

November 12, 2009

Hon. Edmund G. Brown Jr.  
Attorney General  
1300 I Street, 17<sup>th</sup> 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 initiative related to legislative term limits (A.G. File No. 09-0048, Amdt. #1-S).

### **Background**

*Existing Legislative Term Limits.* The state's voters passed Proposition 140 at the November 1990 election. Proposition 140 changed the State Constitution to create term limits for Members of the California Legislature. (These Members include persons elected to each of the two houses of the Legislature: the State Assembly and the State 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. 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).

### **Proposal**

*Reduced Total Number of Years in the Legislature.* This measure amends the Constitution to reduce the total number of years that an individual could serve in the Legislature during his or her lifetime from 14 years to 12 years.

*Future Legislators Could Serve in Either Assembly or Senate for 12 Years.* This measure would allow future legislators to serve in either or both houses of the Legislature for up to their entire term limits of 12 years. Accordingly, under this proposal, an individual could be elected to up to six two-year terms in the Assembly or up to three four-year terms in the Senate. This would mean that future legislators could serve for a longer period of time in a single house of the Legislature. Alternatively, an individual could be elected to one or more terms in one of these houses and then be elected to one or more terms in the other house of the Legislature. Under all scenarios, an individual's total service in the Legislature could not exceed 12 years under this measure.

*Measure Applies to Future Legislators.* The provisions of this measure apply to individuals who are first elected to the Legislature after voters approve this measure. Members of the Legislature who were first elected on or before the date that voters approve this measure would continue to be restricted by the current legislative term limits in the Constitution.

### **Fiscal Effects**

*Unknown Fiscal Effects Depend on Future Legislators' Decisions.* By altering term limits for Members of the Legislature, this measure likely would change which individuals serve in the Assembly and the Senate at any time. This would not have any direct effect on total state or local spending or revenues. The different composition of the Assembly and the Senate, however, likely would lead to different decisions being made—for example, on legislation and the state budget—than otherwise would be the case. These decisions could have an effect on state and local spending and revenues. Any such indirect impacts, however, are unknown and impossible to estimate.

### **Summary of Fiscal Effect**

The measure would have the following fiscal effects:

- No direct fiscal effect on state or local governments.

Sincerely,

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Mac Taylor  
Legislative Analyst

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Michael C. Genest  
Director of Finance