membership of each house concurring, hereby proposes to
- 5 the people of the State of California that the Constitution of the
- 6 State be amended as follows:
- 7 First—That Section 2 of Article IV thereof is amended to read:

1 SEC. 2. (a) (1) The Senate has a membership of 40 Senators
2 elected for ~~4-year~~ *four-year* terms, 20 to begin every ~~2~~ *two* years.
3 ~~No A Senator may shall not~~ serve more than ~~2~~ *two* terms.

4 (2) The Assembly has a membership of 80 ~~members~~ *Members*
5 elected for ~~2-year~~ *two-year* terms. ~~No member A Member~~ of the
6 Assembly ~~may shall not~~ serve more than ~~3~~ *three* terms.

7 ~~Their terms~~

8 (3) ~~The term of a Senator or Member of the Assembly shall~~
9 commence on the first Monday in December next following ~~their~~
10 *his or her* election.

11 (b) Election of ~~members~~ *Members* of the Assembly shall be on
12 the first Tuesday after the first Monday in November of
13 even-numbered years unless otherwise prescribed by the
14 Legislature. Senators shall be elected at the same time and places
15 as ~~members~~ *Members* of the Assembly.

16 (c) A person is ineligible to be a ~~member~~ *Member* of the
17 Legislature unless the person is an elector and has been a resident
18 of the legislative district for one year, and a citizen of the United
19 States and a resident of California for ~~3~~ *three* years, immediately
20 preceding the election.

21 (d) When a vacancy occurs in the Legislature the Governor
22 immediately shall call an election to fill the vacancy.

23 (e) *This section does not apply to a person who is first elected*
24 *to the Legislature on or after November 2, 2010.*

25 Second—That Section 2.5 is added to Article IV thereof, to
26 read:

27 SEC. 2.5. (a) (1) The Senate has a membership of 40 Senators
28 elected for four-year terms, 20 to begin every two years.

29 (2) The Assembly has a membership of 80 Members elected
30 for two-year terms.

31 (3) The term of a Senator or a Member of the Assembly shall
32 commence on the first Monday in December next following his
33 or her election.

34 (4) During his or her lifetime a person may serve not more than
35 12 years in the Senate, the Assembly, or both, in any combination.
36 For purposes of this section, a person who serves in the Senate or
37 Assembly from the first Monday in December of one year to the
38 first Monday in December of the following year shall be deemed
39 to have thereby served one year.

1 (b) Members of the Assembly shall be elected on the first
2 Tuesday after the first Monday in November of even-numbered
3 years unless otherwise prescribed by the Legislature. Senators
4 shall be elected at the same time and places as Members of the
5 Assembly.

6 (c) A person is ineligible to be a Member of the Legislature
7 unless both of the following conditions are met:

8 (1) The person is an elector and has been a resident of the
9 legislative district for one year, and a citizen of the United States
10 and a resident of California for three years, immediately preceding
11 the election.

12 (2) Service of the full term of office to which the person is
13 elected would not cause that person to exceed the limitation on
14 years of service set forth in paragraph (4) of subdivision (a) of this
15 section and Section 7 of Article XX.

16 (d) When a vacancy occurs in the Legislature the Governor
17 immediately shall call an election to fill the vacancy.

18 (e) This section applies only to a person who is first elected to
19 the Legislature on or after November 2, 2010.

20 Third—That Section 7 of Article XX thereof is amended to read:

21 SEC. 7. The limitations on the number of terms *or years of*
22 *service, as applicable*, prescribed by ~~Section Sections 2 and 2.5~~
23 of Article IV, Sections 2 and 11 of Article V, Section 2 of Article
24 IX, and Section 17 of Article XIII apply only to terms to which
25 persons are elected or appointed on or after November 6, 1990,
26 except that an incumbent Senator whose office is not on the ballot
27 for the general election on that date may serve only one additional
28 term. Those limitations *on terms or years of service* shall not apply
29 to any unexpired term to which a person is elected or appointed if
30 the remainder of the term is less than half of the full term.