

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6151 HOUSE STATE AFFAIRS

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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 intellectuals 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



## 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.

## NATIONAL ADVISORY BOARD

The Honorable James G. Abouerk  
South Dakota

The Honorable Glenn Andrews  
Alabama

The Honorable Lamar Baker  
Tennessee

The Honorable Cleve Benedict  
West Virginia

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The Honorable Ronald M. Mott  
Ohio

The Honorable Ned Pattison  
New York

The Honorable Charlotte T. Reid  
Illinois

The Honorable J. Kenneth Robinson  
Virginia

The Honorable Donald H. Rumsfeld  
Illinois

# 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 not 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.



# 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 organi-

zation 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, agrees: "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 painting 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 statewide 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 Mahe 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 Missouri and

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 would 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 Considine (R) thinks he 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 Considine.

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 nowhere.

While public support for limiting terms seems high, a dozen 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 causes. 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 doing away with their own advantages. "That is why many see limita-

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Rotation in Office

You'd think the hot topic of elections 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 abuzz over a front-page headline in the Capitol Hill newspaper, Roll Call. It read: "Drive to Restrict Hill Tenure Gaining National Momentum." Now that is something for Members to worry about.

12  
is  
Enough!

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.

For an idea only months old, term limitation has 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 1982, one out of five House Members had no major-party opposition. This year, 12 out of 27 Texas districts will see an incumbent running

Voices of Experience

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

- James G. Abourezk (D., S.D.)
- Glenn Andrews (R., Ala.)
- Lamar Baker (R., Tenn.)
- Cleve Benedict (R., W. Va.)
- Ben Blackburn (R., Ga.)
- W. 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 Curtis (R., Mo.)
- James Dunn (R., Mich.)
- Arlen Erdahl (R., Minn.)
- Donald Fraser (D., Minn.)
- Kent Hance (D., Texas)
- Thomas Hartnett (R., S.C.)
- Theodore Mills (R., Ind.)
- Ken Holland (D., S.C.)
- James Johnson (R., Colo.)
- Walter Judd (R., Minn.)
- John LeBouvier (R., N.Y.)
- Paul McCloskey (R., Calif.)
- Donald McGonley (D., Neb.)
- Walter McVey (R., Kansas)
- William S. Manwaldt (R., Calif.)
- Edwin Mark (R., Conn.)
- Ronald Mann (D., Ohio)
- Ned Patton (D., N.Y.)
- Charlotte T. Reid (R., Ill.)
- J. Kenneth Robinson (R., Vir.)
- 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 gathers 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.

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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

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## 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."

○

STATE OF ARIZONA  
39th LEGISLATURE  
SECOND REGULAR SESSION

REFERENCE TITLE: public offices; limit on terms

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.

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

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

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

16 21. Terms of members of legislature

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

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

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

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

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A joint resolution proposing the creation of  
Section 19 of Article III of the State  
Constitution relating to terms of legislators.

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

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

ARTICLE III

LEGISLATURE

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

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

TERMS OF MEMBERS OF THE LEGISLATURE

Provides that no member of the Legislature who has, or  
but for resignation would have, served as a Senator or member  
of the House of Representatives for more than eleven years in  
consecutive terms shall be elected to that respective house  
for the succeeding term.

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

LIMITATION ON TERMS OF LEGISLATORS

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Provides that no member of the Legislature who has, or  
but for resignation would have, served as a Senator or member  
of the House of Representatives for more than seven years in  
consecutive terms shall be elected to that respective house  
for the succeeding term.

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

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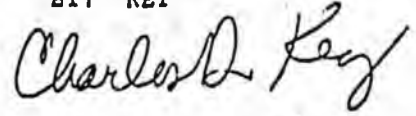
31

STATE OF OKLAHOMA

2nd Session of the 42nd Legislature (1990)

HOUSE JOINT  
RESOLUTION NO. HJR 1040

BY: 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

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

# 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

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

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

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

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

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

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

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

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

Initiative

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

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

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MANAGEMENT AND FISCAL ANALYSIS

S. J. R. 24

None required.

OFFICE OF THE LEGISLATIVE FISCAL ANALYST

**ATTACHMENT C**

**California  
Operation New Broom Initiative**

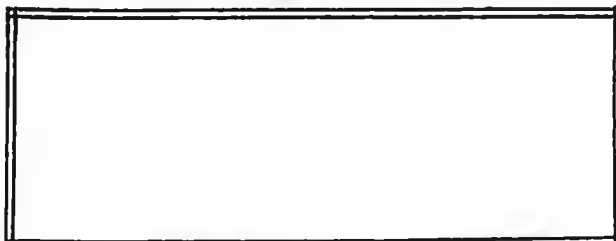
**OPERATION NEW BROOM  
WILL MAKE THREE  
BASIC REFORMS**

- 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 launched '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 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 and 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 qualified voters of California, petitioned for the presentation of a California Initiative Measure and State Question, limiting the terms of office, restricting other retirement benefits, and requiring that participation again be voluntary for other offices. We petition the Secretary of State to place the same on the ballot at the election of November 1, 1990, and to certify the same to the voters of California at the time of the next succeeding general election, in accordance with the provisions of the California Constitution.

**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 devote 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 limiting 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 serving to office on the day 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 (e) 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 or 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(a) is added to Article VII of the Constitution to read:

Sec. 14. (a) Notwithstanding any other provision of existing law, a person elected on or after November 1, 1990 to any office named in Section 12(e) 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 the Act prior to its adoption, but upon its adoption no further entitlement to not 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 action 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 are 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 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 or unenforceable for any reason, after giving maximum weight to the People's reserved right to the initiative and to their inherent supremacy of public power over 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 to vote in California.
2. Fill in names where persons are to be circulated. Only registered voters from that county can sign that petition. If you meet registered voters from other counties, you must begin a new petition for each county. You may collect signatures from any registered voter from any county in California. Just use separate Petitions for each county.
3. You may circulate as many petitions as possible, but you may only sign one petition as a voter in the signature section.
4. Make sure signers fill in all information completely and accurately to ask with black or blue ball point pens. No felt tip pens, no ditto marks, no abbreviations.
5. Every 2 petitions with your own name should be sent to us, so do not need to get all signature blocks filled.
6. RETURN PETITIONS/CONTRIBUTOR PLEDGE CARDS TO: ACTIV, 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 table and summary of the chief purposes 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.

1. The Honorable Secretary of State of California  
 2. The undersigned has read and understands the contents of the foregoing measure and the purposes and points of the proposed measure and has signed the measure in the presence of two witnesses, one of whom is a registered voter in the County of \_\_\_\_\_ and has given the measure to the person to be submitted to the voters of the County of \_\_\_\_\_ for their approval or rejection at the next succeeding general election or at the special election to be held on the date of election as determined by the appropriate State or local authority.

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 spaces

Use BLACK OR BLUE BALL POINT PEN ONLY (No felt tip)

Fill in ALL information completely. NO DITTO MARKS. NO ABBREVIATIONS

This form is  
 official use only

1.	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY	ZIP
2.	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY	ZIP
3.	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY	ZIP
4.	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY	ZIP
5.	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY	ZIP
6.	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY	ZIP
7.	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE AS REGISTERED TO VOTE	CITY	ZIP
8.	PRINT YOUR NAME	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE AS REGISTERED TO VOTE	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 section of this petition and saw each of the appended signatures hereon being written. To the best 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 \_\_\_\_\_, California where circulator signs

Signed \_\_\_\_\_

(Type SIGNATURE as printed on voter registration card)

**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	RESIDENCE ADDRESS ONLY
1. JOHN DOE	1545 ALV STREET
JOHN DOE	CITY
	APT. 4 TOWN
	95550

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 San 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.

During the elaborate three-year sting 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 houseguests 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 Monte Democrat, 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 1988 breakfast meeting that Montoya had with an FBI agent who posed as a businessman seeking passage of legislation to set up a shrimp business.

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 new blood were

regularly introduced into our legislative chambers, that freshening 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.

Then 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, this 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 has 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.

*→  
GUILTY!  
ON 7 COUNTS  
OF CORRUPTION!*



## 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.

9/17/89  
Initiative - 2

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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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 zealously 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 87105 is added to the Government Code, to read:

87105. 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).

(i) 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:

87106. Legal Defense Funds

(a) Notwithstanding Section 85501, 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 84101. 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 84102-84104.

(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 87100), 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 87103. A donation to a legal defense fund by any sponsored committee, as specified in Section 82048.7, shall be deemed a gift from 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 ~~ex~~ 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 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).

(i) (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.

~~(b) This section shall become operative only if Senate Bill 284 of the 1980-81 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 ~~85201~~, 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.

(J) 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 §7401.

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.