

AMENDED IN SENATE MAY 21, 2014

Senate Constitutional Amendment

No. 16

Introduced by Senator Steinberg

February 20, 2014

Senate Constitutional Amendment No. 16—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 Article IV thereof, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SCA 16, as amended, Steinberg. Members of the Legislature: vacancy.

The California Constitution requires the Governor to call an election to fill a vacancy occurring in either house of the Legislature.

This measure would instead require the Governor to fill a vacancy in either house of the Legislature by appointment within 21 days of the date of the vacancy, and would require that the appointee, at the time of the appointment and during the 12-month period immediately preceding the appointment, have the same political party preference as the vacating Member had when he or she was last elected to the Legislature. The measure would allow the house to which the appointment is made to reject the appointment, by a majority vote, within 21 days of the appointment, in which case the Governor would be required to make another appointment. If an appointment is not rejected, the appointee would be eligible to take office the day after the end of the 21-day period and would serve for the remainder of the term of the vacating Member, except as specified.

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

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2013–14 Regular
3 Session commencing on the third day of December 2012,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 That Section 2 of Article IV thereof is amended to read:

8 SEC. 2. (a) (1) The Senate has a membership of 40 Senators
9 elected for four-year terms, 20 to begin every two years.

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

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

15 (4) During her or his lifetime, a person may serve no more than
16 12 years in the Senate, the Assembly, or both, in any combination
17 of terms. This paragraph shall apply only to those Members of the
18 Senate or the Assembly who are first elected or appointed to the
19 Legislature after June 5, 2012, and who have not previously served
20 in the Senate or Assembly. Members of the Senate or Assembly
21 who were elected on or before June 5, 2012, may serve only the
22 number of terms allowed at the time of the last election before
23 June 5, 2012.

24 (b) Election of Members of the Assembly shall be on the first
25 Tuesday after the first Monday in November of even-numbered
26 years unless otherwise prescribed by the Legislature. Senators
27 shall be elected at the same time and places as Members of the
28 Assembly.

29 (c) A person is ineligible to be a Member of the Legislature
30 unless the person is an elector and has been a resident of the
31 legislative district for one year, and a citizen of the United States
32 and a resident of California for three years, immediately preceding
33 his or her election or appointment, and service of the full term of
34 office to which the person is seeking to be elected, or is to be
35 appointed, would not exceed the maximum years of service
36 permitted by paragraph (4) of subdivision (a).

37 (d) (1) (A) If a vacancy occurs in the Legislature, the Governor
38 shall fill the vacancy by appointment within 21 days of the date
39 of the vacancy.

1 (B) A person appointed pursuant to subparagraph (A) shall have,
2 at the time of the appointment and during the 12-month period
3 immediately preceding, the same political party preference as the
4 vacating Member had at the time he or she was last elected to the
5 Legislature. If the vacating Member declined to disclose a political
6 party preference at the time he or she was last elected to the
7 Legislature, the Governor may make an appointment regardless
8 of political party preference.

9 (2) Within 21 days of an appointment made pursuant to
10 paragraph (1), excluding any period during which the house is in
11 recess, the house to which the appointment is made may reject the
12 appointment by a rollcall vote entered in the journal, a majority
13 of the membership of the house concurring. If the house rejects
14 the appointment, the Governor shall make another appointment
15 within 21 days of the date of the rejection, subject to rejection by
16 the house pursuant to this paragraph.

17 (3) (A) If an appointment is not rejected pursuant to paragraph
18 (2), the appointee is eligible to take office on the day following
19 the 21-day period provided for in paragraph (2) and, except as
20 provided in subparagraph (B), shall serve until the end of the term
21 of the office to which the appointee is appointed.

22 (B) In the case of a seat in the Senate, the term of which does
23 not end in the same year as the end of the biennium of the regular
24 session of the Legislature during which the vacancy occurred, the
25 appointee shall not serve the remainder of the unexpired term.
26 Instead, a special election shall be held on the date of ~~the a~~
27 ~~statewide-general election immediately preceding the end of~~ *held*
28 *in* the biennium of the regular session *during which the vacancy*
29 *occurred* to fill the remainder of the unexpired term, provided that
30 the election occurs not sooner after the date of the vacancy than a
31 period specified by statute. If a special election is not held pursuant
32 to this subparagraph, the appointee shall serve the remainder of
33 the unexpired term.