

HJR

57

HOUSE COMMITTEE REPORT

4/13

(7)

Date Referred: January 5, 1990

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

(?) *Fin*
not yet

HJR 57

HOUSE JOINT RESOLUTION NO. 57

LIMITING TERMS OF LEGISLATORS

Proposing an amendment to the Constitution of the State of Alaska relating to terms of legislators.

RECOMMENDATIONS:

- be replaced with CS HJR 57(SA) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the Fin Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Date/Dept)

- fiscal impact Elections fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

SIGNING: (Check approp. column)

	Do Not Pass	No Rec	Amend
<u>Alex Hanley Hanley</u>			
<u>David Finkelstein Finkelstein</u>			
<u>D.A. Boucher Boucher</u>			

D.A. Boucher
Chairman's Signature

Item 3

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 165-3991
Fax: (907) 163-3351

April 5, 1990

MEMORANDUM

TO: Representative Loren Leman

FROM: Leola Weimer LW
Legislative Analyst

RE: Initiatives to Limit Legislative Terms
Research Request 90.257

You asked us to provide information about ballot initiatives proposing to limit the number of terms a legislator may serve. Specifically, you requested copies of various state initiatives and background information about them.

SUMMARY

No state has yet amended its constitution to restrict the number of terms a legislator may serve.

Legislative resolutions for constitutional change are pending in 21 states, and initiative drives for constitutional change are underway in three states.

Oklahoma is the first state to have a tenure limitation amendment placed on the ballot as a result of an initiative. The Oklahoma Supreme Court has certified the signatures, and the governor of Oklahoma is due to call a special election to consider this amendment within the next 90 days (by June 1990).

BACKGROUND

Historically, the issue of limiting terms of office has focused on the executive branch of state and federal governments. Since the 1970s, however, there has been a growing concern over the number of terms which legislators may serve in the U.S. Congress and in state legislatures.

Proponents argue that restricting the number of terms an elected official may serve will 1) promote the concept of "citizen legislators" versus "professional legislators," 2) diminish the advantages for incumbency, 3) equalize the influence of districts and citizens, 4) make the legislature more responsive and

Representative Leman
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accountable for its actions, and 5) reduce the influence of special interests and bureaucracy over the legislature.¹

Opponents argue that restricting the number of terms a legislator may serve would 1) remove experienced legislators who are knowledgeable of government and are best able to make complex decisions in today's governments (e.g., people like John Sherman, Robert Wagoner, Henry Clay, Steven Douglas and Robert LaFollette who developed programs of great importance late in their legislative careers), 2) send a message that is antidemocratic because it assumes that people do not have the wisdom to oust a legislator who is not properly representing them, 3) add to the problems of transitions between legislators and "lame duck" legislators, and 4) fail to discourage special interests or bureaucratic influence.²

Limiting the number of terms of elected officials requires a constitutional amendment at the federal and state levels. The Twenty-second Amendment of the U.S. Constitution, passed in 1951, limits the U. S. President to two successive terms in office. There is no limit on the number of congressional terms, and no state has yet adopted an amendment limiting the tenure of state legislative officials.

Additional historical information is found in Attachment A.

PROPOSITIONS TO LIMIT LEGISLATIVE TERMS

Proposals currently being considered to restrict the number of terms for state legislators have been introduced by legislators or organized through the initiative process.

Legislative Proposals

Legislative proposals for a constitutional amendment have been introduced in at least 21 states (Alaska, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Indiana, Kansas, Nebraska, New Hampshire, New York, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Washington, and West Virginia).³ United States Senator Humphrey has also introduced a resolution to amend the U.S.

¹George G. Humphreys, "Legislative Tenure," report prepared for the Oklahoma State Legislative Council, July 25, 1979, pp. 2-3.

²Humphreys, pp. 3-4.

³Phil Thompson, Americans To Limit Congressional Terms, telephone conversation March 13, 1990, Telephone: (303) 863-9200.

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Constitution. Copies of several of these resolutions and a draft model resolution written by the national organization Americans to Limit Congressional Terms are found in Attachment B.

Initiatives

Citizen petition drives to place a term limitation amendment on the ballot have been organized in California, Colorado and Oklahoma.⁴

Four separate petition drives are underway in California. One proposal by Mr. Mac Donald would place a maximum eight-year limit on service in either or both houses for all legislators. Another initiative by Scharbarum, Uhler and Ford (members of the National Taxpayers Group) would limit assembly members to three, two-year terms. It would also limit legislative spending to no more than \$950,000 per member or 80 percent of the previous year's budget, whichever is less. A third petition drive by current Attorney General Van de Kamp entitled the "Clean Government Act 1990" proposes a series of reforms, one of which would limit the service of statewide elected officials to eight successive years and state legislators to twelve successive years. The fourth initiative, organized by Operation New Broom, would limit all elected officials to a maximum of two full terms, change retirement benefits, require participation in the federal Social Security program, and prohibit elected officials from seeking, soliciting or accepting contributions for other elected offices.

Operation New Broom and Attorney General Van de Kamp's "Clean Government Act 1990" initiatives have received the most support. Copies of these initiatives and background information are found in Attachments C and D.

In Colorado, an initiative drive was begun when a concurrent resolution by state Senator Considine failed to pass last year.⁵ The wording of the initiative is the same as Senator Considine's resolution which he reintroduced this year (Attachment E).

Oklahoma is the first state to have a tenure limitation amendment placed on the ballot as a result of an initiative. According to Lloyd Nobel, chairman of

⁴Alaska's constitution (and presumably those of other states) may not be amended by the initiative process. In Alaska, only the legislature or a constitutional convention may propose amendments to the constitution. After an amendment is proposed by a "deliberative body," it may then be ratified by the electorate (Gordon Harrison, *Alaska's Constitution A Citizen's Guide*, 1986, p. 110).

⁵Andy Bane, special assistant for Colorado Senator Considine, telephone conversation March 13, 1990, Telephone: (303) 863-9200.

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Oklahomans for Legislative Reform, 205,418 signatures were gathered (17 percent more than required by law) and certified by the Oklahoma Supreme Court. The governor will call a special election within 90 days (by June 1990) to consider passage of this proposed constitutional amendment. A copy of the initiative petition, supporting studies, opposing letters and newspaper clippings are found in Attachment F.

I hope this information is useful. Please contact this agency if you have any further questions.

Attachments

ATTACHMENT A

Historical Background from
Americans to Limit Congressional Terms
and the
Oklahoma Legislature

AMERICANS
TO LIMIT
CONGRESSIONAL
TERMS



Americans to Limit Congressional Terms is a non-profit, educational organization dedicated to raising the level of national debate on the centuries-old public policy issue of limiting Congressional terms.

Enclosed with this memorandum you will find three documents:

- 1) A white paper tracing the debate of limitation of Congressional terms from colonial days to the present;
- 2) A white paper examining the related topic of presidential term limitation and the Twenty-second Amendment, and;
- 3) An overview of survey research conducted by the Gallup Organization, on behalf of Americans to Limit Congressional Terms, regarding the issue of limitation of Congressional terms.

You have received this package in the hopes that you will find either the pieces contained in it or the topic addressed worthy of inclusion in a future curriculum.

If you have any questions concerning the information enclosed or about our group, or have any other thoughts, please call David Freibert at (202) 842-4446.

Thank you.

DR. ROBERT E. ENGLAND
POLITICAL SCIENCE DEPT.
519 MATH SCIENCES
STILLWATER, OK 74578

LIMITING CONGRESSSIONAL TERMS:

An Historical Perspective

by

Michael H. Klein

Americans to Limit Congressional Terms
Washington, DC

September 25, 1989

DR. ROBERT E. ENGLAND
OKLAHOMA STATE UNIV
POLITICAL SCIENCE DEPT.
1010 N. MATH

perceived obstacles to Congressional accountability.¹

One proposal that is structural in nature is a constitutional amendment to limit Congressional terms. This proposal revives a long standing debate as to the advisability of turnover in the legislative branch, one that is older than the Constitution itself.

HISTORICAL CONTEXT

The promotion of turnover in the legislative branch is an idea that in fact predates the present incarnation of Congress. In 1777, the Articles of Confederation were amended to mandate that "no person shall be capable of being a delegate (to the Continental Congress) for more than three years in any term of six years."² The primary idea behind this provision, according to historians of the era, was that the legislative branch should reflect the makeup and outlook of the citizenry that it purports to represent.

The initial attempt at term limitation, however, abruptly was terminated in 1784, when an attempt to enforce the provision

¹. According to a June, 1989 poll taken by the Wirthlin Group, a prominent national public opinion research firm, 48 per cent of Americans are dissatisfied with the performance of Congress, while only 45 per cent approve.

². Edmund C. Burnett, The Continental Congress, (Macmillan, 1941), p. 250.

led to a near-rebellion on the floor of the Continental Congress.³ After a committee of delegates was established to rule on the eligibility of delegates, its rulings were met with pitched resistance from those who were faced with expulsion from the proceedings. Said James Monroe about the level of discourse on the subject: "I never saw more indecent conduct in any assembly before."⁴

In addition to the distraction the term limitation had caused to the deliberations of the Continental Congress, it was also determined that the removal of those delegates who had overstayed their statutory welcome would cause the Congress to suspend its business entirely, as a quorum could not be retained.⁵

With regard to the Constitution, no term limitation provision was proposed at the outset, primarily due to the problems of implementing such a provision under the Articles of

³. Ibid. p.605. On March 1, 1784, it was determined that the first such three year period had indeed passed, and a committee was assembled to determine the eligibility of delegates to the Congress. The first delegate to be ruled ineligible, Samuel Osgood of Massachusetts, angrily bade "farewell all connection with public life." The committee then declared both Delaware delegates retroactively ineligible, and the Rhode Island delegation was slated for dismissal.

⁴. Ibid.

⁵. Ibid.

Confederation. However, the idea of encouraging congressional turnover was one that enjoyed widespread support in the Constitutional Convention.

In attacking a proposal by James Madison for triennial elections, Massachusetts Delegate Elbridge Gerry called such a lengthy term "limited monarchy".⁶ As supporters of annual and triennial elections to the House clashed in the Convention, a compromise proposal to mandate biennial elections to the House of Representatives passed unanimously.⁷

While there was much contention over the specific proposals to ensure turnover in the legislative branch, the general goal of using rotation to ensure accountability was widely supported at this point in time. Rhode Island's Roger Sherman typified the prevailing sentiment by remarking that "Representatives ought to return home and mix with the people. By remaining at the seat of government, they would acquire the habits of the place, which might differ from those of their constituents."⁸

In essence, Sherman and others believed wholeheartedly in the notion of the "citizen legislator", one who would serve his

⁶. Charles O. Jones, Every Second Year, (Brookings Institute, 1968), p.4.

⁷. Ibid. p.6.

⁸. Ibid. p.4.

constituents out of a sense of civic duty, rather than vocational or personal ambition.

In the nineteenth century, Congressional term limitation, at least from a structural or statutory standpoint, was never much of an issue. Aside from the obvious hardships of transportation and climatic extremities that tended to encourage turnover, there was also a tradition in many districts of voluntary term limitations.⁹ Abraham Lincoln, for instance, was limited to a single term by virtue of the tradition in his Illinois district.¹⁰

There were also internal reasons within the House during this period mitigating against extended tenure. Specifically, the House leadership structure was not driven by seniority, instead, party control had a tendency to shift frequently and those Representatives who wished to pursue politics as a career sought seats in the Senate or in their respective Governors' mansions. Of the seven Speakers of the House elected between 1870 and 1894, for instance, one was elected in his third term of service, two in their fourth term, two in their fifth, one in his sixth, and one in his seventh term.¹¹ Additionally, three of those Speakers

⁹. Nelson W. Polsby, The Congressional Career, (Random House, 1971), p.23.

¹⁰. Ibid.

¹¹ Ibid.

left the House to serve in the Senate, one died, and one left to join a Wall Street law firm.

In contrast to Congressional term limitation, Presidential term limitation was an oft-discussed issue since the Constitutional Convention. Every President to serve in the 1800's, with the exception of Abraham Lincoln, publicly supported a two-term, eight-year limit on Presidential service.¹² Even Lincoln, who did not take an explicit stand of the issue, commented: "If our American society and United States Government are overthrown, it will come from the voracious desire for office, this wriggle to live without toil, work, and labor--from which I am not free myself."¹³

In 1951, a limitation on Presidential service was finally ratified as the Twenty-second Amendment to the U.S. Constitution. The 22nd Amendment was introduced in 1947 by the then-majority Republicans in the House in response to Democrat Franklin D. Roosevelt's election to four consecutive Presidential terms. Despite its origin as a partisan initiative, it was ratified by the states in 1951 with widespread support. Said the Washington Post in an editorial describing the bi-partisan nature of ratification:

¹². Presidential and Congressional Term Limitation: The Issue That Stays Alive, (Foundation for the Study of Presidential and Congressional Terms, 1981) pp. 10-11.

¹³. Ibid

The only basic reason for writing this additional restriction into the constitution is the fear that, in these days of big government and perpetual emergency, some future president with dictatorial tendencies might perpetuate himself in office indefinitely. Perhaps that chance is remote, but power-grasping officials are common enough in both history and current world experience to warrant this safeguard.¹⁴

Despite the passage of the 22nd Amendment, the issue of Presidential term succession was never fully settled, at least in the eyes of some scholars. In the 1970's the issue resurfaced as proposals emerged to limit the President to a single, six-year term of service, an idea that was supported by then-President Jimmy Carter.¹⁵

At the same time, in the post-Watergate reform era, the idea of Congressional term limitation resurfaced once again, most notably in several academic discussion forums in 1979 and 1980.¹⁶ While Senator Dennis DeConcini (D-Arizona) and Senator John Danforth (R-Missouri) introduced a bill during this period to limit members of Congress to twelve years of individual service, the lack of organized external pressure and a basic resistance

¹⁴. "22nd Amendment", Washington Post, February, 29, 1951, p.8.

¹⁵. Limiting Presidential and Congressional Terms, (American Enterprise Institute, 1979), pp.1-5.

¹⁶. How Long Should They Serve?: Limiting Terms for the President and Congress, (American Enterprise Institute, 1980) 25 pages.

among sitting members to restrict their own incumbencies prevented this legislation from becoming enacted.¹⁷

In the mid to late 1980's, in the wake of an unprecedented 99 percent re-election rate for incumbent members of the House of Representatives, and following a number of ethics scandals in the House leadership, several reform minded grass-roots and educational groups with an interest in limiting Congressional terms were established.

CONCLUSION

The low estimation in which the American public holds the Congress at this point indicates that there may be the needed impetus to write into the Constitution the expressed wish of its framers for a "citizen legislature". According to a poll taken by the Gallup Organization in 1989, 57 per cent of those surveyed explicitly support a constitutional amendment to limit Congressional terms. With the emergence of a broad-based, bipartisan consensus behind term limitation, a distinct possibility exists that congressional term limitation will reemerge as a salient political issue.

17. Ibid.

THE TWENTY-SECOND AMENDMENT:

Term Limitation in the Executive Branch

by

Michael H. Klein

Americans to Limit Congressional Terms
Washington, DC

September 25, 1989

DR. ROBERT E. ENGLAND
OKLAHOMA STATE UNIV.
POLITICAL SCIENCES DEPT.
519 MATH SCIENCES
STILLWATER, OK 74074

election. However, Nixon failed to serve through the course of his second term, and Eisenhower later became an avid supporter of a six-year term with no right of succession.¹¹ Reagan is the only President elected under the Twenty-second Amendment who has argued for its repeal.

IMPLICATIONS OF THE TWENTY-SECOND AMENDMENT

While as of this stage of the American Presidency the Amendment has registered little impact, the Twenty-second Amendment serves as an important precedent for term limitation at the Federal level, and it also presents a counterpoint with the notoriety and controversy that proposed amendments to the Constitution generate in the present day.

Unlike such controversial recent proposals to amend the Constitution as the Equal Rights Amendment, the Human Life/Anti-Abortion Amendment, and the District of Columbia Voting Rights Amendment, the ratification of the Twenty-second Amendment was remarkable for the lack of media attention afforded it. Between 1947 and 1951, no items discussing the ratification battle or even the final passage of the Twenty-second Amendment appeared in the periodicals indexed in the Readers Guide to Periodical Literature.

¹¹ Presidential and Congressional Term Limitation: The Issue That Stays Alive, (Foundation for The Study of Presidential and Congressional Terms, Washington, 1980) p.12.

Newspaper coverage was also scant. No mention was made in the Washington or New York papers of the Congressional passage of the Amendment.¹² The ratification process was not reported on at any length in the national press, and it was not until final passage in Nevada that the Washington and New York papers discussed the issue at any length. Even in Utah, the penultimate state to ratify the Amendment, on the same day as Nevada, the article published in the state's leading daily was an Associated Press item which barely mentioned the Utah Legislature's action.¹³

Insofar as the impact of the Amendment as a precedent for term limitation at the federal level, it is important to consider the political climate in which it was ratified. The Twenty-second Amendment, despite its beginnings as a partisan initiative, was ratified as a result of a broad-based bipartisan consensus of public opinion. It was the emergence of such a consensus among the citizenry for a Presidential term limitation that the Twentth Amendment has come to pass.

¹² According to a review of the indices of the New York Times, New York Herald Tribune, Washington Post, and the Washington Evening Star from 1947.

¹³ "Nevada's Action Ends Third Term", Deseret News. op cit.

GALLUP POLL DATA

JUNE 1989

Limiting Congressional Terms

DR. ROBERT E. ENGLAND
OKLAHOMA STATE UNIV.
POLITICAL SCIENCE DEPT.
519 MATH SCIENCES
STILLWATER, OK 74078

AMERICANS
TO LIMIT
CONGRESSIONAL
TERMS

★ ★ ★ ★ ★



In early June, 1989 Americans to Limit Congressional Terms (ALCT) retained the Gallup Organization of Princeton, New Jersey to conduct a national public opinion poll on the subject of limiting Congressional terms. The survey was conducted among 1008 adults and had an error factor of plus or minus 4%.

The following question was asked of the respondents:

Currently, the Constitution places no time limit on how long members of the House of Representatives and U.S. Senate can serve in office. Some people have proposed a Constitutional Amendment to limit to twelve years the amount of time U.S. Congressman and U.S. Senators could serve in office. Others think there should not be a limit to the amount of time Congressmen and Senators can serve in office. Which of these statements comes closest to your own view?

A total of 57% of the sample believed there should be a limit on time members of Congress and Senate should spend in office. A total of 34% opposed limiting terms.

There is no difference between Republican, Democrats and Independents, with each group showing virtually equal support for the measure.

There is a slight tendency towards greater support for the proposal as age increases. Conversely there is a slight decrease for the proposal as levels of education increase.

Finally, among the regions of the country, the greatest support for limiting terms comes from the midwest.

Congressional Term in Office

	<u>Limit</u> %	<u>No</u> <u>Limit</u> %	<u>Don't</u> <u>Know</u> %	<u>Total</u> %	<u>N</u>
All Respondents	57	34	9	100	(1008)
<u>Sex</u>					
Male	59	35	6	100	(503)
Female	56	33	11	100	(505)
<u>Age</u>					
18-29 years	53	37	10	100	(254)
30-49 years	58	36	6	100	(404)
50 and over	60	31	9	100	(334)
<u>Party ID</u>					
Republican	58	38	4	100	(352)
Democrat	56	35	9	100	(292)
Independent	59	28	13	100	(339)
<u>Education</u>					
College grad.	54	41	5	100	(444)
H.S. grad.	60	32	8	100	(415)
Less than h.s. grad.	59	25	16	100	(148)
<u>Region</u>					
East	54	36	10	100	(241)
Midwest	62	30	8	100	(264)
South	57	33	10	100	(298)
West	56	38	6	100	(205)

TECHNICAL APPENDIX

Composition of the Sample

	<u>Unweighted Number of Interviews</u>	<u>Weighted Percent</u>
Total	1008	100.0
<u>Sex of Respondent</u>		
Male	503	47.7
Female	504	<u>52.3</u>
		100.0
<u>Age of Respondent</u>		
18 - 29 Years	254	24.5
30 - 49 Years	404	38.2
50 Years and Older	334	35.8
Undesignated	16	<u>1.5</u>
		100.0
<u>Education</u>		
High School Incomplete	148	20.3
High School Graduate	415	40.3
College Education	444	39.3
Undesignated	1	<u>0.1</u>
		100.0

Region of Country

East:	Maine, New Hampshire, Rhode Island, New York, Connecticut, Vermont, Massachusetts, New Jersey, Pennsylvania, West Virginia, Delaware Maryland, District of Columbia	241	24.9
Midwest:	Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, Kansas, Nebraska, Missouri	264	24.9
South:	Kentucky, Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Texas, Arkansas, Oklahoma, Louisiana	298	29.8
West:	Arizona, New Mexico, Colorado, Nevada, Montana, Idaho, Wyoming, Utah, California, Washington, Oregon, Alaska, Hawaii	205	20.4
			<hr/> 100.0

Sample Design

The sampling procedure used for this study was designed to produce an approximation of the adult civilian population, eighteen years and older, living in the United States, except those persons in institutions such as prison or hospitals.

The design of the sample is that of a replicated, probability sample down to the block level in the case of urban areas, and to segments of townships in the case of rural areas, in over three hundred sampling locations.

The sample design includes stratification by seven size-of-community strata, using 1980 Census data: (a) incorporated cities of population 1,000,000 and over; (b) incorporated cities of population 250,000 to 999,999; (c) incorporated cities of population 50,000 to 249,999; (d) urbanized places not included in (a)-(c); (e) cities over 2,500 population outside of urbanized areas; (f) towns and villages with less than 2,500 population; and (g) rural places not included within town boundaries. Each of these strata are further stratified into four geographic regions: East, Midwest, South and West. Within each city size-regional stratum, the population is arrayed in geographic order and zoned into equal sized groups of sampling units. Pairs of localities are selected in each zone, with probability of selection and each locality proportional to its population size in the 1980 census, producing two replicated samples of localities.

Within each subdivision so selected, for which block statistics are available, a sample of blocks or block clusters is drawn with probability of selection proportional to the number of dwelling units. In all other subdivisions or areas, blocks or segments are drawn at random or with equal probability.

In each cluster of blocks and each segment so selected, a randomly selected starting point is designated on the interviewer's map of the area. Starting at this point, interviewers are required to follow a given direction in the selection of households until their assignment is completed.

Interviewing is conducted at times when adults, in general, are most likely to be at home, which means on weekends, or if on weekdays, after 4:00 P.M. for women and after 6:00 P.M. for men.

Allowance for persons not at home is made by a "times at home" weighting procedure which is a standard method for reducing the sample bias that would otherwise result from under-representation in the sample of persons who are difficult to find at home.

The pre-stratification of the sample by size-of-community and region is routinely supplemented by fitting each obtained sample to the latest available Census Bureau estimates of the regional distribution of the population. Also, adjustments are made to bring the demographic characteristics of the sample such as age, sex, race and education into alignment with the demographic characteristics of the population of civilian adults living in the United States. The population characteristics are derived from the Census Bureau's Current Population Survey (March 1987).

¹Politz, A. Simmons, W., "An Attempt to Get the 'Not at Homes' into the Sample without Callbacks," JOURNAL OF THE AMERICAN STATISTICAL ASSOCIATION, Volume 44, (March, 1949), pp.9-31.

Sampling Tolerances

In interpreting survey results, it should be borne in mind that all sample surveys are subject to sampling error, that is, the extent to which the results may differ from what would be obtained if the whole population had been interviewed. The size of such sampling errors depends largely on the number of interviews.

The following tables may be used in estimating the sampling error of any percentage in this report. The computed allowances have taken into account the effect of the sample design upon sampling error. They may be interpreted as indicating the range (plus or minus the figure shown) within which the results of repeated samplings in the same time period could be expected to vary, 95 percent of the time, assuming the same sampling procedures, the same interviewers, and the same questionnaire.

The first table shows how much allowance should be made for the sampling error of a percentage:

	<u>Recommended Allowance for Sampling Error</u>				
	<u>of a Percentage</u>				
	In Percentage Points (at 95 in 100 confidence level) ²				
	<u>Sample Size</u>				
	<u>1000</u>	<u>750</u>	<u>500</u>	<u>200</u>	<u>100</u>
Percentages near 10	2	3	3	5	7
Percentages near 20	3	4	5	7	10
Percentages near 30	4	4	5	8	12
Percentages near 40	4	5	6	8	12
Percentages near 50	4	5	6	9	13
Percentages near 60	4	5	6	8	12
Percentages near 70	4	4	5	8	12
Percentages near 80	3	4	5	7	10
Percentages near 90	2	3	3	5	7

The table would be used in the following manner: Let us say a reported percentage is 33 for a group which includes 1000 respondents. Then we go to row "percentages near 30" in the table and go across to the column headed "1000". The number at this point is 4, which means that the

²The chances are 95 in 100 that the sampling error is not larger than the figures shown.

33 percent obtained in the sample is subject to a sampling error of plus or minus 4 points. Another way of saying it is that very probably (95 chances out of 100) the true figure would be somewhere between 29 and 37, with the most likely figure the 33 obtained.

In comparing survey results in two samples, such as, for example, men and women, the question arises as to how large a difference between them must be before one can be reasonably sure that it reflects a real difference. In the tables below, the number of points which must be allowed for in such comparisons is indicated.

Two tables are provided. One is for percentages near 20 or 80; the other for percentages near 50. For percentages in between, the error to be allowed for is between those shown in the two tables.

Recommended Allowance for Sampling
Error of the Difference

In Percentage Points
(at 95 in 100 confidence level)³

TABLE A
Size of Sample

500
400
250
100

<hr/> Percentages near 20 or 80 <hr/>			
500	400	250	100
6			
7	7		
8	8	9	
11	11	12	14

TABLE B
Size of Sample

500
400
250
100

<hr/> Percentages near 50 <hr/>			
500	400	250	100
8			
8	9		
10	10	11	
14	14	15	18

³The chances are 95 in 100 that the sampling error is not larger than the figures shown.

Here is an example of how the tables would be used: Let us say that 50 percent of men responded a certain way and 40 percent of women respond that way also, for a difference of 10 percentage points between them. Can we say with any assurance that the 10 point difference reflects a real difference between the two groups on the question? Let us consider a sample which contains approximately 500 in each of these groups.

Since the percentages are near 50, we consult Table B, and since the two samples are about 500 persons each, we look for the number in the column headed "500" which is also the row designated "500". We find the number 8 here. This means that the allowance for error should be 8 points, and that in concluding that the percentage among men is somewhere between 2 and 18 points higher than the percentage among women, we should be wrong only about 5 percent of the time. In other words, we can conclude with considerable confidence that a difference exists in the direction observed and that it amounts to at least 2 percentage points.

If, in another case, responses among a group of 500 men amount to 22 percent and 24 percent in a group of 500 women, we consult Table A because these percentages are near 20. We look for the number in the column headed "500" which is also in the row designated "500" and see that the number is 6. Obviously, then, the two-point difference is inconclusive.

THE QUESTION

1. Currently, the Constitution places no time limit on how long members of the U.S. House of Representatives and U.S. Senate can serve in office. Some people have proposed a Constitutional Amendment to limit to twelve years the amount of time U.S. Congressman and U.S. Senators could serve in office. Others think there should not be a limit to the amount of time Congressmen and Senators can serve in office. Which of these statements comes closest to your own view?

1 A Constitutional Amendment limiting to twelve years the amount of time Congressmen and the Senators can serve in office, or

2 Not limiting the time Congressman and Senators can serve in office

0 DON'T KNOW

DETAILED TABULATIONS

♦♦♦ EDDIE MAHE & ASSOCIATES ♦♦♦

Q.10 WHICH OF THESE STATEMENTS COMES CLOSEST TO YOUR OWN VIEW?

	SEX		AGE			PARTY ID			EDUCATION			REGION				
	TOTAL	MALE	FEMALE	18-29	30-49	50 & OLDER	REPUB- LICAN	INDEP- ENDENT	DEMO- CRAT	COL- LEGE EDUC.	H.S. GRAD.	LESS THAN H.S.	EAST	MID- WEST	SOUTH WEST	
TOTAL RESPONDENTS	1008	503	505	254	404	334	352	292	339	444	415	148	241	264	298	205
WEIGHTED BASE	1632	778	854	400	623	584	551	468	574	641	658	331	406	407	487	332
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
STATEMENTS																

A CONSTITUTIONAL AMENDMENT LIMITING TO TWELVE YEARS THE AMOUNT OF TIME CONGRESSMEN AND SENATORS CAN SERVE IN OFFICE	936	461	475	212	362	350	318	274	323	345	396	194	220	254	275	187
	57.3	59.3	55.6	53.0	58.1	59.9	57.8	58.6	56.2	53.8	60.1	58.6	54.1	62.5	56.5	56.3
NOT LIMITING THE TIME CONGRESSMEN AND SENATORS CAN SERVE IN OFFICE	596	270	287	148	223	182	212	132	199	263	209	84	146	121	162	126
	34.1	34.7	33.6	37.2	35.8	31.1	38.4	28.3	34.6	41.0	31.8	25.4	36.4	29.7	33.3	37.8
DON'T KNOW	140	47	93	39	37	53	21	61	53	33	53	53	39	32	50	20
	8.6	6.1	10.8	9.9	6.0	9.0	3.8	13.1	9.2	5.2	8.1	16.0	9.6	7.8	10.2	5.9

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STATE LEGISLATIVE COUNCIL

305 STATE CAPITOL
OKLAHOMA CITY 73105
405/521-3201

July 25, 1979

MEMORANDUM

TO: Representative Stanley Alexander

FROM: George G. Humphreys, Research Assistant

SUBJECT: Legislative Tenure

Although no state has yet amended its constitution to provide constitutional restraints on the tenure of its state legislators, the question of whether it would be advantageous or not to do so does have considerable merit. In order to deal with the problem on its own merits, this memo shall briefly examine the history of term legislation in general, the status of legislative restrictions in particular, and shall attempt to provide an extensive list of arguments for and against legislative tenure.

History

The issue of term succession has generally centered on the executive branch of state and federal governments. This is generally believed to be a legacy of the colonial experience with the tyranny of the British king. The Founding Fathers agreed that the presidents should be limited in their succession, but the Constitutional Convention could not decide on a clause that would do so. The precedent of Washington's two terms established the custom of a two-term tradition until Franklin D. Roosevelt's third election in 1940. Finally, the two-term concept was constitutionally established by the Twenty-second Amendment in 1951.

State action to limit the number of terms a governor can serve has been quite extensive. Presently there are over 20 states with some form of constitutional provision against reeligibility.

Noteworthy, however, is the fact that the subject reeligibility or tenure sanctions against legislators has, until recently, been ineffective. A possible explanation could be offered in that before the vast extension of the government into the lives of Americans, there was no sharp concern among citizens of the "possible abuses" of a full-time professional legislature.

Over the past decade, the concern has generally kept pace with the public debate on the efficacy of state and federal government. It is more than coincidental that the debate on term reeligibility of legislators followed the campaign for tax limitations.

Recent Discussion of Legislative Tenure Restrictions

The most evident development in the subject of a movement to restrict the number of terms which legislators may serve has taken place in the U. S. Congress. In 1978, the Subcommittee on the Constitution of the Committee on the Judiciary in the Senate held hearings on Senate Joint Resolutions Nos. 27 and 28. In essence, these resolutions sought to propose constitutional amendments that would limit senators to two terms and representatives to six or seven terms. Although the resolutions failed, there were many legislators who expressed support including Senators DeConcini, Danforth, Wallop, Hayakawa, Goldwater, Schmitt and Zorinski.

Arguments for Restrictions of Legislative Tenure

1. The government has a great need for "citizen legislators." Supporters of term reeligibility provisions are generally adamant regarding the philosophical advantages of the citizen-legislator over the professional legislator. Senator DeConcini forcefully represented this position at the Senate hearings:

"On a more philosophical level, I am deeply committed to the concept of the citizen-legislator. An enlarged pool of political candidates would certainly generate a wealth of new ideas. The growth of the professional-legislator on the other hand is frightening, for it is yet another step away from the democratic ideal, leading toward rapid, unrepresentative institutions."

2. Term reeligibility restrictions would diminish the advantages for an incumbent in retaining his office in perpetuity. Critics of the professional legislator point out the difficulties of a challenger in unseating the incumbent. Incumbency not only brings certain mailing and traveling advantages, but many voters realize that the present system which rewards seniority is a deterrent for many voters in voting against the incumbent.
3. Term reeligibility restrictions would tend to equalize the influence of districts and citizens. Senator Birch Bayh, although not a strong supporter of such measures, did note that important advantages are to be derived by districts and citizens who have influential senior legislators to represent them.

4. Term reeligibility restrictions would work against the seniority system of any legislature. By restricting the number of sessions a legislator may serve, the turnover of important positions would increase. Important committee positions would be given to younger legislators who would thereby take a more active role in the legislative process.
5. Term reeligibility provisions would make the legislature more responsive and accountable for its actions. This is closely related to the idea of the citizen-legislator. The present system, supporters of term limitation argue, has resulted in a legislative branch (at the federal level) that is isolated from the people. Too concerned about their survival, professional legislators make political decisions on the basis of their continued ability to hold office. Term reeligibility restrictions would reduce this problem with the result being a legislature more willing to act courageously on behalf of the country. Senator DeConcini adds that the people no longer have faith in their representative institutions. To him, shortened legislative careers will issue in "greater responsiveness and greater representativeness. By shortening terms, I feel that legislative accountability will be enhanced and the forces which nurture it will be strengthened."
6. Term reeligibility provisions would reduce the influence of special interests and the bureaucracy over the legislature. Advocates of reduced tenure feel that the present system gives senior legislators experience only in how to "get by" in the legislature. By this, they infer that experienced legislators become too dependent on lobbyists and bureaucrats who use their powers of persuasiveness to influence legislation. Term restrictions would, it is argued, reduce the possibilities for such influence peddling.

Arguments Against Restrictions of Legislative Tenure

1. Experienced legislators are necessary to make complex decisions in today's governments. At this point, the supporters of a more professional legislature are diametrically opposed to the supporters of term reeligibility restrictions. The argument is based on the belief that modern government touches on the daily life of all its citizenry. Senator Alan Cranston pointed out in a 1977 interview for U. S. News and World Report that the idea of a citizen legislator is analogous to that of the citizen soldier. Both are anachronisms in today's technological society. "Our government has grown so complex that the concept of the inexperienced citizen politician is somewhat outmoded."

2. Term reeligibility restrictions would not discourage special interest or bureaucratic influence. The concept of the citizen-politician is a myth. The realities of politics are that special interest group activities are an integral role of political life. Newly elected politicians are just as open to influence from special interests and the bureaucracy, if not more so, than senior legislators. Some argue that the lack of experience of a young legislator provides opportunities for greater influence by the bureaucracy.
3. Term reeligibility provisions would have robbed the country of the benefits derived from many of our best legislators. The legislative careers of men like John Sherman, Jacob Javits, Sam Ervin, Robert Wagoner, Henry Clay, Steven Douglas and Robert LaFollette indicate that their major efforts came after many years in Washington. Often, it could be argued, it takes many years of experience for a legislator to develop programs of great importance.
4. Term reeligibility provisions are indicative of a diminished faith in the democratic process. Supporters of the present system argue that the proposed change of term reeligibility is antidemocratic in assuming that the people do not have the wisdom to oust a legislator who is not properly representing them.
5. There is no need to change the system as it exists. The present system has not yet been proved ineffective, so why change it?
6. Reeligibility provisions would be costly in reducing the leadership of present legislators. This introduces the notion of the "lame duck" legislator whom everyone would know is on the way out of political life. It adds to the problem of transitions between legislators which is partly overcome by retaining experienced legislators.

Conclusion

While the above discussion centers on the tenure limitation debate in Congress, the arguments generated for and against the issue are applicable at the state level. As state legislative careers become increasingly full-time and longevity increases, the similarities between the legislative process at the state and federal levels become more and more analogous.

It should be noted that as Senate Joint Resolutions Nos. 27 and 28 were proposed amendments to the U. S. Constitution, the most likely manner to change the present status of term reeligibility of Oklahoma

Representative Alexander

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July 25, 1979

legislators would be by constitutionally amending Sections 9A and 10A of Article 5 of the Oklahoma Constitution.

Should there be any further information needed on any aspect in the above material, please contact me at 521-3201.

GGH:mj

ATTACHMENT B

**Draft Model Resolution and
Legislative Initiatives from
U.S. Senator Humphrey,
Arizona, Florida, Oklahoma, Oregon, Texas and Utah**

Americans To Limit Congressional Terms

DRAFT MODEL RESOLUTION: LIMITATION OF CONGRESSIONAL TERMS AMENDMENT

A joint resolution for the purpose of petitioning the Congress of the United States to propose an amendment to the Constitution of the United States, for submission to the states, to limit the number of terms a person may serve in the United States House of Representatives to no greater than six and to limit the number of terms a person may serve in the United States Senate to no greater than two, or in the alternative, to call a convention for the sole and exclusive purpose of proposing such an amendment for submission to the states for ratification.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF _____:

WHEREAS, Congress was originally envisioned by the Founding Fathers as a non-partisan, part-time legislative body whose members would take time from their normal businesses and professions to attend the congressional session for four to five months annually; and

WHEREAS, the press of the nation's business has forced the Congress to become increasingly a highly-structured, professional and hierarchical institution rather than an informal, flexible gathering of citizens and legal intellects that obtained in the Federalist Era; and

WHEREAS, the power of the incumbency has grown over time and with the institution of electronic media to the point that the incumbent is nearly unassailable in any normal election; and

WHEREAS, the seniority system in the Congress, though recently reformed, still places disproportionate stress on electoral longevity; and

WHEREAS, innovative ideas and rejuvenated vigor are more likely to come to the Congress through new members fresh from association with the American people; and

WHEREAS, the most common complaint that the public makes about congressional service is that Congressmen spend more of their time running for office than attending to their duties; and

WHEREAS, the power of incumbency makes biennial congressional elections an expensive, exasperating and, ultimately, rather meaningless waste of each Congressman's time and talents; and

WHEREAS, under Article V of the Constitution of the United States, an amendment to the Constitution may be proposed by Congress, or on the application of the legislatures of two-thirds of the states, the Congress shall call a constitutional

convention for the purpose of proposing an amendment, which, in either case, shall become part of the Constitution when ratified by three-fourths of the several States:

NOW, THEREFORE, BE IT RESOLVED by the Legislature of the State of _____, that the Congress of the United States is hereby petitioned to propose an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no more than six and to limit the number of terms a person may serve in the United States Senate to no more than two; and

BE IT FURTHER RESOLVED, that alternatively, effective July 1, 1991, that pursuant to Article V of the Constitution of the United States, the Legislature of the State of _____ makes application to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no greater than six and to limit the number of terms a person may serve in the United States Senate to no greater than two; and

BE IT FURTHER RESOLVED, that if Congress proposes and submits to the states for ratification, within sixty days after the legislatures of two-thirds of the states have made application for such convention, an amendment to the Constitution of the United States similar in subject matter to that contained in this Joint Resolution, then this application for a convention shall no longer be of any force or effect; and

BE IT FURTHER RESOLVED, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

BE IT FURTHER RESOLVED, that this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several States have made application for a similar convention pursuant to Article V or the Congress has proposed an amendment to the Constitution of the United States similar in subject matter to that contained in this Joint Resolution; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be transmitted by the secretary of state to the president and the secretary of the United States Senate, to the speaker and the clerk of the United States House of Representatives, to each member of this state's delegation to the Congress and to the presiding officer of each house of each state legislature in the United States.

AMERICANS TO LIMIT CONGRESSIONAL TERMS



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Virginia
The Honorable Donald H. Rumsfeld
Illinois

MEMORANDUM

TO: ALCT Supporters
FROM: Jim Coyne, National Co-Chairman
DATE: March 5, 1990
RE: ALCT Background and local involvement

Thank you for your interest in Americans to Limit Congressional Terms. Enclosed you will find information about ALCT and a number of ways you can help the term limitation movement.

If you wish to make a contribution please make all checks payable to Americans to Limit Congressional Terms.

In addition, if you would like to send mailgrams to the majority leaders in your state legislature, you can call our special number, (900)740-4343, and they will be sent in your name. There will be a one time charge of \$5.00 added to your phone bill for this service.

If you have any questions or comments, please call us at (202)842-4446, and ask for either David Freibert or John Denny.

Once again, thank you for your interest in this effort, and we hope to hear from you very soon.

AMERICANS TO LIMIT CONGRESSIONAL TERMS



WHAT CAN I DO TO LIMIT CONGRESSIONAL TERMS AND REFORM CONGRESS?

A group called Americans to Limit Congressional Terms (ALCT) has been created in response to the daily reports of Congress' abuse of power and its inability to address the country's problems.

The first and most important step to reform Congress and return control of our federal government to the people is to take Congress away from the professional politicians and return to our forefathers' ideal of citizen legislators.

To achieve that goal, ALCT is coordinating groups and individuals across America in an effort to pass a constitutional amendment limiting Congressional terms to 12 years through Congress and the legislatures of the necessary 38 states by July 4, 1991.

Please note: this is not a regulated effort where you have to check in with some faceless person or group before you act -- just go ahead and do what you think is best -- that may be something on the list below or it may be something no one has thought of yet.

If you're wondering what you can do to get involved in order to help return control of Congress to the people, please do any one, a combination, or all of the following:

Write or call your Congressman or Senator

They work for you and they get paid to listen to your opinion and to represent your beliefs. Tell them that you support limitation of terms, are talking to friends about it and want them to vote for the amendment when it comes before Congress. It is critical that they know of your support because they will have to vote on the amendment.

Also urge them to sign a petition declaring their support for the limitation of terms when they announce their next reelection campaign.

Many current Members of Congress will oppose our efforts out of self-serving reasons, but one thing all politicians understand is the power of the ballot box. Let them know you will use it.

Write or call your local State Representative or Senator

Your legislators are elected to represent you as well. Let

them know how strongly you support limitation of terms and ask them to support legislation calling on Congress to pass an amendment limiting terms.

Many of your local representatives intend to move up the political ladder to higher office someday and they should be fairly supportive of making it impossible for Members of Congress to serve for decades.

When writing your local representatives, suggest they lead the local effort.

These folks have the contacts and the hands-on experience in getting this type of thing done. They can be of great assistance and will offer many helpful ideas of their own.

The same applies to civic leaders you know who are active for good causes and are good leaders.

Write a letter to the editor.

This is a very newsworthy issue and it is going to get a lot hotter. Your paper is already running daily or weekly accounts of abuses in Congress and the effort to limit terms is gaining visibility.

Based on what you see happening in Congress every day, just make your best arguments for limiting terms and returning Congress to the people of the country and send it to your local paper. You can send it to more than one paper and if replies to your letter are printed, write again.

Recruit 5 friends or fellow workers to get involved.

Just determine which 5 of your acquaintances are most interested in doing something about the corruption and inaction in Congress and share with them these ideas and your own on how they can get involved and make a difference.

If you need more literature or information, please call us.

Send us the names of 5 community leaders who would be likely to support this effort and who would be good leaders for your area.

These folks don't necessarily have to be acquaintances of yours. Leaders in local government, businesses, charities, neighborhoods, churches, or sports who support this effort would be great additions to our ranks -- either by lending us their name or pitching in and doing the actual work.

We will then send them information on limiting terms and ask them to join us.

Express your opinion in call-in shows.

Chances are that call-in radio shows in your area will be discussing this issue from time to time and you should make your opinion known. Even if limitation of terms is not the topic, call-in hosts are always looking for a hot new subject for their shows and you would be giving them one.

Send a donation.

Most of the important work will be done by individuals like you. But contacting you and others through the mail, providing written materials and overall coordination to groups and individuals across the country costs money.

In addition, we are planning a major lobbying effort to convince elected officials that they cannot afford to ignore the wishes of the people, as well as a major advertising campaign.

Any amount you can send, whether its \$10, \$25, \$50, or more, will be of great help.

Recruit 5 people you think would like to contribute or would like to head up a fundraising effort in your area.

You can make a big difference by finding 5 friends who are willing to donate \$10 to assist our effort -- because we're working on their behalf as well. Even more helpful would be identifying someone who would be willing to take on the responsibility of raising money for the effort in your area.

Contact us if you'd like to help coordinate petition drives

One of the most important things we will be doing will be collecting signatures in all 50 states to display the overwhelming support for the effort and to prepare to get on the ballot in the states necessary.

We will need people in each county, in every state to head up the local effort.

As was stated above, the success of this effort to return Congress to those whom it was created to represent -- namely the people of this country -- depends upon the commitment and desire of individual Americans and not some organized group or bureaucracy.

So if you have any ideas concerning additional ways in which you or others may help move toward our common goal, go right ahead - and let us know so we can pass the ideas on to others.

ALCT BACKGROUND

LEVEL OF PUBLIC SUPPORT

In view of a recent survey, data indicates that more Americans are dissatisfied with Congress than are satisfied. In an effort to return Congress to the "citizen's legislature", Americans to Limit Congressional Terms, ALCT, has begun to mobilize state and federal legislatures, as well as the American public into action. At the present time, resolutions have been introduced in at least 10 state legislatures, calling for Congressional action to allow adoption of a constitutional amendment limiting terms.

To date, ALCT has recruited a list of 40,000 supporters nationwide of term limitation. Among these are 18,000 individuals who have made financial contributions to help sustain ALCT.

CONSTITUTIONAL TREATMENT OF TERMS

Currently, the Constitution places no time limit on how long members of the U.S. House of Representative and the U.S. Senate can serve in office. ALCT proposes to limit Congressional service to no more than two Senate terms, and no more than six Congressional terms, eliminating career politicians and allowing new citizen legislators committed to solving our nation's problems. While Congress does have the power to limit terms by legislation, it is unlikely that such a law could be passed, thus giving rise to the need for structural limitation of terms through constitutional amendment.

HISTORY OF TERM LIMITATION

The issue of limiting congressional terms is no a new one. Since the inception of Congress, there has been much debate about the effectiveness and accountability of this institution. Congress has, at various times, debated length of terms ranging from one to three years. Among the structural considerations examined, in an effort to make Congress act with greater accountability, is the duration of individual tenure in Congress. But, with regard to the Constitution, no term of limitation provision was proposed.

NEED FOR TERM LIMITATION

Congress has acted systematically and repeatedly to protect the incumbency and to make the job of Congressional service as comfortable as possible. Just last year, Congress voted to increase its' own level of pay from \$89,500 per year to \$120,800 in 1991. That places Members of Congress in the top 1% of all wage earners nationwide. In addition, Congress now proposes to increase official mail allocations by 40% next year to a record non-election year level of \$94.5 million dollars, and to increase office and staff budgets by 27%.

ALCT GOALS AND INTENTIONS

The movement to limit terms in Congress originates in state legislatures. As such, the function of ALCT is to serve as an umbrella group under which any type of organization or individual may campaign on behalf of this effort. To support these efforts, ALCT will provide information, assistance and on going support through education programs and the following working groups:

- o Speakers Bureau
- o State Initiative and Referendum Committee
- o Local Governments Advisory Committee
- o Legislative Drafting Committee
- o Federal and State Legislative Advisory Committees
- o State and National Finance Committees

To date, ALCT has experienced wide support from state legislatures, various political groups and associations as well as the American public. South Dakota has passed the limitations resolution through both the House and the Senate, and there are 11 states introducing the limitation of terms resolution this session: Alaska, Colorado, Idaho, Kansas, Missouri, New Hampshire, Utah, Vermont, Florida, Louisiana, and Hawaii.

ROLL CALL



THE NEWSPAPER OF CONGRESS

VOL. 35, NO. 60

MONDAY, FEBRUARY 5, 1990

Drive to Restrict Hill Tenure Gaining National Momentum

By Glenn R. Simpson

The drive to limit Congressional tenure is rapidly gaining ground and appears likely to soon become a major issue in state legislatures nationwide and in Congress.

Independent initiatives to restrict Members' time in office — 12 years is a popular number — have sprung up across the country, while a new Washington-based organ-

ization pushing for a constitutional amendment to limit terms is shifting into high gear. "There's no question that it's building steam," said Mark Liedl, director of the Heritage Foundation's US Congress Assessment Project.

James Thurber, director of the Center for Congressional and Presidential Studies at American University, a peer: "I've been on

a variety of shows and taken calls from citizens all around the United States and they are really hot, in terms of wanting to get rid of people who seem to have some ethical problem, and they are pushing the brush widely all over the institution. They feel that maybe this is a way to solve that problem."

Continued on page 25

Continued from page 1

Two recent Gallup polls indicate the movement's potential. A June 1989 survey of 1,008 adults nationwide found 57 percent of the sample supporting some kind of limit on Congressional service, while 34 percent opposed limits.

Another Gallup poll last month of 750 Americans nationwide found 70 percent support limiting service of Senators and Representatives.

In the forefront of the state legislature movement is California, which is considering several anti-incumbent proposals for state legislators. Attorney General John K. Van de Kamp, who is seeking the Democratic nomination for governor, has built

'We've had almost inversionary success in organizing this thing as you get farther away from Washington.'

his campaign around several initiatives, including a limit of 12 years of consecutive service for state lawmakers. California voters will likely face the question this fall.

Meanwhile, two other groups are also seeking to place anti-incumbency provisions on the state ballot. Polls show that over 70 percent of likely voters state wide favor the proposal.

California organizers from a group called New Broom are hoping to go after Congressmen if their state initiative is successful.

They may be overtaken, however, by a Washington-based group called Americans to Limit Congressional Terms. The group, which seeks a constitutional amendment limiting Congressional terms, will hold a formal coming-out press conference on Feb. 13 at the National Press Club.

The group, which was set up by executives of the political consulting firm Eddie Mahr and Associates, is attempting to mobilize state legislatures to call for a constitutional amendment limiting US Senate and House terms.

According to organizer David Sparks, such measures are already pending in ten states, including Alaska, Colorado, Hawaii, Idaho, Kansas, and Michigan. The

both chambers of the South Dakota legislature have already passed legislation.

"We've had almost inversionary success in organizing this thing as you get farther away from Washington," said Sparks. "The action is in the state legislatures."

Initially set up last May, the group already has 41,000 supporters nationwide and 14,000 donors. More than 100 state legislators have joined the group, as have 35 former Members of Congress.

The organization has also enlisted the aid of retiring Sen. Gordon Humphrey (R-NH), long an advocate of the citizen-legislator concept, who is also introducing a measure in the Senate that calls for a limiting-terms amendment.

Humphrey himself is leaving the Senate at the end of 1990 after serving 12 years.

"We want to bring this thing to a head quickly," said Sparks, adding that the group has had exceptional success with its initial direct-mail campaigns, which are actually prospecting efforts. The group hopes to make the question of limiting tenure a major issue in the 102nd Congress, Sparks said.

The reason a limit on terms needed is to make Congress more representative and less distant, Sparks said. "Many people think the turnover will be healthy."

He said many Americans feel higher turnover would help eliminate ethics abuses and generally invigorate Congress. He calls the issue a populist one with appeal reaching across ideological lines. The proposal would appeal to blacks and feminists, he said, because the increase in turnover could result in increased representation for them.

Ralph Nader has also expressed interest in enlisting in the effort, according to Sparks.

The group is also seeking to make term limits an issue in the 1990 Congressional elections by asking candidates to pledge that they will not serve more than 12 years.

In an effort to avoid squabbles over the form of the amendment, a model resolution is being circulated that simply calls for a 12-year limit on service without addressing the question of how long each term should be for a Representative and Senator.

Political scientists are skeptical about the chances for passing a constitutional amendment because of the many impediments built into the process. But in Colorado, state Sen. Terry Conside Rittmund may have come up with another way.

state legislature containing a provision that imposes limits on the Congressional service of Members of the Colorado delegation only.

While the conventional wisdom is that the US Constitution supersedes state restrictions on federal lawmakers, there are numerous cases to the contrary, said Conside.

He said that some states in the 1800s directly elected Senators before the practice was mandated by a constitutional

The group is asking candidates in the 1990 Congressional elections to pledge they will not serve more than 12 years.

amendment.

Arizona has found a way to place restrictions on its federal lawmakers that skirts the issue of constitutionality. When elected, the state's Congressmen sign pledges agreeing to step down if a majority of voters votes to recall them. The pledges may not actually be legally binding, but that would not likely prevent them from producing the desired result.

Since the mid-1970s, interest inside Congress in limiting terms has built slowly. More than a dozen proposals to limit tenure have been introduced thus far in the 101st Congress.

But interest in limiting tenure dates back to the founding of the Republic. The ill-fated Articles of Confederation carried a term limitation for Members of the Continental Congress, though it was not enforced after 1784.

The two-year term for Representatives enshrined in the Constitution was intended to force high turnover in that body, though many scholars say it now has the opposite effect.

Periodic efforts during this century to impose limits on tenure have flopped. The Senate rejected one such proposal in 1947 by a vote of 82-1. In 1951 President Harry Truman proposed a 12-year limit on service but got no vote.

While public support for limiting terms seems high, it doesn't appear to have in-

1977, 60 percent of respondents to a Gallup poll supported a 12-year limit on Congressional tenure, while a 1981 Gallup poll showed similar results. More recently, respondents to a 1987 CBS/New York Times poll split evenly on the question, 47 percent for each side.

While the issue has broad appeal, much of the impetus for limiting tenure comes from Republicans, who feel that incumbency advantages lock in the Democratic majority in both houses.

But many scholars, such as Thomas Mann of the Brookings Institute, have raised questions about the validity of this view.

In its 1988 presidential platform the GOP called for limits on Congressional terms, an unprecedented move according to some scholars.

Apart from partisan issues, Liedl of the Heritage Foundation said he supports the concept of citizen-legislators but is wary of limiting terms by statute.

"There are some legitimate concerns," he said. "People ought to be able to vote for whomever they wish. The problem, however, is that by limiting the president's term, we have skewed the original balance of power in favor of Congress. The president must leave after eight years, but Congressmen can stay forever."

Colorado is considering a bill to impose limits on the service of Members of its own Hill delegation only.

"Repeal of the 22nd amendment would be my first choice. If that's not possible, perhaps the only way to re-establish parity is by limiting Congressional terms."

Liedl has another concern with the idea — "that it addresses the symptoms of the malady without addressing the cause. Incumbent re-election rates are so high because of the built-in advantages that incumbents have over challengers."

But voters are skeptical about incumbents ever going away with their own advantages. That is why many see limiting

Rotation in Office

You'd think the hot topic of concern on Capitol Hill last week might have been whether Mikhail Gorbachev will survive or even which military bases will be closed by the Bush budget. No way. Members and staffers were buzz over a front-page headline in the Capitol Hill newspaper, Roll Call. It read: "Drive to Restrict Hill Terms Gaining National Momentum." Now that is something for Members to worry about.

Until recently, the drive to put a limit on terms of service in Congress has been ignored in Washington, though it's been a fixture on radio talk shows around the country for months. Tomorrow, a Washington group called Americans to Limit Congressional Terms (ALCT) will bring the battle inside the Beltway with a news conference kicking off a campaign for a constitutional amendment to limit Members to 12 years of consecutive service. They will also ask all candidates for Congress in this year's elections to pledge they will not serve more than 12 years.

The effort to limit congressional tenure—what Thomas Jefferson approvingly called "rotation in office"—is riding a tidal wave of voter disgust with Congress. Last month, a Gallup Poll found that 70% of those polled support the term-limitation idea. Not surprisingly, the same poll showed that 70% of those in Congress oppose any limit on terms.

Former GOP Congressman Jim Coyne, the co-chairman of ALCT, isn't surprised at this sharp division between the voters and their elected representatives. "Members of Congress have no idea of how frustrated people are with the institution," he says. "Voters feel the only way to control it is to limit how long people can remain part of the problem."

Mr. Coyne isn't the only former Member to have left Capitol Hill and come to the same conclusion. Some 33 former Members of Congress, including eight Democrats, are supporting ALCT's effort (see box).

Other former Members support limiting terms but stop short of endorsing a specific proposal. John Lindsay, a Democrat who also served as mayor of New York City, notes that the 90% re-election rate for House incumbents means "you no longer have effective competition for seats." He told us a term limit would mean there was at least some way to sweep out the old wood.

Five or six months ago, term limitation was built up an impressive

head of steam. Resolutions calling for a constitutional amendment are pending in 10 states, and both houses of the South Dakota Legislature have already approved it. Initiatives to limit the terms of state officeholders have qualified for the November ballot in California and Oklahoma.

Many supporters of term limits come to their position reluctantly. We are well aware, for instance, of the argument that such a system might place even more legislative power in the hands of unelected committee staffs, though we don't think this is an unavoidable result. Others argue that the idea limits the right of voters to elect whom they choose.

At the end of the day, however, one is left with the plain fact that the current incumbent-protection machine lets Members ward off nearly all challengers. In 1988, one out of five House Members had no major-party opposition. This year, 12 out of 27 Texas districts will see an incumbent running

**12
is
Enough!**

Voices of Experience

Americans to Limit Congressional Terms hosts a National Advisory Board comprising the following former Members of Congress:

- James C. Abourezk (D., S.D.)
- Glenn Andrews (R., Ala.)
- Lamar Baker (R., Tenn.)
- Cleve Benedict (R., W. Va.)
- Ben Blackburn (R., Cal.)
- M. Caldwell Butler (R., Va.)
- Daniel E. Burton (R., N.Y.)
- Howard Callaway (R., Ga.)
- James Cleveland (R., N.H.)
- James Coyne (R., Penn.)
- Paul Cronin (R., Mass.)
- William Curtin (D., Ky.)
- Thomas Curtin (R., Mo.)
- James Dorn (R., Mich.)
- Arlen Erdani (R., Minn.)
- Donald Fraser (D., Minn.)
- Ernst Hance (D., Texas)
- Thomas Harmer (R., S.C.)
- Elwood Hillis (R., Ind.)
- Ken Holland (D., S.C.)
- James Johnson (R., Colo.)
- Walter Kudd (R., Minn.)
- John LeBoutlier (R., N.Y.)
- Paul McCloskey (R., Calif.)
- Donald McGonley (D., Neb.)
- Walter McVey (R., Kansas)
- William S. Markward (R., Calif.)
- Edwin Mors Jr. (R., Conn.)
- Ronald Mott (D., Ohio)
- Ned Patton (D., N.Y.)
- Charlotte T. Reid (R., Ill.)
- Kenneth Robinson (R., Va.)
- Donald Rumsfeld (R., Ill.)

unopposed or with only a third-party opponent.

Of course, the term limitation effort doesn't have to succeed to force Congress to clean up its playpen. Members know that a limit on terms would be the public's ultimate vote of no confidence in them. If the term-limitation movement's steam after tomorrow, we hope that Congress for once will have the sense to see clearly where the problem lies.

101ST CONGRESS
2D SESSION

S. J. RES. 235

Proposing a constitutional amendment to limit Congressional terms.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 1990

Mr. HUMPHREY (for himself and Mr. DECONCINI) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing a constitutional amendment to limit Congressional terms.

1 *Resolved by the Senate and House of Representatives of*
2 *the United States of America in Congress assembled (two-*
3 *thirds of each House concurring therein), That the following*
4 *article is proposed as an amendment to the Constitution of*
5 *the United States, which shall be valid to all intents and*
6 *purposes as part of the Constitution if ratified by the legisla-*
7 *tures of three-fourths of the several States within seven years*
8 *after its submission for ratification:*

1 "ARTICLE —

2 "SECTION 1. No person shall be elected to the Senate
3 for more than two full terms. No person shall be elected to
4 the House of Representatives for more than six full terms.

5 "SECTION 2. Notwithstanding section 1, a person may
6 serve not more than fourteen years as a Senator and not
7 more than thirteen years as a Representative.

8 "SECTION 3. For purposes of determining eligibility for
9 election under section 1, no election occurring before the date
10 on which this article is ratified shall be taken into account.
11 For purposes of determining years of service under section 2,
12 no service of any part of a term of office of a Senator or
13 Representative elected to such term before the date this arti-
14 cle is ratified shall be taken into account."

○

HOUSE

HCR 2023

Introduced

February 6, 1990

Referred on February 6, 1990

Rules

Judiciary

Government Operations

Introduced by

Representative Kromko

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO SUFFRAGE AND ELECTIONS; PRESCRIBING A LIMIT ON TERMS FOR PUBLIC OFFICES ESTABLISHED BY THIS CONSTITUTION, AND AMENDING ARTICLE VII, SECTION 15, CONSTITUTION OF ARIZONA.

- 1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:
3 1. The following amendment of article VII, section 15, Constitution
4 of Arizona, is proposed to become valid when approved by a majority of the
5 qualified electors voting thereon and on proclamation of the Governor:
6 15. Qualifications for public office; limit on terms
7 Section 15. A. Every person elected or appointed to
8 any elective office of trust or profit under the authority of
9 the state, or any political division or any municipality-
10 thereof, shall be a qualified elector of the political
11 division or municipality in which such person shall be
12 elected.
13 B. A PERSON SHALL NOT BE ELECTED TO A PUBLIC OFFICE AND
14 A JUDGE SHALL NOT BE RETAINED IN OFFICE FOR A NUMBER OF TERMS
15 WHICH EXCEEDS TWELVE YEARS COMMENCING WITH TERMS OF OFFICE
16 BEGINNING IN 1991 AND THEREAFTER.
17 2. The proposed amendment (approved by a majority of the members
18 elected to each house of the Legislature, and entered upon the respective
19 journals thereof, together with the ayes and nays thereon) shall be by the
20 Secretary of State submitted to the qualified electors at the next regular
21 general election, or at a special election called for that purpose, as
22 provided by article XXI, Constitution of Arizona.

HOUSE

HCR 2024

Introduced
February 7, 1990

Referred on February 7, 1990

Rules _____

JUDICIARY

Introduced by

Representatives Herman: Hull, Johnson, Kromko, Updike, Wessel

A CONCURRENT RESOLUTION

PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA RELATING TO THE LEGISLATURE AND THE EXECUTIVE DEPARTMENT; PRESCRIBING DESIGNATED LEGISLATIVE SEATS; PRESCRIBING TERMS OF OFFICE; PRESCRIBING LIMITS ON TERMS OF EXECUTIVE DEPARTMENT OFFICES; AMENDING ARTICLE IV, PART 2, SECTION 1 AND ARTICLE IV, PART 2, SECTION 21, CONSTITUTION OF ARIZONA; REPEALING ARTICLE V, SECTION 10, CONSTITUTION OF ARIZONA, AND AMENDING ARTICLE V, CONSTITUTION OF ARIZONA, BY ADDING SECTION 10.

- 1 Be it resolved by the House of Representatives of the state of Arizona,
2 the Senate concurring:
3 1. The following amendment of article IV, part 2, section 1,
4 Constitution of Arizona, is proposed to become valid when approved by a
5 majority of the qualified electors voting thereon and on proclamation of
6 the Governor:
7 1. Senate: house of representatives; members;
8 special session upon petition of members
9 Section 1. (1) The senate shall be composed of one
10 member elected from each of the thirty legislative
11 districts established by the legislature. The house of
12 representatives shall be composed of two members elected
13 from each of the thirty legislative districts established
14 by the legislature. BEGINNING WITH THE ELECTION OF THE
15 MEMBERS OF THE FORTY-FIRST LEGISLATURE, THE SEATS FOR THE
16 HOUSE OF REPRESENTATIVES FROM EACH LEGISLATIVE DISTRICT
17 SHALL BE DESIGNATED "A" AND "B" IN THE ALPHABETIC ORDER OF
18 THE SURNAMES, THEN FIRST NAMES, OF THE CANDIDATES.

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CANDIDATES FOR THE HOUSE OF REPRESENTATIVES SHALL RUN FOR EITHER SEAT "A" OR SEAT "B".

(2) Upon the presentation to the governor of a petition bearing the signatures of not less than two-thirds of the members of each house, requesting that he call a special session of the legislature and designating the date of convening, the governor shall forthwith call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the legislature shall not be limited.

2. The following amendment of article IV, part 2, section 21, Constitution of Arizona, is proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the Governor:

21. Terms of members of legislature

Section 21. A. The members of the first legislature shall hold office until the first Monday in January, 1913. ~~The terms of office of the members of succeeding legislatures shall be two years.~~ BEGINNING WITH THE GENERAL ELECTION OF THE MEMBERS OF THE FORTY-SECOND LEGISLATURE, ALL MEMBERS OF THE LEGISLATURE SHALL SERVE STAGGERED FOUR YEAR TERMS.

B. IN THE FORTY-FIRST LEGISLATURE, PERSONS ELECTED FROM FIFTEEN OF THE THIRTY LEGISLATIVE DISTRICTS SHALL SERVE A TWO YEAR TERM AND THE LEGISLATORS ELECTED FROM THE REMAINING FIFTEEN LEGISLATIVE DISTRICTS SHALL SERVE A FOUR YEAR TERM. THE DESIGNATION OF THE FIFTEEN TWO YEAR LEGISLATIVE SEATS SHALL BE AS OTHERWISE PROVIDED BY LAW.

C. IN THE ELECTION FOR THE FORTY-SECOND LEGISLATURE, ONLY THOSE FIFTEEN DISTRICT SEATS WHICH WERE DESIGNATED FOR A TWO YEAR TERM IN THE FORTY-FIRST LEGISLATURE WILL BE OPEN FOR AND SUBJECT TO ELECTION, AND THOSE PERSONS ELECTED TO THOSE FIFTEEN DISTRICT SEATS SHALL SERVE A FOUR YEAR TERM. THEREAFTER, THOSE FIFTEEN DESIGNATED SEATS SHALL BE FOR A FOUR YEAR TERM, AS PROVIDED IN SUBSECTION A OF THIS SECTION.

D. BEGINNING WITH THE TERMS OF THOSE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THOSE MEMBERS OF THE SENATE WHO ARE ELECTED TO THE FORTY-SECOND LEGISLATURE, A PERSON SHALL NOT HOLD THE OFFICE OF STATE REPRESENTATIVE FOR MORE THAN THREE CONSECUTIVE ELECTED TERMS AND A PERSON SHALL NOT HOLD THE OFFICE OF STATE SENATOR FOR MORE THAN THREE CONSECUTIVE ELECTED TERMS.

1 3. The repeal of article V, section 10, Constitution of Arizona, is
2 proposed to become valid when approved by a majority of the qualified
3 electors voting thereon and on proclamation of the Governor:

4 Article V, section 10, Constitution of Arizona,
5 relating to the terms of office of the state treasurer, is
6 repealed.

7 4. The following amendment of article V, Constitution of Arizona,
8 by adding section 10, is proposed to become valid when approved by a
9 majority of the qualified electors voting thereon and on proclamation of
10 the Governor:

11 10. Executive department offices; limitation on
12 terms

13 SECTION 10. BEGINNING IN 1995, A PERSON SHALL NOT
14 BE ELECTED TO HOLD A SINGLE EXECUTIVE DEPARTMENT OFFICE
15 FOR MORE THAN THREE CONSECUTIVE TERMS.

16 5. The proposed amendments and repeal (approved by a majority of
17 the members elected to each house of the Legislature, and entered upon the
18 respective journals thereof, together with the ayes and nays thereon)
19 shall be submitted as a single ballot question by the Secretary of State
20 to the qualified electors at the next regular general election, or at a
21 special election called for that purpose, as provided by article XXI,
22 Constitution of Arizona.

STATE OF ARIZONA
39th LEGISLATURE
SECOND REGULAR SESSION

REFERENCE TITLE: legislative seat; designation

HOUSE

HB 2610
Introduced
February 7, 1990

Referred on February 7, 1990

Rules _____

Judiciary

Introduced by

Representatives Hermon: Hull, Johnson, Kromko, Updike, Wessel

AN ACT

RELATING TO ELECTIONS AND ELECTORS; PRESCRIBING THE DESIGNATION OF SEATS
IN THE HOUSE OF REPRESENTATIVES, AND PROVIDING FOR CONDITIONAL ENACTMENT.

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Designation of initial two-year seat
3 Within ten days of the official canvass of the election at which
4 voters approve the amendments to the constitution to designate seats in
5 the house of representatives and to change and limit terms of certain
6 state and legislative offices, the secretary of state in the presence of
7 the state chairmen of the political parties which are entitled to
8 continued representation pursuant to section 16-804, Arizona Revised
9 Statutes, shall randomly draw a number between one and thirty. If the
10 number drawn is an odd number, the persons elected to the house of
11 representatives from the fifteen odd numbered legislative districts for
12 the forty-first legislature shall serve a two-year term, and the persons
13 elected to the house of representatives from the fifteen even numbered
14 districts shall serve a four-year term. If the number drawn is an even
15 number, the persons elected to the house of representatives from the
16 fifteen even-numbered legislative districts for the forty-first
17 legislature shall serve a two-year term and the persons elected to the
18 house of representatives from the fifteen odd-numbered districts shall
19 serve a four-year term.
20 Sec. 2. Conditional enactment
21 This act does not become effective unless the Constitution of
22 Arizona is amended by vote of the people at the next regular general
23 election to designate seats for the house of representatives and to change
24 and limit terms for certain state officers and legislators.

STATE OF ARIZONA
39th LEGISLATURE
SECOND REGULAR SESSION

REFERENCE TITLE: legislature; terms;
limit; salary

SENATE

SCR 1025

Introduced
February 6, 1990

Referred on February 13, 1990

Rules

Judiciary

Introduced by

Senators Corbet: De Long, Hays, Mawhinney, Osborn, Patterson, Rios,
Stephens

A CONCURRENT RESOLUTION

PROPOSING AMENDMENTS TO THE CONSTITUTION OF ARIZONA RELATING TO THE
LEGISLATURE; PRESCRIBING TERMS; PRESCRIBING A LIMIT ON TERMS; DESIGNATING
SEATS IN THE HOUSE OF REPRESENTATIVES; PROVIDING FOR SALARIES, AND
AMENDING ARTICLE IV, PART 2, SECTION 1, ARTICLE IV, PART 2, SECTION 21 AND
ARTICLE V, SECTION 13, CONSTITUTION OF ARIZONA.

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. The following amendment of article IV, part 2, section 1,
4 Constitution of Arizona, is proposed to become valid when approved by a
5 majority of the qualified electors voting thereon and on proclamation of
6 the Governor:

7 1. Senate; house of representatives; members; special
8 session upon petition of members

9 Section 1. (1) The senate shall be composed of one
10 member elected from each of the thirty legislative districts
11 established by the legislature. The house of representatives
12 shall be composed of two members elected from each of the
13 thirty legislative districts established by the legislature.
14 THE HOUSE OF REPRESENTATIVES SEATS FROM EACH LEGISLATIVE
15 DISTRICT SHALL BE DESIGNATED "A" AND "B" IN THE ALPHABETIC
16 ORDER OF THE SURNAMES, THEN FIRST NAMES, AS THEY APPEAR ON THE
17 BALLOT, OF THE MEMBERS ELECTED TO THE FORTIETH LEGISLATURE.
18 THEREAFTER CANDIDATES FOR THE HOUSE OF REPRESENTATIVES SHALL
19 RUN SEPARATELY FOR EITHER SEAT "A" OR "B".

20 (2) Upon the presentation to the governor of a petition
21 bearing the signatures of not less than two-thirds of the
22 members of each house, requesting that he call a special
23 session of the legislature and designating the date of
24 convening, the governor shall forthwith call a special session
25 to assemble on the date specified. At a special session so

1 called the subjects which may be considered by the legislature
2 shall not be limited.

3 2. The following amendment of article IV, part 2, section 21,
4 Constitution of Arizona, is proposed to become valid when approved by a
5 majority of the qualified electors voting thereon and on proclamation of
6 the Governor:

7 21. Terms of members of legislature

8 Section 21. ~~The members of the first legislature shall~~
9 ~~hold office until the first Monday in January, 1913. BEGINNING~~
10 ~~WITH THE FORTIETH LEGISLATURE IN 1991, the terms of office of~~
11 ~~the members of succeeding legislatures~~ THE HOUSE OF
12 REPRESENTATIVES shall be two years AND THE TERMS OF OFFICE OF
13 THE MEMBERS OF THE SENATE SHALL BE FOUR YEARS. BEGINNING WITH
14 THE FORTIETH LEGISLATURE IN 1991 A PERSON SHALL NOT THEREAFTER
15 BE ELECTED TO MORE THAN SIX TERMS IN THE HOUSE OF
16 REPRESENTATIVES. BEGINNING WITH THE FORTIETH LEGISLATURE IN
17 1991 A PERSON SHALL NOT THEREAFTER BE ELECTED TO MORE THAN
18 THREE TERMS IN THE SENATE.

19 3. The following amendment of article V, section 13, Constitution
20 of Arizona, is proposed to become valid when approved by a majority of the
21 qualified electors voting thereon and on proclamation of the Governor:

22 13. Compensation of elective state officers; commission
23 on salaries for elective state officers

24 Section 13. A. The salaries of those holding elective
25 state offices shall be as established by law from time to
26 time, subject to the limitations of article 6, section 33 and
27 to the limitations of article 4, part 2, section 17. Such
28 salaries as are presently established may be altered from time
29 to time by the procedure established in this section or as
30 otherwise provided by law, except that legislative salaries
31 may be altered only by the procedures established in this
32 section.

33 B. A commission to be known as the commission on
34 salaries for elective state officers is authorized to be
35 established by the legislature. The commission shall be
36 composed of five members appointed from private life, two of
37 whom shall be appointed by the governor and one each by the
38 president of the senate, the speaker of the house of
39 representatives, and the chief justice. At such times as may
40 be directed by the legislature, the commission shall report to
41 the governor with recommendations concerning the rates of pay
42 of elected state officers. The governor shall upon the
43 receipt of such report make recommendations to the legislature
44 with respect to the exact rates of pay which he deems
45 advisable for those offices and positions other than for the
46 rates of pay of members of the legislature. Such
47 recommendations shall become effective at a time established
48 by the legislature after the transmission of the

1 recommendation of the governor without aid of further
2 legislative action unless, within such period of time, there
3 has been enacted into law a statute which establishes rates of
4 pay other than those proposed by the governor, or unless
5 either house of the legislature specifically disapproves all
6 or part of the governor's recommendation. The recommendations
7 of the governor, unless disapproved or altered within the time
8 provided by law, shall be effective; and any 1971
9 recommendations shall be effective as to all offices on the
10 first Monday in January of 1973. In case of either a
11 legislative enactment or disapproval by either house, the
12 recommendations shall be effective only insofar as not altered
13 or disapproved. The recommendations of the commission as to
14 legislative salaries shall be certified by it to the secretary
15 of state and the secretary of state shall submit to the
16 qualified electors at the next regular general election the
17 question, "Shall the recommendations of the commission on
18 salaries for elective state officers concerning legislative
19 salaries be accepted? /_/yes /_/no". Such recommendations if
20 approved by the electors shall become effective at the
21 beginning of the next regular legislative session without any
22 other authorizing legislation. All recommendations which
23 become effective under this section shall supersede all laws
24 enacted prior to their effective date relating to such
25 salaries.

26 C. NOTWITHSTANDING THE APPROVAL OR REJECTION OF THE
27 RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTIVE
28 STATE OFFICERS, BEGINNING WITH THE FORTIETH LEGISLATURE IN
29 1991 THE ANNUAL SALARY FOR A MEMBER OF THE LEGISLATURE SHALL
30 NOT BE LESS THAN THIRTY THOUSAND DOLLARS. LEGISLATIVE SALARIES
31 SHALL BE ADJUSTED ANNUALLY WITH THE PRICE OF GOODS AND
32 SERVICES AS MEASURED BY THE IMPLICIT PRICE DEFLATOR FOR THE
33 GROSS NATIONAL PRODUCT OR ITS SUCCESSOR AS REPORTED BY THE
34 UNITED STATES DEPARTMENT OF COMMERCE OR ITS SUCCESSOR AGENCY.

35 4. The proposed amendments (approved by a majority of the members
36 elected to each house of the Legislature, and entered upon the respective
37 journals thereof, together with the ayes and nays thereon) shall be
38 submitted as a single ballot question by the Secretary of State to the
39 qualified electors at the next regular general election, or at a special
40 election called for that purpose, as provided by article XXI, Constitution
41 of Arizona.

H 1537

1990 SESSION

DATE 02/12/90 TIME 08:18

PAGE

JOINT RESOLUTION by Graham (Similar H 1111)

Florida

Legislators/Terms; constitutional amendment to provide that no member of Legislature who has, or but for resignation would have, served as Senator or member of House of Representatives for more than seven years in consecutive terms shall be elected to that respective house for succeeding term. Creates s. 19, Art. III, s. 20, Art. XII.

01/12/90 H Prefiled

01/16/90 H Referred to Ethics & Elections

H 1111

JOINT RESOLUTION by Lombard (Similar H 1537)

Florida

Legislators/Terms; constitutional amendment to provide that no member of Legislature who has, or but for resignation would have, served as Senator or member of House of Representatives for more than eleven years in consecutive terms shall be elected to that respective house for succeeding term. Creates s. 19, Art. III.

01/11/90 H Prefiled

01/12/90 H Referred to Ethics & Elections

By Representative Lombard

1
2 A joint resolution proposing the creation of
3 Section 19 of Article III of the State
4 Constitution relating to terms of legislators.
5

6 Be It Resolved by the Legislature of the State of Florida:
7

8 That the creation of Section 19 of Article III of the
9 State Constitution set forth below is agreed to and shall be
10 submitted to the electors of Florida for approval or rejection
11 at the general election to be held in November 1990:

ARTICLE III

LEGISLATURE

12
13
14 SECTION 19. Limitation on terms of legislators.--No
15 member of the legislature who has, or but for resignation
16 would have, served as a senator or member of the house of
17 representatives for more than eleven years in consecutive
18 terms shall be elected to that respective house for the
19 succeeding term.

20 BE IT FURTHER RESOLVED that in accordance with the
21 requirements of section 101.161, Florida Statutes, the title
22 and substance of the amendment proposed herein shall appear on
23 the ballot as follows:

TERMS OF MEMBERS OF THE LEGISLATURE

24 Provides that no member of the Legislature who has, or
25 but for resignation would have, served as a Senator or member
26 of the House of Representatives for more than eleven years in
27 consecutive terms shall be elected to that respective house
28 for the succeeding term.
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This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions.

By Representative Graham

1
2 A joint resolution proposing the creation of
3 Section 19 of Article III and Section 20 of
4 Article XII of the State Constitution relating
5 to terms of legislators.
6

7 Be It Resolved by the Legislature of the State of Florida:
8

9 That the creation of Section 19 of Article III and
10 Section 20 of Article XII of the State Constitution set forth
11 below is agreed to and shall be submitted to the electors of
12 Florida for approval or rejection at the general election to
13 be held in November 1990:

14 ARTICLE III

15 LEGISLATURE

16 SECTION 19. Limitation on terms of legislators.--No
17 member of the legislature who has, or but for resignation
18 would have, served as a senator or member of the house of
19 representatives for more than seven years in consecutive terms
20 shall be elected to that respective house for the succeeding
21 term.

22 ARTICLE XII

23 SCHEDULE

24 SECTION 20. Legislators; terms.--The requirements of
25 Section 19 of Article III limiting the number of terms of
26 legislators shall apply only to legislators elected in
27 November 1992 and thereafter.

28 BE IT FURTHER RESOLVED that in accordance with the
29 requirements of section 101.161, Florida Statutes, the title
30 and substance of the amendment proposed herein shall appear on
31 the ballot as follows:

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This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions.

STATE OF OKLAHOMA

2nd Session of the 42nd Legislature (1990)

HOUSE JOINT
RESOLUTION NO. HJR 1040

BY: KEY

Charles D. Key

AS INTRODUCED

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO THE OKLAHOMA CONSTITUTION BY ADDING A NEW SECTION TO ARTICLE V TO BE DESIGNATED AS SECTION 17A; PROVIDING FOR LIMITATIONS ON THE NUMBER OF YEARS A PERSON COULD SERVE IN THE LEGISLATURE; PROVIDING EXCEPTIONS; PROVIDING BALLOT TITLE; AND DIRECTING FILING.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 42ND OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article V of the Constitution of the State of Oklahoma by adding a new Section 17A to read as follows:

Section 17A. Any member of the Legislature who is elected to office after the effective date of this amendment shall be eligible to serve no more than twelve (12) years in the Oklahoma State Legislature. Years in Legislative office need not be consecutive and years of service in both the Senate and the House of Representatives shall be added together and included in determining the total number of Legislative years in office. The years served by any member elected or appointed to serve less than a full Legislative term to fill a vacancy in office shall not be included in the twelve-year limitation set forth herein; but no member who has completed twelve (12) years in office shall thereafter be eligible to serve a partial term. Any member who is serving a Legislative term in office or who has been elected or appointed to serve a term in office on the effective date hereof shall be entitled to complete his or her term and shall be eligible to serve an additional twelve (12) years

Req. No. 7190

Page :

1 thereafter. This amendment shall be effective on the 1st day of the
2 year following its adoption.

3 SECTION 2. The Ballot Title for the proposed Constitutional
4 amendment as set forth in SECTION 1 of this resolution shall be in
5 the following form:

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends Article 5 of the Oklahoma
10 Constitution by adding Section 17A. It provides that
11 any member of the Legislature elected to office after
12 the effective date of this amendment would be allowed
13 to serve no more than 12 years. Years served need not
14 be consecutive and service in either House of the
15 Legislature shall be counted. Time served by a member
16 elected or appointed to serve less than a full term
17 shall not be counted. No member who has completed a
18 12-year term shall be allowed to serve a partial term.
19 Members serving on the effective date or who have been
20 elected or appointed to serve are allowed to serve an
21 additional 12 years. The measure shall become
22 effective on the 1st day of the year following its
23 approval.

24 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

25 YES, FOR THE AMENDMENT

26 NO, AGAINST THE AMENDMENT

27 SECTION 3. The Chief Clerk of the House of Representatives,
28 immediately after the passage of this resolution, shall prepare and
29 file one copy thereof, including the Ballot Title set forth in
30 SECTION 2 hereof, with the Secretary of State and one copy with the
31 Attorney General.
32

House Joint Resolution 9

Sponsored by Representative BURTON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Proposes amendment to Oregon Constitution upon voter approval to fix term of member of House of Representatives at four years. Limits Senators and Representatives to no more than three terms. Prescribes transition procedures.

JOINT RESOLUTION

1 Be It Resolved by the Legislative Assembly of the State of Oregon:

2 PARAGRAPH 1. Section 4, Article IV of the Constitution of the State of Oregon, is amended
3 to read:

4 Sec. 4. (1) The Senators shall be elected for the term of four years, and Representatives for the
5 [term] terms of [two] four years. A Senator or Representative may serve no more than three
6 terms. The [term] terms of [each Senator and Representative] Senators and Representatives shall
7 commence on the second Monday in January following [his] election, and shall continue for the full
8 period of four years [or two years, as the case may be,] unless a different commencing day for such
9 terms shall have been appointed by law.
10

11 (2) The Senators and Representatives shall [continue to] be divided into two classes, in ac-
12 cordance with the division by lot provided for under the former provisions of this Constitution,) so that
13 one-half, as nearly as possible, of the number of Senators and Representatives, respectively shall
14 be elected biennially.

15 [(3) Any Senator or Representative whose term, under the former provisions of this section, would
16 have expired on the first Monday in January 1961, shall continue in office until the second Monday
17 in January 1961.]

18 (3) Notwithstanding the amendment to subsection (1) of this section, Representatives
19 elected in 1992 shall draw lots to determine whether they are to serve two-year or four-year
20 terms. The Secretary of State shall supervise the drawing so that the membership is divided
21 into two classes so that one-half shall be elected biennially.

22 (4) The provisions of subsection (1) of this section shall not apply to require any Repre-
23 sentative or Senator to resign from office because the term being served on the effective
24 date of this amendment exceeds the limits established in subsection (1) of this section.

25 *
26 PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people
27 for their approval or rejection at the next regular general election.
28

Intitit

CONCURRENT RESOLUTION

1 WHEREAS, It is an established principle of this democracy
2 that power resides in an office of public trust, created by law,
3 and not in the person or prestige of the officeholder; and

4 WHEREAS, Longevity in office, through the repeated election
5 of a United States senator or representative, has become a source
6 of awesome power and prestige for select individuals because of the
7 system of Congressional seniority and the manner of assigning
8 committee chairmanships; and

9 WHEREAS, Longevity in office has produced numerous and
10 significant problems in the practical working of government;
11 moreover, it has helped to foster a professional, technocratic form
12 of democracy that has forfeited the interest and active support of
13 a majority of eligible voters; and

14 WHEREAS, The most direct and expedient means of addressing
15 the problems attendant on longevity in office is to place a
16 reasonable limit on the tenure of individuals who hold office, just
17 as a limit is placed, for similar reasons, on the tenure of a
18 president; and

19 WHEREAS, A limitation on an individual's term in a
20 congressional office would greatly improve the working of
21 government; the expense of government could be significantly
22 reduced, since a major portion of the congressional budget is
23 currently devoted to the reelection of incumbent congressmen; in
24 addition, members of Congress would be better able to concentrate

1 their efforts on the issues facing the nation rather than on the
2 problem of reelection; and members who do not expect to remain in
3 office indefinitely will be less beholden to special interests and
4 will be more inclined to consider the interest of the public; and

5 WHEREAS, A limitation on an individual's term in office could
6 produce far-reaching benefits for the nation as a whole, for states
7 and districts will be better represented as a result of greater
8 competition for office; and

9 WHEREAS, Government should become more responsive and more
10 representative of the public it serves; and public confidence in
11 equal representation can be restored if select officeholders do not
12 hold substantially more power than their peers in office; now,
13 therefore, be it

14 RESOLVED, That the 71st Legislature, 3rd Called Session, of
15 the State of Texas hereby make petition to the Congress of the
16 United States to call a convention for the specific and exclusive
17 purpose of proposing an amendment to the United States Constitution
18 that would limit the terms of members of Congress to two terms for
19 a United States Senator and six terms for a United States
20 Representative; and, be it further

21 RESOLVED, That the Texas secretary of state forward official
22 copies of this resolution to the speaker of the house of
23 representatives, to the president of the senate of the United
24 States Congress, and to all members of the Texas delegation to the
25 Congress, with the request that this resolution be officially
26 entered in the Congressional Record as a memorial to the Congress
27 of the United States of America; and, be it further

1 RESOLVED, That the Texas secretary of state forward official
2 copies of this resolution to the presiding officers of the
3 legislatures of the other states with the request that they join
4 this state in making application to the United States Congress to
5 call a convention for proposing the aforementioned amendment to the
6 United States Constitution.

Utah

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LEGISLATIVE GENERAL COUNSEL
S. J. R. No. 24
Approved for Filing RLR
Date 02-05-90 10:30 AM

(LIMITATION OF CONGRESSIONAL TERMS
AMENDMENT RESOLUTION)

1990

GENERAL SESSION

S. J. R. No. 24

By C. E. Peterson

A JOINT RESOLUTION OF THE LEGISLATURE PETITIONING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, FOR SUBMISSION TO THE STATES, TO LIMIT THE NUMBER OF TERMS A PERSON MAY SERVE IN THE UNITED STATES HOUSE OF REPRESENTATIVES TO NO GREATER THAN SIX AND TO LIMIT THE NUMBER OF TERMS A PERSON MAY SERVE IN THE UNITED STATES SENATE TO NO GREATER THAN TWO, OR IN THE ALTERNATIVE, TO CALL A CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING SUCH AN AMENDMENT FOR SUBMISSION TO THE STATES FOR RATIFICATION.

Be it resolved by the Legislature of the state of Utah:

WHEREAS Congress was originally envisioned by the founding fathers as a nonpartisan, part-time legislative body whose members would take time from their normal businesses and professions to attend the congressional session for four to five months annually;

WHEREAS the press of the nation's business has forced the Congress to become increasingly a highly-structured, professional, and hierarchical institution rather than an informal, flexible gathering of citizens and legal intellects that obtained in the federalist era;

1 WHEREAS the power of the incumbency has grown over time and, with the
2 institution of electronic media, to the point that the incumbent is
3 nearly unassailable in any normal election;

4 WHEREAS the seniority system in the Congress, though recently
5 reformed, still places disproportionate stress on electoral longevity;

6 WHEREAS innovative ideas and rejuvenated vigor are more likely to
7 come to the Congress through new members fresh from association with the
8 American people;

9 WHEREAS the most common complaint that the public makes about
10 congressional service is that congressmen spend more of their time
11 running for office than attending their duties;

12 WHEREAS the power of incumbency makes biennial congressional
13 elections an expensive, exasperating, and ultimately rather meaningless
14 waste of each congressman's time and talents; and

15 WHEREAS under Article V of the Constitution of the United States, an
16 amendment to the Constitution may be proposed by Congress, or on the
17 application of the legislatures of two-thirds of the states, the Congress
18 shall call a constitutional convention for the purpose of proposing an
19 amendment, which, in either case, shall become part of the Constitution
20 when ratified by three-fourths of the several states;

21 NOW, THEREFORE, BE IT RESOLVED by the Legislature of the state of
22 Utah, that the Congress of the United States is hereby petitioned to
23 propose an amendment to the Constitution of the United States, for
24 submission to the states for ratification, to limit the number of terms a
25 person may serve in the United States House of Representatives to no more

1 than six and to limit the number of terms a person may serve in the
2 United States Senate to no more than two.

3 BE IT FURTHER RESOLVED that alternatively, effective July 1, 1991,
4 that pursuant to Article V of the Constitution of the United States, the
5 Legislature of the state of Utah makes application to the Congress of the
6 United States to call a convention for the specific and exclusive purpose
7 of proposing an amendment to the Constitution of the United States, for
8 submission to the states for ratification, to limit the number of terms a
9 person may serve in the United States House of Representatives to no
10 greater than six and to limit the number of terms a person may serve in
11 the United States Senate to no greater than two.

12 BE IT FURTHER RESOLVED that if Congress proposes and submits to the
13 states for ratification, within 60 days after the legislatures of
14 two-thirds of the states have made application for such convention, an
15 amendment to the Constitution of the United States similar in subject
16 matter to that contained in this Joint Resolution, then this application
17 for a convention shall no longer be of any force or effect.

18 BE IT FURTHER RESOLVED that this application and request be deemed
19 null and void, rescinded, and of no effect if that convention is not
20 limited to such specific and exclusive purpose.

21 BE IT FURTHER RESOLVED that this application by this Legislature
22 constitutes a continuing application in accordance with Article V of the
23 Constitution of the United States until at least two-thirds of the
24 legislatures of the several states have made application for a similar
25 convention pursuant to Article V or the Congress has proposed an

1 amendment to the Constitution of the United States similar in subject
2 matter to that contained in this Joint Resolution.

3 BE IT FURTHER RESOLVED that certified copies of this resolution be
4 transmitted to the president and the secretary of the United States
5 Senate, to the speaker and the clerk of the United States House of
6 Representatives, to each member of this state's delegation to the
7 Congress, and to the presiding officer of each house of each state
8 legislature in the United States.

February 8, 1990

MANAGEMENT AND FISCAL ANALYSIS

S. J. R. 24

None required.

OFFICE OF THE LEGISLATIVE FISCAL ANALYST

ATTACHMENT C

California
Operation New Broom Initiative

**OPERATION NEW BROOM
WILL MAKE THREE
BASIC REFORMS**

- IT WILL IMPOSE A TWO-TERM LIMIT ON STATE CONSTITUTIONAL OFFICERS, AND MEMBERS OF THE STATE LEGISLATURE.
- IT WILL END THE PRACTICE OF MAKING USE OF ONE ELECTIVE OFFICE AND ITS TAX-FUNDED ADVANTAGES, TO CAMPAIGN FOR ANOTHER OFFICE.
- IT WILL END THAT SPECIAL PRIVILEGE LEGISLATORS' PENSION PLAN, AND PUT THEM UNDER FEDERAL SOCIAL SECURITY LIKE EVERYONE ELSE.

**THESE THREE REFORMS
WILL MEAN:**

- FAR FEWER CAREER POLITICIANS.
- A DRASTIC REDUCTION OF INFLUENCE BY SPECIAL INTEREST GROUPS
- MORE REPRESENTATIVE, RESPONSIVE STATE GOVERNMENT.
- MORE OPPORTUNITIES FOR CITIZEN PARTICIPATION IN GOVERNMENT.
- GREATER LEGISLATIVE AWARENESS OF AND RESPONSE TO LOCAL GOVERNMENT PROBLEMS AND NEEDS.
- MORE OPPORTUNITY FOR TRULY GOOD PEOPLE TO ADVANCE TO A HIGHER ELECTIVE OFFICE.
- REGULAR INFUSION OF NEW IDEAS INTO THE LEGISLATIVE PROCESS.

FOR MORE INFORMATION CONTACT:

George Washington would applaud. recently a coalition of citizen groups launced 'Operation New Broom'...Of all the plans floating around under the billing 'campaign reform' this is the only one that lives up to the name.

"The fact is, one of the great modern perils to our liberty well may be the legislator-for-life...who has forgotten, if he ever knew, what it takes to survive in the private sector."

**The Orange County Register*

"California needs a revolution...(and) a return to non-professional status for legislators would help crack the proprietary mentality that afflicts the Capitol and encourages influence-peddling..."

**Syndicated columnist Dan Walters*

"The Founding Fathers had in mind a citizen legislature, in which members returned to private life and lived under the laws they enacted. . .something has gone wrong with the U.S. political system. . ."

**The Wall Street Journal*

"The old saying that after three days both fish and houseguests begin to smell bad is equally true of most politicians, after two terms in the same office."

**Initiative co-author/ACTIV Chairman Lee Phelps*

"The trouble may be that there are just too many politicians building a lifetime career under the Capitol dome."

"What may be needed is a return to the 'citizen legislator' who serves no more than two or three terms before stepping down..."

"Not only would this guarantee a flow of new blood to the system, but it would end the current unhealthy process in which nearly every incumbent is returned to office in each election."

**Sacramento Union Editor Pete J. Hayes*

You...

are invited to help sweep our state capital clean of sleaze and corruption by joining the nonprofit, nonpartisan...

**OPERATION
NEW
BROOM**



...and helping us to qualify, and in November 1990, enact:

**The Citizens'
Representation Act
of 1990**

**A VOTER INITIATIVE TO
RESTORE THE TRADITION OF
CITIZEN LEGISLATORS**

BROOM

WHY DO IT?

Informed citizens increasingly are frustrated and angered by the way our elected representatives—federal, and state—seem to have abandoned honesty and integrity in favor of corruption, bribe-taking and unethical conduct.

Each attempt that we make at reform, and we have made many, fails to solve the problem. Why? Because reform is the last thing career politicians who control our government really want.

Our government is controlled by an entrenched, unresponsive new elite of career politicians—people who aren't affected by or concerned with solving problems faced by the average person. The person who has to work, to earn a decent living, and can't vote himself or herself pay raises, special perks, or other benefits—all of them funded from taxes.

Gerrymandering, expensive campaign costs and—most of all—the advantage an incumbent has over anyone attempting a challenge, combine to make such challenges all but futile.

Our democratic republic is founded on the ideal of citizen participation in government. We do not need—can't afford—an elite ruling class made up of career, professional politicians.

OPERATION NEW BROOM is proposing a grassroots voter initiative that will restore the "citizen legislator" tradition to California state politics.

We're a nonprofit, nonpartisan and wholly volunteer organization made up of concerned citizens who—with your help—intend to qualify and enact real, meaningful reform!

California again can be the leader and set in motion a tidal wave, which (eventually) will hit

the U.S. Congress (where more people die in office than are challenged and voted out.)

Join with us, to make history!

CAN IT BE DONE?

Yes. A recent statewide voter poll asked: "Would you favor or oppose limiting terms of office, for state politicians, to two terms?"

Nearly two out of three replied they would support such a measure.

By an even greater margin, when asked if they thought politicians in Sacramento had a "For Sale" sign out to the highest special interest bidder, voters replied: "Yes!"

Sure, there'll be opposition—and it will come from those politicians, and their supporters, who are making a mockery of the idea of government: "of, by and for the people."

Nearly 600,000 good signatures of registered voters are needed, to put our initiative on the ballot in November, 1990. That means we must get close to a million, to be sure we've enough valid signatures. And to show the politicians, and media too, that "We're mad as hell, and are not going to take it anymore!"

Experience indicates it will cost about \$500,000 to pay for the signature petition campaign. After which we'll need about \$3 million to fight the entrenched politicians and their special interest group supporters if we're to win at the ballot box.

We're counting on you, and all of the other California citizens-voters who truly care about cleaning up our state government, to provide funding for our grassroots campaign.

OPERATION NEW BROOM cannot win if you stand on the sidelines and watch the opportunity go by. We need you help to get those signatures, and to raise that money. Will you help?

YES! Count me in! I want to help Operation New Broom get rid of career politicians in Sacramento, put them on Social Security, and stop them from neglecting their sworn duty in one office while campaigning at our expense for another. Let's restore the tradition of citizen legislators!

- Send me enough petitions to get 200 100 50 Signatures.
- I'll help organize the campaign in my area. You may use my name as an endorsement.
- Special skills I can offer the campaign: _____
- Here's my contribution of: \$50 \$100 \$500 \$1000 other

Name (Please Print) _____ Signature _____
 Address _____ City _____ State _____ Zip _____
 Phone (Area Code) _____ Number _____

Please return with your contribution to ACTIV to:
 ACTIV * P.O. Drawer 330 * Aptos * CA 95001-0330 * (408) 688-8986 * State I.D. # 810729
 A member of the Coalition to Limit Terms Of Office (Operation New Broom)

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure.

TERMS OF OFFICE, PUBLIC OFFICERS RETIREMENT, RESIGNATIONS, INITIATIVE CONSTITUTIONAL AMENDMENT. Limits persons elected or appointed to offices of Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, State Treasurer, State Senator, member State Assembly, member Board of Equalization to two full terms; provides for automatic resignation of person holding such offices for seeking, soliciting or accepting contributions for, other federal, state or local elected offices; requires persons elected to such offices on or after November 1, 1990 to participate in federal Social Security program; precludes accrual of other pension and retirement benefits, except vested rights. Summary of estimate of Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in an annual \$1 million savings for the General Fund due to the termination of current members and prohibition of new legislative members and state constitutional officers from earning specified retirement benefits in the future. It would also result in unknown costs to local governments of several hundred thousand dollars during election years to hold special elections for legislative offices vacated by persons pursuing other federal, state, or local offices.

To The Honorable Secretary of State of California:

We, the undersigned, registered voters of the State of California, do hereby petition you to submit to the voters the following initiative measure for their approval or rejection. We are doing this because we believe that the measure will improve the quality of government in California. We are doing this because we believe that the measure will improve the quality of government in California. We are doing this because we believe that the measure will improve the quality of government in California.

SECTION 1. TITLE AND PURPOSE. This amendment to the Constitution of California shall be entitled the **Citizen Representation Act of 1990**. The primary purpose of this Act is to reduce incentives to political corruption, misuse of political power and abuse of the public trust, by limiting the amount of time any person may hold any one of the elective offices specified in the Act. This Act will encourage elected public officials to spend themselves exclusively to the duties of their offices, reduce the opportunity to make a career of holding offices of public trust, and profit, reduce the incentives and opportunities for corruption, reduce the ability of elected officials to misuse their offices as springboards to seek election to another office, restore equity of treatment between elected officials and the electorate as to retirement benefits and the tax burden involved in funding those benefits, and protect the legitimate expectations of the electorate in voting a candidate into office. This Act shall be construed liberally to effect its purposes.

SECTION 2. TENURE. Section 12 is added to Article VII of the California Constitution to read:
Sec. 12. (a) No person may serve more than two full terms in the same office.

(b) This Section applies to any person who commences a term of office on or after the day this Act is adopted. However, a person who held an office of the state when this Act is adopted shall serve the term to which elected and if at the completion of the term the person has accumulated two or more full terms in that office the person shall be ineligible for another term. If a person is elected or appointed or succeeds to a vacated office to serve the unexpired portion of a full term, and that portion is less than one-half a full term, such service shall not constitute a full term within the meaning of subdivision (a) of this Section. If more than one-half a full term is served, the person shall be considered to have served a full term. A person who has served two full terms in any office covered by this Act shall not be eligible for appointment to that same office.

(c) As used in this Section, "office" means any of the following offices:

- (1) Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, and Treasurer;
- (2) State Senator;
- (3) Member of the State Assembly;
- (4) Member of the Board of Equalization.

(d) The length of terms for offices to which this Act applies may be changed only by a vote of the people, a majority of those voting approving such change.

(e) The length of term for any elective office other than judicial which in the future may be created under this Constitution shall not exceed four years, and no person shall serve more than two terms in any such office.

SECTION 3. CANDIDACY FOR ANOTHER OFFICE. Section 13 is added to Article VII of the California Constitution to read:

Sec. 13. If any person who holds any office specified in subdivisions (c) and (d) of Section 12 becomes a candidate for other federal, state or local elective office subsequent to adoption of this Act, the candidacy shall constitute automatic resignation from the office then held and that office shall be filled promptly as specified by law. For the purposes of this Section, a person becomes a candidate for another elective office who:

- (a) Files nomination papers or a statement of candidacy in similar document with a duly authorized election official in order to qualify as a candidate for election to another office; or
- (b) Solicits or accepts a contribution to a fund whose proceeds are intended to be used or are used to further the person's candidacy for another office; or
- (c) Forms a committee or accepts aid from a committee over which the person has no control, among whose purposes is furthering the person's candidacy for another office; or
- (d) Engages in any other substantial conduct, the purpose of which is to further the person's candidacy for another office.

SECTION 4. PENSION AND RETIREMENT BENEFITS. Section 14 is added to Article VII of the California Constitution to read:

Sec. 14. Notwithstanding any other provision of existing law, a person elected on or after November 1, 1990 to any office named in Section 12(c) of this Article shall participate in the Federal Social Security Retirement, Disability, Health Insurance Program and the State shall pay only the employer's share of the contribution necessary to such participation. No other pension or retirement benefit shall accrue as a result of service in any office covered by this Act. This Section shall not be construed to abrogate or diminish any vested pension or retirement benefit which may have accrued under an existing law to a person holding or having held one of the offices specified in this Section. In its adoption, but upon its adoption, further entitlement to or vesting in any existing program shall accrue to any such person other than Social Security to the extent herein provided.

SECTION 5. STANDING TO ENFORCE. Any person lawfully registered to vote in California shall have legal standing to bring actions to enforce the provisions of this Act. Notwithstanding any other provision of law, a person who brings such an action and prevails shall be entitled to recover all costs of the action, reasonable attorney's fees, and such further damages as a court may decide to be reasonable and warranted.

SECTION 6. USE OF PUBLIC MONIES PROHIBITED. The use of public monies by any person or governmental body for the purpose of bringing an action before a court to invalidate or overturn all or any portion of this Act is prohibited.

SECTION 7. SEVERABILITY. If any provision of this Act is determined by the judgment of a court of competent jurisdiction to be invalid for any reason, after giving maximum weight to the People's reserved right to the initiative and to their inherent supremacy in political affairs, the institutions they have created, the other provisions shall remain in full force and effect.

Attention Circulator: THIS PETITION IS INVALID UNLESS DECLARATION OF CIRCULATOR IS COMPLETED

1. You must be registered in your California county.
2. Tell circulator where petition is to be circulated. (This registered voters from that county sign the petition. If you need registered voters from other counties, you may begin a new petition in each county. You may collect signatures from any registered voters from any county in California. Just add separate Petitions for each county.)
3. You may not state as many petitions as possible, but you may only sign one petition as a signer in the signature section.
4. Mark your signatures with all information completely and accurately in ink with black or blue ball point pens. No felt tip pens, no ballpoint pens, no ballpoint pens, no ballpoint pens.
5. Each signature with your name should be written. You do not need to get all signatures blocks filled.

RETURN PETITIONS/CONTRIBUTOR PLEDGE CARDS TO: ACTV, P.O. DRAWER 330, APTOS, CA 95001-0330. THANKS.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

TERMS OF OFFICE, PUBLIC OFFICERS RETIREMENT, RESIGNATIONS, INITIATIVE CONSTITUTIONAL AMENDMENT. Limits persons elected or appointed to offices of Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, State Treasurer, State Senator, member State Assembly, member Board of Equalization to two full terms; provides for automatic resignation of persons holding such offices for seeking, soliciting or accepting contributions for, other federal, state or local elected offices; requires persons elected to such offices on or after November 1, 1990 to participate in federal Social Security program; precludes accrual of other pension and retirement benefits, except vested rights. Summary of estimate of Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in an annual \$1 million savings for the General Fund due to the termination of current members and prohibition of new legislative members and state constitutional officers from earning specified retirement benefits in the future. It would also result in unknown costs to local governments of several hundred thousand dollars during election years to hold special elections for legislative offices vacated by persons pursuing other federal, state, or local offices.

By The Honorable Secretary of State of California
 For the undersigned registered qualified voters of California, residents of _____, California, who are eligible to elect to such office, concerning their retirement benefits, and requesting their respective signatures and titles for such office, and persons for Secretary of State to submit the same to the Secretary of State of California for their signature or approval as the next succeeding general election to all such qualified persons, and to all persons for Secretary of State to submit the proposed constitutional amendments to be read on full on the coming day.

All signers of this Petition Section must be registered to vote in the above County.
 All signers must write their own name and address in the proper space.
 Use **BLACK OR BLUE BALL POINT PEN ONLY.** (No felt tip)
 Fill in **ALL** information completely. **NO DITTO MARKS NO ABBREVIATIONS**

The person to
 attach seal here

1.	PRINT YOUR NAME YOUR SIGNATURE AS REGISTERED TO VOTE	RESIDENCE ADDRESS ONLY CITY	ZIP
2.	PRINT YOUR NAME YOUR SIGNATURE AS REGISTERED TO VOTE	RESIDENCE ADDRESS ONLY CITY	ZIP
3.	PRINT YOUR NAME YOUR SIGNATURE AS REGISTERED TO VOTE	RESIDENCE ADDRESS ONLY CITY	ZIP
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7.	PRINT YOUR NAME YOUR SIGNATURE AS REGISTERED TO VOTE	RESIDENCE ADDRESS ONLY CITY	ZIP
8.	PRINT YOUR NAME YOUR SIGNATURE AS REGISTERED TO VOTE	RESIDENCE ADDRESS ONLY CITY	ZIP

DECLARATION OF CIRCULATOR

I, _____, am a registered voter in the County for City and Counties of _____
 My residence address is _____
 I circulated this petition and saw each of the appended signatures hereon being written. In the face of my knowledge and belief, each signature on this petition is the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Executed on this _____ day of _____, 19____ at _____ County, California.
 Signed: _____
(Type or PRINT name as recorded in voter file. Sign with your Last Name.)

ATTENTION CIRCULATOR: This Petition is **INVALID** unless **DECLARATION OF CIRCULATOR** is completed.



INSTRUCTIONS TO PETITION CIRCULATORS

1. Enter the name of the county in the blank space at the top of the petition (above signature spaces on front, and above text of the initiative on back). *Everyone* who signs this sheet *must be registered in this county*. Use another petition if you encounter someone registered to vote in another county; and use a third petition for a third county, and so forth.
2. If you reproduce the petition, you *must*:
 - a. Insure that *both sides* are reproduced *exactly* (and that includes the size of the type; do *not* allow any reduction);
 - b. Insure that *one inch of blank space* is left, at the top of the front page (the side on which signatures are taken).
3. Do *not* allow anyone to use abbreviations (S.B. instead of Santa Barbara, for example), or ditto marks ("). These will render that particular signature invalid.
4. Do be *very* sure that the person signing *prints* all the other information (name, street address, city and ZIP code) legibly. If *you* can't read it easily, neither will the official at the county elections department be able to read it.
5. Each signer *must* include *all* the information asked for, and *in the proper place*. See sample, just below. Check this as soon as the person hands the petition back and, if he/she made a mistake, have them correct it or re-sign before they get away.

PRINT YOUR NAME JOHN DOE	RESIDENCE ADDRESS ONLY 1545 ANY STREET ANYTOWN 95550
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6. Do *obtain and carry with you* 5-10 voter register-by-mail forms (obtainable from your county registrar of voters office) to use when:
 - a. A person is not currently registered to vote at the address where he/she now lives; or,
 - b. A person is not sure if he/she is registered (filling out and sending in a registration form is the safest bet).
7. If you register someone to vote *and* have them sign the petition:
 - a. Set that particular petition aside and *do not* turn it in (or complete the declaration of circulator) until three or four days have passed; and,
 - b. Send the voter registration form in *the same day* as you and the voter complete it (you complete the small receipt at the bottom of the form and give it to the voter, when completing the form, as his/her proof of having registered).

This Is The Law!

(Cal Elections Code, Chap. 7, Art. II, beginning with Sec. 29720.)

It is a misdemeanor violation of state law for a circulator:

- * Make any false statement or misrepresentation of the content or effects of the initiative measure;
- * Refuse to permit any prospective signer to read the text of the measure (which must be printed in its entirety on the petition to which signatures are to be affixed);
- * Solicit or affix, or knowingly permit affixing of, a false or forged signature to the petition;
- * Solicit or affix, or knowingly permit the affixing of, any fictitious name to the petition.

When a petition is full (or you have obtained as many signatures as you intend to obtain on that petition), immediately send the petition in to: **ACTIV, P.O. Drawer 330, Aptos, CA 95001-0330**
BUT!!!

Before you do be *absolutely sure* you have completely filled in and signed the Declaration of Circulator portion at the bottom of the petition (front side). Double-check, just to be certain.

Thanks for all your efforts on behalf of a winning campaign!

OPINION

By Harold Johnson

State Sen. Joseph Montoya's conviction for auctioning his legislative services is fuel in the tank for Roger Bloxham, a Costa Mesa political activist. Bloxham is Orange County chairman of "Operation New Broom," an initiative campaign to limit the time anybody could serve in either house of the Legislature, and abolish pensions for state lawmakers.

"People are jumping at the chance to sign our petitions," Bloxham said the other day. "Everywhere I go I gain recruits." Montoya's misdeeds are "just one more reason they give for signing on."

The Montoya scandal argues Bloxham's case eloquently. One reason the senator's rain dancing often left him drenched with cash is that he is a veteran's veteran, first elected to the Legislature nearly two decades ago. The influence he amassed over those years proved a magnet for money, and he marketed it to the max.

If "New Broom" had been in effect, this Monte Hall of the halls of power would have long since been swept out. That's the genius of term limitation. It would make it harder for politicians to build the personal empires of legislative might that lure

The Capitol Club

Can a 'New Broom' sweep it clean?

palm-greasing supplicants to their doors the way honey attracts bees, or fertilizer draws flies.

Another way of viewing the proposal is as taxpayer protection: Officeholders couldn't as easily forge decades-long bonds with special-interest groups eager for a place at the public trough.

The concept of the citizen politician has nearly given up the ghost in California, where the Legislature is now a full-time business, the only real business for most of its members. Shielded from accountability by computer-crafted gerrymanders, state lawmakers constitute an entrenched, isolated aristocracy. To use a popular comparison, there is less turnover in their ranks than in some Eastern bloc parliaments.

"New Broom" would bring perestroika to Sacramento, irrigating with new blood a Legislature that

has become a stagnant pool of cynicism and corruption.

"This would eliminate the new 'ruling class' of lifetime politicians and bring individuals with experience in areas other than politics into the political process with fresh ideas and new ways of looking at old problems," says William H. Sullivan, the Sac Ramon business consultant who is statewide head of the initiative drive.

His proposal isn't the only term-limit idea floating around, but it's clearly the best. An ethics measure promoted by Attorney General John Van de Kamp would also restrict the time politicians could spend at any one feed bag, but it's studded with rules about campaign spending that amount to infringements on political speech.

"New Broom," in contrast, includes no harmful

additives. Its sole purpose is to give the Legislature a frequent whisking by decreeing that nobody could serve more than two terms in either house.

Be prepared for dire warnings from career politicians and their front men. Professing big-hearted concern for the electorate, they argue that tethering legislators to a two-term limit deprives voters of the freedom to elect somebody as often as they like. Of course that's true, but is it really so worrisome?

This would hardly be the first restriction on the power of the majority. Voters can't elect non-citizens, for instance, or people younger than a prescribed age.

Besides, politicians who serve their limit in the Legislature would still be free to run for other offices. "New Broom" wouldn't bar the able and talented from ascending the political ladder.

All it would do is curtail the reign of Maximum Leaders in the Assembly and Senate. Legislators-for-life may know the corridors of government power, but many don't seem to understand what it takes to survive on the outside. "New Broom" would give more of them a chance to find out.

Mr. Johnson writes for the Register's Opinion pages.

6 - Register-Pajaronian Wednesday, November 29, 1989

Top GOP aide pleads guilty to extortion

SACRAMENTO (UPI) - A top aide to the Assembly Republicans pleaded guilty to extortion Tuesday and has agreed to testify against legislators in the federal investigation of Capitol corruption.

As part of a plea agreement, prosecutors promised to ask that Karin Watson, 42, be sentenced to no more than 6 months in a half-way house, where she would be confined only at night.

The stunning move is a serious blow to Republican Assemblymen Pat Nolan of Glendale and Frank Hill of Whittier, who both received money from an undercover FBI agent posing as a businessman seeking legislative favors.

During a brief, unscheduled hearing before U.S. District Judge Edward Garcia, Watson admitted she extorted \$12,500 from the undercover agent in exchange for helping him get GOP support for a bill he wanted passed.

No legislators were named in court or in documents filed by prosecutors, but public records show that Nolan and Hill each received money from the FBI's phony company, known as Peachstate Capital.

I ring the elaborate three-year ailing investigation, FBI undercover agents sought passage of bills that would allow it to get financing to build a fish-processing plant in West Sacramento.

The disease of political corruption wears no party label, and no politician is immune to becoming infected. Power corrupts, and the longer power is held by any single individual the more likely is that individual to fall prey to corruption. The old saying about housewives and fish beginning to smell bad after three days is equally true of most politicians after two terms in office. Let's join together and sweep Sacramento clean of sleaze and corruption with Operation New Broom!

Thursday, Dec. 7, 1989 - Santa Cruz Sentinel-A-7

State senator accused of selling his votes

SACRAMENTO (AP) - State Sen. Joseph Montoya betrayed his constituents by putting his votes up for sale in a bid to become wealthy, the chief prosecutor in his federal corruption trial charged Wednesday.

"This is a case about the betrayal of public trust, a case about a public official who used his office for personal gain," U.S. Attorney David Levi said in opening arguments.

"Montoya, literally out of his own mouth, put a cost or fee schedule on his own office," Levi added.

Defense attorney Michael Sands, however, said Montoya didn't solicit money for official favors but voted his conscience. Sands predicted that the jury will find his client innocent.

Montoya, the chairman of the Senate Business and Professions Committee, is facing 12 felony counts that accuse him of engaging in bribery, extortion, racketeering and money laundering.

The El Monteocrat, who has pleaded innocent, is the first

person to go on trial as the result of a 4-year-old investigation by the FBI into alleged corruption at the state Capitol.

Levi said prosecutors would show that Montoya decided in 1981 or 1982 to use his power over the fate of bills to extort campaign contributions and honorariums - payments usually made for making speeches, writing articles or taking part in panel discussions.

"Those working for him became aware of his attitude," Levi said. "They heard statements that his vote came only at a cost or a price tag."

Montoya was particularly interested in honorariums because they would go into his pocket, not his campaign fund, Levi said.

He said the charges against Montoya stem from eight incidents, including a 1984 breakfast meeting that Montoya had with an FBI agent who posed as a businessman seeking passage of legislation to set up a shrimp business.

*→ GUILTY!
ON 7 COUNTS
OF CORRUPTION!*

The Orange County Register Monday, October 30, 1989

THE ORANGE COUNTY

Register

A FREEDOM NEWSPAPER

"There is no worse heresy than that the office sanctifies the holder of it."

Lord Acton



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EDITORIALS

Sweep them out

George Washington would applaud. Last week, a coalition of citizen groups launched "Operation New Broom," a campaign to limit the number of terms that politicians could serve in any one state office in California - and also end their pensions.

Of all the plans floating around under the billing "campaign reform," this is the only one that lives up to the name. True, Attorney General John Van de Kamp has also called for limiting politicians' terms, but his proposal is studded with a host of less worthy provisions, such as new rules about campaign spending that amount to restrictions on political speech.

The proposed "New Broom" ballot initiative, in contrast, has only one focus. It would limit to two terms all state elective offices, from legislators to the governor to members of the Board of Equalization. It's an idea whose time came 200 years ago - and remains just as sensible today. The nation's first president had it right when he declined to serve a third term. Most historians argue he did the country a powerful service by rejecting the monarchical model in favor of the concept of the citizen politician.

How times have changed! A species of monarchy, or at least an entrenched aristocracy, is what we've ended up with in the California Legislature and in Congress. Where once a few vials of red blood were

regularly introduced into our legislative chambers, that refreshing stream has slowed to a trickle in the era of computer-crafted gerrymandering and the forking of pork for the purpose of buying votes.

You've heard the arguments against limiting terms. There's the concern about losing continuity and institutional memory. Who will be around to point out that some dumb new idea was tried and found wanting years ago? Point taken - but the gains outweigh that drawback. If politicians won't be able to rack up years of experience, neither will they be able to forge decades long ties with special interests hungry for tax-funded goodies.

There's there's the claim that tethering politicians to a two-term limit deprives voters of the freedom to send somebody back to Sacramento, or Washington, as often as they want. While that's true, that would hardly be the only limit our system imposes on the power of the majority. Voters can't elect people younger than a certain age, for instance, or non-citizens.

The fact is, one of the great modern perils to our liberties may well be the legislator-for-life, the lawmaker who knows only the corridors of government power, who "as forgotten, if he ever knew, what it takes to survive in the private sector. First in Sacramento, and next in Washington. It's time to show perpetual politicians the door.

REGISTER-PAJARONIAN



122nd Year - No. 302

Watsonville, Calif., Thursday, February 22, 1990 Pulitzer Prize, 1956

32 Pages - 25 Cents

Local

Taxpayer crusader wants to put an end to multiterm politics

By LANE WALLACE
STAFF WRITER

Lee Phelps doesn't mince words when he talks about his distaste for "professional politicians" who stay in office term after term.

Phelps said the politicians see themselves as "the new royalty" who are "blinded with deep pockets" of special interest groups that contribute to their campaigns.

"Fish and house guests start to smell after three days," Phelps said. "That's equally true of politicians after two terms."

It's that opinion that led Phelps to co-author a statewide initiative called "Operation New Broom," which would limit top state officers, including the governor and members of the Legislature, to two terms in office.

The group's brochure asks people to "help sweep our state capital clean of sleaze and corruption" by signing petitions that would put the initiative on the November ballot.

Phelps, 59, of Aptos, is a long-time proponent of efforts to limit government spending. He first got involved in 1977, when he worked with Howard Jarvis and Paul Gann, the authors of Proposition 13, the property-tax-limiting measure that state voters approved in June 1978.

Since then, Phelps, state chairman of a group called Alliance of California Taxpayers and Involved Voters, or ACTIV, has met with mixed success on state and local taxpayer issues.

The proposal to limit elected officials to two terms "is something I've been preaching on a small scale for some time," Ph-

elps said yesterday during a rally outside the county courthouse in Santa Cruz. A dozen supporters of the initiative showed up, brooms in hand, and sought signatures on petitions from passers-by.

Phelps said it was not the system of government that's wrong, but the "new elite" of professional politicians, "who think they have a divine right to rule."

The Legislature, Phelps said, "remains in perpetual gridlock" because elected officials make getting re-elected their primary objective and are busy accepting donations from special interest groups.

"Between 85 percent and 90 percent of special interest money (donated to politicians) goes to incumbents," Phelps said.

Limiting elected officials to two terms would give the state "citizen legislators," which Phelps said was the intention of the founding fathers of the United States 200 years ago. After serving in office, Phelps said, elected officials would "go home to private life and live under the laws they helped enact."

The initiative would also do away with the pension system for elected officials and replace it with Social Security for those elected in November 1990 and thereafter and prohibit anybody from running for one elected office while holding another.

The initiative would not affect elected officials in cities, counties or special districts.

To qualify for the ballot, Operation New Broom must gather nearly 600,000 signatures by May 15. Phelps, who is helping organize local petition drives throughout the state said he's getting an overwhelming response and expects to collect the required signatures.

Carolyn Busenhart, leader of the petition effort in Santa Cruz County, said yesterday she was pleased with the initial response to the petition.

"Everybody is either signing or they're in a hurry," she said as she talked to people outside the courthouse.

A "town hall" meeting on Operation New Broom will be held Monday at 7:30 p.m. at the Mid-county Senior Center, 829 Bay Ave., Capitola.

ATTACHMENT D
California
Clean Government Initiative

Clean Government Initiative

Date: November 30, 1989
File No.: SA 89 RF 0025

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

GOVERNMENT OFFICIALS. ETHICS. CAMPAIGN FINANCING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Limits elected statewide officials to eight successive years in office; state legislators, Board of Equalization members to twelve successive years. Prohibits honoraria, limits gifts to elected state, local officials. Enlarges conflict of interest remedies against legislators and elected statewide officers. Prohibits use of public resources for personal or campaign purposes. Authorizes appointment of special prosecutor. Establishes campaign contribution limits for elective offices. Provides partial public campaign financing for candidates to state office who agree to specified campaign expenditure limits. Substantially repeals campaign ballot measures, 68 and 73, enacted June, 1988. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Commencing 1990, an estimated \$12 million loss of state General Fund revenue as a result of voluntary designation by individual taxpayers of up to 5 dollars of their tax liability for public campaign financing. Commencing 1991, an additional state General Fund cost of \$5 million for public campaign financing would be partially or completely offset by state General Fund gains resulting from the repeal of existing personal income tax deduction for political campaign contributions. Commencing 1991, increased annual state administrative costs of \$2.5 million for Attorney General, State Controller, Fair Political Practices Commission and Franchise Tax Board. One-time costs of \$2.3 million for reprinting of tax forms.

RECEIVED

NOV 22 1989

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

THE CLEAN GOVERNMENT INITIATIVE

October 24, 1989
(With technical revisions of November 21, 1989)

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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

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type

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Constitution of California, the Government Code, the Insurance Code, and the Revenue and Taxation Code relating to reform of the political process, and to make appropriations relating thereto, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to the general election or otherwise as provided by law. The proposed constitutional and statutory amendments (full title and text of the measure) read as follows:

TITLE I.
FINDINGS AND PURPOSE

SECTION 1. This measure shall be known as "The Clean Government Initiative".

SECTION 2. Findings and Purposes.

The people of the State of California find and declare:

(a) California governmental institutions are undergoing a crisis in confidence. Comprehensive reform is necessary to restore public confidence in the integrity of elected officials, to ensure that governmental decisionmakers are beholden to the public interest, rather than the special interests, to strengthen the enforcement of existing laws prohibiting government officials from conducting public business in private and engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities, and to re-invigorate the electoral and political processes;

(b) Electoral competition has declined so dramatically that state officials, once elected, hold virtually a life-time lock on state office, with the result that citizen interest and participation in the political process have dropped to record low levels. Limitations on consecutive service in the same elective office must be imposed in order to infuse competition into the electoral process and new ideas into governmental decisionmaking;

(c) Campaign spending for elective offices has escalated to dangerous levels, forcing many candidates and officeholders to raise enormous amounts of money from interest groups with a specific financial stake in matters before government officials and creating the public perception that elected officers' votes and decisions are improperly influenced by large monetary contributions;

(d) Candidates and officeholders must be provided with a neutral source of campaign financing, one that is tied to their ability to attract support from electoral constituents, so that they need not be entirely dependent upon wealthy, special-interest contributors to raise enough money to communicate their views to the public;

(e) Because the acceptance of gifts and honoraria by public officials raises legitimate concerns over undue influence of wealthy private interests and the potential misuse of office for personal financial gain, the receipt of gifts and honoraria should be restricted and limited to those situations in which the likelihood of any conflict of interest arising is extremely remote;

(f) The assets and income of all elected state officials should be adequately disclosed and in appropriate circumstances the officials should be disqualified from acting so as to avoid potential conflicts of interest between their private financial interest and the broader public interest;

(g) Former state government officials should be restricted from returning to lobby their former agencies or those with whom they exerted significant influence so that the credibility and independence of the government's decisionmaking process are protected from undue influence;

(h) State officials stand in a fiduciary relationship with the public and must confine their use of public funds to those public purposes authorized by law; and

(i) Existing enforcement mechanisms must be strengthened to provide better coordination of investigations and prosecutions of allegations of public corruption, and the public must be assured that prosecutorial decisions are not influenced by political or other improper considerations.

(j) The people's right to enact legislation through the initiative process provides the ultimate check on the accountability of public officials. Accordingly, the people's right to initiate legislation governing the ethical conduct of their elected representatives must be preserved and jealously safeguarded.

TITLE II.
LIMITATION ON TERMS OF STATE ELECTIVE OFFICERS

SECTION 3. Article V, section 2 of the state Constitution is amended to read:

Sec. 2. (a) The Governor shall be elected every fourth year at the same time and places as members of the Assembly and hold office from the Monday after January 1 following the election until a successor qualifies. The Governor shall be an elector who has been a citizen of the United States and a resident of this State for 5 years immediately preceding the Governor's election. The Governor may not hold other public office.

(b) No person who has been elected to the office of Governor for two successive terms, both of which commence after November 7, 1990, shall again be eligible to hold that office until one full term has intervened.

SECTION 4. Article V, section 11 of the state Constitution is amended to read:

Sec. 11. (a) The Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer shall be elected at the same time and places and for the same term as the Governor.

(b) No person who has been elected to the office of Lieutenant Governor, Attorney General, Controller, Secretary of State, or Treasurer for two successive terms, both of which commence after November 7, 1990, shall again be eligible to hold that same office until one full term has intervened.

SECTION 5. Article IX, section 2 of the state Constitution is amended to read:

Sec. 2. (a) A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. The Superintendent of Public Instruction shall enter upon the duties of the office on the first Monday after the first day of January next succeeding each gubernatorial election.

(b) No person who has been elected to the office of Superintendent of Public Instruction for two successive full terms, both of which commence after November 7, 1990, shall again be eligible to hold that office until one full term has intervened.

SECTION 6. Article XII, section 17 of the state Constitution is amended to read:

Sec. 17. (a) The Board of Equalization consists of 5 voting members: the Controller and 4 members elected for 4-year terms at gubernatorial elections. The state shall be divided into four Board of Equalization districts with the voters of each district electing one member.

(b) No person who has been elected to the office of member of the Board of Equalization for three successive terms, each of which commence after November 7, 1990, shall again be eligible to hold that office until one full term has intervened.

SECTION 7. Article IV, section 2 of the state Constitution is amended to read:

Sec. 2. (a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every two years. The Assembly has a membership of 80 members elected for 2-year terms. Their terms shall commence on the first Monday in December next following their election.

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

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

(d) No person who has been elected to the office of member of the Assembly for six successive full terms, all of which commence after November 7, 1990, shall again be eligible to hold that office until one full term has intervened. No person who has been elected to the office of member of the Senate for three successive full terms, all of which commence after November 7, 1990, shall again be eligible to hold that office until one full term has intervened.

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

SECTION 8. Section 12900 of the Insurance Code is amended to read:

Sec. 12900. (a) The Commissioner shall be elected by the People in the same time, place and manner and for the same term as the Governor.

(b) No person who has been elected to the office of Insurance Commissioner for two successive full terms of office shall again be eligible to hold that office until one full term has intervened.

TITLE III.
GIFTS AND HONORARIA

SECTION 9. Section 8 of Article II of the state Constitution is amended to read:

Sec. 8 (a) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.

(b) An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.

(c) The Secretary of State shall then submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

(d) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

(e) Notwithstanding any other provision of this constitution, in addition to the legislative power vested in the California Legislature, the people reserve to themselves the power to propose and adopt initiative statutes strictly limiting public officials from accepting gifts and honoraria or otherwise engaging in activities or having interests which might conflict with the proper discharge of their official duties and responsibilities. This provision is declaratory of existing law and shall not be interpreted to limit in any manner the scope of the reserved power of the initiative.

SECTION 10. Section 87104 is added to the Government Code, to read:

87104. Honoraria

(a) No elected officer shall accept an honorarium. The term "honorarium" means a payment for any speech, article, published work, public address, oral presentation, appearance, participation or attendance at any panel, conference, or meeting, or other similar activity.

(b) For the purposes of this section, the term "honorarium" does not include:

(1) a payment received for lecturing or teaching at a bona fide public or private institution which is organized and operated exclusively for educational purposes.

(2) a copyright royalty or other payment received in the normal course of business from a publishing house for the publication of a book or an article written by the elected officer.

(c) This section shall not prohibit an elected officer from accepting:

(1) travel expenses or reimbursement for travel expenses within the state of California, including related lodging and reasonable subsistence expenses, if the expenses are directly related to the elected officer's speech, appearance, or participation at any panel, meeting or conference, provided that (a) the lodging expenses are limited to the day preceding and the day(s) of the event which occasioned the travel and (b) the subsistence expenses are limited to the day before the event and that portion of the day immediately following the event that precedes the elected officer's departure.

(2) travel expenses or reimbursement for travel expenses outside the state of California, including related lodging and reasonable subsistence expenses, if the expenses are directly related to the elected officer's speech, appearance, or participation at any panel, meeting or conference, provided that (a) the lodging expenses are limited to the day preceding and the day(s) of the event which occasioned the travel, (b) the subsistence expenses are limited to the day before the event and that portion of the day immediately following the event that precedes the elected officer's departure, (c) the travel serves a governmental or educational purpose, and (d) the expenses are paid only by a governmental agency or a bona fide educational or bona fide charitable institution.

(d) The elected officer accepting travel expenses or reimbursement for travel expenses has the burden of proving that such payments satisfy the requirements of subsection (c). Any travel expenses received or reimbursed under subsection (c), excepting the officer's pro rata share of meals or beverages served in conjunction with the event, shall be disclosed on the elected officer's statement of economic interests in accordance with Article 2 (commencing with Section 87200) of Chapter 7.

(e) Any additional travel expenses to, and any lodging or subsistence expenses in, a separate location removed from the location of the travel authorized under subsection (c) which are incurred prior to returning to the point of origin and which are paid or reimbursed by a third party shall be considered a gift subject to the restrictions of Section 87105.

(f) Notwithstanding subdivisions (b) and (c), no elected officer shall accept any payment from a lobbyist or lobbying firm for lecturing, teaching, or travel expenses.

SECTION 11. Section S7105 is added to the Government Code, to read:

S7105. Gifts

(a) No elected officer shall accept a gift or gifts aggregating one hundred dollars (\$100) or more in value in a calendar year from any single source.

(b) For purposes of this section, "gift" means, except as provided in subdivision (d), any payment to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

(c) For purposes of this section, any gift to the spouse or immediate family of an elected officer, including any travel expenses, food or beverage provided to the family member, shall be deemed a gift to the officer unless it is clear from the surrounding circumstances that the gift to the family member was made for reasons independent of the family member's relationship to the elected officer.

(d) For purposes of this section, the term "gift" does not include any of the following:

(1) Informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material."

(2) Gifts which are not used and which, within 30 days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes.

(3) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, partner in a bona fide dating relationship, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph.

(4) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100) of this title.

(5) Any devise or inheritance.

(6) Personalized plaques and trophies with an individual value of less than two hundred fifty dollars (\$250).

(7) Gifts of hospitality involving food, beverages or occasional lodging provided by an individual in his or her home to an elected officer.

(8) Gifts exchanged between an elected officer and another individual, other than a lobbyist, on holidays, birthdays, weddings, or similar occasions, provided that the gifts received by the elected officer are substantially equal in value to the gifts the elected officer gives.

(9) Gifts of transportation, lodging, and reasonable subsistence expenses to the extent permitted by subdivisions (c) and (f) of Section 87104.

(e) Any donation to a legal defense fund established pursuant to Section 87106 and required to be reported in accordance with Chapter 4 (commencing with Section 84100) of this title shall be exempt from the limitation set forth in subsection (a).

(f) Nothing in subsection (d) shall be construed to eliminate or otherwise alter any disclosure requirement imposed by Article 2 (commencing with Section 87200) of this chapter with respect to any item enumerated in that subsection.

(g) The one hundred dollar (\$100) limitation specified in subsection (a) shall be adjusted by the Commission on January 1st of every odd-numbered year to reflect changes in the California Consumer Price Index - All Urban Consumers (CPI-U) since January 1, 1991, provided that any such adjustments shall be rounded off to the nearest ten dollars (\$10).

SECTION 12. Section 87106 is added to the Government Code, to read:

§7106. Legal Defense Funds

(a) Notwithstanding Section 85301, a candidate or elected officer may establish a separate legal defense fund and account to be used solely to defray attorney's fees and other legal costs incurred in the candidate's or officer's legal defense to any civil, criminal, or administrative action or actions arising directly out of the conduct of the

campaign or election process, or the performance of the officer's governmental activities and duties.

(b) Any candidate or elected officer wishing to establish a legal defense fund account pursuant to this section shall file a statement of organization for the legal defense fund pursuant to Section §4101. The legal defense fund shall be named "The [Name of Candidate or Officeholder] Legal Defense Fund." The statement of organization shall identify the specific civil, criminal, or administrative proceeding or proceedings for which the legal defense fund is established and shall conform to the requirements of Sections §4102-§4104.

(c) The legal defense fund shall establish a single account at an office of a financial institution located in the state of California, and all donations to the candidate or elected officer for his or her legal defense shall be deposited into that account.

(d) Only donations that are specifically designated by the donor as being for the legal defense fund may be deposited into the legal defense fund account. All such donations must be made payable to the legal defense fund, and no donation that is not specifically made payable to the legal defense fund may be deposited into the legal defense fund account, provided that nonmonetary donations may be received and used for purposes directly related to the legal defense for which the fund is established if the donor specifically designates in writing that the donation has been made for such purposes.

(e) Notwithstanding any other provision of law, any donation to a legal defense fund and account established pursuant to this section shall, for the purposes of this article (commencing with Section §7100), be deemed a gift to the candidate or officer for whose benefit the legal defense fund has been established, and any contributor to the legal defense fund shall be considered a donor of a gift to the candidate or officer for the purposes of Section §7103. A donation to a legal defense fund by any sponsored committee, as specified in Section §204S.7, shall be deemed a gift to both the committee and the sponsor or sponsors of the committee. For the purposes of applying the disqualification provisions of this article to donations to legal defense funds, an identifiable industry, trade, or profession does not constitute a significant segment of the public. A donation to a legal defense fund by a committee whose primary purpose is to promote the economic interests of a single industry, trade, or profession shall be deemed to create in the candidate or officer for whose benefit the fund has been established a financial interest in any decision that will reasonably foreseeably have a material financial effect on a significant number of the members of that industry, trade, or profession.

(f) No person, political committee, small-contributor political action committee, or political party committee shall make, and no legal defense fund committee shall

solicit or accept from each such person, political committee, small-contributor political action committee, or political party committee, a donation or donations totaling more than two thousand five hundred dollars (\$2,500) per two-year election cycle.

(g) Expenditures from the legal defense fund account shall be made only for legal defense costs directly related to the civil, criminal, or administrative proceeding or proceedings for which the legal defense fund is established. However, in no event shall any expenditures from the legal defense fund account be used to pay or reimburse any fines, penalties, judgments, or settlements in connection with any criminal prosecution or any civil or administrative action in which the candidate or elected officer is found to have committed, or admits to, an intentional or grossly negligent violation of the law.

(h) No funds may be transferred from the legal defense fund to any other committee. Surplus funds remaining in the legal defense fund account after the proceeding or proceedings for which the account is established have concluded may be used for no other purpose and shall be returned to donors on a pro rata basis within six months after the final conclusion of the proceeding or proceedings.

(i) The legal defense fund shall file disclosure statements containing the same information and at the same time that the candidate or officer files his or her campaign disclosure statements pursuant to Chapter 4 of this title (commencing with Section 84100). Any payments made by the candidate or officer from his or her personal funds for legal defense purposes shall be reported in the legal defense fund disclosure statements as nonmonetary donations.

(j) Except as specifically provided elsewhere in this section, a donation to a legal defense fund and account established pursuant to this section shall not be considered a campaign contribution and shall not be subject to the campaign contribution limitations contained in Chapter 5 (commencing with Section 85100) of this title. This section shall constitute the sole means for soliciting or accepting donations for legal defense costs free of the campaign contribution limitations contained in Chapter 5, and any other provision of law exempting such donations from the campaign contribution limitations in that chapter is hereby superseded and nullified.

SECTION 13. Section 87203 of the Government Code is amended to read:

87203. (a) Every person who holds an office specified in Section 87200 shall, each year at a time specified by commission regulations, file a statement disclosing his or her investments, his or her interests in real property and his or her income during the period since the previous statement filed under this section or Section 87202. The statement shall include any investments and interest in real property held at any time

during the period covered by the statement, whether or not they are still held at the time of filing.

(b) Every elected state officer shall file, by a date six months after the time specified in subdivision (a), an additional statement disclosing his or her investments, his or her interests in real property, and his or her income since the previous statement filed under subdivision (a).

TITLE IV
CONFLICT OF INTEREST

SECTION 14. Section 87102 of the Government Code is amended to read:

87102. (a) The requirements of Section 87100 are in addition to the requirements of Articles 2 and 3 of this chapter and any Conflict of Interest Code adopted thereunder. ~~However~~ Except as provided in subdivision (b), the remedies provided in Chapters 3 (commencing with Section 83100) and 11 (commencing with Section 91000) shall not be applicable to ~~elected state officers~~ Members of the Legislature for violations or threatened violations of this article.

(b) The remedies provided in Chapter 3 (commencing with Section 83100) and Chapter 11 (commencing with Section 91000) shall apply to any Member of the Legislature who makes, participates in making, or in any way attempts to use his or her official position to influence any of the following governmental decisions in which the Member knows or has reason to know that he or she has a financial interest, as specified in Section 87103:

(1) Any nonlegislative state governmental decision.

(2) Introduction as author or co-author of a bill, resolution, or constitutional amendment.

(3) Any vote in a legislative committee or subcommittee, except that in a fiscal committee or subcommittee this subdivision shall apply only to a vote on any special or local legislation.

(4) Any rollcall vote on any special or local legislation on the Senate or Assembly floor.

This subdivision shall not apply to votes on a consent calendar item, on a motion for reconsideration, on a waiver of any legislative rule, or any other purely procedural matter.

(c) For purposes of subdivision (b), all of the following apply:

(1) "Nonlegislative state governmental decision" means a state governmental decision which does not relate to a bill, resolution, or constitutional amendment.

(2) "Special or local legislation" means legislation that is not of a general nature for purposes of Section 16 of Article IV of the California Constitution. Special

or local legislation shall be deemed to have an effect which is distinguishable from the effect on the public generally.

(3) A Member of the Legislature is presumed to have reason to know that he or she has conflict of interest with respect to a bill, resolution, or constitutional amendment before a legislative committee or subcommittee if the facts establishing the conflict of interest (other than the facts as to the legislator's income, investments, or interests in real property) are disclosed in any analysis that is prepared by legislative staff and is made available to the Member prior to his or her vote. For purposes of this paragraph, the legislative committee or subcommittee shall make a reasonable effort to determine and highlight in its analysis of a bill, resolution, or constitutional amendment, the instances in which there is a conflict of interest.

(4) A Member of the Legislature is presumed to have reason to know that he or she has a conflict of interest with respect to a vote on the Assembly or Senate floor if the facts establishing the conflict of interest (other than the facts as to the legislator's income, investments, or interests in real property) are disclosed in any floor analysis that is prepared by legislative staff and is made available to the Member prior to his or her vote. For purposes of this paragraph, the legislative staff shall make a reasonable effort to determine and highlight in its analysis of a bill, resolution, or constitutional amendment, the instances in which there is a conflict of interest.

(5) The length of the legislative agenda at the time any legislation was being considered shall be taken into account in determining whether a Member of the Legislature knew or should have known that he or she had a conflict of interest.

(d) The Legislative Counsel shall designate in the digest of each bill, resolution, or constitutional amendment whether it is "special or local" legislation for purposes of this section. The Commission shall establish guidelines to aid the Legislative Counsel in determining whether legislation should be deemed "general" in that it applies equally to all persons embraced in a class founded upon some natural, intrinsic, or constitutional distinction, or "special or local" in that it confers a particular privilege or imposes special conditions on a selected class of otherwise similarly situated persons.

(e) In any instance in which a Member abstains from voting on a bill, resolution, or constitutional amendment because he or she has a conflict of interest (whether in a legislative committee or subcommittee, or on the Assembly or Senate floor), the Member shall so indicate, and the number of members required to pass the measure or to report it out of the committee or subcommittee shall consist of a majority of the remaining, qualified members. This subdivision shall not apply to floor votes on any measure requiring concurrence by more than a simple majority of the

membership

(f) Neither this section nor Section 87100 shall prevent any member of the Legislature from voting on a bill establishing the compensation of members of the Legislature in accordance with Article IV, section 4 of the state Constitution.

SECTION 15. Section 87101 of the Government Code is amended to read:

Section 87101. Legally Required Participation in Governmental Decision

Sections 87100 and 87102 ~~does~~ do not prevent any public official from making or participating in the making of a governmental decision to the extent his or her participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his or her participation legally required for purposes of this section.

SECTION 16. Article IV, Section 8 of the state Constitution is amended to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b) The Legislature shall make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring. No bill may be passed until the bill with amendments has been printed and distributed to the members. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house eligible to vote concurs.

(c) (1) Except as provided in paragraph (2) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

TITLE V.
RESTRICTION ON PERSONAL USE OF CAMPAIGN FUNDS

SECTION 17. Section 85800 of the Government Code is amended to read:

85800. (a) This article applies to campaign funds held by candidates for elective office, elected officers, controlled committees, ballot measure committees, committees opposed to a candidate or measure, political action committees, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(b) (1) For purposes of this chapter, "campaign funds" includes any contributions, cash, cash equivalents, and other assets received or possessed by a committee as defined by subdivision (a) of Section 82013.

(2) For purposes of this chapter, "substantial personal benefit" means an expenditure of campaign funds which results in a ~~direct~~ personal benefit with a value of more than ~~one hundred~~ twenty-five dollars (~~\$100~~) (\$25) to a candidate or elected officer.

(3) For purposes of this article, "household" includes the candidate's or elected officer's spouse, dependent children, and parents who reside with the candidate or elected officer.

SECTION 18. Section 85802 of the Government Code is amended to read:

85802. The following provisions shall guide the interpretation of the standard imposed by Section 85801 as applied to other expenditures not specifically set forth below.

(a) Campaign funds shall not be used to pay or reimburse the candidate, the elected officer, or employees or staff of the campaign committee or the elected officer's governmental agency for travel expenses and necessary accommodations except when these expenditures are directly related to a political, legislative, or governmental purpose.

(1) For the purposes of this section, payments or reimbursements for travel and necessary accommodations shall be considered as directly related to a political, legislative, or governmental purpose if the payments would meet ~~standards similar to~~ the standards of the Internal Revenue Service pursuant to Sections 162 and 274 of the Internal Revenue Code for deductions of travel expenses under the federal income tax law.

(2) For the purposes of this section, payments or reimbursement for travel by

the household of a candidate or elected officer when traveling within California to the same destination in order to accompany the candidate or elected officer shall be considered for the same purpose as the candidate's or elected officer's travel.

(3) For the purposes of this section, payments or reimbursement for travel by the spouse of a candidate or elected officer when traveling outside California to the same destination in order to accompany the candidate or elected officer shall be considered for the same purpose as the candidate's or elected officer's travel.

(4) Whenever campaign funds are used to pay or reimburse a candidate, elected officer, his or her representative, or a member of the candidate's household for travel expenses and necessary accommodations, the expenditure shall be reported as required by paragraph (7) of subdivision (j) of Section 84211.

(b) Campaign funds shall not be used to pay for or reimburse the cost of professional services unless the services are directly related to a political, legislative, or governmental purpose.

(1) Expenditures by a campaign committee to pay for professional services reasonably required by the campaign committee to assist it in the performance of its administrative functions are directly related to a political, legislative, or governmental purpose.

(2) Campaign funds shall not be used to pay health-related expenses for a candidate, elected officer, or members of his or her household. "Health-related expenses" include, but are not limited to, examinations by physicians, dentists, psychiatrists, psychologists, or counselors, expenses ~~or~~ for medications, treatments or medical equipment, expenses for hospitalization, health club dues, and special dietary foods. However, campaign funds may be used to pay employer costs of health care benefits for a member of the candidate's or elected officer's household who is a bona fide employee of the campaign committee.

(c) Campaign funds shall not be used to pay or reimburse fines, penalties, judgments, or settlements, ~~except those~~ resulting from either any of the following:

(1) A criminal prosecution, including traffic citations, except for parking ~~Parking~~ citations incurred in the performance of an activity which was directly related to a political, legislative, or governmental purpose.

(2) A civil or administrative action in which the candidate or officeholder is found to have committed or admits to an intentional or grossly negligent violation of law.

(3) Any other action for which payment of attorney's fees from ~~contributions~~ campaign funds would not be permitted pursuant to this title.

(d) Campaign funds shall not be used for campaign, business, or casual clothing except specialty clothing that is not suitable for everyday use, including, but not limited to, formal wear, where this attire is to be worn by the candidate or elected officer and is directly related to a political, legislative, or governmental purpose.

(e) Except where otherwise prohibited by law, campaign funds may be used to purchase or reimburse for the costs of purchase of tickets to political fundraising events for the attendance of a candidate, elected officer, his or her immediate family, and employees or staff of the campaign committee and the elected officer's governmental agency.

(1) Campaign funds shall not be used to pay for or reimburse for the costs of tickets for entertainment or sporting events for the candidate, elected officer, or members of his or her immediate family unless their attendance at the event is directly related to a political, legislative, or governmental purpose.

(2) The purchase of tickets for entertainment or sporting events for the benefit of persons other than the candidate, elected officer, or his or her immediate family are governed by subdivision (f).

(f) (1) Campaign funds shall not be used to make personal gifts unless the gift is directly related to a political, legislative, or governmental purpose. In the case of a public employee, compensation received from a public agency shall constitute full and adequate consideration for all services performed in connection with the public employment. The refund of a campaign contribution does not constitute the making of a gift.

Nothing in this section shall prohibit the use of campaign funds to reimburse or otherwise compensate a public employee for services rendered to a candidate or campaign committee while on vacation, leave, or otherwise outside of compensated public time.

(2) An election victory celebration or similar campaign event, or gifts totaling less than one hundred dollars (\$100) in a calendar year made to an employee or a campaign committee worker, or to an employee of the elected officer's agency, are considered to be directly related to a political, legislative, or governmental purpose.

(g) Campaign funds shall not be used to make loans other than to organizations pursuant to Section 85803.

SECTION 19. Section 85802.5 of the Government Code is amended to read:

85802.5. ~~(+)~~ Expenditures of campaign funds for attorney's fees and other costs in connection with administrative, civil, or criminal litigation are not directly related to a political, legislative, or governmental purpose except where (1) the litigation arises directly out of ~~a candidate's or elected officer's activities, duties, or status as a candidate or elected officer.~~ the conduct of a campaign or election process, including, but not limited to, an action to enjoin defamation, defense of an action to enjoin defamation, defense of an action brought for violation of state or local campaign, disclosure, or election laws, and an action arising from an election contest or recount, or (2) the litigation arises directly out of the performance of an elected officer's legislative or governmental duties.

~~(+) This section shall become operative only if Senate Bill 284 of the 1989-90 Regular Session is not chaptered and does not take effect on or before January 1, 1990.~~

SECTION 20. Section 85806 of the Government Code is amended to read:

85806. Campaign funds shall not be used to compensate a candidate or elected officer for the performance of political, legislative, or governmental activities, except for reimbursement, made pursuant to Section ~~85302~~, 85301, of out-of-pocket expenses incurred for political, legislative, or governmental purposes.

SECTION 21. Section 85807 of the Government Code is repealed.

TITLE VI.
"REVOLVING DOOR" LOBBYING RESTRICTIONS

SECTION 22. Section 87401 of the Government Code is amended to read:

87401. (a) No former state administrative official, after the termination of his or her employment or term of office, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California) before any court or state administrative agency or any officer or employee thereof by making any oral or written communication with the intent to influence, in connection with any judicial, quasi-judicial, or other proceeding if both of the following apply:

~~(+)(1)~~ The State of California is a party or has a direct and substantial interest.

~~(+)(2)~~ The proceeding is one in which the former state administrative official participated.

(b) No designated employee, as defined in Section 82019, of the executive branch of state government; or member of any state board or commission, for 12 months after leaving employment, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California or any state or local government agency) before an agency of the executive branch of state government or any official thereof, by making any formal or informal appearance, or by making any oral or written communication, if both of the following apply:

(1) The agency is one for which the employee or member worked for at least one month during the 12 months before leaving state service, or is one with which the employee or member has had significant decisionmaking influence during the 12 months before leaving state service. The Governor's Chief of Staff and the Director of the Department of Finance shall be presumed to have had significant decisionmaking influence with any state agency which is subject to the direction and control of the Governor.

(2) The appearance or communication is made for the purpose of influencing administrative or legislative action by the agency or official, including, but not limited to, any action by the agency or official to influence legislative action.

(c) No Member of the Legislature, for 12 months after the termination of his or her term of office, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California or any state or local

government agency) before any committee of the Legislature or any member thereof, by making any formal or informal appearance, or by making any oral or written communication, if the appearance or communication is made for the purpose of influencing legislative action by the committee or member, including, but not limited to, any action by the committee or member to influence legislative action.

(d) No designated employee of the Legislature, for 12 months after leaving employment, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California or any state or local government agency) before a committee of the Legislature or a member thereof, by making any formal or informal appearance, or by making any oral or written communication, if both of the following apply:

(1) The committee or member is one for which the employee worked for at least one month during the 12 months before leaving state service, or is one with which the employee has had significant decisionmaking influence during the 12 months before leaving state service. An employee of a committee shall be presumed to have had significant decisionmaking influence with the members of the committee.

(2) The appearance or communication is made for the purpose of influencing legislative action by the committee or member, including, but not limited to, any action by the committee or member to influence legislative action.

(e) No person holding statewide elective office, for 12 months after leaving office, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California or any state or local government agency) before any state agency or official thereof, by making any oral or written communication with the intent to influence any action by the agency or official, unless the appearance or representation is in connection with a judicial or quasi-judicial proceeding on a matter in which the person formerly holding statewide elective office did not participate. In no event shall a person holding statewide elective office, for 12 months after leaving office, act for compensation as agent or attorney for, or otherwise represent, any other person (other than the State of California or any state or local government agency) before the state agency or department in which he or she served.

SECTION 23. Section 87402 of the Government Code is amended to read:

87402. No former state administrative official, person holding statewide elective office, designated employee of the executive branch, member of a state board or commission, designated employee of the Legislature, or Member of the Legislature, after the termination of his or her employment or term of office shall for compensation aid, advise, counsel, consult, or assist in representing any other person (except the State

of California) in any proceeding in which the official would be prohibited from appearing under Section 87401.

TITLE VII.
PROHIBITION ON PERSONAL OR POLITICAL USE OF STATE RESOURCES

SECTION 24. Section 8314 is added to the Government Code, to read:

8314. (a) It shall be unlawful for any elected state officer, appointee, employee, or consultant, to use or permit others to use state resources for personal, political, or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include an occasional telephone call, or an incidental and minimal use of state resources, such as equipment or office space, for personal purposes.

(2) "Political purpose" means those activities the purpose of which is to influence voters with regard to a candidate or ballot measure election. Those activities include activities commonly associated with conducting a political campaign, such as fundraising, mailings, organizing campaign meetings and appearances, preparing position papers and speeches for use in a campaign, and planning campaign strategy. Those activities do not include the incidental use of state resources to refer unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "State resources" means any state property or asset, including, but not limited to, state land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state compensated time.

(4) "Use" means a use of state resources which is substantial enough to result in a gain or advantage to the user or a loss to the state for which a monetary value may be estimated.

(c) (1) Any person who intentionally or negligently violates this section shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of state resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, or by any district attorney or any elected city attorney for violations committed within their jurisdiction. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section shall be commenced more than four years after the date the alleged violation occurred.

TITLE VIII.
SPECIAL PROSECUTOR

SECTION 25. Article 2.5 (commencing with Section 12530) is added to Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 2.5. Special Investigation and Prosecution Unit

12530. As used in this article:

(a) "State officer" means the Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Insurance Commissioner, Superintendent of Public Instruction, judges, court commissioners, Members of the Legislature, Members of the State Board of Equalization, and every member, officer, or consultant of a state office, department, division, bureau, agency, board or commission.

(b) "Local officer" means any person who holds any regional, county, municipal or district elective office, and every member, officer, employee, or consultant of a county, city, city and county, or district of any kind, including a school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission, or other agency of the foregoing.

12531. (a) There is in the office of the Attorney General the Special Investigation and Prosecution Unit, which is authorized to establish a statewide program for coordinating the investigation and prosecution, either through criminal or appropriate civil action, of alleged criminal or civil violations of law by state officers or candidates for elective state office, committed in the discharge of their official duties or contrary to their official duties, or in their conduct relating to any political campaign.

(b) Local law enforcement and prosecution agencies shall have concurrent jurisdiction with the Special Investigation and Prosecution Unit to investigate and prosecute violations of law referred to in this section. The appropriate district attorney or district attorneys shall have the initial responsibility of determining whether these violations shall be prosecuted.

(c) The Special Investigation and Prosecution Unit may advise and assist local law enforcement and prosecution agencies in the investigation and prosecution of local officers and candidates for local elected office who are alleged to have committed criminal or other unlawful acts in the discharge of their official duties or contrary to their official duties or in their conduct relating to political campaigns.

12532. (a) When the Attorney General determines in the interest of justice or because of a conflict of interest that the Attorney General should not investigate or prosecute alleged criminal or civil violations by state officers, or candidates for elected state office, the Attorney General may request the appointment of a special prosecutor to conduct the investigation, and if necessary, the prosecution.

(b) The request for the appointment of a special prosecutor shall be made to the court of appeal that has jurisdiction over the county or counties in which the unlawful acts are alleged to have occurred.

(c) Upon request by the Attorney General, the court of appeal shall appoint a special prosecutor from the office of an incumbent district attorney. No person from the office of the district attorney of the county in which the unlawful acts are alleged to have occurred shall be appointed as the special prosecutor.

(d) A special prosecutor appointed pursuant to this article may be removed from office only by the personal action of the Attorney General, and only for good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the special prosecutor's duties.

(e) All expenses reasonably incurred by the appointed special prosecutor shall be paid by the Department of Justice.

12533. The Attorney General shall submit a report to the Legislature by October 1 of each year on the resolution of complaints filed with the Attorney General and district attorneys which allege criminal or other violations of the law by state officers or candidates for state office, committed in the discharge of their official duties or contrary to their official duties, or in their conduct relating to any political campaign.

12534. Commencing July 1, 1991, and every July 1 thereafter, there is hereby appropriated from the General Fund to the Office of the Attorney General the sum of one million two hundred thousand dollars (\$1,200,000), adjusted annually in the same manner as the state appropriation limitation is adjusted under Sections 1 and 8 of Article XIIIB of the state Constitution, for expenditures to support the operations of the Special Investigation and Prosecution Unit and to carry out its responsibilities pursuant to this article. The expenditure of funds under this appropriation shall be subject to the normal administrative review given to other state appropriations. The Legislature shall appropriate additional amounts to the Office of the Attorney General and other agencies as may be necessary to carry out the provisions of this article.

TITLE IX.
CAMPAIGN FINANCE REFORM

SECTION 26. Articles 1 through 7 of Chapter 5 (commencing with Section 85100) of Title 9 of the Government Code are repealed. Notwithstanding section 39 of this measure, this section is not severable from Section 27 of this measure.

SECTION 27. Articles 1 through 7 and Article 9 are added to Chapter 5 (commencing with Section 85100) of Title 9 of the Government Code, to read:

CHAPTER 5

THE CAMPAIGN FINANCE REFORM ACT OF 1990

Article 1

FINDINGS AND PURPOSES

85100. Title

This chapter shall be known and cited as the Campaign Finance Reform Act of 1990.

85101. Findings and Declarations

The people find and declare each of the following:

(a) Monetary contributions to political campaigns are a legitimate form of participation in the American political process, but the financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.

(b) Campaign spending for California elective offices is escalating to dangerous levels. The rapidly increasing costs of political campaigns have forced many candidates to raise larger and larger percentages of money from interest groups with a specific financial stake in matters before elected officers. This has caused the public perception that elected officers' votes and decisions are being improperly influenced by monetary

contributions. This perception is undermining the credibility and integrity of the electoral and governmental process.

(c) The potentially corrupting influence of campaign contributions results not only from the perception that specific large monetary contributions might improperly influence the actions of elected officers, but from the overall pressure on candidates and elected officers to raise and spend enormous sums of money.

(d) The average legislative candidate now raises over 90% of his or her campaign contributions from sources outside his or her own district. This has caused the growing public perception that legislators are less interested in the problems of their own constituents than the problems of wealthier statewide contributors.

(e) Candidates are raising less and less money in small contributions and more money in large individual and organizational contributions. This has created the public impression that the small contributor has an insignificant role to play in political campaigns.

(f) High campaign costs are forcing public officials to spend more time on fundraising and less time on the public's business. The constant pressure to raise contributions is distracting officeholders from urgent legislative and governmental matters.

(g) Elected officers are responding to high campaign costs by raising large amounts of money in non-election years. This fundraising distracts them from important public matters, encourages contributions which may have a corrupting influence, and gives incumbents an unfair fundraising advantage over potential challengers.

(h) Incumbents are raising far more money than challengers. The fundraising advantages of incumbency are diminishing electoral competition between incumbents and challengers.

(i) The integrity of the governmental and electoral processes, the competitiveness of campaigns, and public confidence in elected officers are all diminishing.

85102. Purpose of this Chapter

The people enact this Act to accomplish the following purposes:

(a) To ensure that individuals and interest groups in our society have a fair and equal opportunity to participate in the elective and governmental processes.

(b) To reduce the influence of large contributors with a specific financial stake in matters before elected officers, thus countering the perception that governmental decisions are influenced more by the size of contributions than the merits of the issue or the best interests of the people of California.

(c) To assist serious candidates in raising enough money to communicate their views and positions adequately to the public without excessive reliance on large special-interest contributions, thereby promoting public discussion of the important issues involved in political campaigns.

(d) To limit overall expenditures in electoral campaigns, thereby reducing the pressure on candidates to raise large campaign war chests beyond the amount necessary to communicate reasonably with voters.

(e) To provide a neutral source of campaign financing by allowing individual taxpayers voluntarily to dedicate a portion of their state taxes to defray a portion of the costs of electoral campaigns.

(f) To increase the importance of contributions by individuals residing in a candidate's electoral district.

(g) To increase the importance of smaller contributions.

(h) To restrict non-election year fundraising.

(i) To reduce excessive fundraising advantages of incumbents and thus encourage competition for elective office.

(j) To allow candidates and elected officers to spend a lesser proportion of their time on fundraising and a greater proportion of their time discussing important public issues.

(k) To improve the disclosure of contribution sources in reasonable and effective ways.

(l) To ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of the important issues involved in political campaigns.

(m) To help restore public trust in the state's governmental and electoral institutions.

85103. Local Campaign Finance Limitations

(a) Nothing in this chapter shall affect the validity of a campaign finance limitation, including a limitation on contributions, in effect on the effective date of this chapter which was enacted by a local governmental agency and imposes more restrictive campaign finance limitations.

(b) Nothing in this chapter shall prohibit a local governmental agency from adopting campaign finance limitations, including contribution limitations, for candidates for elective office in its jurisdiction as long as the limitations on contributions per election cycle contained therein are no less restrictive in their overall impact within that jurisdiction than those contained in this chapter.

85104. Authority of Commission

(a) The Commission may promulgate regulations to carry out the intent of this chapter as nearly as possible. The Commission shall possess all lawful authority to forbid any specific practices the intent of which is to evade the provisions and requirements of this chapter.

(b) The Commission shall have the authority to determine that any contributions to or expenditures by a candidate or his or her controlled committee in one campaign were primarily made for the purpose or with the effect of influencing or attempting to influence the actions of the voters for or against the election of the candidate in another campaign, in which event any contributions or expenditures so determined shall be considered as, and cumulated with, any contributions to or qualified campaign expenditures of the latter campaign.

85105. Effective Date

The provisions of this chapter shall become effective on January 1, 1991.

Article 2

DEFINITIONS

85200. Interpretation of this Chapter

(a) Unless the term is specifically defined in this chapter or the contrary is stated or clearly appears from the context, the definitions set forth in Chapter 2 (commencing with Section 82000) shall govern the interpretation of this chapter.

(b) The provisions of this chapter shall be interpreted and applied by the Commission so as to achieve maximum conformity with the findings and purposes specified herein.

85201. Person

"Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, labor union, association, committee, and any other organization or group of persons acting in concert.

85202. Political Committee

"Political committee" means any committee of persons that meets all of the following criteria:

- (a) It has been in existence for at least six months;
- (b) It has received contributions from 25 or more persons during a two-year election cycle;
- (c) It contributes to at least five candidates for elective office within California during a two-year election cycle; and
- (d) It is not a candidate-controlled committee.

85203. Small-Contributor Political Action Committee

"Small-contributor political action committee" means any political committee that meets all of the following criteria:

- (a) It has been in existence for at least six months;
- (b) It has received contributions from 100 or more persons during a two-year election cycle;
- (c) It contributes to at least five candidates for elective office within California during a two-year election cycle;
- (d) All the contributions it receives from any person in a calendar year total \$100 or less; and
- (e) It is not a candidate-controlled committee.

85204. Political Party Committee

"Political party committee," for purposes of the contribution limits set forth in this chapter, means any committee established by the following organizations:

- (a) The state central committee or the statewide governing body of any political party or of any organization which is qualified for participation in a primary election pursuant to Article 2 (commencing with Section 6430) of Chapter 5 of Division 6 of the Elections Code.
- (b) A county central committee established pursuant to the following provisions of the Elections Code: Sections 8820-8945; Sections 9320-9444; Sections 9700-9745; Sections 9830-9855; and Section 9955.
- (c) Any bona fide local political party club established or chartered by a state central or county central committee referred to in subsections (a) and (b).
- (d) A single legislative caucus committee controlled by the caucus of each political party of each house of the Legislature.

No political party committee, as defined in this section, shall be considered a controlled committee for purposes of the contribution limits set forth in this chapter.

85205. Qualified Campaign Expenditure

(a) "Qualified campaign expenditure" for candidates for elective state office includes all of the following:

(1) Any expenditure made by an elected state officer or a candidate for elective state office, or by a committee controlled by such a candidate, for the purpose or with the primary effect of influencing or attempting to influence the actions of the voters for or against the election of any candidate for elective state office.

(2) Any transfer of anything of value made by the candidate's controlled committee to any other committee.

(3) A non-monetary contribution provided at the request of or with the approval of the candidate, officeholder, or committee controlled by the candidate or officeholder.

(b) "Qualified campaign expenditure" does not include any payment for "legitimate officeholder expenses" within the meaning of that term as defined in Section 85206.

85206. Legitimate Officeholder Expenses

"Legitimate officeholder expenses" means those expenditures of campaign funds that arise out of the performance of an elected officer's official duties, directly assist the elected officer in performing his or her official duties, or principally benefit the legislative or governmental entity. Legitimate officeholder expenses include those expenses arising out of an elected officer's responsibilities as an official of his or her political party, such as those devolving upon the elected officer pursuant to Elections Code Sections 8660, 9160, 9640, and 9790. The Commission shall by regulation specify categories of expenditures that qualify or do not qualify as "legitimate officeholder expenses" pursuant to this section.

85207. Two-Year Election Cycle

"Two-year election cycle" means the period commencing with January 1 of an odd-numbered year and ending with December 31 of the following even-numbered year.

85208. Campaign Reform Fund

"Campaign Reform Fund" means the fund created by Section 18775 of the Revenue and Taxation Code.

Article 3

CANDIDACY

85300. Declaration of Intent

Prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for an elective office shall file with the Commission, or with such other filing officer as the Commission may designate, a statement signed under penalty of perjury of intention to be a candidate for a specific elective office and term. Except as provided in Section 85412, an individual may not solicit or receive contributions for more than one elective office at the same time.

85301. Campaign Contribution Account

(a) Upon the filing of the statement of intention pursuant to Section 85300, the individual shall establish one campaign contribution account for that specific elective office at a financial institution located in the state of California. Except as provided in Section 85303, a candidate shall have no more than one campaign committee for elective office and no more than one campaign contribution account at any one time. This section shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of such accounts.

(b) Upon the establishment of a campaign contribution account pursuant to subsection (a), the name of the financial institution, the specific location, and the account number shall be filed within 10 days with the Commission, or with such other filing officer as the Commission may designate.

(c) All contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate's controlled campaign committee shall be deposited into the account established pursuant to subsection (a). Except as provided in subsection (d), any personal funds of the candidate that will be used to support his or her candidacy shall be deposited in the account prior to expenditure.

(d) All campaign expenditures shall be made from the campaign contribution account established pursuant to subsection (a), except that the Commission shall by regulation permit personal funds to be used for travel expenses and petty cash expenditures if reimbursed by the campaign contribution account within a reasonable time period.

85302. Contributions Held in Trust

Except as provided in Section 85510, all contributions deposited into the campaign account established pursuant to Section 85201 shall be deemed to be held in trust for expenses associated with the election of the candidate to the specific office which, pursuant to Section 85300, the candidate has stated he or she intends to seek or for legitimate officeholder expenses, as specified in Section 85206, associated with holding that office.

85303. Officeholder Expense Account

(a) Notwithstanding Section 85301, an elected officer may establish and maintain a separate campaign contribution account to be used solely for payment of legitimate officeholder expenses. Upon assuming elective office, the officer may establish a single officeholder expense account at a financial institution located in California. The name of the institution, its specific location, and the account number shall be filed with the Commission, or with such other filing officer as the Commission may designate, within 10 days of opening the account.

(b) Upon establishing an officeholder expense account pursuant to subsection (a), the officer may deposit into the account any campaign contributions received in accordance with Section 85412 and any surplus funds transferred from another officeholder expense account in accordance with subdivision (d) of this section or from the officer's controlled campaign committee in accordance with Section 85510(c)(2).

(c) Any funds deposited into an officeholder expense account must be used solely to pay for legitimate officeholder expenses associated with holding the specific office for which the funds were raised. However, no funds shall be expended from an officeholder expense account after the elected officer has filed a Declaration of Candidacy for any elective office pursuant to Section 6490 of the Elections Code.

(d) An officeholder expense account established pursuant to this section shall be closed within sixty (60) days after the officer who established the account leaves office. Any surplus funds remaining in the account at that time may either be transferred to a new officeholder expense account established by the officer, donated to the Campaign Reform Fund, contributed to a political party committee, or donated to any bona fide charitable, educational, civic, religious, or similar tax-exempt organization, where no substantial part of the proceeds will have a material financial effect on the former elected official or any member of his or her immediate family. Any surplus funds contributed to a political party committee pursuant to this subsection shall be exempt from the contribution limitations of Section 85404.

Article 4

CONTRIBUTION LIMITATIONS

85400. Limitation on Sources of Contributions

(a) A candidate for elective office may only accept campaign contributions from persons, political committees, small-contributor political action committees, and political party committees, and only in the amounts specified in this article (commencing with Section 85401). A candidate shall not solicit or accept contributions from any other source.

(b) All contributions received by a candidate and his or her controlled committees from a single source for any elections to be held on the same date shall be cumulated for purposes of the contribution limitations set forth in Sections 85401-85403.

85401. Limitations on Contributions from Persons

(a) No person shall make to any candidate and the controlled committee of such a candidate, and no such candidate and the candidate's controlled committee shall accept from each such person, a contribution or contributions totaling more than one thousand dollars (\$1,000) for each of the following elections in which the candidate is on the ballot or is a write-in candidate: a primary election, a general election, a special election, or a special runoff election.

(b) No person shall make to any committee which supports or opposes any candidate, and no such committee shall accept from each such person, a contribution or contributions totaling more than one thousand dollars (\$1,000) per calendar year.

(c) The limitations of this section shall not apply to a candidate's contribution of his or her own personal funds to his or her own controlled committee and campaign contribution account.

85402. Limitations on Contributions from Political Committees

(a) No political committee shall make to any candidate and the controlled committee of such a candidate, and no such candidate and the candidate's controlled committee shall accept from each such political committee, a contribution or contributions totaling more than two thousand five hundred dollars (\$2,500) for each of

the following elections in which the candidate is on the ballot or is a write-in candidate: a primary election, a general election, a special election, or a special runoff election. Contributions from political party committees to state candidates shall not be limited by this subsection.

(b) No political committee shall make to any committee which supports or opposes any candidate, and no such committee shall accept from each such political committee, a contribution or contributions totaling more than two thousand five hundred dollars (\$2,500) per calendar year.

85403. Limitations on Contributions from Small-Contributor Political Action Committees

(a) No small-contributor political action committee shall make to any candidate and the controlled committee of such a candidate, and no such candidate and the candidate's controlled committee shall accept from a small-contributor political action committee, a contribution or contributions totaling more than ten thousand dollars (\$10,000) for each of the following elections in which the candidate is on the ballot or is a write-in candidate: a primary election, a general election, a special election, or a special runoff election. Contributions from political party committees to state candidates shall not be limited by this subsection.

(b) No small-contributor political action committee shall make to any committee which supports or opposes a candidate, and no such committee shall accept from a small-contributor political action committee, a contribution or contributions totaling more than ten thousand dollars (\$10,000) per calendar year.

85404. Limitations on Contributions to Political Party Committees

(a) Except as provided in Section 85418, no person shall make to any political party committee which supports or opposes a candidate, and no such political party committee shall accept from each such person, a contribution or contributions totaling more than one thousand dollars (\$1,000) per calendar year for use to support or oppose candidates for elective office.

(b) Except as provided in Section 85418, no political committee shall make to any political party committee which supports or opposes a candidate, and no such political party committee shall accept from each such political committee, a contribution or contributions totaling more than two thousand five hundred dollars (\$2,500) per calendar year for use to support or oppose candidates for elective office.

(c) Except as provided in Section 85418, no small-contributor political action committee shall make to any political party committee which supports or opposes a candidate, and no such political party committee shall accept from each such small-contributor political action committee, a contribution or contributions totaling more than ten thousand dollars (\$10,000) per calendar year for use to support or oppose candidates for elective office.

85405. Limitations on Total Contributions to State Candidates from All Non-Individuals

No more than a total of one-third of the applicable expenditure limitations specified in Article 5 of this chapter (commencing with Section 85500) for any primary, general, special, or special runoff election shall be accepted in contributions from all non-individuals in the aggregate by any state candidate and the controlled committee of such candidate. These limitations on total contributions from non-individuals apply whether or not the candidate agrees to accept financing from the Campaign Reform Fund and complies with the expenditure limitations specified in Article 5. Contributions from political party committees are exempt from the limitations of this section.

85406. Limitations on Total Contributions to State Candidates from All Political Party Committees

No more than a total of one-sixth of the applicable expenditure limitations specified in Article 5 of this chapter (commencing with Section 85500) for the general, special, or special runoff election shall be accepted in contributions from all political party committees in the aggregate by any state candidate and the controlled committee of such candidate for a primary and general election combined or for a special election and special runoff election combined.

85407. Limitations on Total Contributions from Persons to All State Candidates

No person shall make to state candidates, or to any committees which support or oppose such candidates, contributions aggregating more than forty thousand dollars (\$40,000) in any two-year election cycle. Contributions to and from political party committees shall be exempt from the limitations of this section.

85408. Limitations on Total Contributions from Political Committees to All State Candidates

No political committee shall make to state candidates, or to any committees which support or oppose such candidates, contributions aggregating more than one hundred thousand dollars (\$100,000) in any two-year election cycle. Contributions to and from political party committees shall be exempt from the limitations of this section.

85409. Limitations on Total Contributions from Small-Contributor Political Action Committees to All State Candidates

No small-contributor political action committee shall make to state candidates, or to any committees which support or oppose such candidates, contributions aggregating more than four hundred thousand dollars (\$400,000) in any two-year election cycle. Contributions to and from political party committees shall be exempt from the limitations of this section.

85410. Prohibition on Transfers

(a) Transfers of funds between candidates or their controlled committees are prohibited. Except as provided in Section 85510, no candidate and no committee controlled by a candidate or candidates for elective office shall transfer any contribution to any other candidate for elective office or to any committee supporting or opposing a candidate for elective office.

(b) This section shall not prohibit a candidate from accepting contributions from any political party committee.

(c) This section shall not prohibit a candidate from making a contribution from his or her own personal funds to any other candidate for elective office.

(d) This section shall not prohibit a candidate from transferring contributions to any candidate-controlled committee that is primarily formed to support or oppose a ballot measure and that does not support or oppose any candidate for elective office.

85411. Restriction on Non-Election Year Contributions

(a) Except as provided in Section 85412, no candidate for member of the Legislature or member of the State Board of Equalization (including an incumbent officeholder intending to seek re-election), nor the controlled committee of such a candidate, shall solicit or accept any contribution before October 1 of the odd-numbered year prior to the date of the primary or general election for the specific

legislative or Board of Equalization office which the candidate has stated, pursuant to Section 85300, that he or she intends to seek. In the case of a special election or special runoff election, no such candidate or controlled committee of such a candidate shall solicit or accept any contribution more than one hundred and twenty (120) days prior to the date of that election. Only contributions raised in compliance with this subsection may be used by a candidate or the controlled committee of any such candidate to make expenditures in support of or in opposition to any candidate for member of the Legislature or State Board of Equalization.

(b) Except as provided in Section 85412, no candidate for statewide elective office (including an incumbent officeholder intending to seek re-election), nor any controlled committee of such candidate, shall solicit or accept any contribution before October 1 of the even-numbered year two years prior to the date of the primary or general election for the specific statewide elective office which the candidate has stated, pursuant to Section 85300, that he or she intends to seek. Only contributions raised in compliance with this subsection may be used by a candidate or the controlled committee of any such candidate to make expenditures in support of or in opposition to any candidate for statewide elective office.

(c) No legislative caucus committee, as specified in subdivision (d) of Section 85204, shall solicit or accept any contribution before October 1 of any odd-numbered year, except that a legislative caucus committee may solicit or accept a contribution within one hundred and twenty (120) days prior to the date of a special election or special runoff election.

85412. Contributions to Officeholder Expense Account

(a) Upon establishing an officeholder expense account pursuant to Section 85303, a member of the Legislature or State Board of Equalization may solicit and accept contributions for deposit into the officeholder expense account totaling no more than fifteen thousand dollars (\$15,000) per calendar year, and a person holding statewide elective office may solicit and accept contributions for deposit into the officeholder expense account totaling no more than thirty thousand dollars (\$30,000) per calendar year. Any such contributions shall be used solely to pay for legitimate officeholder expenses associated with holding that specific state office.

(b) Contributions received and deposited into the officeholder expense account pursuant to this section shall be exempt from the restrictions of Section 85411. However, the contribution limitations in Sections 85400 through 85410, inclusive, shall apply to all contributions received pursuant to this section, and all such contributions shall be cumulated with any other contributions received by the candidate and his or her controlled committees from the same source for purposes of those limitations.

(c) No more than a total of thirty thousand dollars (\$30,000) in the case of a member of the Assembly, no more than a total of sixty thousand dollars (\$60,000) in the case of a member of the Senate or State Board of Equalization, and no more than a total of one hundred and twenty thousand dollars (\$120,000) in the case of a person holding statewide elective office shall be deposited into the officeholder expense account during the elected officer's term of office. All contributions received and deposited into the officeholder expense account pursuant to this section shall be cumulated with any surplus campaign funds transferred into the account pursuant to Section 85510(c)(2) for purposes of these limitations.

85413. Return of Contributions

A contribution shall not be considered to be received if it is returned to the donor within fourteen (14) days of receipt and has not been negotiated, deposited, or utilized.

85414. Aggregation of Payments

For purposes of the contribution limitations set forth in this chapter, and in Section 87105, the following aggregation principles shall apply:

(a) All payments made by persons, political committees, or small-contributor political action committees whose contributions or expenditure activity are controlled by a single business entity, labor organization, association, political party or any other person or committee shall be considered to be made by a single person, political committee, or small-contributor political action committee.

(b) Two or more entities shall be treated as one entity when any of the following circumstances apply:

(1) The entities share the majority of members of their boards of directors.

(2) The entities share two or more officers.

(3) The entities are owned or controlled by the same majority shareholder or shareholders.

(4) The entities are in a parent-subsidary relationship.

(c) An individual and any general or limited partnership in which the individual is a controlling partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

85415. Loans

(a) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this chapter.

(b) Every loan to a candidate or the candidate's controlled committee shall be by written agreement, which shall be filed with the candidate's or committee's campaign statement on which the loan is first reported.

(c) The proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public and which is secured or guaranteed shall not be subject to the contribution limits of this chapter.

(d) Extensions of credit from a bona fide vendor of services or goods (other than loans pursuant to subdivision (c)) for a period of more than sixty (60) days are subject to the contribution limitations of this chapter.

85416. Family Contributions

(a) Contributions by a husband and wife shall be treated as separate contributions.

(b) Contributions by children under 18 shall be treated as contributions by their parents and attributed proportionately to each parent (one-half to each parent or the total amount to a single custodial parent).

85417. Time Periods for Attributing Contributions

(a) For purposes of application of the contribution limitations set forth in this chapter to primary and general elections held for any elective state office in June and November of even-numbered years, contributions made at any time before July 1 of the election year shall be considered primary contributions, and contributions made from July 1 until December 31 of the election year shall be considered general election contributions.

(b) For purposes of application of the contribution limitations set forth in this chapter to special and special runoff elections, contributions made at any time after the office has become vacant and up through the date of the special election shall be considered contributions in the special election, and contributions made after the date of the special election and up through fifty-eight (58) days after the special runoff election shall be considered contributions in the special runoff election.

(c) The Commission shall establish the appropriate time periods for attributing contributions to any elections not covered by subsection (a) or (b).

85418. Communications to Members Not Limited

(a) Nothing in this chapter shall limit the ability of a bona fide political party organization specified in Section 85204(a)-(c) to communicate with its own members by:

(1) paying the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party, provided that -

(a) such payments must be made from contributions subject to the limitations and prohibitions of this chapter,

(b) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, or similar type of general public communication or political advertising, and

(c) such payments are not made from contributions designated by the contributor to be spent on behalf of any particular candidate or candidates; and

(2) paying the costs of get-out-the-vote activities conducted on behalf of nominees of such party, including paying the costs of preparation or distribution of a printed slate card, sample ballot, or other printed listing of 3 or more candidates for any elective office in the state (or of the party's entire slate of candidates in the state election, whichever is less), provided that -

(a) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine,

billboard, or similar type of general public communication or political advertising, and

(b) such payments are not made from contributions designated by the contributor to be spent on behalf of any particular candidate or candidates.

(b) Nothing in this chapter shall limit the ability of a bona fide political party organization specified in Section 85204(a)-(c) to pay the costs of voter registration activities, provided that such payments are not made from contributions designated by the contributor to be spent on behalf of any particular candidate or candidates.

(c) Nothing in this chapter shall limit the ability of a bona fide membership organization, union, or corporation from communicating with its own members or shareholders in support of or opposition to any candidate for elective office.

85419. Earmarking of Contributions Prohibited

No person or committee shall make, and no person or committee shall accept, any contribution on the condition or with the agreement that it will be spent on behalf of any particular candidate. The expenditure of funds received by a person or committee shall be made at the sole discretion of the recipient person or committee. Contributions to candidates and committees controlled by such candidates shall be exempt from the prohibition of this section. This section shall not prohibit contributions by an intermediary or agent in accordance with Section 84302.

85420. Contributions to Ballot-Measure Committees Not Limited

Nothing in this chapter shall limit a person's ability to contribute to any committee that is primarily formed to support or oppose a ballot measure, whether or not such committee is controlled by a candidate or candidates.

Article 5

EXPENDITURE LIMITATIONS

85500. Expenditure Limitations for Gubernatorial Candidates

Except as provided in Section 85511, no candidate for Governor who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Four million five hundred thousand dollars (\$4,500,000) in a primary election.

(b) Seven million two hundred thousand dollars (\$7,200,000) in a general election.

85501. Expenditure Limitations for Other Candidates for Statewide Elective Office

Except as provided in Section 85511, no candidate for Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, or Insurance Commissioner who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) One million five hundred thousand dollars (\$1,500,000) in a primary election.

(b) Two million four hundred thousand dollars (\$2,400,000) in a general election.

85502. Expenditure Limitations for Superintendent of Public Instruction Candidates

Except as provided in Section 85511, no candidate for Superintendent of Public Instruction who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) One million nine hundred and fifty thousand dollars (\$1,950,000) in a primary election.

(b) One million nine hundred and fifty thousand dollars (\$1,950,000) in a general, special, or runoff election.

85503. Expenditure Limitations for State Board of Equalization Candidates

Except as provided in Section 85511, no candidate for member of the State Board of Equalization who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Four hundred and twenty-five thousand dollars (\$425,000) in a primary election.

(b) Seven hundred thousand dollars (\$700,000) in a general, special, or special runoff election.

85504. Expenditure Limitations for State Senate Candidates

Except as provided in Section 85511, no candidate for member of the Senate who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Four hundred and twenty-five thousand dollars (\$425,000) in a primary election.

(b) Seven hundred thousand dollars (\$700,000) in a general, special, or special runoff election.

85505. Expenditure Limitations for State Assembly Candidates

Except as provided in Section 85511, no candidate for member of the Assembly who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Two hundred and fifty thousand dollars (\$250,000) in a primary election.

(b) Four hundred thousand dollars (\$400,000) in a general, special, or special runoff election.

85506. Expenditure Limitations Lifted -- Primary Elections

(a) In any primary election, if a candidate who declines to accept payments from the Campaign Reform Fund and the controlled committee of such candidate receives contributions, makes qualified campaign expenditures, or has cash-on-hand in excess of the applicable expenditure limitation set forth in this article, then the expenditure limitation shall no longer be applicable to all other candidates who seek the party nomination for the same seat (or in the case of a primary election for Superintendent of Public Instruction, to all other candidates in that primary election). In addition, the limitation on maximum payments from the Campaign Reform Fund contained in Section 85604 shall no longer be applicable to all other candidates who have agreed to accept payments from the Fund.

(b) In any primary election, if any committee or committees make independent expenditures in support of a candidate totaling more than one-sixth of the applicable expenditure limitation specified in this article for that election, then the expenditure limitation for all other candidates who seek the party nomination for the same seat (or in the case of a primary election for Superintendent of Public Instruction, for all candidates in that primary election) shall be raised by an amount equal to the amount independently spent in support of that candidate. The Commission shall have the responsibility for determining whether independent expenditures have been made in support of a particular candidate or candidates and, if so, the amount by which the expenditure limitation shall be raised pursuant to this section.

(c) In any primary election, if any committee or committees make independent expenditures in opposition to a candidate totaling more than one-sixth of the applicable expenditure limitation specified in this article for that election, then the expenditure limitation for that candidate shall be raised by an amount equal to the amount independently spent in opposition to his or her candidacy. The Commission shall have the responsibility for determining whether independent expenditures have been made in opposition to a particular candidate or candidates and, if so, the amount by which the expenditure limitation shall be raised pursuant to this section.

85507. Expenditure Limitations Lifted -- Non-Primary Elections

(a) In any general, special or special runoff election, if a candidate who declines to accept payments from the Campaign Reform Fund and the controlled committee of such candidate receives contributions, makes qualified campaign expenditures, or has

cash-on-hand in excess of the applicable expenditure limitation set forth in this article, then the expenditure limitation shall no longer be applicable to all other candidates running for the same seat in the general, special or special runoff election. In addition, the limitation on maximum payments from the Campaign Reform Fund contained in Section 85604 shall no longer be applicable to all other candidates who have agreed to accept payments from the Fund.

(b) In any general, special or special runoff election, if any committee or committees make independent expenditures in support of a candidate totaling more than one-sixth of the applicable expenditure limitation specified in this article for that election, then the expenditure limitation for all other candidates running for the same seat in the general, special, or special runoff election shall be raised by an amount equal to the amount independently spent in support of that candidate. The Commission shall have the responsibility for determining whether independent expenditures have been made in support of a particular candidate or candidates and, if so, the amount by which the expenditure limitation shall be raised pursuant to this section.

(c) In any general, special, or special runoff election, if any committee or committees make independent expenditures in opposition to a candidate totaling more than one-sixth of the applicable expenditure limitation specified in this article for that election, then the expenditure limitation for that candidate shall be raised by an amount equal to the amount independently spent in opposition to his or her candidacy. The Commission shall have the responsibility for determining whether independent expenditures have been made in opposition to a particular candidate or candidates and, if so, the amount by which the expenditure limitation shall be raised pursuant to this section.

85508. Notification by Candidate Who Exceeds Expenditure Limitations

A candidate who has declined to accept payments from the Campaign Reform Fund and receives contributions, makes qualified campaign expenditures, or has cash-on-hand in excess of the applicable expenditure limitations shall notify all opponents and the Commission by telephone and by confirming overnight delivery the day the limitations are exceeded.

85509. Cumulation of Expenditures for Multiple Campaigns on Same Election Date

If an individual who has filed a statement of intention pursuant to Section 85300 to be a candidate for a specific state elective office subsequently withdraws from that campaign and files a statement of intention pursuant to Section 85300 to be a

candidate for a different state elective office whose election is to be held on the same date, the Commission shall determine what portion, if any, of the expenditures made by the candidate and his or her controlled committee in the first campaign should be considered as, and cumulated with, qualified campaign expenditures in the subsequent campaign for purposes of determining compliance with the expenditure limitations set forth in this chapter. In making the determination called for in this section, the Commission shall consider what portion, if any, of the payments made in connection with the first campaign may reasonably be said to have assisted the candidate in influencing or attempting to influence the actions of the voters for or against the candidate in the latter campaign.

85510. Surplus and Carryover Funds

(a) Any campaign funds remaining in a state candidate's campaign contribution account at the end of the postelection reporting period following an election, and after all obligations are met by the candidate and his or her committee, shall be considered surplus campaign funds and shall be distributed only in accordance with this section.

(b) Following the primary or special election, surplus funds shall be distributed as follows:

(1) A candidate who has won his or her party's nomination for the ensuing general or special runoff election (or in the case of a candidate for Superintendent of Public Instruction, who has won the right to be a candidate in the ensuing general election) may carry over any surplus funds for use by such candidate in the general or special runoff election, if any. Expenditures made with carryover funds shall be considered qualified campaign expenditures for the time period in which they are expended pursuant to Section 85512.

(2) A candidate who has not won his or her party's nomination (or in the case of a candidate for Superintendent of Public Instruction, who has not won the right to be a candidate in the ensuing general election) shall distribute any surplus funds according to the requirements of subsections (c)(1) and (c)(3).

(c) Following the general or special runoff election (or, where no runoff election is held, following the special election), surplus funds shall be distributed within one year from the date of the election as follows:

(1) All public funds received by the candidate during the campaign pursuant to Section 85603 shall be repaid to the Campaign Reform Fund

as a matter of first priority from any such surplus funds remaining until all such public funds previously received by that candidate have been so repaid.

(2) If any surplus funds remain following compliance with subsection (c)(1), a candidate who has been elected to state office may transfer the remaining funds, subject to the limitations of Section 85412(c), from his or her campaign contribution account into an officeholder expense account established pursuant to Section 85303.

(3) Any remaining surplus funds shall either be returned to contributors through a formula or formulas specified by the Commission, donated to the Campaign Reform Fund, contributed to a political party committee, or donated to any bona fide charitable, educational, civic, religious, or similar tax-exempt organization, where no substantial part of the proceeds will have a material financial effect on the former elected official or any member of his or her immediate family. Any surplus funds contributed to a political party committee pursuant to this section shall be exempt from the contribution limitations of Section 85404.

85511. Expenditures from Officeholder Expense Account

Any expenditures for legitimate officeholder expenses made by a candidate for elective state office from his or her officeholder expense account established pursuant to Section 85303 shall be exempt from the expenditure limitations of this chapter.

85512. Time Periods for Attributing Election Expenditures

(a) For purposes of application of the expenditure limitations set forth in this chapter to primary and general elections held for any state office in June and November of even-numbered years, qualified campaign expenditures made at any time before July 1 of the election year shall be considered primary election expenditures, and qualified campaign expenditures made from July 1 until December 31 of the election year shall be considered general election expenditures.

(b) For purposes of application of the expenditure limitations set forth in this chapter to special and special runoff elections, qualified campaign expenditures made at any time after the office has become vacant and up through the date of the special election shall be considered expenditures in the special election, and qualified campaign expenditures made after the date of the special election and up through fifty-eight (58)

days after the special runoff election shall be considered expenditures in the special runoff election.

(c) Notwithstanding subsections (a) and (b), in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period when the goods or services are used.

85513. Slate mailers

The Commission shall promulgate regulations governing the application of the limitations in this chapter to slate mailers, as defined in Section 82048.3. The regulations shall set forth the circumstances, if any, under which the expenses incurred in preparing and distributing slate mailers shall be considered contributions, qualified campaign expenditures, or independent expenditures subject to the limitations of this chapter.

Article 6

CAMPAIGN REFORM FUND

85600. Candidate Acceptance or Rejection of Funds

(a) Each candidate for elective state office, at the time of filing his or her Declaration of Candidacy pursuant to Section 6490 of the Elections Code, shall file a statement of acceptance or rejection of financing from the Campaign Reform Fund. If a candidate agrees to accept financing from the Campaign Reform Fund, the candidate shall comply with the provisions of Article 5 of this chapter.

(b) A candidate who agrees or declines to accept financing from the Campaign Reform Fund may not change that decision, except that a candidate who declines to accept financing from the Campaign Reform Fund in a primary or special election may agree to accept financing from the Campaign Reform Fund in the ensuing general or special runoff election, but only if such candidate did not exceed the applicable expenditure limitation set forth in Article 5 of this chapter during the primary or special election. For primary and general elections held in June and November of even-numbered years, a candidate wishing to change his or her decision and accept financing from the Campaign Reform Fund in the general election must file a statement of acceptance of financing no later than July 1. For elections held on any other date, the Commission shall determine the date by which any candidate wishing to

change his or her decision and accept financing from the Campaign Reform Fund must file a statement of acceptance of financing.

(c) No candidate shall be eligible to receive any payment from the Campaign Reform Fund prior to filing a Declaration of Candidacy and statement of acceptance of financing from the Campaign Reform Fund pursuant to this section.

85601. Qualification Requirements

In order to qualify to receive payments from the Campaign Reform Fund, a candidate for elective state office shall meet all of the following requirements:

(a) The candidate has received contributions (other than contributions from the candidate or his or her immediate family) of at least thirty thousand dollars (\$30,000) in the case of a candidate for member of the Assembly, of at least fifty thousand dollars (\$50,000) in the case of a candidate for member of the Senate or State Board of Equalization, of at least one hundred and fifty thousand dollars (\$150,000) in the case of a candidate for Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, or Insurance Commissioner, or of at least four hundred and fifty thousand dollars (\$450,000) in the case of a candidate for Governor. Only the first one thousand dollars (\$1,000) of any and all contributions received from a single donor shall be counted in determining whether the above thresholds have been met. Only contributions received after the date specified in Section 85411(a) may be counted in meeting the above thresholds, and in no event shall any contribution deposited into an officeholder expense account pursuant to Section 85412 be counted toward meeting the thresholds. For purposes of this subsection, a loan, a pledge, or a non-monetary contribution shall not be considered a contribution.

(b) The candidate is opposed by a candidate running for the same nomination (if in the primary election) or for the same office (if in a general, special, or special runoff election) who either (1) has qualified for payments from the Campaign Reform Fund or (2) has raised, spent or has cash-on-hand of at least forty-five thousand dollars (\$45,000) in the case of a candidate for the Assembly, of at least seventy-five thousand dollars (\$75,000) in the case of a candidate for the Senate or State Board of Equalization, of at least two hundred and twenty-five thousand dollars (\$225,000) in the case of a candidate for Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, or Insurance Commissioner, or of at least six hundred and seventy-five thousand dollars (\$675,000) in the case of a candidate for Governor. All funds raised, spent, or on hand in all committees controlled by a single opposing candidate (excluding any officeholder expense account established by an incumbent elected officer pursuant to Section 85303 and any

committee primarily formed to support or oppose a ballot measure) shall be cumulated for purposes of this subsection.

(c) The candidate contributes to his or her own campaign from personal funds no more than fifty thousand dollars (\$50,000) per election in the case of a candidate for the Legislature or State Board of Equalization, no more than one hundred thousand dollars (\$100,000) per election in the case of a candidate for Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, or Insurance Commissioner, and no more than two hundred and fifty thousand dollars (\$250,000) per election in the case of a candidate for Governor.

(d) No donor whose contribution to a candidate for elective state office was counted toward achieving the applicable threshold in subsection (a) shall be the recipient or beneficiary of any payment or expenditure made by that candidate or his or her controlled committees unless full and adequate consideration is received by the candidate or his or her controlled committee in exchange for any such payment or expenditure.

85602. Candidate Notification Upon Reaching Qualification Threshold

A candidate for elective state office who does not agree to accept financing from the Campaign Reform Fund shall notify all opponents and the Commission by telephone and by confirming overnight delivery on the day such a candidate raises, spends, or has cash-on-hand in excess of the applicable opponent's threshold amount set forth in Section 85601(b)(2).

85603. Campaign Reform Fund Formula

(a) A candidate for elective state office who is eligible to receive payments from the Campaign Reform Fund shall receive payments on the basis of the following alternative formulae:

(1) For the first two hundred and fifty dollars (\$250) of a monetary contribution or contributions (other than a contribution from the candidate or his or her immediate family) from any single individual, a matching ratio of one dollar (\$1) from the Campaign Reform Fund for each dollar received.

(2) For the first two hundred and fifty dollars (\$250) of a monetary contribution or contributions (other than a contribution from the candidate or his or her immediate family) from any single individual who is domiciled in the

candidate's electoral district, a matching ratio of three dollars (\$3) from the Campaign Reform Fund for each dollar received.

(b) For purposes of this section, a loan, a pledge or a non-monetary payment shall not be considered a contribution.

(c) Only contributions received after the date specified in Section 85411(a) shall be eligible for matching payments from the Campaign Reform Fund pursuant to this section, and in no event shall any contribution deposited into an officeholder expense account pursuant to Section 85412 be eligible for such matching payments.

85604. Maximum Funds Available to Each Candidate

Except as provided in Sections 85506(a) and 85507(a), no candidate shall receive payments from the Campaign Reform Fund totaling more than one-half of the applicable expenditure limitation specified in Article 5 of this chapter (commencing with Section 85500) for his or her election.

85605. Maximum Funds Available to All Candidates

(a) At the close of the period for filing Declarations of Candidacy pursuant to Section 6490 of the Elections Code for the statewide primary election held in each even-numbered year, the Commission, in consultation with the Controller, shall determine the total amount of money residing in the Campaign Reform Fund as of that date. No more than one-half (1/2) of the total amount of money residing in the Fund as of that date shall be made available for disbursement to qualifying candidates in the ensuing primary election.

(b) For primary elections held in each even-numbered year that is not evenly divisible by the whole number four, no more than three-fifths (3/5) of the money that has been made available for the primary election pursuant to subsection (a) shall be available for disbursement to qualifying statewide candidates or candidates for the State Board of Equalization.

(c) The Controller shall disburse money from the Campaign Reform Fund to qualifying candidates on a first-come, first-served basis, as determined by the Commission. In no event, however, shall the Controller disburse any more money to qualifying candidates in the primary election than the amounts determined to be available pursuant to subdivisions (a) and (b) of this section. No payments of public matching funds to qualifying candidates shall be made from any source other than the Campaign Reform Fund.

(d) Commencing one week after the date specified in subdivision (a), and continuing until the date of the ensuing statewide general election, the Commission, in consultation with the Controller, shall issue bi-weekly reports on the financial status of the Campaign Reform Fund. Such reports shall include an accounting of how much money remains available in the Fund for distribution to qualifying candidates, how many candidates have declared their intention to accept financing and have qualified for financing from the Fund, the comparable data regarding eligible candidates and available funds at similar stages of prior elections, and any other information that would assist candidates in estimating whether sufficient funds are likely to be available in the Campaign Reform Fund to satisfy the full entitlements of qualifying candidates. The Controller shall provide the Commission with any information necessary for the Commission to fulfill its responsibilities under this section.

85606. Candidate Request for Payment

The Commission shall determine the information to be submitted by a candidate in order to qualify for payment from the Campaign Reform Fund. A candidate may not request less than ten thousand dollars (\$10,000) in payments at any one time from the Campaign Reform Fund, provided, however, that in the 30 days preceding an election, a candidate may not request less than two thousand five hundred dollars (\$2,500) in such payments.

85607. Timing of Payments to Candidates

The Controller shall make payments from the Campaign Reform Fund in the amount certified by the Commission. Payments shall be made no later than 10 business days after receipt of the request from the candidate, provided, however, that in the last 30 days preceding an election, payments shall be made no later than 5 business days after receipt of the request.

Article 7

INDEPENDENT EXPENDITURES

85700. Identification of Sponsor of Independent Expenditures

(a) Any person who makes independent expenditures exceeding five hundred dollars (\$500) for any mass mailing, printed material, outdoor advertising, radio or television broadcast, or any other form of political advertisement which supports or opposes any candidate for elective office shall include in such communication a notice identifying the true name of the person or persons paying for the communication and stating that the communication has not been authorized by any candidate or approved by any election official.

(b) The Commission shall promulgate regulations to implement the requirements of subsection (a) for each medium of communication. The Commission's regulations shall ensure that the notice required by this section is prominently displayed or broadcast so as to be clearly legible, audible, or visible by its intended audience, and that sufficient identifying information is included to permit the audience to ascertain the true source of payment for the communication. In the case of a television broadcast, the Commission's regulations shall ensure that the notice required by this section shall be both visible and audible.

85701. Contribution Limitations

No person, political committee, or small-contributor political action committee which makes independent expenditures supporting or opposing a candidate for elective office shall accept any contribution in excess of the amounts set forth in Sections 85401(b), 85402(b) and 85403(b).

85702. Limitations on Persons Who Make Independent Expenditures and Contributions to Candidates

(a) Any person, political committee, or small-contributor political action committee which makes a contribution of five hundred dollars (\$500) or more to a candidate for elective office shall be considered to be acting in concert with that candidate and shall not make independent expenditures and contributions which in combination exceed the amounts set forth in Sections 85401 through 85403 in support of that candidate or in opposition to that candidate's opponent or opponents.

(b) No committee which makes independent expenditures supporting or opposing a candidate for elective office shall have as officers individuals who serve as officers on any other committee which makes contributions supporting or opposing the same candidate. No such committee shall act in concert with, or solicit or make contributions on behalf of, any other committee which supports or opposes the same candidate. This subsection shall not apply to treasurers of committees if these treasurers do not participate in or control in any way a decision on which candidate or candidates receive contributions.

85703. Reproduction of Materials

Any person who, for the purpose of supporting or opposing candidates for elective office, reproduces, broadcasts or distributes any material which is drafted, printed, prepared or previously broadcast by a candidate or a committee controlled by such a candidate shall report such an expenditure as a non-monetary contribution to such candidate or committee.

85704. Notice of Independent Expenditures

Any person, political committee, or small-contributor political action committee which makes independent expenditures totaling more than twenty-five thousand dollars (\$25,000) in support of or in opposition to any candidate for state elective office shall notify the Commission and all candidates in that election by telephone and confirming letter by overnight delivery 1) when the first twenty-five thousand dollars (\$25,000) is expended, 2) when any of the applicable threshold amounts set forth in Sections 85506(b) and (c) and 85507(b) and (c) is exceeded, and 3) each time thereafter that a cumulative additional ten thousand dollars (\$10,000) is expended.

Article 9

AGENCY RESPONSIBILITIES

§5900. Duties of the Fair Political Practices Commission

The Fair Political Practices Commission, in addition to its responsibilities set forth in Sections 83100 et seq. and elsewhere in this chapter, shall also:

(a) Commencing on January 1, 1994, adjust the expenditure limitations, contribution limitations, and public financing provisions (excluding the state income tax check-off amount) in January of every even-numbered year to reflect any increase or decrease since January 1, 1991, in the state appropriation limitation in the manner specified in Sections 1 and 8 of Article XIIIB of the state Constitution. Such adjustments shall be rounded off to the nearest hundred for the limitations on contributions, the nearest five thousand for the limitations on expenditures and public financing qualification and limitations provisions, and nearest fifty dollars for the Campaign Reform Fund matching limit.

(b) Prescribe the necessary forms for implementing the requirements of this chapter, including any additions to or modification of the contents of campaign statements as specified in Section 84211 that will assist the Commission and the public in monitoring compliance with the requirements of this chapter.

(c) Prescribe and implement procedures for verifying requests for payment from the Campaign Reform Fund.

(d) In coordination with other governmental agencies and private nonprofit organizations, publicize the availability of the voluntary tax check-off under Revenue and Taxation Code Section 18775 through the use of public service announcements (PSAs), notifications to tax preparers, and other means designed to increase taxpayers' awareness of their ability to designate funds for deposit into the Campaign Reform Fund.

(e) Prepare and release studies on the impact of this title. These studies shall include recommendations for legislative action which would further the purposes of this title.

85901. Duties of the Franchise Tax Board

The Franchise Tax Board shall audit candidates who received payments from the Campaign Reform Fund in accordance with the procedures set forth in Sections 90000 et seq.

SECTION 28. Section 82024 of the Government Code is amended to read:

82024. Elective State Office

"Elective state office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Insurance Commissioner, member of the Legislature and member of the State Board of Equalization.

SECTION 29. Section 82053 of the Government Code is amended to read:

82053. Statewide Elective Office

"Statewide elective office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, ~~and~~ Superintendent of Public Instruction and Insurance Commissioner.

SECTION 30. Chapter 18.6 (commencing with Section 18775) is added to Part 10 of Division 2 of the Revenue and Taxation Code, to read:

CHAPTER 18.6

CAMPAIGN REFORM FUND DESIGNATION

18775. Tax Checkoff

(a) The Campaign Reform Fund is hereby created. Every individual whose income tax liability for any taxable year is five dollars (\$5) or more may designate five dollars (\$5) of that tax liability to be deposited into the Campaign Reform Fund. In the case of a joint return of husband and wife having an income tax liability of ten dollars (\$10) or more, each spouse may designate that five dollars (\$5) of that tax liability shall be paid to the Fund. Taxpayer designations of funds shall not increase that taxpayer's tax liability. In the event that payments and credits reported on the

return, together with any other credits associated with the taxpayer's account, do not at least equal the taxpayer's liability, returns shall be treated as though no designation has been made. Notwithstanding Government Code Section 16305.7, interest earned on all assets and funds constituting a part of the Campaign Reform Fund shall be credited to the Fund as received.

(b) Money in the Campaign Reform Fund shall be available for distribution in accordance with the provisions of Chapter 5 of Title 9, commencing with Section 55100 of the Government Code. All funds transferred into the Campaign Reform Fund pursuant to this section and Section 18776 are hereby continuously appropriated without regard to fiscal years for distribution in accordance with the purposes set forth in this chapter and in Chapter 5 of Title 9 of the Government Code.

(c) The Franchise Tax Board shall place on the top third of the first page of all personal tax returns required to be filed on or after January 1, 1991, the following language:

CAMPAIGN
REFORM
FUND

Do you want \$5 of the taxes you are already paying
to go to this Fund? [] YES [] NO

If joint return, does your spouse want \$5 to go to this Fund?
[] YES [] NO

NOTE: Checking "YES" will not increase the taxes you pay or reduce your
refund.

(d) The Franchise Tax Board shall notify the Controller of the amount of money designated pursuant to this section to be transferred to the Campaign Reform Fund as the income tax returns are received by the Franchise Tax Board from the taxpayers. The Controller shall then transfer from the Personal Income Tax Fund to the Campaign Reform Fund an amount equal to the sum of the amounts designated by individuals pursuant to this section.

18776. Appropriation to Campaign Reform Fund

Commencing July 1, 1991, and every July 1 thereafter, there is hereby appropriated from the General Fund the sum of \$5,000,000, adjusted annually in the same manner as the state appropriation limitation is adjusted under Sections 1 and 5 of Article XIII B of the state Constitution, for deposit into the Campaign Reform Fund, an amount which represents the estimated annual savings from repeal of the credit

claimed and allowed taxpayers under former Section 17053.14 of the Revenue and Taxation Code.

18777. Adjustment of Campaign Reform Fund Revenues

(a) On January 1, 1995, and on January 1 of every fourth year thereafter, the Commission shall determine, on the basis of an analysis of historical data and projections of future demands, whether there are likely to be sufficient funds available in the Campaign Reform Fund to provide matching funds pursuant to Article 6 (commencing with Section 85600) of Chapter 5 of the Government Code to satisfy the full entitlements of all qualifying candidates for state elective office in the next statewide general election.

(b) If the Commission determines that the available funds are likely to be inadequate to fulfill the purposes of Chapter 5 (commencing with Section 85100) of the Government Code, it shall direct that the maximum amount of tax liability which may be designated by taxpayers on their income tax returns for deposit into the Campaign Reform Fund pursuant to Section 18775 be increased by no more than one dollar (\$1) beginning with the tax year for the odd-numbered year following the year of the most recent statewide general election. In no event, however, shall the maximum tax liability which may be designated for deposit into the Fund under Section 18775 exceed ten dollars (\$10) per taxpayer.

(c) If the Commission determines that the available funds are likely to be more than adequate to satisfy the full entitlements of all qualifying candidates for state elective office in the next statewide general election, it shall direct that the maximum amount of tax liability which may be designated by taxpayers on their income tax returns for deposit into the Campaign Reform Fund pursuant to Section 18775 be decreased by no more than one dollar (\$1) beginning with the tax year for the odd-numbered year following the year of the most recent statewide general election. In no event, however, shall the maximum tax liability which may be designated for deposit into the Fund under Section 18775 be less than one dollar (\$1) per taxpayer.

SECTION 31. Section 17053.14 of the Revenue and Taxation Code is repealed.

SECTION 32. Section 83122.5 is added to the Government Code, to read:

83122.5. Appropriation to Fair Political Practices Commission

Commencing January 1, 1991, there is hereby appropriated from the General Fund to the Fair Political Practices Commission an amount equal to the sum of the appropriation to the Commission in fiscal year 1989-90 for the implementation, administration, and enforcement of Propositions 68 and 73 plus seven hundred and fifty thousand dollars (\$750,000), adjusted for cost of living changes, during each fiscal year, for expenditures to support the operations of the Commission to carry out its implementation and enforcement responsibilities pursuant to the Campaign Finance Reform Act of 1990. The expenditure of funds under this appropriation shall be subject to the normal administrative review given to other state appropriations. The Legislature shall appropriate additional amounts to the Commission and other agencies as may be necessary to carry out the provisions of this title.

SECTION 33. Section 91000 of the Government Code is amended to read:

91000. Violations: Criminal

(a) Any knowing or willful violation of Chapter 5 of this title commencing with Section 85100 is a public offense punishable by imprisonment in a state prison or in a county jail for a period not exceeding one year.

(b) Any knowing or willful violation of any other section of this title is a misdemeanor.

(c) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction of each violation.

(d) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.

SECTION 34. Section 91005 of the Government Code is amended to read:

91005. Civil Liability for Violations

(a) Any person who makes or receives a contribution, payment, gift or expenditure in violation of Section 84300, 84304, ~~85205, 85206, 85207, 85209, 85303, 85400-85412, 85500-85505, 85510, 85600-85601, 85603, 85605, 85700-85704, 86202, 86203~~

or 86204, or Article 8 (commencing with Section 85800) of Chapter 5 is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to one thousand dollars (\$1,000) or three times the amount of the unlawful contribution, gift or expenditure, whichever is greater.

(b) Any designated employee or public official specified in Section 87200, ~~other than an elected state officer,~~ who realizes an economic benefit as a result of a violation of Section 87100 or of a disqualification provision of a Conflict of Interest Code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

SECTION 35. Section 83116 of the Government Code is amended to read:

83116. Violation of Title

When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if such a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5, Sections 11500 et seq.). The Commission shall have all the powers granted by that chapter. When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order which may require the violator to:

(a) Cease and desist violation of this title;

(b) File any reports, statements or other documents or information required by this title; and

(c) Pay a monetary penalty of up to ~~one~~ five thousand dollars ~~(\$2,000)~~ (\$5,000) for each violation to the General Fund of the state Campaign Reform Fund established pursuant to Chapter 18.6 (commencing with Section 18775) of Part 10 of Division 2 of the Revenue and Taxation Code.

When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

TITLE X.
OPEN MEETINGS

SECTION 36. Article IV, section 7 of the state Constitution is amended to read:

Sec. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) (1) The proceedings of each house and the committees thereof shall be open and public except as provided by statute or. However, closed sessions may be held solely for any of the following purposes:

(A) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of any employee of the Legislature.

(B) To consider matters affecting the safety and security of Members of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature.

(C) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated, or whether to initiate, litigation when discussion in open session would not protect the interests of the house or committee regarding the litigation.

(2) A caucus of the Members of the Senate, the Members of the Assembly, or the Members of both houses, which is composed of all members of the same political party, may meet in closed session.

(3) The Legislature shall implement this subdivision by concurrent resolution, when such resolution is adopted by a two-thirds vote of the members of each house, provided, that if there is a conflict between such a statute and concurrent resolution, the law adopted shall prevail adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and shall prescribe that, when a closed session is held pursuant to paragraph (1),

reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

(d) Neither house without the consent of the other may recess for more than 10 days or to any other place.

TITLE XI.
GENERAL PROVISIONS

SECTION 37. Amendments

(a) The provisions of Section 81012 of the Government Code governing legislative amendments to the Political Reform Act of 1974 shall apply to the provisions of this measure.

(b) It is the will of the people that Sections 9 through 24 of this measure should be interpreted to harmonize with and not to supercede any provision of any law enacted in calendar year 1990, including any provision of any other measure passed at the same election as this act, that imposes more stringent restrictions on the activities or interests of elected officers that might conflict with the proper discharge of their duties and responsibilities.

SECTION 38. Construction

This measure shall be liberally construed to accomplish its purposes.

SECTION 39. Severability Clause

If any provision of this measure or the application thereof to any person or circumstances is held invalid, the remainder of this measure, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it was held invalid, shall not be affected thereby, and to this end, the provisions of this measure are severable.

SECTION 40. Effective Date

The provisions of this measure shall go into effect January 1, 1991, except that Sections 30 through 33 shall go into effect immediately.

ATTACHMENT E
Colorado Initiative

Second Regular Session

Fifty-seventh General Assembly

LLS NO. *90 0334/1

STATE OF COLORADO

STATE AFFAIRS

By SENATORS Considine, Owens, Brandon, Allard, Powers,
and Winkler;

*failed
to
Succeed*

SENATE CONCURRENT RESOLUTION 90- 4

1 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO
2 AN AMENDMENT TO ARTICLES IV, V, AND XVIII OF THE
3 CONSTITUTION OF THE STATE OF COLORADO, CONCERNING
4 POLITICAL REFORM TO MAKE GOVERNMENT MORE REPRESENTATIVE
5 OF AND RESPONSIVE TO THE CITIZENS OF COLORADO BY
6 PROVIDING FOR A LIMITATION ON THE NUMBER OF TERMS WHICH
7 CAN BE SERVED BY ELECTED STATE AND FEDERAL OFFICIALS,
8 COMPETITIVE ELECTION DISTRICTS, AND SUBMISSION OF
9 REAPPORTIONMENT PLANS TO THE VOTERS.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Limits the number of consecutive terms which can be served by elected state and federal officials.

Requires that congressional district boundaries and one-half of the state legislative district boundaries be drawn so that a candidate of either political party has a fair opportunity to be elected.

Allows the people to initiate reapportionment plans for congressional and state legislative districts, and provides that, if such plans are initiated, they will be placed on the ballot along with the plan enacted by the general assembly, in the case of congressional districts, or the plan of the reapportionment commission, in the case of state legislative

districts.

1 Be It Resolved by the Senate of the Fifty-seventh General
2 Assembly of the State of Colorado, the House of
3 Representatives concurring herein:

4 SECTION 1. At the next general election for members of
5 the general assembly, there shall be submitted to the
6 registered electors of the state of Colorado, for their
7 approval or rejection, the following amendment to the
8 constitution of the state of Colorado, to wit:

9 Section 1 of article IV of the constitution of the state
10 of Colorado is amended to read:

11 Section 1. Officers - terms of office. (1) The
12 executive department shall include the governor, lieutenant
13 governor, secretary of state, state treasurer, and attorney
14 general, each of whom shall hold his office for the term of
15 four years, commencing on the second Tuesday of January in the
16 year 1967, and each fourth year thereafter. They shall
17 perform such duties as are prescribed by this constitution or
18 by law.

19 (2) NO GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF
20 STATE, STATE TREASURER, OR ATTORNEY GENERAL SHALL SERVE MORE
21 THAN TWO CONSECUTIVE TERMS IN ANY SUCH OFFICE. THIS
22 LIMITATION ON THE NUMBER OF TERMS SHALL APPLY TO TERMS OF
23 OFFICE BEGINNING ON OR AFTER THE SECOND TUESDAY OF JANUARY,
24 1991. ANY PERSON WHO SUCCEEDS TO THE OFFICE OF THE GOVERNOR
25 OR IS APPOINTED OR ELECTED TO FILL A VACANCY IN ONE OF THE

1 OTHER OFFICES NAMED IN THIS SECTION, AND WHO SERVES FOR AT
2 LEAST ONE-HALF OF A TERM OF OFFICE, SHALL BE CONSIDERED TO
3 HAVE SERVED A TERM IN THAT OFFICE FOR PURPOSES OF THIS
4 SUBSECTION (2).

5 Section 3 of article V of the constitution of the state
6 of Colorado is amended to read:

7 Section 3. Terms of senators and representatives.

8 (1) Senators shall be elected for the term of four years and
9 representatives for the term of two years.

10 (2) IN ORDER TO BROADEN THE OPPORTUNITIES FOR PUBLIC
11 SERVICE AND TO ASSURE THAT THE GENERAL ASSEMBLY IS
12 REPRESENTATIVE OF COLORADO CITIZENS, NO SENATOR SHALL SERVE
13 MORE THAN TWO CONSECUTIVE TERMS IN THE SENATE, AND NO
14 REPRESENTATIVE SHALL SERVE MORE THAN FOUR CONSECUTIVE TERMS IN
15 THE HOUSE OF REPRESENTATIVES. THIS LIMITATION ON THE NUMBER
16 OF TERMS SHALL APPLY TO TERMS OF OFFICE BEGINNING ON OR AFTER
17 JANUARY 1, 1991. A PERSON APPOINTED OR ELECTED TO FILL A
18 VACANCY IN THE GENERAL ASSEMBLY AND WHO SERVES FOR AT LEAST
19 ONE-HALF OF A TERM OF OFFICE SHALL BE CONSIDERED TO HAVE
20 SERVED A TERM IN THAT OFFICE FOR PURPOSES OF THIS SUBSECTION
21 (2).

22 Article XVIII of the constitution of the state of
23 Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

24 Section 18. U.S. senators and representatives -
25 limitation on terms. In order to broaden the opportunities
26 for public service and to assure that members of the United
27 States congress from Colorado are representative of its

1 citizens, no person elected to the office of United States
2 senator or United States representative from the state of
3 Colorado shall serve consecutive terms amounting to more than
4 twelve years of service in the house of representatives or
5 twelve years of service in the senate. The people of the
6 state of Colorado hereby state their support for efforts to
7 adopt a nationwide limitation of this type and instruct their
8 public officials to use their best efforts in working for such
9 a limitation. The people of Colorado also declare that the
10 provisions of this section shall be deemed to be severable and
11 that their intention is that federal officials elected from
12 Colorado will continue voluntarily to observe the wishes of
13 the people as stated in this section in the event any
14 provision thereof is held invalid.

15 Section 44 of article V of the constitution of the state
16 of Colorado is amended to read:

17 Section 44. Representatives in congress. The general
18 assembly shall divide the state into as many congressional
19 districts as there are representatives in congress apportioned
20 to this state by the congress of the United States for the
21 election of one representative to congress from each district.
22 When a new apportionment shall be made by congress, the
23 general assembly shall divide the state into congressional
24 districts accordingly. TO THE EXTENT PRACTICABLE,
25 CONGRESSIONAL DISTRICT BOUNDARIES SHALL BE DRAWN SO THAT A
26 CANDIDATE OF EITHER MAJOR POLITICAL PARTY HAS A FAIR
27 OPPORTUNITY TO BE ELECTED. WHETHER OR NOT A CANDIDATE HAS A

1 FAIR OPPORTUNIT. TO BE ELECTED SHALL BE DETERMINED IN THE
2 MANNER PROVIDED IN SECTION 47 OF THIS ARTICLE FOR STATE SENATE
3 AND REPRESENTATIVE DISTRICTS.

4 Section 47 of article V of the constitution of the state
5 of Colorado is amended BY THE ADDITION OF A NEW SUBSECTION to
6 read:

7 Section 47. Composition of districts. (4) To the
8 extent practicable, the boundaries of at least one-half of the
9 senate districts and one-half of the representative districts
10 shall be drawn so that a candidate of either major political
11 party has a fair opportunity to be elected. Whether or not a
12 candidate has a fair opportunity to be elected may be
13 determined by reference to whether the registration of
14 electors in the district from both major political parties is
15 approximately equal; but voter registration need not be the
16 sole measure of a fair opportunity to be elected. In case of
17 conflict the criterion specified by this subsection (4) shall
18 prevail over all other criteria for districts as set forth in
19 subsections (1) to (3) of this section.

20 Section 48 of article V of the constitution of the state
21 of Colorado is amended BY THE ADDITION OF A NEW SUBSECTION to
22 read:

23 Section 48. Revision and alteration of districts -
24 reapportionment commission - submission to the people.
25 (2) (a) The reapportionment plan adopted pursuant to
26 subsection (1) of this section and the reapportionment plan
27 for congressional districts adopted pursuant to section 44 of

1 this article shall be in effect for the election of members of
2 the state senate, the state house of representatives, and the
3 United States house of representatives at the first general
4 election following each federal census.

5 (b) Reapportionment plans for state senatorial, state
6 representative, and United States representative districts may
7 also be initiated and submitted to the registered electors of
8 the state at the first general election following each federal
9 census in accordance with section 1 of this article. If no
10 reapportionment plan for districts in the state senate, state
11 house of representatives, or United States house of
12 representatives is initiated, the plan of the reapportionment
13 commission or the general assembly, as the case may be, for
14 districts for such body shall stand. If one or more
15 reapportionment plans for districts in the state senate, state
16 house of representatives, or United States house of
17 representatives is initiated, all plans for each such body,
18 including the plan of the reapportionment commission or the
19 general assembly, as the case may be, shall appear on the
20 ballot so that an elector may vote for only one plan for each
21 such body.

22 (c) If more than one reapportionment plan is submitted
23 for the state senate, the state house of representatives, or
24 the United States house of representatives, to the registered
25 electors of the state at the first general election following
26 the federal census, the plan for such body having the most
27 votes shall be adopted for the period until the general

1 election following the next federal census; except that, if no
2 reapportionment plan receives a majority of the votes cast
3 thereon, the two plans receiving the most votes shall be
4 submitted to the registered electors of the state at a special
5 election to be held within thirty days after the general
6 election, and the plan receiving the most votes at such
7 special election shall be adopted.

8 SECTION 2. Each elector voting at said election and
9 desirous of voting for or against said amendment shall cast
10 his vote as provided by law either "Yes" or "No" on the
11 proposition: "An amendment to articles IV, V, and XVIII of
12 the constitution of the state of Colorado, concerning
13 political reform to make government more representative of and
14 responsive to the citizens of Colorado by providing for a
15 limitation on the number of terms which can be served by
16 elected state and federal officials, competitive election
17 districts, and submission of reapportionment plans to the
18 voters."

19 SECTION 3. The votes cast for the adoption or rejection
20 of said amendment shall be canvassed and the result determined
21 in the manner provided by law for the canvassing of votes for
22 representatives in Congress, and if a majority of the electors
23 voting on the question shall have voted "Yes", the said
24 amendment shall become a part of the state constitution.

ATTACHMENT F
Oklahoma Initiative
and Background Information



Oklahomans for
Legislative Reform

Suite 612
324 Main Mall
Tulsa, Oklahoma 74103

March 29, 1990

LLOYD NOBLE II, TULSA
Chairman

RAYMOND GARY, MADILL
Former Governor
State of Oklahoma
Honorary Chairman

Advisory Council

- JACK ABERNATHY, OKLAHOMA CITY
- J.W. BATES, JR., TULSA
- BILL CALVERT, TULSA
- MARK L. CANTRELL, EL RENO
- MICHAEL CAWLEY, ARDMORE
- SEN. RALPH CHOATE, HENNESSY
- SEN. TOM COLE, MOORE
- KENT FRATES, OKLAHOMA CITY
- DICK FREEMAN, TULSA
- JACK GRAVES, TULSA
- SKIP HEALEY, DAVIS
- JIM HEWGLEY, TULSA
- H.C. "LADD" HITCH, JR., GUYMON
- BOB KELLEY, ARDMORE
- REP. CHARLES KEY, OKLAHOMA CITY
- JOHN KIRKPATRICK, OKLAHOMA CITY
- ED LAWSON, TULSA
- SAM NOBLE, ARDMORE
- REP. WANDA JO PELTIER, OKLAHOMA CITY
- JOHN SNODGRASS, ARDMORE
- REP. LEONARD SULLIVAN, OKLAHOMA CITY
- LEROY THOMAS, TULSA
- JAMES R. TOLBERT, III, OKLAHOMA CITY

Legal Committee

- SEN. GARY GARDENHIRE, NORMAN
- JOHN SUBLETT, TULSA
- WILSON WALLACE, ARDMORE

Campaign Directors

- BETTY BRAKE, OKLAHOMA CITY
- JACK EDENS, OKLAHOMA CITY

Research Director

- TERRY HAMMONS, OKLAHOMA CITY

Dear Lolo -

Please forgive the tardiness!

Enclosed is the petition with copy of the proposed Constitutional Amendment, a copy of the poll and a few news articles. We received 205,418 signatures 17% more than needed. Also highlighted number on any District Petition is Oklahoma History. It has been certified by the Sec of State + Oklahoma Bureau of Taxation. The Governor will call a special election in 90 days.

Sincerely
Lyle

Call if you need anything else!

State Question No. 6

"WARNING"

Initiative Petition No. 34

It is a felony for anyone to sign an initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the measure, or to sign such petition when he or she is not a legal voter.

INITIATIVE PETITION

FILED

SEP 19 1989

OKLAHOMA SECRETARY
OF STATE

TO THE HONORABLE HENRY BELLMON,
GOVERNOR OF OKLAHOMA:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed amendment to the Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election, or at a special election to be held on such a day as the Governor shall proclaim, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence and post office are correctly written after my name. The time of filing this petition expires ninety days from September 19, 1989. The question we herewith submit to our fellow voters is:

Shall the following proposed amendment to the Constitution be approved?

BALLOT TITLE

This measure amends Article 5, Section 17 of the Oklahoma Constitution by adding Section 17A. It provides that any member of the Legislature elected to office after the effective date of this Amendment would be allowed to serve no more than 12 years. Years served need not be consecutive and service in either House of the Legislature shall be counted. Time served by a member elected or appointed to serve less than a full term shall not be counted. No member who has completed a 12-year term shall be allowed to serve a partial term. Members serving on the effective date or who have been elected or appointed to serve are allowed to serve an additional 12 years. The measure shall become effective on the 1st day of the year following its approval.

SHALL THE PROPOSED CONSTITUTIONAL AMENDMENT BE APPROVED?

- () YES - For the Amendment
- () NO - Against the Amendment

Be it Enacted by the People of the State of Oklahoma that Section 17 of Article 5 of the Oklahoma Constitution be amended by adding an additional paragraph numbered 17A, to read as follows:

SECTION 17A. Any member of the Legislature who is elected to office after the effective date of this amendment shall be eligible to serve no more than 12 years in the Oklahoma State Legislature. Years in Legislative office need not be consecutive and years of service in both the Senate and the House of Representatives shall be added together and included in determining the total number of Legislative years in office. The years served by any member elected or appointed to serve less than a full Legislative term to fill a vacancy in office shall not be included in the 12-year limitation set forth herein; but no member who has completed 12 years in office shall thereafter be eligible to serve a partial term. Any member who is serving a Legislative term in office or who has been elected or appointed to serve a term in office on the effective date hereof shall be entitled to complete his or her term and shall be eligible to serve an additional 12 years thereafter. This amendment shall be effective on the 1st day of the year following its adoption.

SIGNATURES

The gist of the proposition is as follows:

This measure amends Article 5, Section 17 of the Oklahoma Constitution by adding Section 17A. It provides that any member of the Legislature elected to office after the effective date of this Amendment would be allowed to serve no more than 12 years. Years served need not be consecutive and service in either House of the Legislature shall be counted. Time served by a member elected or appointed to serve less than a full term shall not be counted. No member who has completed a 12-year term shall be allowed to serve a partial term. Members serving on the effective date or who have been elected or appointed to serve are allowed to serve an additional 12 years. The measure shall become effective on the 1st day of the year following its approval.

A "yes" vote is a vote in favor of this measure. A "no" vote is a vote against this measure.

1.	Signature of Legal Voter	Residence	City	ZIP	County
2.	Signature of Legal Voter	Residence	City	ZIP	County
3.	Signature of Legal Voter	Residence	City	ZIP	County
4.	Signature of Legal Voter	Residence	City	ZIP	County
5.	Signature of Legal Voter	Residence	City	ZIP	County
6.	Signature of Legal Voter	Residence	City	ZIP	County
7.	Signature of Legal Voter	Residence	City	ZIP	County
8.	Signature of Legal Voter	Residence	City	ZIP	County
9.	Signature of Legal Voter	Residence	City	ZIP	County
10.	Signature of Legal Voter	Residence	City	ZIP	County
11.	Signature of Legal Voter	Residence	City	ZIP	County
12.	Signature of Legal Voter	Residence	City	ZIP	County
13.	Signature of Legal Voter	Residence	City	ZIP	County
14.	Signature of Legal Voter	Residence	City	ZIP	County
15.	Signature of Legal Voter	Residence	City	ZIP	County
16.	Signature of Legal Voter	Residence	City	ZIP	County
17.	Signature of Legal Voter	Residence	City	ZIP	County
18.	Signature of Legal Voter	Residence	City	ZIP	County
19.	Signature of Legal Voter	Residence	City	ZIP	County
20.	Signature of Legal Voter	Residence	City	ZIP	County

INSTRUCTIONS FOR CIRCULATORS: Circulators must be registered to vote in Oklahoma and must personally witness all signatures. All petition signers must be registered to vote in Oklahoma. After each signer signs, turn this sheet over and print the name only in the corresponding numbered space provided. When all signatures have been obtained, fill out the circulator's affidavit on the back of this sheet in the presence of a notary public.

RETURN THIS PETITION TO:

Lloyd Noble, II 2249 N.W. 39 Okla. City, OK 73112 405-525-0322	OR	Lloyd Noble, II 819 S. Denver Tulsa, OK 74119 918-582-8033
---	----	---

AFFIDAVIT

STATE OF OKLAHOMA)
) SS.
COUNTY OF _____)

I, _____, being first duly sworn say:

That I am a qualified elector of the State of Oklahoma and that the following persons signed this sheet of the foregoing petition, and each of them signed his or her name thereto in my presence:

- | | |
|-----------|-----------|
| 1. _____ | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | 19. _____ |
| 10. _____ | 20. _____ |

I believe that each has stated his or her name, post office, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of his or her residence as stated.

Circulator's Signature

Post Office Address

City Zip Code

Subscribed and sworn to before me this _____ day of _____ 1989.

Notary Public

Post Office Address

My Commission Expires:

City Zip Code

(SEAL)

NOTICE

FILED

JAN 29 1990

NOTICE OF FILING OF
INITIATIVE PETITION NUMBER 346 OKLAHOMA SECRETARY
STATE QUESTION NUMBER 632 OF STATE

NOTICE is hereby given that on or before the 19th day of September, 1989 Initiative Petition Number 346, State Question Number 632 was filed in the Office of the Secretary of State for the purpose of causing to be submitted to the legal voters of the State of Oklahoma a proposed amendment to the Oklahoma Constitution.

The title of the amendment proposed is "THIS MEASURE AMENDS ARTICLE 5, SECTION 17 OF THE OKLAHOMA CONSTITUTION BY ADDING SECTION 17A. IT PROVIDES THAT ANY MEMBER OF THE LEGISLATURE ELECTED TO OFFICE AFTER THE EFFECTIVE DATE OF THIS AMENDMENT WOULD BE ALLOWED TO SERVE NO MORE THAN 12 YEARS. YEARS SERVED NEED NOT BE CONSECUTIVE AND SERVICE IN EITHER HOUSE OF THE LEGISLATURE SHALL BE COUNTED. TIME SERVED BY A MEMBER ELECTED OR APPOINTED TO SERVE LESS THAN A FULL TERM SHALL NOT BE COUNTED. NO MEMBER WHO HAS COMPLETED A 12-YEAR TERM SHALL BE ALLOWED TO SERVE A PARTIAL TERM. MEMBERS SERVING ON THE EFFECTIVE DATE OR WHO HAVE BEEN ELECTED OR APPOINTED TO SERVE ARE ALLOWED TO SERVE AN ADDITIONAL 12 YEARS. THE MEASURE SHALL BECOME EFFECTIVE ON THE 1ST DAY OF THE YEAR FOLLOWING ITS APPROVAL."

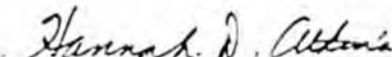
That said initiative petition was, on the 16th day of January, 1990 delivered to the Supreme Court of Oklahoma. The Supreme Court, by order entered in cause number 74,783 styled in RE: Initiative Petition No. 346, State Question No. 632, has determined the numbers of presumptively valid signatures on said petition is two hundred five thousand, four hundred and eighteen (205,418).

Pursuant to Article 5, section 2 of the Oklahoma Constitution and the certification from the State Election Board establishing that the office receiving the highest number of votes was that of Presidential Elector, for which the total votes cast were 1,171,036, I, Hannah D. Atkins, Secretary of State, determine that 175,656 is 15%, of the vote and is the number of signatures required to bring an amendment to a vote of the people and the number required of this petition.

From examination of the initiative petition by the undersigned Secretary of State and based upon the determination by the Supreme Court of the number of signatures, I find and proclaim, that the Initiative Petition Numbered 346, State Question Numbered 632 is sufficient to cause the amendment proposed thereby to be submitted by the Honorable Henry Bellmon, Governor of Oklahoma, to the legal voters of the State of Oklahoma as the Governor shall direct, for approval or rejection.

Notice is hereby given that any citizen or citizens of Oklahoma may file a protest to the petition or an objection to the signature count made by the Court by a written notice to the Clerk of the Supreme Court of Oklahoma, and an identical notice to Lloyd Noble II, Chairman Oklahomans for Legislative Reform, Suite 612, 324 Main Mall, Tulsa, Oklahoma 74103, which protest may be filed within the ten (10) days following the date of publication of this notice. Any citizen or citizens who shall file an objection to the count of signatures as made by the Court shall additionally give notice, as required by the provisions and intent of 34 O.S. 1981, section 8, and Supreme Court Rule 42, of the filing of such objection to any other person or persons, if any, who shall have timely filed a protest in the Supreme Court.

DATED THIS 29TH DAY OF JANUARY, 1990.


Hannah D. Atkins
Secretary of State

A SURVEY OF VOTER ATTITUDES
IN THE
STATE OF OKLAHOMA

JUNE 1989

A Confidential Summary of a Survey

Prepared for

LLOYD NOBLE

by

COLE HARGRAVE SNODGRASS AND ASSOCIATES, INC.

SURVEY OVERVIEW

Cole Hargrave Snodgrass and Associates is pleased to present a summary of the results of this survey to Lloyd Noble. This section outlines the research techniques used in gathering the information presented in this report. The project directors for this study were Sharon Hargrave and Deby Snodgrass, with design and analytical support from Dr. Thomas J. Cole. General staff support was provided by Sandi James and Dan Storie.

This report contains the results of a telephone survey of 500 registered voters throughout the state of Oklahoma. Responses to this survey were gathered June 26-30, 1989.

All respondents interviewed in this study were part of a fully representative sample based on the latest voter registration figures in the state. The confidence interval associated with a sample of this type is such that 95% of the time results will be within $\pm 4.5\%$ of the "true values" where "true values" refer to the results obtained if it were possible to interview every voter in the state.

Interviewing was conducted by Cole Hargrave Snodgrass and Associates' instructed personnel from the company's own telephone bank in Oklahoma City, Oklahoma. The interviews lasted approximately 7 minutes.

Editing, coding and computer processing of the data was done at the headquarters of Cole Hargrave Snodgrass and Associates. The computer tabulations were produced by SPSS PC+, a statistical software package copyrighted by SPSS, Inc.

Cross tabulations for all questions by a variety of subgroups have been presented to Lloyd Noble in a separate and more complete report. This information can be made available to interested parties at the direction of Mr. Noble.

SURVEY SUMMARY

Hello, Mr/Mrs _____? I'm _____ of CHS & Associates, a regional research firm. We're talking with people in Oklahoma today about public leaders and issues facing us. . . (DO NOT PAUSE)

1. Do you feel that things in Oklahoma are generally going in the right direction, or that things have pretty seriously gotten off on the wrong track?

Right track 32.3%
Wrong track 42.6%
Undecided 24.6%

2. Do you think that the Oklahoma State Legislature is generally doing an excellent, good, only fair, or poor job in dealing with Oklahoma's problems?

Excellent 0.2%
Good 16.3%
Fair 47.0%
Poor 31.0%
Don't know (DO NOT READ). 5.0%

3. Some people say the longer an individual serves in the state legislature, the more effective he becomes. Others think that if elected officials serve too long, they lose touch with the voters. Do you believe longer service makes someone more effective or that longer service causes them to lose touch?

More effective 18.2%
Lose touch 63.6%
Don't know (DO NOT READ) 18.2%

4. Would you support an amendment to the Oklahoma constitution to limit the number of years someone could serve in the state legislature?

Yes 70.0%
No 17.6%
Undecided/depends
(DO NOT READ) 12.4%

5. (ONLY IF YES ON QUESTION 4)

How long do you think someone should be allowed to serve in the state legislature?

Eight years. 50.0%
Ten years. 12.0%
Twelve years 9.1%
Sixteen years. 0.6%
Other (DO NOT READ). . . 25.4%
Don't know (DO NOT READ) 2.9%

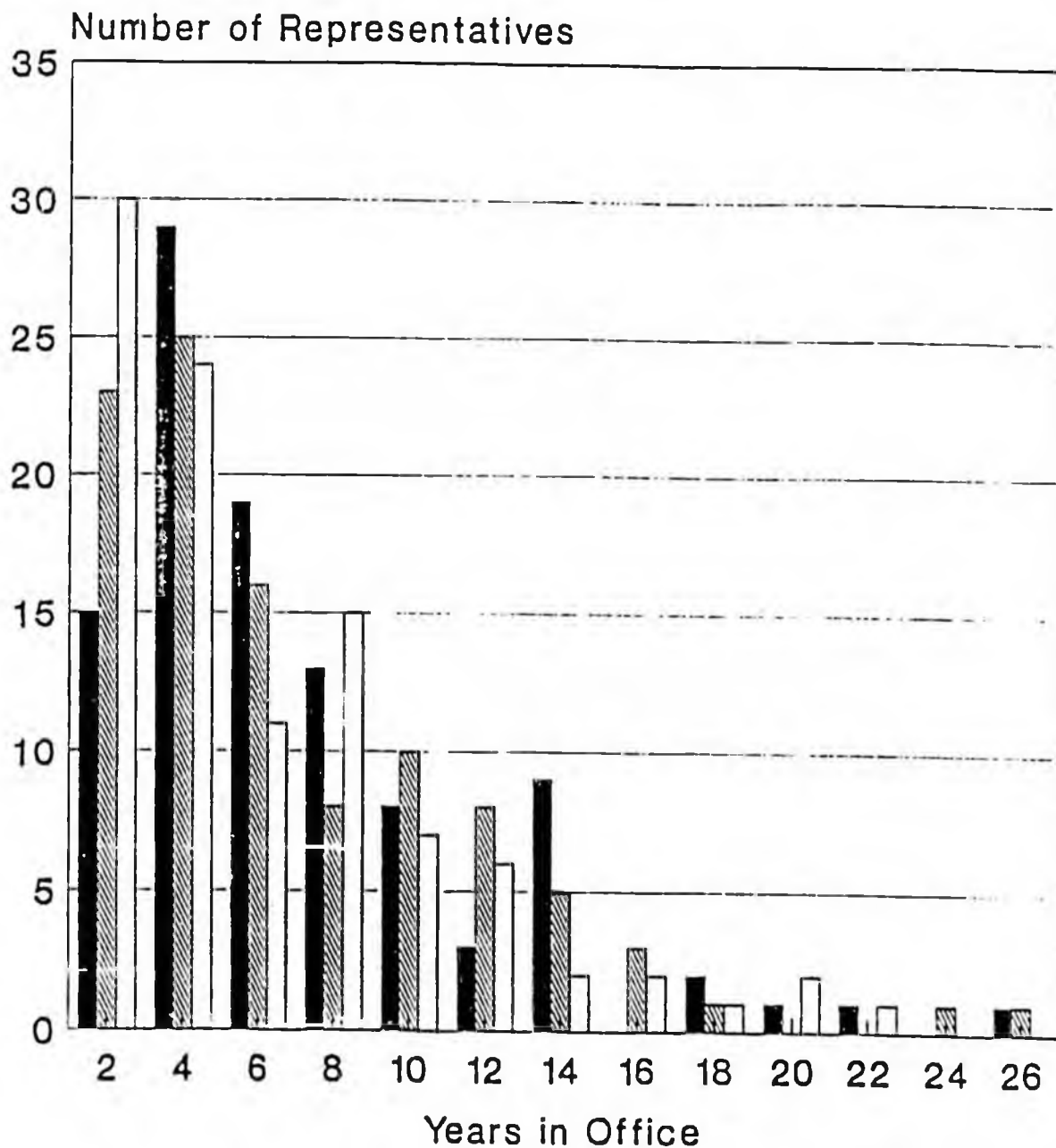
6. (ONLY IF NO ON QUESTION 4)

Would it change your mind if you knew Oklahoma legislators earn \$32,000 a year and can retire on full pay after 20 years?

Yes28.4%
No60.2%
Don't know (DO NOT READ)	.11.4%

Oklahoma House of Representatives

Total Years in Office



1977-78
 1983-84
 1989-90

Comparison of three sessions

SURVEY ANALYSIS

The chief purpose of this survey was to gage public support for a constitutional amendment to limit the terms of state legislators. To test the electorate's underlying attitude on this issue, voters were asked several questions.

The first two questions were designed to measure public opinion of the current state legislature. Voters were asked if they thought things were on the right track in Oklahoma. Only one voter in three felt positive about the direction in which the state was moving. When specifically asked about the job performance of the state legislature, only 17% of the voters rated it either excellent or good. Almost half of the voters (47%) rated the legislature's job performance as "only fair" and almost one-third (31%) considered it poor. The generally negative attitude of the electorate toward both the "state of the state" and the legislature suggests that voters would be very receptive to proposals to change the current system.

This conclusion is reinforced by the public's strong rejection of the notion that longer service in the state legislature makes individuals more effective legislators. Fewer than one voter in five (18.2%) thought lengthy service in the state legislature made legislators more effective. Conversely, over three times as many voters (63.6%) felt that longer service caused legislators to lose touch with the public.

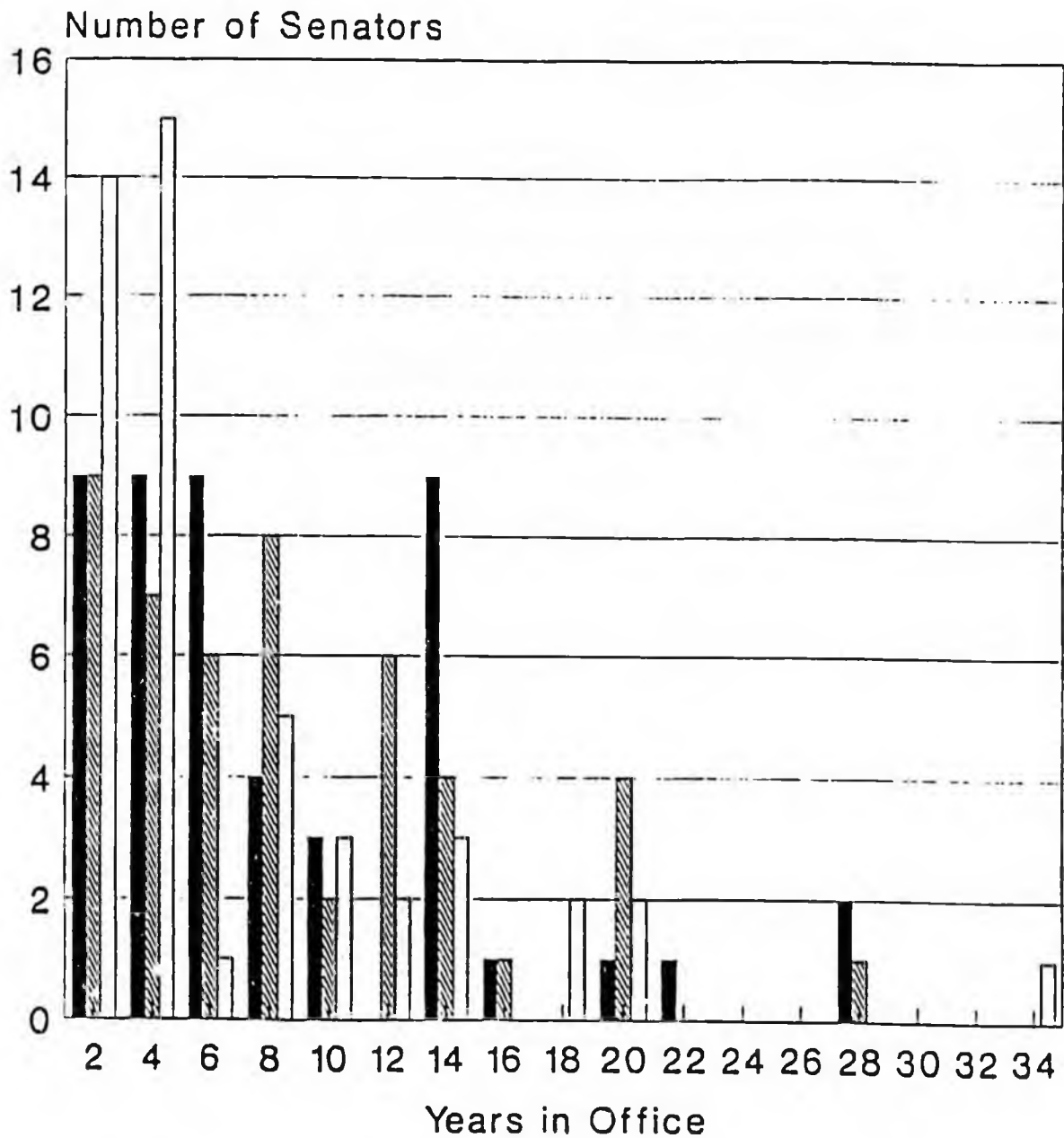
When specifically asked if they would support a constitutional amendment to limit the number of years someone could serve in the state legislature, voters were overwhelmingly favorable. Fully 70% of the public favored limiting terms and only 17.6% was opposed -- a margin of almost four to one. All demographic groups, every ideological category, every region of the state, and members of both political parties were strongly in favor of limiting the terms of state legislators. Moreover, of those opposing such a limitation, over one-fourth (28.4%) were willing to consider changing their position upon learning of the salary and retirement benefits enjoyed by legislators.

Of those who desired to limit terms, half (50.0%) favored making the maximum eight years. Virtually no one favored allowing legislators to serve longer than twelve years. Once again, there was little variation in these sentiments between different subgroups within the survey sample.

It seems likely that if a constitutional amendment limiting legislative terms could be placed on the ballot, it would pass easily. Given their obvious conflict of interest and their low approval ratings, the state's elected leaders would be poorly positioned to block such an effort. Getting the signatures needed to force a vote on such an issue and beating back possible legal challenges, however, would be formidable tasks.

Oklahoma Senate

Total Years in Office



■ 1977-78 ▨ 1983-84 □ 1989-90

Comparison of three sessions

Letter 1070
To: C. ... England
From: ... David
Re: ... by the Proposed Twelve Year Limit on
... Terms

My reaction to the proposed 17A amendment to the Oklahoma Constitution is decidedly negative. I am opposed to limiting Oklahoma legislators to twelve years for the same reasons I oppose the 22nd amendment to the U.S. Constitution which limits presidential tenure.

My reasons for opposing 17A are as follows:

1. IT'S UNDEMOCRATIC: The length of a legislator's tenure is essentially a matter between the legislator and the electorate. The proposed amendment is thus a slap at the electorate's common-sense and judgment. It assumes that the popular will is to be feared as untrustworthy and unwise. Voters should not be denied an opportunity to retain a legislator made more effective by experience. Popular sovereignty should limit government not an a priori and arbitrary rule.

Similarly, elections serve to check adventurism. If, at some defined point, a legislator cannot run again, he or she may take financial or policy risks that they would avoid if they had explain it to the voters. This flies in the face of the argument that honesty is better served by stopping the rascals before they have the time to get into too much mischief.

2. CHANGING HORSES IN THE MIDDLE OF THE STREAM: Legislators must serve major public purposes continuously. This is because legislative victories occur within the constraints of "the times," public opinion, group support, and political leadership rather than the constraints of individual deadlines. Thus the wise injunction against "changing horses in the middle of the stream" applies to 17A. A legislator may just be reaching his or her full effectiveness when they are forced out of office.

It should be added that constitutions generally favor flexibility over rigidity. Among other reasons, this allows current decision-makers some latitude to respond to circumstances or "streams" that were not foreseeable when the constitution was framed. What is foreseeable in Oklahoma is the continued shift toward more evenly matched political parties. The voter's choice between two viable alternatives should serve to increase the competitiveness of elections rather than a constitutional provision which precludes the strongest candidates from running.

3. LAME DUCKS ARE FOOF BROTHERS: In 1896 William Plumer

of New Hampshire wrote the following:

It seems now to be agreed that Mr. Jefferson
is a candidate at the next Presidential
election. The disclosure of this fact, this early,
is unnecessary and imprudent letting down of his
importance. Most men seek the rising rather than
the setting sun. (1)

As this quote applies to 17A, legislators entering their
last 12 months or so of tenure would begin to lose their
effectiveness since their "sun" would be setting. If
ever so slightly, they would not be around to
carry on, no one would pay much attention to them. This would
create a strata of "lame ducks" in every legislative session
because those legislators who would otherwise be the most
secure politically and thus the freest to address critical
issues would also be those on their way out. That, in turn,
would weaken the legislature's role in Oklahoma government.
Perhaps some would welcome that, including some serious
advocates of executive leadership. But 17A will result in
the loss of some legislative initiative and influence whether
that is judged as good or ill.

1
Clinton Rossiter, The American Presidency, revised ed.
(New York: Harcourt, Brace & World, Inc., 1960), p. 133.

Arguments opposing limit on legislative tenure:

Certainly the most basic objections to an automatic universal limit on legislative tenure is that it also constitutes an automatic universal limit on democratic choice. The people's right to freely choose their legislators is a fundamental right, and like all such rights should be restricted only for reasons of surpassing importance. The arguments of those who would advocate restricting legislative tenure fail to justify this attack on the citizen's freedom to choose. Let us briefly address several of these arguments.

Perhaps the core argument for tenure limitations is that it will promote the "citizen legislator" as opposed to the "professional legislator." The implication of this argument is that the professional legislator is somehow less representative and responsive to the people. He either has his own agenda as a "professional legislator" or is bound up with "special interests." Simply limiting the tenure of legislators does not assure that they will be responsive to citizens or free of the influence of organized interests. Indeed, making legislators less interested in reelection may well make them less responsive to citizens and more free to pursue their own agendas. Moreover, a legislature of relative neophytes is more, rather than less, likely to be dependent on the expertise and information of (and subject to manipulation by) the experienced "pros" representing special interests. There may well be a bias in the present representation system, but limiting the tenure of legislators is not an appropriate "fix" for this problem.

A second argument is that legislators are presently almost "automatically" reelected due to the advantages inherent in incumbency. Privileges in mailing and traveling and the system of seniority in selecting legislative leadership are central to producing this effect. Voters realize that more senior legislators are more powerful and thus can be more influential in representing them. There is certainly a problem with the "incumbency effect," but the obvious solution is in reforming the legislative privileges and leadership selection rules rather than the electoral process. Why attack the right of citizens to choose when the problem lies in the legislature itself?

A similar response can be made to those who worry that seniority results in a bias of influence toward districts and citizens who have senior legislators. Limiting tenure without changing the seniority leadership selection rule will merely shorten the cycle of relative advantage. Rather than falling from influence only when a representative dies or retires, a district will start over every twelve years. It still is in the district's interest to return a legislator faithfully for the maximum time. Competitive districts, that tend to switch legislators every two to four years, would remain at a relative disadvantage to non-competitive ones. The impact on bias in the system of representation would be minimal and hardly worth the price of a limitation on a fundamental right of the citizenry. This is especially true given that a more effective and less costly reform would focus on the actual cause of the problem - the seniority system itself.

Finally, advocates of tenure limitation suggest that it will make the legislator more responsive and accountable to the people and reduce the influence of the bureaucracy and special private interests. This

argument disingenuously suggests that we can improve the quality of democratic representation by reducing the democratic choice of the citizen. It is not only disingenuous but wrong in both its claims.

In fact, such limitations are likely to make legislators less responsive and accountable. Elections and electoral choice are designed to assure responsiveness and accountability. Fear of defeat at the polls is the central element disciplining office holders. Reducing their fear of defeat at the polls by making exit from office a certainty can only make them less accountable and responsive. Indeed, no politician is more free than he who has nothing (or little) left to lose. With each year that passes automatic tenure limitations serve to place politicians increasingly in this state of relative freedom vis a vis the electorate.

Moreover, even that majority of legislators that may choose to be responsive and responsible will be reduced in their effectiveness. As "lame ducks" their influence in the legislative process will be reduced due to the certainty that they will not be around to deliver legislative rewards or punishments to others in subsequent sessions.

Tenure limitations are also likely to increase rather than decrease the power of special interests and the bureaucracy. Limiting the experience level of the legislature will only make them still more dependent on the expertise and information of the non-elected officials and the private interests. In a system in which information and the savvy derived from experience are the primary power resources, career bureaucrats, legislative staffers, and lobbyists are further advantaged by tenure limitations. Thus, tenure limitations not only weaken citizen participation by limiting choice, but also tends to weaken the influence of the elected officials they choose relative to the non-elected officials. The balance of power is tilted still further toward those least accountable through democratic elections and participation of the average citizen.

Ultimately, the desire for tenure limitations stems not from a desire for a "citizen legislator" or from a concern for equal representation, responsiveness or accountability. Instead, calls for tenure limitations reflect a profound distrust in the wisdom and judgment of the people. Of course, the people make mistakes and bad choices in elections. They may even fail to recognize their mistakes. Frustrated, advocates of tenure limitations would seek to substitute an anti-democratic procedural "fix" for the failings of the electorate. In a democracy, the proper response to error on the part of the people is more, not less, democracy. Rather than limiting the citizen's right to choose, those who object to long tenure for legislators should themselves seek to convince the people that frequent turnover is a good thing and that they should vote accordingly. If the proponents of this plan are truly interested in improving the character of democratic representation, educating the public rather than reducing their democratic privileges is the appropriate course of action.

Dr. Dave Billeaux
Assistant Professor
Oklahoma State University

Legislative Limit Petition Launched

DAILY OK 9-15-80



Lloyd Noble announces plans for a petition drive.

By John Greiner
Staff Writer

A Tulsa businessman launched an initiative petition drive Thursday to limit Oklahoma legislators to 12 years of service in the Legislature.

Lloyd Noble II filed his petition with the secretary of state.

He must get 175,636 signatures of registered voters by Dec. 13 to get the issue put on an election ballot, the secretary of state's officials said.

Noble said supporters hope to obtain more than 200,000 signatures.

He said that Oklahomans for Legislative Reform, which will circulate the petition, will have a \$250,000 budget.

"We're within reaching it," he said when asked if the money had been raised.

Noble said if the proposal is adopted, current legislators will be able to serve 12 more years.

He said a poll conducted last July on limiting terms showed that a majority of Oklahomans did not have confidence in the Legislature and believed a legislator lost touch as length of service increased.

Several hundred Oklahomans were surveyed, Noble said. He did not say who conducted the poll.

He said he has received calls of support from people from both political parties.

Many interests in Oklahoma with the resources to help in this constitutional amendment haven't offered to help, he said.

"But these interests will spend substantial

amounts of money to help lobbyists buy expensive meals for legislators pour whiskey to legislators and provide entertainment to legislators," he said. "Is that what a democracy is about?"

Noble said Oklahoma has been good to his family since his great-grandfather opened a hardware store in Indian Territory during the 1890s.

"We believe in trying to return to Oklahoma some of what we received. This is my way of contributing to allow more people to serve the state in the Oklahoma Legislature," he said.

Noble said the framers of the Oklahoma Constitution took many things for granted, including that the Legislature would be a legislature.

See PETITION, Page 2

Petition

From Page 1
citizens, not full-time politicians.

This was obvious in the fact they met for only two to three months every other year and received nominal pay, he said.

The concept of the citizen legislator was destroyed when legislative salaries were raised to \$22,000, Noble said.

Those salaries were raised in 1968 by a legislative compensation commission whose members are appointed by the governor, House speaker and Senate president pro tempore.

Noble was asked to give an example of any problem relating to a legislator being in office more than 12 years.

He cited Sen. Gene Stipe, a McAlester Democrat, who has served since the late 1940s.

"Look at the number of Oklahomans on food stamps

... the percentage of the population in his district is substantially above the state average. So he's had all these years with all this power and influence to bring jobs to his district, instead he's put them on the taxpayers," Noble said.

When a reporter pointed out that food stamps are based on poverty, Noble said:

"Well, he's had the opportunity to bring jobs to his district. If he had the jobs there, they wouldn't have to be on food stamps."

Food stamps are paid for by the federal government.

The program is administered by the U.S. Department of Agriculture which contracts with states for certification of recipients, the issuance of

food stamps and the accountability of them.

State legislators have nothing to do with passage of the federal program.

When this was pointed out to Noble in reference to his statements about Stipe, Noble replied:

"It's very simple ... a disproportionate amount of state money going to his district."

Noble said the group pushing this constitutional amendment is bipartisan.

Honorary chairman is former Democratic Gov. Raymond Gary of Madill, Noble said.

However, the group has several current and former Republican officials on the advisory council.

Gov. Henry Bellmon said he isn't involved but did meet with Noble.

leg.
Term of office



THE DAILY OKLAHOMAN

The State Newspaper Since 1807

OKLAHOMA CITY, OK

THURSDAY, AUGUST 10, 1989

40 PAGES

Tulsa Oil Man Wants to Limit Legislative-Careers to 12 Years

By Paul English
Staff Writer

Tulsa businessman Lloyd Noble II said Wednesday he is considering initiating a petition drive aimed at limiting legislators to 12 years in office.

"We are no longer getting representative government," Noble said. "We are getting a government of career politicians."

Noble said a poll conducted at his request showed 70 percent of the 500 people surveyed favored limiting the terms of state lawmakers.

The independent oil man said he

wants to kick off the initiative petition drive in late August, to coincide with county fairs and other large meetings.

"A lot of money and manpower will have to be pledged in the next several days" to start the drive in August, he said.

A petition drive probably would cost \$200,000, he said.

The secretary of state's office said the petition calling for a statewide vote on the proposed constitutional amendment would require 175,636 valid signatures.

"This is something that I have

■ The Oklahoma Report

personally felt needed to be done for a long time," Noble said.

As a legislator stays in office he tends to be re-elected by "bringing a disproportionate amount of taxpayer dollars to their district," he said.

"Less tenured representatives and senators have far less power than those who have been there longer," he said.

Noble said his poll indicated that

about 64 percent of the people he interviewed believe that the longer a legislator is in office the more he loses touch with his constituents.

Only 18 percent believe a legislature becomes more effective through office longevity, Noble said.

Noble said the poll results led him to select a 12 year maximum. Of those favoring a limit on legislative service, 50 percent wanted the limit to be eight years, he said.

Another 12 percent favored a 10 year limit, and 91 percent were for a 12 year ceiling, he said.

The 12 year maximum would apply to total service in the Legislature, Noble said.

The proposal is being drafted "not to impact all that are there right now, either by grandfathering those who are there currently or by starting the clock running 12 years after date of passage," he said.

Noble said he started thinking about a petition drive in June after Gov. Henry Bellmon's consultation

revision study commission discussed a proposal to limit legislative terms.

Noble said he talked with Andrew Terrington, Bellmon's chief of staff, who was a member of the study group.

"Andrew told me that he personally favored this and that the governor favored it and Andrew brought it up and then various legislators went thumbs down on it," he said.

Noble said former Gov. Raymond Gary already has endorsed his proposal.



Muskogee Daily Phoenix
Page 9—Section A
Saturday, August 12, 1989

Limited terms could improve the Legislature

There's a fellow in Tulsa who wants to hold a statewide petition drive to limit the terms of legislators.

Lloyd Noble II, an independent oilman, thinks 12 years is long enough for anyone to serve in the Oklahoma Legislature.

The campaign has merit. The only question is why 12 years? Why not less?

Noble has a head on his shoulders when he says Oklahomans are no longer getting representative government. Career politicians are more often identified with the progress than they are experienced hands adept in forcing errors.

The public evidently shares our pessimism. Sixty-four percent of the people Noble surveyed said they believe the longer a legislator is in office, the more he loses touch with constituents.

We don't have to look far to come up with powerful long-time legislators who take pride in their long careers. Although Oklahoma industry is only nominally unionized, right-to-work bills are routinely killed before reaching the floor of the Legislature. Workers' compensation reform is continually blocked by senators who earn millions each year on such cases in their private practices.

The longer legislators stay in office the better the chances for re-election. The more powerful they become, the more likely they earn for their districts or organizations time and money that money to your would-be voters will get you votes in November.

Because of Oklahoma's restricted fiscal system, long-term legislators have far less power. So no matter what their constituents petition their hands are tied when they walk out the capital.

Before that real Governor Bellmon's constitutional revision study commission closed and dissolved—a proposal to limit legislative terms. That's a shame. Maybe he had a petition drive with such an end as what needs to be done to bring some sunshine into state government.

The Tulsa Tribune

MONDAY, AUGUST 14, 1989

TULSA, OKLAHOMA, THURSDAY, AUGUST 10, 1989 Petition drive considered

OKLAHOMA CITY (AP) — A Tulsa businessman who says he is concerned about "professional politicians" is considering a petition drive to limit legislators to 12 years in office.

"We are no longer getting representative government," Lloyd Noble II said Wednesday. "We are getting a government of career politicians."

Noble, an independent oil man, said he would like to kick off the initiative petition drive this

To do so, however, he said "a lot of money and manpower will have to be pledged in the next several days."

A poll conducted at his request showed that 70 percent of the 500 people surveyed favored limiting the terms of lawmakers, he said.

Noble said that as legislators stay in office they tend to be re-elected because they bring "a disproportionate amount of taxpayer dollars to their districts."

"Less tenured representatives and senators have far less power

Too long in office

Tulsa oilman Lloyd Noble II got the kind of results he wanted in a privately conducted poll which showed that Oklahomans like the idea of limiting legislators to a maximum of 12 years in office. Translating opinions into a successful initiative petition would be a formidable task, however.

Aside from the numbers required — more than 175,000 signatures — there is a quirk in the American political psyche that shouldn't be discounted. Voters and Con-

gressmen and representatives to office. Somehow, it is always somebody else's congressman or state senator who needs to be bounced.

Noble hits the mark when he says politicians who stay in office too long accumulate too much power. Limiting their tenure is a good idea, not just in the Legislature but also in Congress. But as long as it is the politician down the hall who has too much about, efforts to change the system will be

A Noble Idea

OKLAHOMA business- man Lloyd Noble II has come up with a great idea — limit state legislators to 12 years in office.

The problem is there are a few hurdles that must be overcome before the people would have an opportunity to vote on that proposal as a constitutional amendment.

First, a sufficient number of citizens' signatures — 175,656 — must be obtained on an initiative petition to put the issue on a statewide ballot. The cost of a petition drive is estimated at \$300,000.

It is unfortunate that Gov. Henry Bellmon and his constitutional revision commission did not include the Noble proposal in their list of initiative petitions now being circulated for signatures. It could have ridden piggy-

back at a great cost saving.

But since it wasn't, Noble needs the volunteers and the financial support to kick off an initiative petition drive. He wants it to coincide with county fairs and other large meetings and gatherings.

If Noble can get it off the ground, there's little doubt he can obtain a sufficient number of signatures. And chances are great the issue would be approved if the people are given an opportunity to vote on it.

The proposal should limit total legislative service to 12 years, but not apply to any service prior to passage of the amendment.

Passage would address a major fault of the Legislature — control by old-guard politicians who perpetuate themselves in office by obtaining a disproportionate share of tax dollars for their districts.

Legislators terms should be limited

Oklahomans may be getting one more initiative petition in the near future which would limit the number of years a state legislator can serve to 12.

Apparently the idea is popular with most Oklahomans, according to a survey conducted by Tulsa oilman Lloyd Noble, who found 70 percent of those responding favored limiting the terms of legislators.

Of course, it won't have a major impact on most State Capitol occupants as most legislators usually leave after only a few terms either on their own or at the urging of the voters.

While 12 years would be a fine limit for those in Washington — terms of U.S. Senators are 6 years — there's no reason to use that figure in Oklahoma City.

A limit of eight years would be better — this would give a state Representative up to four terms in the House or a Senator two terms in the Senate or any combination between the two.

Eight years is plenty. If they haven't accomplished their major objectives in that time, then its doubtful they ever will.

TULSA WORLD

Tulsa, Oklahoma Saturday, August 12, 1989

Tulsans Would Limit Legislators' Terms

By Mike Kimball
Lead Staff Writer

The longer a state legislator remains in office, the more he loses contact with his constituents, says Tulsa businessman Lloyd Noble. He would put an end to that by limiting the amount of time anyone can serve as a state legislator to 12 years.

He's serious enough about it to propose an amendment to the state Constitution to that effect.

Noble's proposed 12-year limit applies to both state houses. If someone serves three 2-year terms in the House of Representatives and then wins election to the Senate, he would only be able to serve one and a half 6-year terms, Noble said.

We had 70 percent of the 500 Oklahomans contacted in a private survey favored an amendment to the Oklahoma Constitution limiting the length of total legislative service.

Of those who favored limiting legislative terms, 84% favored an eight-year limit and 16% favored 12 years or less, according to a summary of the survey's results.

Noble agreed that party rules on the number of years a legislator can serve limits the good legislators as well as the bad.

But it's a good idea to see that in a House 3 years or 600 people, and in a Senate 6 years or 600. That there isn't another qualified individual at that level, Noble said.

Noble said he proposed the amendment and the "rest of a fairly political state need."

Nothing is stopping anyone from running for any office in Oklahoma — not even the House and Senate. Noble said he can help with a petition drive to get the Legislature to pass the amendment.

He said he has knowledge of

other state, nor other country in the free world has a policy that limits the number of years or terms that can be served by legislators.

He said treatment of outgoing legislators needs to be decided.

Supporters of the proposal have expressed making them exempt from the constitutional amendment or starting the 12-year limit would apply to the term of office from the date the proposal is passed.

FRIDAY

Monday August 22, 1989

Should we limit tenure of legislators to 12 years?

LLOYD NOBLE II, of the prominent Noble oil family in Oklahoma, is going all out to launch a petition drive for a vote to limit terms of Oklahoma legislators to 12 years.

A statewide poll was taken and 70% of those surveyed favored the idea. This result is not surprising as most Oklahomans use their own legislators but are not so enamored with the legislature as a general body. Other folks, legislators, if enough signatures can be obtained to call an election, such as this, almost certainly would pass.

The idea does have merit, if we do consider it. There has long been a problem of legislators, including among many legislators themselves, that those who enact the laws and make our taxes should be required to go back into the world and live under the conditions they created. And it should know in advance they will have to do that.

Twelve years is long enough to ensure enough continuing experience as new legislators take office and do not move out under the proposal's provisions. A dozen years between all the experience factor counts.

One of the important advantages of such a change would be if it would have or might have a "grandfather" clause, which would be a constitutional provision which the people would vote on the same day as the proposal and do not change the term of leadership until the change has been made. Giving new leadership a chance to get their feet under the new of the law would be a good idea.

More important, would be to see that the people would vote on the change and not just a few legislators.

David S. ...



OKLAHOMA

TULSA — Oilman Lloyd Noble II hopes to launch statewide petition drive to limit state legislators to 12 years in office. He says 70% of people responding to survey favor limiting terms. ...

Limit Legislative Service? Hogwash

By David Averill
Editorial Writer

Legislator bashing always has been a popular American sport, and never more than now. That's not surprising; who could love people who, as a class, are interested mostly in levying taxes?

The abuse heaped on legislatures and legislators usually is verbal. Sometimes it takes the form of proposals aimed at curbing legislators' power, authority or influence.



David Averill

One such idea that bubbles to the surface every now and then is that a limit should be placed on length of service in the Legislature.

Lloyd Noble II, a Tulsa independent oil man, is the latest, but certainly not the first, to suggest that length of service in the Oklahoma Legislature be limited. Noble favors 12 years. A poll conducted on his behalf, he said, revealed that 70 percent of 500 people surveyed agreed with such a limit.

Noble has tried to stir up interest in a petition drive to put his proposal to a vote of the people.

The argument in favor of limiting legislative service goes something like this: "Professional politicians" are bad. They

don't truly represent the voters who keep electing and re-electing them. The longer they serve, the more influence they gain. Ergo, legislators should not be permitted to serve long enough to become influential "professionals."

Even if the professional-politicians-are-evil argument weren't hogwash, it's difficult to see what good it would do to limit legislative tenure.

Had a 12-year limit been in force at the start of the last legislative session, it would have affected eight of the 100 members of the House, seven Democrats and one Republican. That number would have included the speaker and two members of his leadership team who were deposed in a revolt by younger members during the session. Four of the eight were not part of the leadership and are members who are not reputed to have unusual or undue influence in the House.

The Senate, where members are elected to four-year terms instead of two-year terms as in the House, is generally thought to be the senior body. Still, a 12-year cap on service last session would have affected only nine of the 48 members. That number would have included the president pro tempore and two members of his leadership team, plus the Republican floor leader. At least three of the nine are highly respected members. Four are not known to be particularly influential.

Length of service is not an indicator of quality, power or influence. A 12-year limit on service would cost the Legislature some good members and some bad ones, some influential ones and some who wield little influence. There is no guarantee that their replacements would be any better, or different. Observers who pay close attention to the process are struck by the consistency

that voters from the various parts of the state display in choosing their representatives.

Lack of turnover is not a problem in the Oklahoma Legislature. In fact, relatively rapid turnover, especially among urban members, is characteristic. More than half of the current House members (53 of 100) are in their first or second terms, they have served four years or less. A whopping 68 percent of the Senate members (29 of 48) have served four years or less.

Finally, there is this: If limiting legislative service is a good idea, why isn't it done elsewhere? No state places a limit on legislators' tenure. (A petition calling for such a limit is being circulated in California.) The United States Constitution does not limit congressional service. In fact, one would be hard pressed to name a country in the Western world that so restricts legislative or parliamentary service.

The populist framers of Oklahoma's Constitution were fearful of the powers of government, business and other institutions. They included many limits on that power. If they were worried about "professional politicians" serving in the Legislature, it isn't reflected in the lengthy, restrictive, document they produced.

Voters may turn out of office any lawmaker they don't like. The fact that some legislators are re-elected time and again indicates that their constituents, while they may gripe about the Legislature as a whole, are pretty well pleased with their own representatives.

When critics argue that the Legislature is no good, that voters can't be trusted to elect quality lawmakers, what they really are saying is that they can't accept the results of democracy.

Leg. Affairs

Proposal to Limit Legislators' Terms Called Vote

By John Greiner
Staff Writer

A proposal to limit legislators' terms may shift more power to the executive branch, making it easier for a handful of influential people to control future governors, an Enid legislator says.

"I think if people know their right to vote is being restricted, they will get out and vote against this constitutional amendment," Rep. Gary Maxey said of a proposal being circulated by Tulsa businessman Lloyd Noble II.

Noble announced Sept. 14 that an initiative petition would be circulated to amend the constitution to limit Oklahoma legislators to no

more than 12 years in office.

If the people adopt the proposal, legislators in office now would be allowed to serve 12 more years after their current terms expire, Noble said.

Maxey, a Democrat, said he speculates that a possible motive for limiting legislator's terms would be that "it is a lot easier to control the executive branch than 101 members of the House of Representatives."

In many cases it takes years for a legislator to gain the experience to become effective, he said.

"He (Noble) would rather limit that and shift power to the executive branch, where a few wealthy

people can control the man or woman in the governor's mansion," Maxey said.

Noble disagreed.

"The power that is in the Legislature will remain in the Legislature but will be equally distributed among all legislators," Noble said.

Maxey is serving his first term after upsetting an incumbent legislator in 1988.

"I am speaking from a voter's standpoint... whether I am in office or not, I want the right to send someone down there," Maxey said.

He said he is offended by the proposal.

"Our democracy is based on the

fact that if someone gets experience, I have a right to send him down there," Maxey said.

Limiting terms restricts this right, he said.

The belief that this proposal would restrict the power of the people to make their own choices is shared by a man who has been involved in Republican Party politics for years in Oklahoma.

Drew Mason, former aide to Gov. Henry Bellmon and a political science professor, said limiting terms of state legislators would not accomplish anything.

In a letter to *The Oklahoman*, Mason said Noble's proposal is "clearly undemocratic."

"Our constitutions, federal and

state, place the power of choice in the hands of the people, not government," Mason wrote. "I should we give away our power to elect those whom we deem worthy for as long as we wish to them as our representatives?"

Your Views Amendment Would Limit Our Choices

Daily OK 9-21-89

TO THE EDITOR:

In Oklahoma, it seems, Legislature bashing has achieved a status almost equal to that of talking about OU football. Sam Noble's recent announcement that he is sponsoring an initiative petition to limit the terms of legislators is just the latest attack in this popular pastime of thoughtless people.

In the first place, Noble's approach to finding a solution for a problem which he is unable to define except in vague terms of Gene Stipeisms, is terribly misguided and quite likely to result in unintended consequences. He wishes to make it a law that legislators may serve only 12 years. Currently, our legislators are only serving 5.3 years on the average. If a legislator is limited to 12 years, the voters will, if experience is any indicator, develop a tendency to confer upon their representatives the full 12 years.

Only eight members of the House and eight members of the Senate have been re-elected by their constituents for more than 12 years. These are hardly the dimensions of a serious problem. Perhaps it indicates that the voters are shrewd enough to retain those they wish to keep in service and discharge the rest. If such is the case, we don't need a constitutional amendment to ratify the general good sense of the electorate.

In the second place, Noble's plan is clearly undemocratic. Our constitutions, federal and state, place the power of choice in the hands of the people, not the government. Why should we give away our power to elect those whom we deem worthy, for as long as we wish to have them as our representatives? It is a difficult chore to persuade competent people to run for elected office. Once we have them in place it seems only prudent that we keep them there as long as they do a good job. If they fail to meet our standards we may then resort to

■ Metro Thoughts

Do 10-16-87

A Tulsa man has filed a petition seeking an election to limit a legislator's term in office to 12 years. What you think about this? Do you think it should be decided by a statewide vote?



Patty Cohenour
Postal Worker

"Yes, I think it is a great idea. I think it will end a lot of corruption in government. People should be allowed to choose whether they want to limit legislators' terms."



Tim Degluzzi
Lawyer

"I think people should be allowed to vote on it. But I don't agree with it. I think it takes time to develop the kind of expertise legislators need. I think the proposal would exclude a lot of experienced and qualified people from that job."



Calhryn Carr
Mission Supervisor

"I think they should limit their terms in office, because otherwise you have professional politicians. I think the legislators need to be out in the mainstream doing some other kind of work and finding out what is going on. Yes, I think the people should be allowed to vote on it."



Ellen Harlman
Office Manager

"The petition takes away the right of the voter. We may not like the person in office, but it's up to the people in his or her district to decide who they want in office. It is not up to us to limit their terms. That is the way our country works. Why change it?"



Loyd R. Neal
Cattle Hide Dealer

"Sure, people should be allowed to vote on it. I think 12 years is enough. If they are good ones, they can be voted back into office. But if they're bad eggs, you can't seem to get them out."



Eldon Hydr

"I think it should be allowed to vote on it. I haven't decided how I feel about it. I haven't decided."

Leg. Term

Limit legislative terms?

Editor, The Tribune:

Oklahomans for Legislative Reform has been organized for the purpose of amending the Oklahoma Constitution, by initiative petition, to limit the tenure of Oklahoma legislators to 12 cumulative years.

For the most part, we no longer have citizen-legislators providing representative government, as our founding fathers envisioned. Instead, we have career politicians advocating bigger, costly government. The pay of Oklahoma legislators, \$32,000 a year, makes them the eighth highest paid in the nation. And frankly, Oklahoma taxpayers don't think they are getting their money's worth.

A scientific survey, commissioned this summer, showed over 75 percent of Oklahomans would support a constitutional amendment to limit the years state legislators may serve to 12. Limitation of terms is not new; governors' terms are limited to eight years.

Despite the overwhelming support among Oklahoma voters, this reform will not be accomplished without time, effort and money from all who want to see this enacted.

LLOYD NOBLE II
Chairman, Oklahomans
for Legislative Reform

Editor, The Tribune:

The proposed constitutional amendment to limit legislative service strikes at the heart of representative government, which holds that the people are best able to choose their own legislators.

The Legislature is the most important of the three branches of government. It makes the basic decisions, determines policies, and appropriates funds to carry them out. Twelve years may be long enough to master Roberts Rules of Order, but is not long enough to develop the statesmen needed to keep the Ship of State on a true course.

If applied to Congress, the 12-year rule would force Sen. David Boren to quit just as he has reached the period of his greatest service to state and nation. Had it been in effect in England, Winston Churchill could not have returned as prime minister to defend Britain and the Free World against Hitler. On a smaller scale, there are now some in our Legislature whose future service will become apparent in the years to come, if not forced out prematurely.

The proposed amendment is not so much an attack upon individual legislators as it is upon the sovereign right of the people to make their unrestricted choice. This is a right won over the centuries in only a few Western democracies, and it should not be given un-

People's forum

The Tribune welcomes letters and will publish as many as space permits. But no letter will be used unless it is signed with correct name and address. The Tribune reserves the right to edit all letters. Letters may be mailed to People's Forum, P.O. Box 1770, Tulsa, Okla. 74102. Contributors with access to a fax machine may transmit their letters by phoning 514-1037.

lives of people. Only experience begets wisdom. We are not born with it, nor does it come automatically with a diploma from law school.

If certain groups want to get rid of a handful of legislative committee chairmen, let them support superior candidates for those jobs; but in any event, the people should be allowed to make a free choice. This meat-ax attack upon our legislative branch is not in the public interest.

Oklahoma City L.D. MELTON

Legislative
Term of Office

Leg. T J O

2-Year Limiting Plan Irks Legislators

Tulsa Senator Questions Motives of Businessman Lloyd Noble II

Ron Jenkins
Associated Press Writer

OKLAHOMA CITY — Veteran Oklahoma legislators say they are used to dodging political brickbats, but are growing weary of the Legislature being used as a political whipping

In 1989, voters overwhelmingly adopted a constitutional change to shorten the length of legislative sessions, despite opposition from the leaders of the Democratic majority.

Now some veteran lawmakers, both Democratic and Republican, say they are incensed by another proposed constitutional amendment to limit the number of years a state House and Senate member can serve.

Sen. Charles Ford, R-Tulsa, questioned the motives of Tulsa businessman Lloyd Noble II, who is leading an initiative petition drive aimed at limiting legislative service to 12 years.

Ford said revenge may be a factor in Noble's efforts. He said Noble, formerly of Ardmore, ran for the Legislature several years ago and lost to veteran state Rep. Duke D-Ardmore.

Ford charged that Noble has been angry at the Legislature since that loss.

Ford said he wants Noble to single out who in the Legislature he feels is "self-serving and needs to be replaced."

Through the years, some politicians have made a career out of running against the Legislature — including some legislators themselves.

In modern times, holding legislative leadership posts has not proven to be a big plus in running for statewide offices.

Only two former House speakers — Red Phillips and Alfalfa Bill Murray — have been elected governor. And that was in the 1930s.

Raymond Gary is the only former president pro tempore of the Senate to be elected to the top state elective position.

Among the notable House and Senate leaders who tried for higher office and failed was Clem McSpadden, who had won a spot in the U.S. House before opting for an unsuccessful race for governor.

The person who beat him in the Democratic runoff for governor in 1974 was David Boren, who moved up to chief executive from the statehouse.

Boren was a back-row legislator who took positions often at odds with the leadership.

He later was elected to the U.S. Senate and is generally regarded as the state's most popular politician.

"The Legislature has always been unpopular as a group and probably always will be," said Senate President Pro Tempore Bob Cullison, D-Skiatook.

Cullison also denounced the proposed constitutional amendment, saying he did not think it is right for the people in a district to be thwarted in re-electing someone voters feel is doing a good job.

"If the incumbents are not doing a good job they are defeated. If they are, they are elected. That's our process and I don't think it should be changed," Cullison said.

Cullison and Ford also disputed the contention that it is inordinately difficult to defeat an incumbent.

"That's ridiculous," said Ford as he ticked off the names of several veteran legislators who have been defeated at the polls in recent years, including two former Senate president pro tems and an appropriations chairman.

In the Senate alone, there was a turnover of 29 members over a two-year period that included the 1986 and 1988 elections and Ford said Noble's amendment is unnecessary.

Ford also said it is not true that long-time legislators tend to dominate the top House and Senate leadership posts.

Petition to Limit Legislators Filed

12-Year Maximum Term Sought

By Chuck Ervin
World Capitol Bureau

OKLAHOMA CITY — An initiative petition seeking to limit state legislators to 12 years in office was filed with the secretary of state Monday.

Tulsa's Lloyd Noble II, who sponsored the petition, said it contains signatures of some 201,000 Oklahomans who want to submit the issue to a vote of the people. Noble said an additional 10,000 names of petition signers would be filed before the end of the day.

Sponsors of the petition need about 175,000 valid signatures to bring the proposal to a statewide vote.

Secretary of State Hannah Atkins will count the signatures and send the petition to the Supreme Court. The court will have to certify that a sufficient number of registered voters signed the petition before a state question goes on the ballot.

Noble said some \$100,000 has been contributed to support the petition drive.

Andrew Tevington, Gov. Henry Bellmon's attorney, recommended a similar limit on legislative tenure to a Bellmon task force that proposed changes in Oklahoma's Constitution.

The task force did not adopt Tevington's proposal. Tevington

has denied encouraging Noble's petition drive, and Noble said he came up with the idea on his own.

Noble, a member of a prominent Ardmore family, is a former unsuccessful Republican candidate for the Oklahoma House of Representatives from Carter County.

He initially was unable to name his representative or senator, when asked by reporters.

"I don't know," Noble said. "I can get that information, if you like."

He later correctly identified his legislators as Sen. Penny Williams, D-Tulsa, and Rep. John Bryant, R-Tulsa.

Critics of the proposal to place a 12-year constitutional limit on legislative careers have charged that it is undemocratic and would deny residents the right to choose the individual they want to represent them in the Legislature.

"The people are going to vote on this petition," Noble said Monday. He said voters still would be able to select their representatives from other eligible persons in their Senate and House districts.

"It's not democratic when politicians perpetuate themselves at the taxpayers' expense," he said.

He said his proposal would eliminate "career politicians" and encourage more people to seek office.

Petition —

From Page 1
Supreme Court.

The court will recount the signatures and then establish a period for anyone wishing to file a protest. If the petition survives the protest period, it will be considered valid and then the governor can set an election date for it.

If a special election isn't set on this issue, it will go on the ballot at the next general election.

Noble said he got the idea for the petition after reading about discussions of a similar proposal before the governor's Constitution Revision Study Commission.

Andrew Tevington, a commission member and chief of staff for Bellmon, proposed limited legislative terms to the commission, but the commission rejected it.

Noble said the budget for circulating the petitions throughout the state was about \$200,000.

More than \$100,000 was donated to the petition drive, he said.

However, there were lots of volunteers who circulated petitions for no pay, he said.

His biggest disappointment, he

Leg. Term of
office

A democratic exercise

Tulsa 10-5-87

Tulsa oilman Lloyd Noble II is beginning to draw some negative reaction to his campaign to limit legislators to no more than 12 years in office. The oxen are getting restless.

Recently, Drew Mason, former aide to Gov. Henry Bellmon, and a long-time political insider, called the idea "clearly undemocratic." Mason knows better.

What could be more democratic than a petition drive and a vote on Noble's idea? Is it democratic when legislators stay in office so long that they have ceased to be effective or, worse, so long that they no longer care?

Rep. Gary Maxey, D-Enid, says the right to vote will be restricted if 12-year veterans no longer can appear on the ballot. How about governors who have served the limit of two terms or, for that matter, U.S. presidents?

Noble's petition drive isn't inspired by radical thought. Proposals to limit congressional terms surface now and then only to disappear. But a campaign to trim the power of legislators is possible, thanks to the simplicity of initiative petition. Maybe that's what scares the politicians. It can be done.

Enid lawmaker disputes need for limiting legislative terms

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OKLAHOMA CITY (AP) — An Enid lawmaker says a proposal to limit lawmakers to 12 years in the state Legislature is an effort to restrict voter rights and to shift power to the executive branch.

Rep. Gary Maxey, D-Enid, spoke out over the weekend against a proposed state constitutional amendment to put a 12-year cap on legislative terms.

"I think if people know their right to vote is being restricted, they will get out and vote against this constitutional amendment,"

Maxey said.

"I am speaking from a voter's standpoint . . . Whether I am in office or not, I want the right to send someone down there,"

Maxey said.

Tulsa businessman Lloyd Noble II announced a petition drive Sept. 14 for the proposed constitutional amendment.

Maxey's view is supported by Drew Mason, a former aide to Gov. Henry Bellmon and a political science professor.

He called Noble's proposal

"clearly undemocratic."

"Our constitutions — federal and state — place the power of choice in the hands of the people, not the government," Mason said in a letter to The Daily Oklahoman.

Maxey also speculated that Noble's motive for making the proposal may have to do with control.

"It is a lot easier to control the executive branch than 101 members of the House of Representatives," he said.

Petition to Limit Terms Of Legislators Is Filed

By Jim Myers
World Capital Bureau

7-9-25-79

already.

He said less than a third of that money will come out of his own pocket.

Calling the project a bipartisan effort, Noble said former Democratic Gov. Raymond Gary, of Madill, will serve as its honorary chairman, noting that incumbent and former lawmakers from both parties have agreed to be on the advisory council.

All but one of the lawmakers he listed are Republicans.

"Oklahoma's favorite son, Will Rogers, once said, 'We have the best government money can buy.' Now, here we are many years later, that is not the case," Noble said in a statement to be delivered at press conferences in Oklahoma City, Tulsa, Ardmore, Enid and Lawton.

"Oklahoma now has the eighth highest-paid legislators in the nation. Yet Oklahoma schoolteachers are among the lowest paid. What kind of representative government is that?"

He said last year's vote by an independent board raising legislative pay from \$20,000 to \$32,000 annually prompted him to begin the petition drive.

Noble said that pay increase destroyed the concept of a citizen-legislator.

"Now we have professional politicians with the ability to buy votes with taxpayer money by passing out 'pork barrel' projects," he said.

OKLAHOMA CITY — Tulsa oilman Lloyd Noble II filed an initiative petition Thursday to limit lawmakers' tenure to 12 years.

Noble and the group he leads, Oklahomans for Legislative Reform, have 90 days to gather the approximately 175,000 signatures needed to put the petition on the state ballot.

Meanwhile, Gov. Henry Bellmon said he remained undecided on the issue but said he would probably sign the petition if asked.

Bellmon, who chose not to seek a third six-year term in the U.S. Senate in 1980, said such a limit for members of Congress might be in order.

During his regular daily press conference, the governor told reporters of the late U.S. Sen. John McClellan of Arkansas, who, Bellmon said, had "served past his prime" and then became chairman of the powerful Senate Committee on Appropriations.

He said McClellan, whom he admired in other ways, could not keep up during appropriations meetings.

"He didn't know which page (of a bill) we were on," Bellmon said.

McClellan died in 1977 at age 81, after serving 38 years in Congress.

At his press conference earlier, Noble said his organization will need about \$250,000 to fund the project and is nearing that goal

Leg.
Term of Office

Legis. Term of
Office

Legislative term curb is sought

9.15.89

Tribune Capital Bureau

OKLAHOMA CITY — Tulsa oilman Lloyd Noble II Thursday filed an initiative petition to limit Oklahoma legislators to 12 years in office.

Noble wants to amend the state constitution and has 90 days to gather more than 175,656 signatures to place the question on a statewide ballot. Oklahoma voters would decide whether legislators' terms should be limited.

Noble, chairman of a group which he formed, Oklahomans for Legislative Reform, said the petition drive would not affect current legislators. They would be limited to 12 years after the amendment is passed, regardless of how many years they already had served, he said.

The amendment would limit lawmakers to a total of 12 years in all legislative offices. A House or Senate member whose 12 years expired could not switch to the other body.

A poll paid for by Noble and conducted in July showed "a large majority of Oklahomans did not have confidence in the Legislature and also felt a legislator lost touch as length of service increased."

When asked whether the amendment would squash the democratic process by limiting voters who preferred to send a legislator to the Capitol for more than 12 years, Noble said he had "never heard any complaints" about the limits on terms set for the governor and lieutenant governor.

In May 1966, Oklahomans overwhelmingly passed a constitutional amendment to allow the governor to serve two terms rather than one as previously stipulated. The amendment also allowed the secretary of state, state auditor and state treasurer to succeed themselves.

Term Limit Called 'Undemocratic'

July 26.89
power to elect those whom we deem worthy, for as long as we wish to have them as our representatives?"

Maxey also speculated that Noble's motive for making the proposal may have to do with control.

"It is a lot easier to control the executive branch than 101 members of the House of Representatives," he said.

In many cases it takes a few years for a legislator to gain the experience to become effective, he said.

"He (Noble) would rather limit that and shift power to the executive branch, where a few wealthy people can control the man or women in the governor's mansion," Maxey said.

12-year limit on the number of years a legislator may serve.

Tulsa businessman Lloyd Noble II announced the petition drive Sept. 14. Noble said the change is aimed at distributing power equally among all members of the Legislature.

Maxey described the proposal as an effort to restrict voter rights and to shift power to the executive branch.

"I am speaking from a voter's standpoint... whether I am in office or not, I want the right to send someone down there," Maxey said.

"Our constitutions, federal and state, place the power of choice in the hands of the people, not the government," Mason said.

"Why should we give away our

OKLAHOMA CITY (AP) — A proposal to impose a limit on the number of years legislators can serve has been labeled "clearly undemocratic" and a restriction on voter rights by two opponents of the measure.

"I think if people know their right to vote is being restricted, they will get out and vote against this constitutional amendment," Rep. Gary Maxey, D-Enid, said during the weekend.

Drew Mason, a former aide to Gov. Henry Bellmon and a political science professor, called the proposal "clearly undemocratic."

A petition drive is under way to collect signatures for a statewide vote on a proposal to change the Oklahoma Constitution to place a

Initiative Petition Refiled

DOA-2394

An initiative petition to limit legislators' terms had to be refiled this week because the original didn't meet the statutory specifications, Lloyd Noble II, the petition's principal architect, said Friday.

Noble, a Tulsa businessman, said the size type on the first petition didn't meet specifications required by law. A second petition was filed Tuesday.

It contains the identical proposition that was in the first petition which is to amend the constitution to limit state legislators to no more than 12 years in office.

Noble must get 175,656 signatures of registered voters by Dec. 18 to get the proposal on a ballot.

Legislative Tenure Subject of Petition

A Tulsa-based group is undertaking a petition drive to limit the tenure of Oklahoma legislators to 12 years.

Lloyd Noble II, a Tulsa oil producer and chairman of Oklahomans for Legislative Reform, said the petition will be filed today with the Oklahoma Secretary of State. News conferences are scheduled in Oklahoma City, Tulsa, Lawton, Ardmore and Enid, he said.

The petition calls for an amendment to the Oklahoma Constitution that would limit an individual to serving 12 years in either the Oklahoma Senate or House of Representatives, or a combination of both.

The years would not have to be consecutive, and if a person was appointed to fill the remainder of an unexpired term that time would not count against the 12-year limit.

However, no member who had completed 12 years in office would be allowed to serve a partial term, the petition said.

Around the State

Term Limit Would Help Keep Process Working for People

DO 10-1-5

OKLAHOMA editorial writers have expressed their views on topics including:

The Daily Ardmorelle

Lloyd Noble has launched his initiative petition campaign to clamp a 12-year lid on the length of time anyone can serve in the Oklahoma Legislature. The effort has its good points as well as its bad, but overall has merit as a way of keeping the political process working as it should for the people.

There have been examples of meritorious, honest service to the people for periods well past the 12-year limit Noble has proposed, just as there have been instances

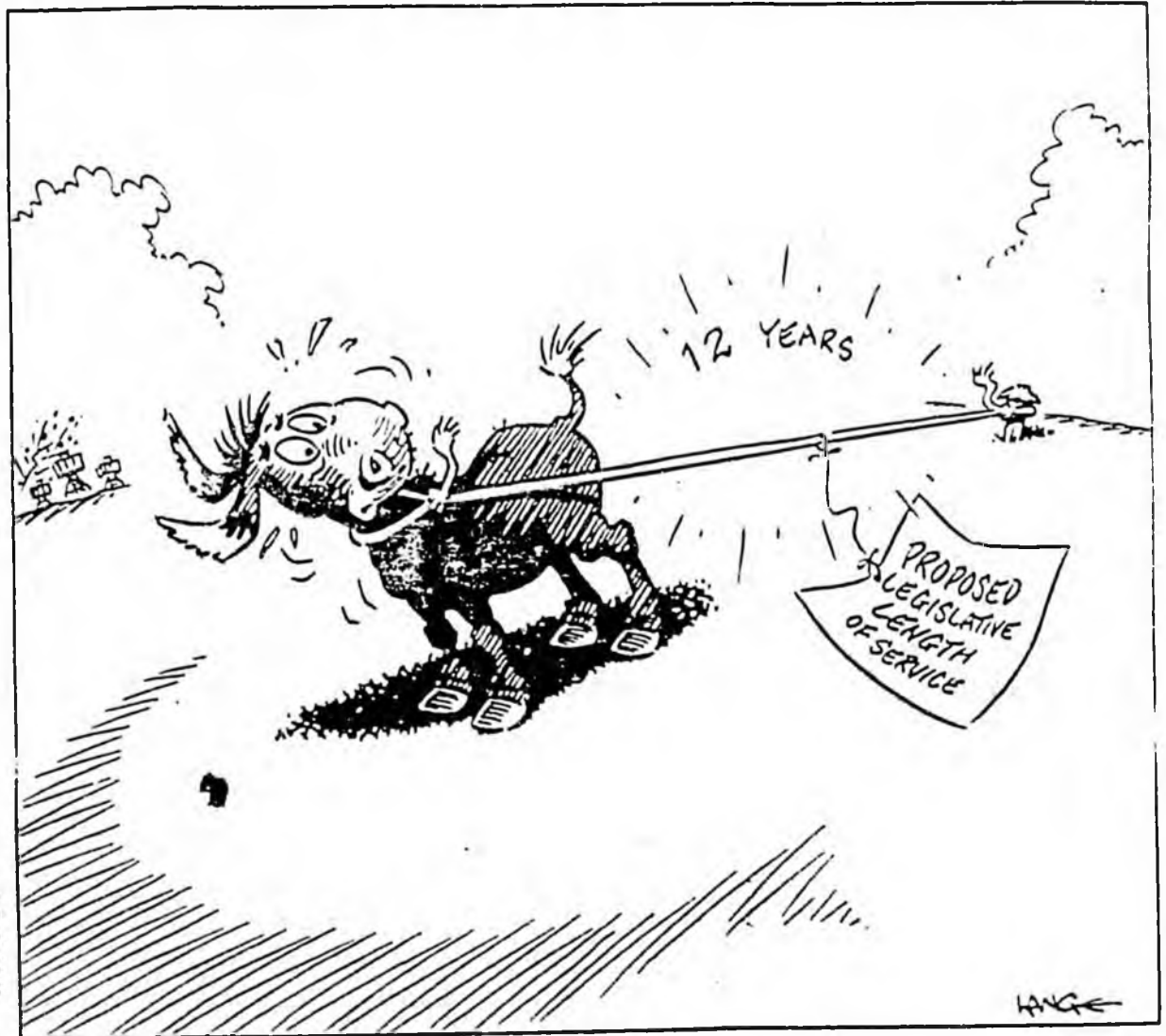
of almost immediate corruption when the wrong person is sent to the Legislature.

It makes sense to limit service to 12 years in order to eliminate the possibility that a lawmaker can become entrenched, and become more valuable to lobbyists or special interests than to the public at large.

If the initiative petition drive is successful and the proposal someday appears on the ballot, voters will have to decide whether the same, or similar, standards that now apply to the presidency and the governorship (two 4-year terms) should also apply to their elected representatives in the Legislature.

A Noble Goal

209-1889



Other...

Key:
Term of Office

Legis.
Terms of Office
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Every Little Bit Helps



N 'Can We Make It Retroactive?'

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