

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6152 HOUSE STATE AFFAIRS

556

Article 3

CANDIDACY

85300. Declaration of Intent

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

85301. Campaign Contribution Account

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

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

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

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

85302. Contributions Held in Trust

Except as provided in Section 85510, all contributions deposited into the campaign account established pursuant to Section 85301 shall be deemed to be held in trust for expenses associated with the election of the candidate to the specific office which, pursuant to Section 85300, the candidate has stated he or she intends to seek or for legitimate officeholder expenses, as specified in Section 85206, associated with holding that office.

85303. Officeholder Expense Account

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

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

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

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

Article 4

CONTRIBUTION LIMITATIONS

85400. Limitation on Sources of Contributions

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

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

85401. Limitations on Contributions from Persons

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

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

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

85402. Limitations on Contributions from Political Committees

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

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

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

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

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

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

85404. Limitations on Contributions to Political Party Committees

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

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

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

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

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

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

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

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

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

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

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

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

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

85410. Prohibition on Transfers

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

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

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

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

85411. Restriction on Non-Election Year Contributions

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

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

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

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

85412. Contributions to Officeholder Expense Account

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

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

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

85413. Return of Contributions

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

85414. Aggregation of Payments

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

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

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

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

(2) The entities share two or more officers.

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

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

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

85415. Loans

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

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

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

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

85416. Family Contributions

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

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

85417. Time Periods for Attributing Contributions

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

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

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

85418. Communications to Members Not Limited

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

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

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

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

(c) such payments are not made from contributions designated by the contributor to be spent on behalf of any particular candidate or candidates; and

(2) paying the costs of get-out-the-vote activities conducted on behalf of nominees of such party, including paying the costs of preparation or distribution of a printed slate card, sample ballot, or other printed listing of 3 or more candidates for any elective office in the state (or of the party's entire slate of candidates in the state election, whichever is less), provided that -

(a) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine,

billboard, or similar type of general public communication or political advertising, and

(b) such payments are not made from contributions designated by the contributor to be spent on behalf of any particular candidate or candidates.

(b) Nothing in this chapter shall limit the ability of a bona fide political party organization specified in Section 85204(a)-(c) to pay the costs of voter registration activities, provided that such payments are not made from contributions designated by the contributor to be spent on behalf of any particular candidate or candidates.

(c) Nothing in this chapter shall limit the ability of a bona fide membership organization, union, or corporation from communicating with its own members or shareholders in support of or opposition to any candidate for elective office.

85419. Earmarking of Contributions Prohibited

No person or committee shall make, and no person or committee shall accept, any contribution on the condition or with the agreement that it will be spent on behalf of any particular candidate. The expenditure of funds received by a person or committee shall be made at the sole discretion of the recipient person or committee. Contributions to candidates and committees controlled by such candidates shall be exempt from the prohibition of this section. This section shall not prohibit contributions by an intermediary or agent in accordance with Section 84302.

85420. Contributions to Ballot-Measure Committees Not Limited

Nothing in this chapter shall limit a person's ability to contribute to any committee that is primarily formed to support or oppose a ballot measure, whether or not such committee is controlled by a candidate or candidates.

Article 5

EXPENDITURE LIMITATIONS

85500. Expenditure Limitations for Gubernatorial Candidates

Except as provided in Section 85511, no candidate for Governor who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Four million five hundred thousand dollars (\$4,500,000) in a primary election.

(b) Seven million two hundred thousand dollars (\$7,200,000) in a general election.

85501. Expenditure Limitations for Other Candidates for Statewide Executive Office

Except as provided in Section 85511, no candidate for Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, or Insurance Commissioner who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) One million five hundred thousand dollars (\$1,500,000) in a primary election.

(b) Two million four hundred thousand dollars (\$2,400,000) in a general election.

85502. Expenditure Limitations for Superintendent of Public Instruction Candidates

Except as provided in Section 85511, no candidate for Superintendent of Public Instruction who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) One million nine hundred and fifty thousand dollars (\$1,950,000) in a primary election.

(b) One million nine hundred and fifty thousand dollars (\$1,950,000) in a general, special, or runoff election.

85503. Expenditure Limitations for State Board of Equalization Candidates

Except as provided in Section 85511, no candidate for member of the State Board of Equalization who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Four hundred and twenty-five thousand dollars (\$425,000) in a primary election.

(b) Seven hundred thousand dollars (\$700,000) in a general, special, or special runoff election.

85504. Expenditure Limitations for State Senate Candidates

Except as provided in Section 85511, no candidate for member of the Senate who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Four hundred and twenty-five thousand dollars (\$425,000) in a primary election.

(b) Seven hundred thousand dollars (\$700,000) in a general, special, or special runoff election.

85505. Expenditure Limitations for State Assembly Candidates

Except as provided in Section 85511, no candidate for member of the Assembly who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Two hundred and fifty thousand dollars (\$250,000) in a primary election.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

(b) One million nine hundred and fifty thousand dollars (\$1,950,000) in a general, special, or runoff election.

85503. Expenditure Limitations for State Board of Equalization Candidates

Except as provided in Section 85511, no candidate for member of the State Board of Equalization who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Four hundred and twenty-five thousand dollars (\$425,000) in a primary election.

(b) Seven hundred thousand dollars (\$700,000) in a general, special, or special runoff election.

85504. Expenditure Limitations for State Senate Candidates

Except as provided in Section 85511, no candidate for member of the Senate who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Four hundred and twenty-five thousand dollars (\$425,000) in a primary election.

(b) Seven hundred thousand dollars (\$700,000) in a general, special, or special runoff election.

85505. Expenditure Limitations for State Assembly Candidates

Except as provided in Section 85511, no candidate for member of the Assembly who files a statement of acceptance of financing from the Campaign Reform Fund and any controlled committee of such a candidate shall make qualified campaign expenditures above the following amounts:

(a) Two hundred and fifty thousand dollars (\$250,000) in a primary election.

(b) Four hundred thousand dollars (\$400,000) in a general, special, or special runoff election.

85506. Expenditure Limitations Lifted -- Primary Elections

(a) In any primary election, if a candidate who declines to accept payments from the Campaign Reform Fund and the controlled committee of such candidate receives contributions, makes qualified campaign expenditures, or has cash-on-hand in excess of the applicable expenditure limitation set forth in this article, then the expenditure limitation shall no longer be applicable to all other candidates who seek the party nomination for the same seat (or in the case of a primary election for Superintendent of Public Instruction, to all other candidates in that primary election). In addition, the limitation on maximum payments from the Campaign Reform Fund contained in Section 85604 shall no longer be applicable to all other candidates who have agreed to accept payments from the Fund.

(b) In any primary election, if any committee or committees make independent expenditures in support of a candidate totaling more than one-sixth of the applicable expenditure limitation specified in this article for that election, then the expenditure limitation for all other candidates who seek the party nomination for the same seat (or in the case of a primary election for Superintendent of Public Instruction, for all candidates in that primary election) shall be raised by an amount equal to the amount independently spent in support of that candidate. The Commission shall have the responsibility for determining whether independent expenditures have been made in support of a particular candidate or candidates and, if so, the amount by which the expenditure limitation shall be raised pursuant to this section.

(c) In any primary election, if any committee or committees make independent expenditures in opposition to a candidate totaling more than one-sixth of the applicable expenditure limitation specified in this article for that election, then the expenditure limitation for that candidate shall be raised by an amount equal to the amount independently spent in opposition to his or her candidacy. The Commission shall have the responsibility for determining whether independent expenditures have been made in opposition to a particular candidate or candidates and, if so, the amount by which the expenditure limitation shall be raised pursuant to this section.

85507. Expenditure Limitations Lifted -- Non-Primary Elections

(a) In any general, special or special runoff election, if a candidate who declines to accept payments from the Campaign Reform Fund and the controlled committee of such candidate receives contributions, makes qualified campaign expenditures, or has

cash-on-hand in excess of the applicable expenditure limitation set forth in this article, then the expenditure limitation shall no longer be applicable to all other candidates running for the same seat in the general, special or special runoff election. In addition, the limitation on maximum payments from the Campaign Reform Fund contained in Section 85604 shall no longer be applicable to all other candidates who have agreed to accept payments from the Fund.

(b) In any general, special or special runoff election, if any committee or committees make independent expenditures in support of a candidate totaling more than one-sixth of the applicable expenditure limitation specified in this article for that election, then the expenditure limitation for all other candidates running for the same seat in the general, special, or special runoff election shall be raised by an amount equal to the amount independently spent in support of that candidate. The Commission shall have the responsibility for determining whether independent expenditures have been made in support of a particular candidate or candidates and, if so, the amount by which the expenditure limitation shall be raised pursuant to this section.

(c) In any general, special, or special runoff election, if any committee or committees make independent expenditures in opposition to a candidate totaling more than one-sixth of the applicable expenditure limitation specified in this article for that election, then the expenditure limitation for that candidate shall be raised by an amount equal to the amount independently spent in opposition to his or her candidacy. The Commission shall have the responsibility for determining whether independent expenditures have been made in opposition to a particular candidate or candidates and, if so, the amount by which the expenditure limitation shall be raised pursuant to this section.

85508. Notification by Candidate Who Exceeds Expenditure Limitations

A candidate who has declined to accept payments from the Campaign Reform Fund and receives contributions, makes qualified campaign expenditures, or has cash-on-hand in excess of the applicable expenditure limitations shall notify all opponents and the Commission by telephone and by confirming overnight delivery the day the limitations are exceeded.

85509. Cumulation of Expenditures for Multiple Campaigns on Same Election Date

If an individual who has filed a statement of intention pursuant to Section 85300 to be a candidate for a specific state elective office subsequently withdraws from that campaign and files a statement of intention pursuant to Section 85300 to be a

candidate for a different state elective office whose election is to be held on the same date, the Commission shall determine what portion, if any, of the expenditures made by the candidate and his or her controlled committee in the first campaign should be considered as, and cumulated with, qualified campaign expenditures in the subsequent campaign for purposes of determining compliance with the expenditure limitations set forth in this chapter. In making the determination called for in this section, the Commission shall consider what portion, if any, of the payments made in connection with the first campaign may reasonably be said to have assisted the candidate in influencing or attempting to influence the actions of the voters for or against the candidate in the latter campaign.

85510. Surplus and Carryover Funds

(a) Any campaign funds remaining in a state candidate's campaign contribution account at the end of the postelection reporting period following an election, and after all obligations are met by the candidate and his or her committee, shall be considered surplus campaign funds and shall be distributed only in accordance with this section.

(b) Following the primary or special election, surplus funds shall be distributed as follows:

(1) A candidate who has won his or her party's nomination for the ensuing general or special runoff election (or in the case of a candidate for Superintendent of Public Instruction, who has won the right to be a candidate in the ensuing general election) may carry over any surplus funds for use by such candidate in the general or special runoff election, if any. Expenditures made with carryover funds shall be considered qualified campaign expenditures for the time period in which they are expended pursuant to Section 85512.

(2) A candidate who has not won his or her party's nomination (or in the case of a candidate for Superintendent of Public Instruction, who has not won the right to be a candidate in the ensuing general election) shall distribute any surplus funds according to the requirements of subsections (c)(1) and (c)(3).

(c) Following the general or special runoff election (or, where no runoff election is held, following the special election), surplus funds shall be distributed within one year from the date of the election as follows:

(1) All public funds received by the candidate during the campaign pursuant to Section 85603 shall be repaid to the Campaign Reform Fund

as a matter of first priority from any such surplus funds remaining until all such public funds previously received by that candidate have been so repaid.

(2) If any surplus funds remain following compliance with subsection (c)(1), a candidate who has been elected to state office may transfer the remaining funds, subject to the limitations of Section 85412(c), from his or her campaign contribution account into an officeholder expense account established pursuant to Section 85303.

(3) Any remaining surplus funds shall either be returned to contributors through a formula or formulas specified by the Commission, donated to the Campaign Reform Fund, contributed to a political party committee, or donated to any bona fide charitable, educational, civic, religious, or similar tax-exempt organization, where no substantial part of the proceeds will have a material financial effect on the former elected official or any member of his or her immediate family. Any surplus funds contributed to a political party committee pursuant to this section shall be exempt from the contribution limitations of Section 85404.

85511. Expenditures from Officeholder Expense Account

Any expenditures for legitimate officeholder expenses made by a candidate for elective state office from his or her officeholder expense account established pursuant to Section 85303 shall be exempt from the expenditure limitations of this chapter.

85512. Time Periods for Attributing Election Expenditures

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

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

days after the special runoff election shall be considered expenditures in the special runoff election.

(c) Notwithstanding subsections (a) and (b), in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period when the goods or services are used.

85513. Slate mailers

The Commission shall promulgate regulations governing the application of the limitations in this chapter to slate mailers, as defined in Section 82048.3. The regulations shall set forth the circumstances, if any, under which the expenses incurred in preparing and distributing slate mailers shall be considered contributions, qualified campaign expenditures, or independent expenditures subject to the limitations of this chapter.

Article 6

CAMPAIGN REFORM FUND

85600. Candidate Acceptance or Rejection of Funds

(a) Each candidate for elective state office, at the time of filing his or her Declaration of Candidacy pursuant to Section 6490 of the Elections Code, shall file a statement of acceptance or rejection of financing from the Campaign Reform Fund. If a candidate agrees to accept financing from the Campaign Reform Fund, the candidate shall comply with the provisions of Article 5 of this chapter.

(b) A candidate who agrees or declines to accept financing from the Campaign Reform Fund may not change that decision, except that a candidate who declines to accept financing from the Campaign Reform Fund in a primary or special election may agree to accept financing from the Campaign Reform Fund in the ensuing general or special runoff election, but only if such candidate did not exceed the applicable expenditure limitation set forth in Article 5 of this chapter during the primary or special election. For primary and general elections held in June and November of even-numbered years, a candidate wishing to change his or her decision and accept financing from the Campaign Reform Fund in the general election must file a statement of acceptance of financing no later than July 1. For elections held on any other date, the Commission shall determine the date by which any candidate wishing to

change his or her decision and accept financing from the Campaign Reform Fund must file a statement of acceptance of financing.

(c) No candidate shall be eligible to receive any payment from the Campaign Reform Fund prior to filing a Declaration of Candidacy and statement of acceptance of financing from the Campaign Reform Fund pursuant to this section.

85601. Qualification Requirements

In order to qualify to receive payments from the Campaign Reform Fund, a candidate for elective state office shall meet all of the following requirements:

(a) The candidate has received contributions (other than contributions from the candidate or his or her immediate family) of at least thirty thousand dollars (\$30,000) in the case of a candidate for member of the Assembly, of at least fifty thousand dollars (\$50,000) in the case of a candidate for member of the Senate or State Board of Equalization, of at least one hundred and fifty thousand dollars (\$150,000) in the case of a candidate for Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, or Insurance Commissioner, or of at least four hundred and fifty thousand dollars (\$450,000) in the case of a candidate for Governor. Only the first one thousand dollars (\$1,000) of any and all contributions received from a single donor shall be counted in determining whether the above thresholds have been met. Only contributions received after the date specified in Section 85411(a) may be counted in meeting the above thresholds, and in no event shall any contribution deposited into an officeholder expense account pursuant to Section 85412 be counted toward meeting the thresholds. For purposes of this subsection, a loan, a pledge, or a non-monetary contribution shall not be considered a contribution.

(b) The candidate is opposed by a candidate running for the same nomination (if in the primary election) or for the same office (if in a general, special, or special runoff election) who either (1) has qualified for payments from the Campaign Reform Fund or (2) has raised, spent or has cash-on-hand of at least forty-five thousand dollars (\$45,000) in the case of a candidate for the Assembly, of at least seventy-five thousand dollars (\$75,000) in the case of a candidate for the Senate or State Board of Equalization, of at least two hundred and twenty-five thousand dollars (\$225,000) in the case of a candidate for Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, or Insurance Commissioner, or of at least six hundred and seventy-five thousand dollars (\$675,000) in the case of a candidate for Governor. All funds raised, spent, or on hand in all committees controlled by a single opposing candidate (excluding any officeholder expense account established by an incumbent elected officer pursuant to Section 85303 and any

committee primarily formed to support or oppose a ballot measure) shall be cumulated for purposes of this subsection.

(c) The candidate contributes to his or her own campaign from personal funds no more than fifty thousand dollars (\$50,000) per election in the case of a candidate for the Legislature or State Board of Equalization, no more than one hundred thousand dollars (\$100,000) per election in the case of a candidate for Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, or Insurance Commissioner, and no more than two hundred and fifty thousand dollars (\$250,000) per election in the case of a candidate for Governor.

(d) No donor whose contribution to a candidate for elective state office was counted toward achieving the applicable threshold in subsection (a) shall be the recipient or beneficiary of any payment or expenditure made by that candidate or his or her controlled committees unless full and adequate consideration is received by the candidate or his or her controlled committee in exchange for any such payment or expenditure.

85602. Candidate Notification Upon Reaching Qualification Threshold

A candidate for elective state office who does not agree to accept financing from the Campaign Reform Fund shall notify all opponents and the Commission by telephone and by confirming overnight delivery on the day such a candidate raises, spends, or has cash-on-hand in excess of the applicable opponent's threshold amount set forth in Section 85601(b)(2).

85603. Campaign Reform Fund Formula

(a) A candidate for elective state office who is eligible to receive payments from the Campaign Reform Fund shall receive payments on the basis of the following alternative formulae:

(1) For the first two hundred and fifty dollars (\$250) of a monetary contribution or contributions (other than a contribution from the candidate or his or her immediate family) from any single individual, a matching ratio of one dollar (\$1) from the Campaign Reform Fund for each dollar received.

(2) For the first two hundred and fifty dollars (\$250) of a monetary contribution or contributions (other than a contribution from the candidate or his or her immediate family) from any single individual who is domiciled in the

candidate's electoral district, a matching ratio of three dollars (\$3) from the Campaign Reform Fund for each dollar received.

(b) For purposes of this section, a loan, a pledge or a non-monetary payment shall not be considered a contribution.

(c) Only contributions received after the date specified in Section 85411(a) shall be eligible for matching payments from the Campaign Reform Fund pursuant to this section, and in no event shall any contribution deposited into an officeholder expense account pursuant to Section 85412 be eligible for such matching payments.

85604. Maximum Funds Available to Each Candidate

Except as provided in Sections 85506(a) and 85507(a), no candidate shall receive payments from the Campaign Reform Fund totaling more than one-half of the applicable expenditure limitation specified in Article 5 of this chapter (commencing with Section 85500) for his or her election.

85605. Maximum Funds Available to All Candidates

(a) At the close of the period for filing Declarations of Candidacy pursuant to Section 6490 of the Elections Code for the statewide primary election held in each even-numbered year, the Commission, in consultation with the Controller, shall determine the total amount of money residing in the Campaign Reform Fund as of that date. No more than one-half (1/2) of the total amount of money residing in the Fund as of that date shall be made available for disbursement to qualifying candidates in the ensuing primary election.

(b) For primary elections held in each even-numbered year that is not evenly divisible by the whole number four, no more than three-fifths (3/5) of the money that has been made available for the primary election pursuant to subsection (a) shall be available for disbursement to qualifying statewide candidates or candidates for the State Board of Equalization.

(c) The Controller shall disburse money from the Campaign Reform Fund to qualifying candidates on a first-come, first-served basis, as determined by the Commission. In no event, however, shall the Controller disburse any more money to qualifying candidates in the primary election than the amounts determined to be available pursuant to subdivisions (a) and (b) of this section. No payments of public matching funds to qualifying candidates shall be made from any source other than the Campaign Reform Fund.

(d) Commencing one week after the date specified in subdivision (a), and continuing until the date of the ensuing statewide general election, the Commission, in consultation with the Controller, shall issue bi-weekly reports on the financial status of the Campaign Reform Fund. Such reports shall include an accounting of how much money remains available in the Fund for distribution to qualifying candidates, how many candidates have declared their intention to accept financing and have qualified for financing from the Fund, the comparable data regarding eligible candidates and available funds at similar stages of prior elections, and any other information that would assist candidates in estimating whether sufficient funds are likely to be available in the Campaign Reform Fund to satisfy the full entitlements of qualifying candidates. The Controller shall provide the Commission with any information necessary for the Commission to fulfill its responsibilities under this section.

85606. Candidate Request for Payment

The Commission shall determine the information to be submitted by a candidate in order to qualify for payment from the Campaign Reform Fund. A candidate may not request less than ten thousand dollars (\$10,000) in payments at any one time from the Campaign Reform Fund, provided, however, that in the 30 days preceding an election, a candidate may not request less than two thousand five hundred dollars (\$2,500) in such payments.

85607. Timing of Payments to Candidates

The Controller shall make payments from the Campaign Reform Fund in the amount certified by the Commission. Payments shall be made no later than 10 business days after receipt of the request from the candidate, provided, however, that in the last 30 days preceding an election, payments shall be made no later than 5 business days after receipt of the request.

Article 7

INDEPENDENT EXPENDITURES

85700. Identification of Sponsor of Independent Expenditures

(a) Any person who makes independent expenditures exceeding five hundred dollars (\$500) for any mass mailing, printed material, outdoor advertising, radio or television broadcast, or any other form of political advertisement which supports or opposes any candidate for elective office shall include in such communication a notice identifying the true name of the person or persons paying for the communication and stating that the communication has not been authorized by any candidate or approved by any election official.

(b) The Commission shall promulgate regulations to implement the requirements of subsection (a) for each medium of communication. The Commission's regulations shall ensure that the notice required by this section is prominently displayed or broadcast so as to be clearly legible, audible, or visible by its intended audience, and that sufficient identifying information is included to permit the audience to ascertain the true source of payment for the communication. In the case of a television broadcast, the Commission's regulations shall ensure that the notice required by this section shall be both visible and audible.

85701. Contribution Limitations

No person, political committee, or small-contributor political action committee which makes independent expenditures supporting or opposing a candidate for elective office shall accept any contribution in excess of the amounts set forth in Sections 85401(b), 85402(b) and 85403(b).

85702. Limitations on Persons Who Make Independent Expenditures and Contributions to Candidates

(a) Any person, political committee, or small-contributor political action committee which makes a contribution of five hundred dollars (\$500) or more to a candidate for elective office shall be considered to be acting in concert with that candidate and shall not make independent expenditures and contributions which in combination exceed the amounts set forth in Sections 85401 through 85403 in support of that candidate or in opposition to that candidate's opponent or opponents.

(b) No committee which makes independent expenditures supporting or opposing a candidate for elective office shall have as officers individuals who serve as officers on any other committee which makes contributions supporting or opposing the same candidate. No such committee shall act in concert with, or solicit or make contributions on behalf of, any other committee which supports or opposes the same candidate. This subsection shall not apply to treasurers of committees if these treasurers do not participate in or control in any way a decision on which candidate or candidates receive contributions.

85703. Reproduction of Materials

Any person who, for the purpose of supporting or opposing candidates for elective office, reproduces, broadcasts or distributes any material which is drafted, printed, prepared or previously broadcast by a candidate or a committee controlled by such a candidate shall report such an expenditure as a non-monetary contribution to such candidate or committee.

85704. Notice of Independent Expenditures

Any person, political committee, or small-contributor political action committee which makes independent expenditures totaling more than twenty-five thousand dollars (\$25,000) in support of or in opposition to any candidate for state elective office shall notify the Commission and all candidates in that election by telephone and confirming letter by overnight delivery 1) when the first twenty-five thousand dollars (\$25,000) is expended, 2) when any of the applicable threshold amounts set forth in Sections 85506(b) and (c) and 85507(b) and (c) is exceeded, and 3) each time thereafter that a cumulative additional ten thousand dollars (\$10,000) is expended.

Article 9

AGENCY RESPONSIBILITIES

§5900. Duties of the Fair Political Practices Commission

The Fair Political Practices Commission, in addition to its responsibilities set forth in Sections §3100 et seq. and elsewhere in this chapter, shall also:

(a) Commencing on January 1, 1994, adjust the expenditure limitations, contribution limitations, and public financing provisions (excluding the state income tax check-off amount) in January of every even-numbered year to reflect any increase or decrease since January 1, 1991, in the state appropriation limitation in the manner specified in Sections 1 and 8 of Article XIII B of the state Constitution. Such adjustments shall be rounded off to the nearest hundred for the limitations on contributions, the nearest five thousand for the limitations on expenditures and public financing qualification and limitations provisions, and nearest fifty dollars for the Campaign Reform Fund matching limit.

(b) Prescribe the necessary forms for implementing the requirements of this chapter, including any additions to or modification of the contents of campaign statements as specified in Section §4211 that will assist the Commission and the public in monitoring compliance with the requirements of this chapter.

(c) Prescribe and implement procedures for verifying requests for payment from the Campaign Reform Fund.

(d) In coordination with other governmental agencies and private nonprofit organizations, publicize the availability of the voluntary tax check-off under Revenue and Taxation Code Section 18775 through the use of public service announcements (PSAs), notifications to tax preparers, and other means designed to increase taxpayers' awareness of their ability to designate funds for deposit into the Campaign Reform Fund.

(e) Prepare and release studies on the impact of this title. These studies shall include recommendations for legislative action which would further the purposes of this title.

85901. Duties of the Franchise Tax Board

The Franchise Tax Board shall audit candidates who received payments from the Campaign Reform Fund in accordance with the procedures set forth in Sections 90000 et seq.

SECTION 28. Section 82024 of the Government Code is amended to read:

82024. Elective State Office

"Elective state office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Insurance Commissioner, member of the Legislature and member of the State Board of Equalization.

SECTION 29. Section 82053 of the Government Code is amended to read:

82053. Statewide Elective Office

"Statewide elective office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, ~~and~~ Superintendent of Public Instruction and Insurance Commissioner.

SECTION 30. Chapter 18.6 (commencing with Section 18775) is added to Part 10 of Division 2 of the Revenue and Taxation Code, to read:

CHAPTER 18.6

CAMPAIGN REFORM FUND DESIGNATION

18775. Tax Checkoff

(a) The Campaign Reform Fund is hereby created. Every individual whose income tax liability for any taxable year is five dollars (\$5) or more may designate five dollars (\$5) of that tax liability to be deposited into the Campaign Reform Fund. In the case of a joint return of husband and wife having an income tax liability of ten dollars (\$10) or more, each spouse may designate that five dollars (\$5) of that tax liability shall be paid to the Fund. Taxpayer designations of funds shall not increase that taxpayer's tax liability. In the event that payments and credits reported on the

return, together with any other credits associated with the taxpayer's account, do not at least equal the taxpayer's liability, returns shall be treated as though no designation has been made. Notwithstanding Government Code Section 16305.7, interest earned on all assets and funds constituting a part of the Campaign Reform Fund shall be credited to the Fund as received.

(b) Money in the Campaign Reform Fund shall be available for distribution in accordance with the provisions of Chapter 5 of Title 9, commencing with Section 55100 of the Government Code. All funds transferred into the Campaign Reform Fund pursuant to this section and Section 18776 are hereby continuously appropriated without regard to fiscal years for distribution in accordance with the purposes set forth in this chapter and in Chapter 5 of Title 9 of the Government Code.

(c) The Franchise Tax Board shall place on the top third of the first page of all personal tax returns required to be filed on or after January 1, 1991, the following language:

<p>CAMPAIGN REFORM FUND</p>	<p>Do you want \$5 of the taxes you are already paying to go to this Fund? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If joint return, does your spouse want \$5 to go to this Fund? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
-------------------------------------	---

NOTE: Checking "YES" will not increase the taxes you pay or reduce your refund.

(d) The Franchise Tax Board shall notify the Controller of the amount of money designated pursuant to this section to be transferred to the Campaign Reform Fund as the income tax returns are received by the Franchise Tax Board from the taxpayers. The Controller shall then transfer from the Personal Income Tax Fund to the Campaign Reform Fund an amount equal to the sum of the amounts designated by individuals pursuant to this section.

18776. Appropriation to Campaign Reform Fund

Commencing July 1, 1991, and every July 1 thereafter, there is hereby appropriated from the General Fund the sum of \$5,000,000, adjusted annually in the same manner as the state appropriation limitation is adjusted under Sections 1 and 8 of Article XIII B of the state Constitution, for deposit into the Campaign Reform Fund, an amount which represents the estimated annual savings from repeal of the credit

claimed and allowed taxpayers under former Section 17053.14 of the Revenue and Taxation Code.

18777. Adjustment of Campaign Reform Fund Revenues

(a) On January 1, 1995, and on January 1 of every fourth year thereafter, the Commission shall determine, on the basis of an analysis of historical data and projections of future demands, whether there are likely to be sufficient funds available in the Campaign Reform Fund to provide matching funds pursuant to Article 6 (commencing with Section 85600) of Chapter 5 of the Government Code to satisfy the full entitlements of all qualifying candidates for state elective office in the next statewide general election.

(b) If the Commission determines that the available funds are likely to be inadequate to fulfill the purposes of Chapter 5 (commencing with Section 85100) of the Government Code, it shall direct that the maximum amount of tax liability which may be designated by taxpayers on their income tax returns for deposit into the Campaign Reform Fund pursuant to Section 18775 be increased by no more than one dollar (\$1) beginning with the tax year for the odd-numbered year following the year of the most recent statewide general election. In no event, however, shall the maximum tax liability which may be designated for deposit into the Fund under Section 18775 exceed ten dollars (\$10) per taxpayer.

(c) If the Commission determines that the available funds are likely to be more than adequate to satisfy the full entitlements of all qualifying candidates for state elective office in the next statewide general election, it shall direct that the maximum amount of tax liability which may be designated by taxpayers on their income tax returns for deposit into the Campaign Reform Fund pursuant to Section 18775 be decreased by no more than one dollar (\$1) beginning with the tax year for the odd-numbered year following the year of the most recent statewide general election. In no event, however, shall the maximum tax liability which may be designated for deposit into the Fund under Section 18775 be less than one dollar (\$1) per taxpayer.

SECTION 31. Section 17053.14 of the Revenue and Taxation Code is repealed.

SECTION 32. Section 83122.5 is added to the Government Code, to read:

83122.5. Appropriation to Fair Political Practices Commission

Commencing January 1, 1991, there is hereby appropriated from the General Fund to the Fair Political Practices Commission an amount equal to the sum of the appropriation to the Commission in fiscal year 1989-90 for the implementation, administration, and enforcement of Propositions 68 and 73 plus seven hundred and fifty thousand dollars (\$750,000), adjusted for cost of living changes, during each fiscal year, for expenditures to support the operations of the Commission to carry out its implementation and enforcement responsibilities pursuant to the Campaign Finance Reform Act of 1990. The expenditure of funds under this appropriation shall be subject to the normal administrative review given to other state appropriations. The Legislature shall appropriate additional amounts to the Commission and other agencies as may be necessary to carry out the provisions of this title.

SECTION 33. Section 91000 of the Government Code is amended to read:

91000. Violations: Criminal

(a) Any knowing or willful violation of Chapter 5 of this title commencing with Section 85100 is a public offense punishable by imprisonment in a state prison or in a county jail for a period not exceeding one year.

(b) Any knowing or willful violation of any other section of this title is a misdemeanor.

(c) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars (\$10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction of each violation.

(d) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.

SECTION 34. Section 91005 of the Government Code is amended to read:

91005. Civil Liability for Violations

(a) Any person who makes or receives a contribution, payment, gift or expenditure in violation of Section 84300, 84304, ~~85205, 85206, 85207, 85209, 85303, 85400-85412, 85500-85505, 85510, 85600-85601, 85603, 85605, 85700-85704, 86202, 86203~~

or 86204, or Article 8 (commencing with Section 85800) of Chapter 5 is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to one thousand dollars (\$1,000) or three times the amount of the unlawful contribution, gift or expenditure, whichever is greater.

(b) Any designated employee or public official specified in Section 87200, ~~other than an elected state officer,~~ who realizes an economic benefit as a result of a violation of Section 87100 or of a disqualification provision of a Conflict of Interest Code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

SECTION 35. Section 83116 of the Government Code is amended to read:

83116. Violation of Title

When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if such a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5, Sections 11500 et seq.). The Commission shall have all the powers granted by that chapter. When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order which may require the violator to:

- (a) Cease and desist violation of this title;
- (b) File any reports, statements or other documents or information required by this title; and
- (c) Pay a monetary penalty of up to ~~two~~ five thousand dollars ~~(\$2,000)~~ (\$5,000) for each violation to the ~~General Fund of the state~~ Campaign Reform Fund established pursuant to Chapter 18.6 (commencing with Section 18775) of Part 10 of Division 2 of the Revenue and Taxation Code.

When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

TITLE X.
OPEN MEETINGS

SECTION 36. Article IV, section 7 of the state Constitution is amended to read:

Sec. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) (1) The proceedings of each house and the committees thereof shall be open and public except as provided by statute or. However, closed sessions may be held solely for any of the following purposes:

(A) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of any employee of the Legislature.

(B) To consider matters affecting the safety and security of Members of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature.

(C) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated, or whether to initiate, litigation when discussion in open session would not protect the interests of the house or committee regarding the litigation.

(2) A caucus of the Members of the Senate, the Members of the Assembly, or the Members of both houses, which is composed of all members of the same political party, may meet in closed session.

(3) The Legislature shall implement this subdivision by concurrent resolution, when such resolution is adopted by a two-thirds vote of the members of each house, provided, that if there is a conflict between such a statute and concurrent resolution, the last adopted shall prevail adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and shall prescribe that, when a closed session is held pursuant to paragraph (1),

reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

(d) Neither house without the consent of the other may recess for more than 10 days or to any other place.

TITLE XI.
GENERAL PROVISIONS

SECTION 37. Amendments

(a) The provisions of Section 81012 of the Government Code governing legislative amendments to the Political Reform Act of 1974 shall apply to the provisions of this measure.

(b) It is the will of the people that Sections 9 through 24 of this measure should be interpreted to harmonize with and not to supercede any provision of any law enacted in calendar year 1990, including any provision of any other measure passed at the same election as this act, that imposes more stringent restrictions on the activities or interests of elected officers that might conflict with the proper discharge of their duties and responsibilities.

SECTION 38. Construction

This measure shall be liberally construed to accomplish its purposes.

SECTION 39. Severability Clause

If any provision of this measure or the application thereof to any person or circumstances is held invalid, the remainder of this measure, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it was held invalid, shall not be affected thereby, and to this end, the provisions of this measure are severable.

SECTION 40. Effective Date

The provisions of this measure shall go into effect January 1, 1991, except that Sections 30 through 33 shall go into effect immediately.

ATTACHMENT E
Colorado Initiative

Second Regular Session

Fifty-seventh General Assembly

LLS NO. *90 0334/1

STATE OF COLORADO

STATE AFFAIRS

BY SENATORS Considine, Owens, Brandon, Allard, Powers,
and Winkler;

*Added
to
Strike*

SENATE CONCURRENT RESOLUTION 90- 4

1 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO
2 AN AMENDMENT TO ARTICLES IV, V, AND XVIII OF THE
3 CONSTITUTION OF THE STATE OF COLORADO, CONCERNING
4 POLITICAL REFORM TO MAKE GOVERNMENT MORE REPRESENTATIVE
5 OF AND RESPONSIVE TO THE CITIZENS OF COLORADO BY
6 PROVIDING FOR A LIMITATION ON THE NUMBER OF TERMS WHICH
7 CAN BE SERVED BY ELECTED STATE AND FEDERAL OFFICIALS,
8 COMPETITIVE ELECTION DISTRICTS, AND SUBMISSION OF
9 REAPPORTIONMENT PLANS TO THE VOTERS.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Limits the number of consecutive terms which can be served by elected state and federal officials.

Requires that congressional district boundaries and one-half of the state legislative district boundaries be drawn so that a candidate of either political party has a fair opportunity to be elected.

Allows the people to initiate reapportionment plans for congressional and state legislative districts, and provides that, if such plans are initiated, they will be placed on the ballot along with the plan enacted by the general assembly, in the case of congressional districts, or the plan of the reapportionment commission, in the case of state legislative

districts.

1 Be It Resolved by the Senate of the Fifty-seventh General
2 Assembly of the State of Colorado, the House of
3 Representatives concurring herein:

4 SECTION 1. At the next general election for members of
5 the general assembly, there shall be submitted to the
6 registered electors of the state of Colorado, for their
7 approval or rejection, the following amendment to the
8 constitution of the state of Colorado, to wit:

9 Section 1 of article IV of the constitution of the state
10 of Colorado is amended to read:

11 Section 1. Officers - terms of office. (1) The
12 executive department shall include the governor, lieutenant
13 governor, secretary of state, state treasurer, and attorney
14 general, each of whom shall hold his office for the term of
15 four years, commencing on the second Tuesday of January in the
16 year 1967, and each fourth year thereafter. They shall
17 perform such duties as are prescribed by this constitution or
18 by law.

19 (2) NO GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF
20 STATE, STATE TREASURER, OR ATTORNEY GENERAL SHALL SERVE MORE
21 THAN TWO CONSECUTIVE TERMS IN ANY SUCH OFFICE. THIS
22 LIMITATION ON THE NUMBER OF TERMS SHALL APPLY TO TERMS OF
23 OFFICE BEGINNING ON OR AFTER THE SECOND TUESDAY OF JANUARY,
24 1991. ANY PERSON WHO SUCCEEDS TO THE OFFICE OF THE GOVERNOR
25 OR IS APPOINTED OR ELECTED TO FILL A VACANCY IN ONE OF THE

1 OTHER OFFICES NAMED IN THIS SECTION, AND WHO SERVES FOR AT
2 LEAST ONE-HALF OF A TERM OF OFFICE, SHALL BE CONSIDERED TO
3 HAVE SERVED A TERM IN THAT OFFICE FOR PURPOSES OF THIS
4 SUBSECTION (2).

5 Section 3 of article V of the constitution of the state
6 of Colorado is amended to read:

7 Section 3. Terms of senators and representatives.

8 (1) Senators shall be elected for the term of four years and
9 representatives for the term of two years.

10 (2) IN ORDER TO BROADEN THE OPPORTUNITIES FOR PUBLIC
11 SERVICE AND TO ASSURE THAT THE GENERAL ASSEMBLY IS
12 REPRESENTATIVE OF COLORADO CITIZENS, NO SENATOR SHALL SERVE
13 MORE THAN TWO CONSECUTIVE TERMS IN THE SENATE, AND NO
14 REPRESENTATIVE SHALL SERVE MORE THAN FOUR CONSECUTIVE TERMS IN
15 THE HOUSE OF REPRESENTATIVES. THIS LIMITATION ON THE NUMBER
16 OF TERMS SHALL APPLY TO TERMS OF OFFICE BEGINNING ON OR AFTER
17 JANUARY 1, 1991. A PERSON APPOINTED OR ELECTED TO FILL A
18 VACANCY IN THE GENERAL ASSEMBLY AND WHO SERVES FOR AT LEAST
19 ONE-HALF OF A TERM OF OFFICE SHALL BE CONSIDERED TO HAVE
20 SERVED A TERM IN THAT OFFICE FOR PURPOSES OF THIS SUBSECTION
21 (2).

22 Article XVIII of the constitution of the state of
23 Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

24 Section 18. U.S. senators and representatives -
25 limitation on terms. In order to broaden the opportunities
26 for public service and to assure that members of the United
27 States congress from Colorado are representative of its

1 citizens, no person elected to the office of United States
2 senator or United States representative from the state of
3 Colorado shall serve consecutive terms amounting to more than
4 twelve years of service in the house of representatives or
5 twelve years of service in the senate. The people of the
6 state of Colorado hereby state their support for efforts to
7 adopt a nationwide limitation of this type and instruct their
8 public officials to use their best efforts in working for such
9 a limitation. The people of Colorado also declare that the
10 provisions of this section shall be deemed to be severable and
11 that their intention is that federal officials elected from
12 Colorado will continue voluntarily to observe the wishes of
13 the people as stated in this section in the event any
14 provision thereof is held invalid.

15 Section 44 of article V of the constitution of the state
16 of Colorado is amended to read:

17 Section 44. Representatives in congress. The general
18 assembly shall divide the state into as many congressional
19 districts as there are representatives in congress apportioned
20 to this state by the congress of the United States for the
21 election of one representative to congress from each district.
22 When a new apportionment shall be made by congress, the
23 general assembly shall divide the state into congressional
24 districts accordingly. TO THE EXTENT PRACTICABLE,
25 CONGRESSIONAL DISTRICT BOUNDARIES SHALL BE DRAWN SO THAT A
26 CANDIDATE OF EITHER MAJOR POLITICAL PARTY HAS A FAIR
27 OPPORTUNITY TO BE ELECTED. WHETHER OR NOT A CANDIDATE HAS A

1 FAIR OPPORTUNITY TO BE ELECTED SHALL BE DETERMINED IN THE
2 MANNER PROVIDED IN SECTION 47 OF THIS ARTICLE FOR STATE SENATE
3 AND REPRESENTATIVE DISTRICTS.

4 Section 47 of article V of the constitution of the state
5 of Colorado is amended BY THE ADDITION OF A NEW SUBSECTION to
6 read:

7 Section 47. Composition of districts. (4) To the
8 extent practicable, the boundaries of at least one-half of the
9 senate districts and one-half of the representative districts
10 shall be drawn so that a candidate of either major political
11 party has a fair opportunity to be elected. Whether or not a
12 candidate has a fair opportunity to be elected may be
13 determined by reference to whether the registration of
14 electors in the district from both major political parties is
15 approximately equal; but voter registration need not be the
16 sole measure of a fair opportunity to be elected. In case of
17 conflict the criterion specified by this subsection (4) shall
18 prevail over all other criteria for districts as set forth in
19 subsections (1) to (3) of this section.

20 Section 48 of article V of the constitution of the state
21 of Colorado is amended BY THE ADDITION OF A NEW SUBSECTION to
22 read:

23 Section 48. Revision and alteration of districts -
24 reapportionment commission - submission to the people.

25 (2) (a) The reapportionment plan adopted pursuant to
26 subsection (1) of this section and the reapportionment plan
27 for congressional districts adopted pursuant to section 44 of

1 this article shall be in effect for the election of members of
2 the state senate, the state house of representatives, and the
3 United States house of representatives at the first general
4 election following each federal census.

5 (b) Reapportionment plans for state senatorial, state
6 representative, and United States representative districts may
7 also be initiated and submitted to the registered electors of
8 the state at the first general election following each federal
9 census in accordance with section 1 of this article. If no
10 reapportionment plan for districts in the state senate, state
11 house of representatives, or United States house of
12 representatives is initiated, the plan of the reapportionment
13 commission or the general assembly, as the case may be, for
14 districts for such body shall stand. If one or more
15 reapportionment plans for districts in the state senate, state
16 house of representatives, or United States house of
17 representatives is initiated, all plans for each such body,
18 including the plan of the reapportionment commission or the
19 general assembly, as the case may be, shall appear on the
20 ballot so that an elector may vote for only one plan for each
21 such body.

22 (c) If more than one reapportionment plan is submitted
23 for the state senate, the state house of representatives, or
24 the United States house of representatives, to the registered
25 electors of the state at the first general election following
26 the federal census, the plan for such body having the most
27 votes shall be adopted for the period until the general

1 election following the next federal census; except that, if no
2 reapportionment plan receives a majority of the votes cast
3 thereon, the two plans receiving the most votes shall be
4 submitted to the registered electors of the state at a special
5 election to be held within thirty days after the general
6 election, and the plan receiving the most votes at such
7 special election shall be adopted.

8 SECTION 2. Each elector voting at said election and
9 desirous of voting for or against said amendment shall cast
10 his vote as provided by law either "Yes" or "No" on the
11 proposition: "An amendment to articles IV, V, and XVIII of
12 the constitution of the state of Colorado, concerning
13 political reform to make government more representative of and
14 responsive to the citizens of Colorado by providing for a
15 limitation on the number of terms which can be served by
16 elected state and federal officials, competitive election
17 districts, and submission of reapportionment plans to the
18 voters."

19 SECTION 3. The votes cast for the adoption or rejection
20 of said amendment shall be canvassed and the result determined
21 in the manner provided by law for the canvassing of votes for
22 representatives in Congress, and if a majority of the electors
23 voting on the question shall have voted "Yes", the said
24 amendment shall become a part of the state constitution.

ATTACHMENT F

Oklahoma Initiative
and Background Information



**Oklahomans for
Legislative Reform**

Suite 612
324 Main Mall
Tulsa, Oklahoma 74103

March 29, 1990

LLOYD NOBLE II, TULSA
Chairman

RAYMOND GARY, MADILL
Former Governor
State of Oklahoma
Honorary Chairman

Advisory Council:

JACK ABERNATHY, OKLAHOMA CITY

J.W. BATES, JR., TULSA

BILL CALVERT, TULSA

MARK L. CANTRELL, EL REND

MICHAEL CAWLEY, ARDMORE

SEN. RALPH CHOATE, HENNESSY

SEN. TOM COLE, MOORE

KENT FRATES, OKLAHOMA CITY

DICK FREEMAN, TULSA

JACK GRAVES, TULSA

SKIP HEALEY, DAVIS

JIM HEWGLEY, TULSA

H.C. "LADD" HITCH, JR., GUYMON

BOB KELLEY, ARDMORE

REP. CHARLES KEY, OKLAHOMA CITY

JOHN KIRKPATRICK, OKLAHOMA CITY

ED LAWSON, TULSA

SAM NOBLE, ARDMORE

REP. WANDA JO PELTIER, OKLAHOMA CITY

JOHN SNOODGRASS, ARDMORE

REP. LEONARD SULLIVAN, OKLAHOMA CITY

LEROY THOMAS, TULSA

JAMES R. TOLBERT, III, OKLAHOMA CITY

Legal Committee

SEN. GARY GARDENHIRE, NORMAN

JOHN SUBLETT, TULSA

WILSON WALLACE, ARDMORE

Campaign Directors

BETTY BRAKE, OKLAHOMA CITY

JACK EDENS, OKLAHOMA CITY

Research Director

TERRY HAMMONS, OKLAHOMA CITY

Dear Lolo -

Please forgive the
tardiness!

Enclosed is the petition with
copy of the proposed
Constitutional Amendment, a copy
of the poll and a few
news articles. We received
205, 418 signatures 17%
more than needed. Also
highlight number on any
distributed petition is Oklahoma
History. It has been certified
by the Sec of State + Okla
System Court. The Governor
will call a special election
in 90 days.

Sincerely
Lyle

Call if you need anything else!

It is a felony for anyone to sign an initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the measure, or to sign such petition when he or she is not a legal voter.

FILED
SEP 18 1989

INITIATIVE PETITION

OKLAHOMA SECRETARY
OF STATE

TO THE HONORABLE HENRY BELLMON,
GOVERNOR OF OKLAHOMA:

We, the undersigned citizens and legal voters of the State of Oklahoma, respectfully order that the following proposed amendment to the Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election, or at a special election to be held on such a day as the Governor shall proclaim, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence and post office are correctly written after my name. The time of filing this petition expires ninety days from September 19, 1989. The question we herewith submit to our fellow voters is:

Shall the following proposed amendment to the Constitution be approved?

BALLOT TITLE

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

SHALL THE PROPOSED CONSTITUTIONAL AMENDMENT BE APPROVED?

- () YES - For the Amendment
- () NO - Against the Amendment

Be it Enacted by the People of the State of Oklahoma that Section 17 of Article 5 of the Oklahoma Constitution be amended by adding an additional paragraph numbered 17A, to read as follows:

SECTION 17A. Any member of the Legislature who is elected to office after the effective date of this amendment shall be eligible to serve no more than 12 years in the Oklahoma State Legislature. Years in Legislative office need not be consecutive and years of service in both the Senate and the House of Representatives shall be added together and included in determining the total number of Legislative years in office. The years served by any member elected or appointed to serve less than a full Legislative term to fill a vacancy in office shall not be included in the 12-year limitation set forth herein; but no member who has completed 12 years in office shall thereafter be eligible to serve a partial term. Any member who is serving a Legislative term in office or who has been elected or appointed to serve a term in office on the effective date hereof shall be entitled to complete his or her term and shall be eligible to serve an additional 12 years thereafter. This amendment shall be effective on the 1st day of the year following its adoption.

SIGNATURES

The gist of the proposition is as follows:

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

A "yes" vote is a vote in favor of this measure. A "no" vote is a vote against this measure.

1.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
2.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
3.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
4.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
5.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
6.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
7.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
8.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
9.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
10.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
11.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
12.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
13.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
14.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
15.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
16.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
17.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
18.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
19.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County
20.	_____ Signature of Legal Voter	_____ Residence	_____ City	_____ ZIP	_____ County

INSTRUCTIONS FOR CIRCULATORS: Circulators must be registered to vote in Oklahoma and must personally witness all signatures. All petition signers must be registered to vote in Oklahoma. After each signer signs, turn this sheet over and print the name only in the corresponding numbered space provided. When all signatures have been obtained, fill out the circulator's affidavit on the back of this sheet in the presence of a notary public.

RETURN THIS PETITION TO:

Lloyd Noble, II
2249 N.W. 39
Okla. City, OK 73112
405-525-0322

OR

Lloyd Noble, II
819 S. Denver
Tulsa, OK 74119
918-582-8033

AFFIDAVIT

STATE OF OKLAHOMA)
) SS:
COUNTY OF _____)

I, _____, being first duly sworn say:

That I am a qualified elector of the State of Oklahoma and that the following persons signed this sheet of the foregoing petition, and each of them signed his or her name thereto in my presence:

- | | |
|-----------|-----------|
| 1. _____ | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | 19. _____ |
| 10. _____ | 20. _____ |

I believe that each has stated his or her name, post office, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of his or her residence as stated.

Circulator's Signature

Post Office Address

City Zip Code

Subscribed and sworn to before me this _____ day of _____, 1989.

Notary Public

Post Office Address

City Zip Code

My Commission Expires:

(SEAL)

NOTICE

FILED

JAN 29 1990

NOTICE OF FILING OF
INITIATIVE PETITION NUMBER 346 OKLAHOMA SECRETARY
STATE QUESTION NUMBER 632 OF STATE

NOTICE is hereby given that on or before the 19th day of September, 1989 Initiative Petition Number 346, State Question Number 632 was filed in the Office of the Secretary of State for the purpose of causing to be submitted to the legal voters of the State of Oklahoma a proposed amendment to the Oklahoma Constitution.

The title of the amendment proposed is "THIS MEASURE AMENDS ARTICLE 5, SECTION 17 OF THE OKLAHOMA CONSTITUTION BY ADDING SECTION 17A. IT PROVIDES THAT ANY MEMBER OF THE LEGISLATURE ELECTED TO OFFICE AFTER THE EFFECTIVE DATE OF THIS AMENDMENT WOULD BE ALLOWED TO SERVE NO MORE THAN 12 YEARS. YEARS SERVED NEED NOT BE CONSECUTIVE AND SERVICE IN EITHER HOUSE OF THE LEGISLATURE SHALL BE COUNTED. TIME SERVED BY A MEMBER ELECTED OR APPOINTED TO SERVE LESS THAN A FULL TERM SHALL NOT BE COUNTED. NO MEMBER WHO HAS COMPLETED A 12-YEAR TERM SHALL BE ALLOWED TO SERVE A PARTIAL TERM. MEMBERS SERVING ON THE EFFECTIVE DATE OR WHO HAVE BEEN ELECTED OR APPOINTED TO SERVE ARE ALLOWED TO SERVE AN ADDITIONAL 12 YEARS. THE MEASURE SHALL BECOME EFFECTIVE ON THE 1ST DAY OF THE YEAR FOLLOWING ITS APPROVAL."

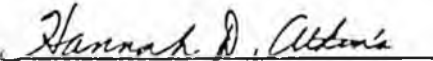
That said initiative petition was, on the 16th day of January, 1990 delivered to the Supreme Court of Oklahoma. The Supreme Court, by order entered in cause number 74,783 styled in RE: Initiative Petition No. 346, State Question No. 632, has determined the numbers of presumptively valid signatures on said petition is two hundred five thousand, four hundred and eighteen (205,418).

Pursuant to Article 5, section 2 of the Oklahoma Constitution and the certification from the State Election Board establishing that the office receiving the highest number of votes was that of Presidential Elector, for which the total votes cast were 1,171,036, I, Hannah D. Atkins, Secretary of State, determine that 175,656 is 15%, of the vote and is the number of signatures required to bring an amendment to a vote of the people and the number required of this petition.

From examination of the initiative petition by the undersigned Secretary of State and based upon the determination by the Supreme Court of the number of signatures, I find and proclaim, that the Initiative Petition Numbered 346, State Question Numbered 632 is sufficient to cause the amendment proposed thereby to be submitted by the Honorable Henry Bellmon, Governor of Oklahoma, to the legal voters of the State of Oklahoma as the Governor shall direct, for approval or rejection.

Notice is hereby given that any citizen or citizens of Oklahoma may file a protest to the petition or an objection to the signature count made by the Court by a written notice to the Clerk of the Supreme Court of Oklahoma, and an identical notice to Lloyd Noble II, Chairman Oklahomans for Legislative Reform, Suite 612, 324 Main Mall, Tulsa, Oklahoma 74103, which protest may be filed within the ten (10) days following the date of publication of this notice. Any citizen or citizens who shall file an objection to the count of signatures as made by the Court shall additionally give notice, as required by the provisions and intent of 34 O.S. 1981, section 8, and Supreme Court Rule 42, of the filing of such objection to any other person or persons, if any, who shall have timely filed a protest in the Supreme Court.

DATED THIS 29TH DAY OF JANUARY, 1990.



Hannah D. Atkins
Secretary of State

A SURVEY OF VOTER ATTITUDES
IN THE
STATE OF OKLAHOMA

JUNE 1989

A Confidential Summary of a Survey
Prepared for
LLOYD NOBLE
by
COLE HARGRAVE SNODGRASS AND ASSOCIATES, INC.

SURVEY OVERVIEW

Cole Hargrave Snodgrass and Associates is pleased to present a summary of the results of this survey to Lloyd Noble. This section outlines the research techniques used in gathering the information presented in this report. The project directors for this study were Sharon Hargrave and Deby Snodgrass, with design and analytical support from Dr. Thomas J. Cole. General staff support was provided by Sandi James and Dan Storie.

This report contains the results of a telephone survey of 500 registered voters throughout the state of Oklahoma. Responses to this survey were gathered June 26-30, 1989.

All respondents interviewed in this study were part of a fully representative sample based on the latest voter registration figures in the state. The confidence interval associated with a sample of this type is such that 95% of the time results will be within $\pm 4.5\%$ of the "true values" where "true values" refer to the results obtained if it were possible to interview every voter in the state.

Interviewing was conducted by Cole Hargrave Snodgrass and Associates' instructed personnel from the company's own telephone bank in Oklahoma City, Oklahoma. The interviews lasted approximately 7 minutes.

Editing, coding and computer processing of the data was done at the headquarters of Cole Hargrave Snodgrass and Associates. The computer tabulations were produced by SPSS PC+, a statistical software package copywrited by SPSS, Inc.

Cross tabulations for all questions by a variety of subgroups have been presented to Lloyd Noble in a separate and more complete report. This information can be made available to interested parties at the direction of Mr. Noble.

SURVEY SUMMARY

Hello, Mr/Mrs _____? I'm _____ of CHS & Associates, a regional research firm. We're talking with people in Oklahoma today about public leaders and issues facing us. . . (DO NOT PAUSE)

1. Do you feel that things in Oklahoma are generally going in the right direction, or that things have pretty seriously gotten off on the wrong track?

Right track 32.3%
Wrong track 42.6%
Undecided 24.6%

2. Do you think that the Oklahoma State Legislature is generally doing an excellent, good, only fair, or poor job in dealing with Oklahoma's problems?

Excellent 0.2%
Good 16.3%
Fair 47.0%
Poor 31.0%
Don't know (DO NOT READ). 5.0%

3. Some people say the longer an individual serves in the state legislature, the more effective he becomes. Others think that if elected officials serve too long, they lose touch with the voters. Do you believe longer service makes someone more effective or that longer service causes them to lose touch?

More effective 18.2%
Lose touch 63.6%
Don't know (DO NOT READ) 18.2%

4. Would you support an amendment to the Oklahoma constitution to limit the number of years someone could serve in the state legislature?

Yes 70.0%
No 17.6%
Undecided/depends
(DO NOT READ) 12.4%

5. (ONLY IF YES ON QUESTION 4)
How long do you think someone should be allowed to serve in the state legislature?

Eight years. 50.0%
Ten years. 12.0%
Twelve years 9.1%
Sixteen years. 0.6%
Other (DO NOT READ). . . 25.4%
Don't know (DO NOT READ) 2.9%

6. (ONLY IF NO ON QUESTION 4)

Would it change your mind if you knew Oklahoma legislators earn \$32,000 a year and can retire on full pay after 20 years?

Yes28.4%
No60.2%
Don't know (DO NOT READ)	.11.4%

SURVEY ANALYSIS

The chief purpose of this survey was to gauge public support for a constitutional amendment to limit the terms of state legislators. To test the electorate's underlying attitude on this issue, voters were asked several questions.

The first two questions were designed to measure public opinion of the current state legislature. Voters were asked if they thought things were on the right track in Oklahoma. Only one voter in three felt positive about the direction in which the state was moving. When specifically asked about the job performance of the state legislature, only 17% of the voters rated it either excellent or good. Almost half of the voters (47%) rated the legislature's job performance as "only fair" and almost one-third (31%) considered it poor. The generally negative attitude of the electorate toward both the "state of the state" and the legislature suggests that voters would be very receptive to proposals to change the current system.

This conclusion is reinforced by the public's strong rejection of the notion that longer service in the state legislature makes individuals more effective legislators. Fewer than one voter in five (18.2%) thought lengthy service in the state legislature made legislators more effective. Conversely, over three times as many voters (63.6%) felt that longer service caused legislators to lose touch with the public.

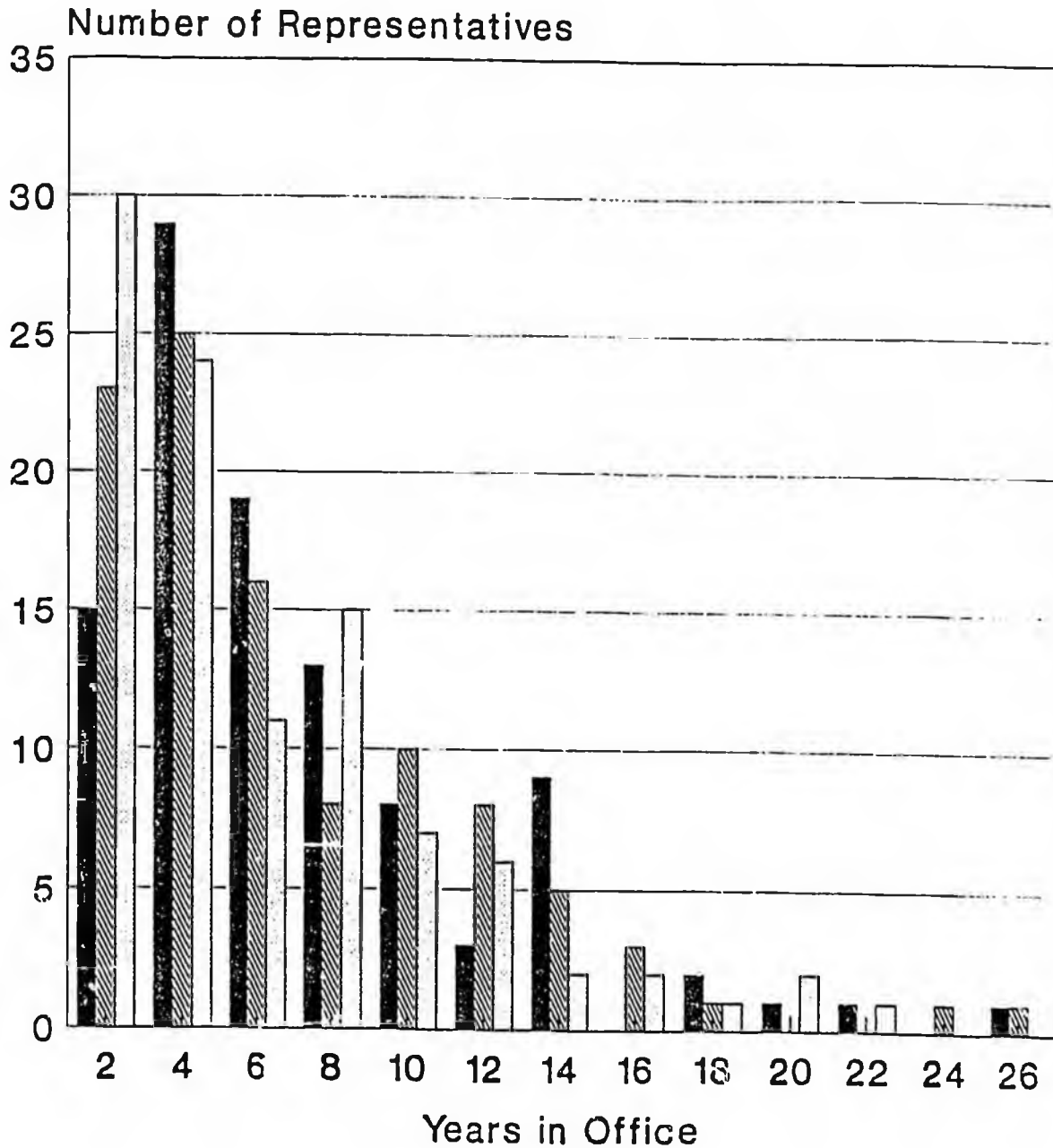
When specifically asked if they would support a constitutional amendment to limit the number of years someone could serve in the state legislature, voters were overwhelmingly favorable. Fully 70% of the public favored limiting terms and only 17.6% was opposed -- a margin of almost four to one. All demographic groups, every ideological category, every region of the state, and members of both political parties were strongly in favor of limiting the terms of state legislators. Moreover, of those opposing such a limitation, over one-fourth (28.4%) were willing to consider changing their position upon learning of the salary and retirement benefits enjoyed by legislators.

Of those who desired to limit terms, half (50.0%) favored making the maximum eight years. Virtually no one favored allowing legislators to serve longer than twelve years. Once again, there was little variation in these sentiments between different subgroups within the survey sample.

It seems likely that if a constitutional amendment limiting legislative terms could be placed on the ballot, it would pass easily. Given their obvious conflict of interest and their low approval ratings, the state's elected leaders would be poorly positioned to block such an effort. Getting the signatures needed to force a vote on such an issue and beating back possible legal challenges, however, would be formidable tasks.

Oklahoma House of Representatives

Total Years in Office

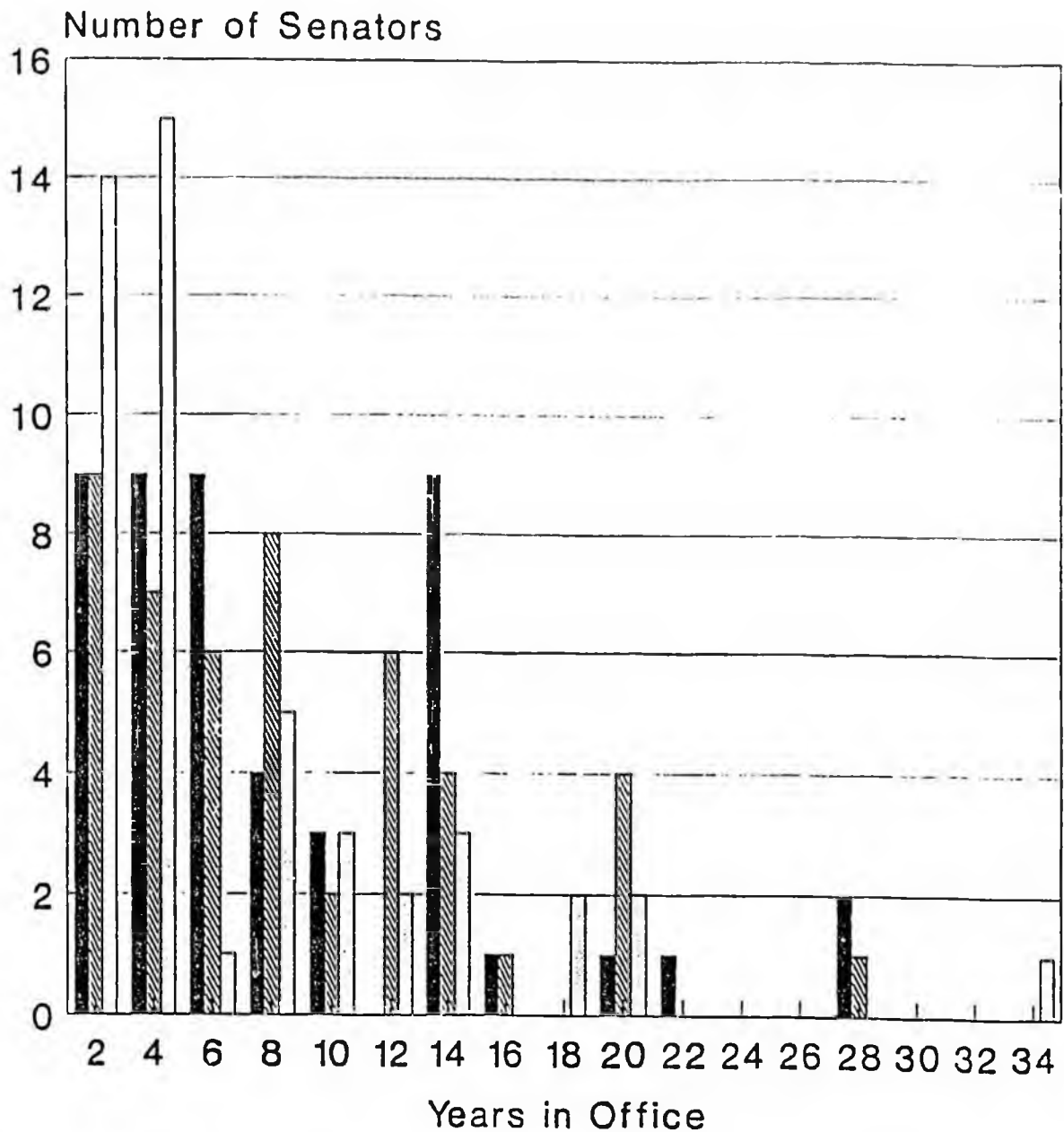


1977-78
 1983-84
 1989-90

Comparison of three sessions

Oklahoma Senate

Total Years in Office



■ 1977-78 ▨ 1983-84 □ 1989-90

Comparison of three sessions

To: [unclear]
From: [unclear] and [unclear]
Subject: [unclear] to the Proposed Twelve Year Limit on
[unclear]

My reaction to the proposed 17A amendment to the Oklahoma Constitution is decidedly negative. I am opposed to limiting Oklahoma legislators to twelve years for one of the same reasons I oppose the 22nd amendment to the U.S. Constitution which limits presidential tenure.

My reasons for opposing 17A are as follows:

1. IT'S UNDEMOCRATIC: The length of a legislator's tenure is essentially a matter between the legislator and the electorate. The proposed amendment is thus a slap at the electorate's common-sense and judgment. It assumes that the popular will is to be feared as untrustworthy and unwise. Voters should not be denied an opportunity to retain a legislator made more effective by experience. Popular sovereignty should limit government not an apriori and arbitrary rule.

Similarly, elections serve to check adventurism. If, at some defined point, a legislator cannot run again, he or she may take financial or policy risks that they would avoid if they had explain it to the voters. This flies in the face of the argument that honesty is better served by stopping the rascals before they have the time to get into too much mischief.

2. CHANGING HORSES IN THE MIDDLE OF THE STREAM: Legislators must serve major public purposes continuously. This is because legislative victories occur within the constraints of "the times," public opinion, group support, and political leadership rather than the constraints of individual deadlines. Thus the wise injunction against "changing horses in the middle of the stream" applies to 17A. A legislator may just be reaching his or her full effectiveness when they are forced out of office.

It should be added that constitutions generally favor flexibility over rigidity. Among other reasons, this allows current decision-makers some latitude to respond to circumstances or "streams" that were not foreseeable when the constitution was framed. What is foreseeable in Oklahoma is the continued shift toward more evenly matched political parties. The voter's choice between two viable alternatives should serve to increase the competitiveness of elections rather than a constitutional provision which precludes the strongest candidates from running.

3. LAME DUCKS ARE POOR BROKERS: In 1806 William Plumer

of New Hampshire wrote the following:

It seems now to be agreed that Mr. Jefferson
will be a candidate at the next Presidential
election. The disclosure of this fact, this early,
is unnecessary and imprudent letting down of his
importance. Most men seek the rising rather than
the setting sun. (1)

As this quote applies to 17A, legislators entering their
last 12 months or so of tenure would begin to lose their
effectiveness since their "sun" would be setting. If
everybody knew which legislators would not be around to
negotiate, no one would pay much attention to them. This would
create a strata of "lame ducks" in every legislative session
because those legislators who would otherwise be the most
secure politically and thus the freest to address critical
issues would also be those on their way out. That, in turn,
would weaken the legislature's role in Oklahoma government.
Perhaps some would welcome that, including some serious
advocates of executive leadership. But 17A will result in
the loss of some legislative initiative and influence whether
that is judged as good or ill.

1

Clinton Rossiter, The American Presidency, revised ed.
(New York: Harcourt, Brace & World, Inc., 1960), p. 333.

Arguments opposing limit on legislative tenure:

Certainly the most basic objections to an automatic universal limit on legislative tenure is that it also constitutes an automatic universal limit on democratic choice. The people's right to freely choose their legislators is a fundamental right, and like all such rights should be restricted only for reasons of surpassing importance. The arguments of those who would advocate restricting legislative tenure fail to justify this attack on the citizen's freedom to choose. Let us briefly address several of these arguments.

Perhaps the core argument for tenure limitations is that it will promote the "citizen legislator" as opposed to the "professional legislator." The implication of this argument is that the professional legislator is somehow less representative and responsive to the people. He either has his own agenda as a "professional legislator" or is bound up with "special interests." Simply limiting the tenure of legislators does not assure that they will be responsive to citizens or free of the influence of organized interests. Indeed, making legislators less interested in reelection may well make them less responsive to citizens and more free to pursue their own agendas. Moreover, a legislature of relative neophytes is more, rather than less, likely to be dependent on the expertise and information of (and subject to manipulation by) the experienced "pros" representing special interests. There may well be a bias in the present representation system, but limiting the tenure of legislators is not an appropriate "fix" for this problem.

A second argument is that legislators are presently almost "automatically" reelected due to the advantages inherent in incumbency. Privileges in mailing and traveling and the system of seniority in selecting legislative leadership are central to producing this effect. Voters realize that more senior legislators are more powerful and thus can be more influential in representing them. There is certainly a problem with the "incumbency effect," but the obvious solution is in reforming the legislative privileges and leadership selection rules rather than the electoral process. Why attack the right of citizens to choose when the problem lies in the legislature itself?

A similar response can be made to those who worry that seniority results in a bias of influence toward districts and citizens who have senior legislators. Limiting tenure without changing the seniority leadership selection rule will merely shorten the cycle of relative advantage. Rather than falling from influence only when a representative dies or retires, a district will start over every twelve years. It still is in the district's interest to return a legislator faithfully for the maximum time. Competitive districts, that tend to switch legislators every two to four years, would remain at a relative disadvantage to non-competitive ones. The impact on bias in the system of representation would be minimal and hardly worth the price of a limitation on a fundamental right of the citizenry. This is especially true given that a more effective and less costly reform would focus on the actual cause of the problem - the seniority system itself.

Finally, advocates of tenure limitation suggest that it will make the legislator more responsive and accountable to the people and reduce the influence of the bureaucracy and special private interests. This

argument disingenuously suggests that we can improve the quality of democratic representation by reducing the democratic choice of the citizen. It is not only disingenuous but wrong in both its claims.

In fact, such limitations are likely to make legislators less responsive and accountable. Elections and electoral choice are designed to assure responsiveness and accountability. Fear of defeat at the polls is the central element disciplining office holders. Reducing their fear of defeat at the polls by making exit from office a certainty can only make them less accountable and responsive. Indeed, no politician is more free than he who has nothing (or little) left to lose. With each year that passes automatic tenure limitations serve to place politicians increasingly in this state of relative freedom vis a vis the electorate.

Moreover, even that majority of legislators that may choose to be responsive and responsible will be reduced in their effectiveness. As "lame ducks" their influence in the legislative process will be reduced due to the certainty that they will not be around to deliver legislative rewards or punishments to others in subsequent sessions.

Tenure limitations are also likely to increase rather than decrease the power of special interests and the bureaucracy. Limiting the experience level of the legislature will only make them still more dependent on the expertise and information of the non-elected officials and the private interests. In a system in which information and the savvy derived from experience are the primary power resources, career bureaucrats, legislative staffers, and lobbyists are further advantaged by tenure limitations. Thus, tenure limitations not only weaken citizen participation by limiting choice, but also tends to weaken the influence of the elected officials they choose relative to the non-elected officials. The balance of power is tilted still further toward those least accountable through democratic elections and participation of the average citizen.

Ultimately, the desire for tenure limitations stems not from a desire for a "citizen legislator" or from a concern for equal representation, responsiveness or accountability. Instead, calls for tenure limitations reflect a profound distrust in the wisdom and judgment of the people. Of course, the people make mistakes and bad choices in elections. They may even fail to recognize their mistakes. Frustrated, advocates of tenure limitations would seek to substitute an anti-democratic procedural "fix" for the failings of the electorate. In a democracy, the proper response to error on the part of the people is more, not less, democracy. Rather than limiting the citizen's right to choose, those who object to long tenure for legislators should themselves seek to convince the people that frequent turnover is a good thing and that they should vote accordingly. If the proponents of this plan are truly interested in improving the character of democratic representation, educating the public rather than reducing their democratic privileges is the appropriate course of action.

Dr. Dave Billeaux
Assistant Professor
Oklahoma State University

Legislative Limit Petition Launched

Dail. Ok 9-15-80



Lloyd Noble announces plans for a petition drive.

By John Greiner
Staff Writer

A Tulsa businessman launched an initiative petition drive Thursday to limit Oklahoma legislators to 12 years of service in the Legislature.

Lloyd Noble II filed his petition with the secretary of state.

He must get 175,656 signatures of registered voters by Dec. 13 to get the issue put on an election ballot, the secretary of state's officials said.

Noble said supporters hope to obtain more than 200,000 signatures.

He said that Oklahomans for Legislative Reform, which will circulate the petition, will have a \$250,000 budget.

"We're within reaching it," he said when asked if the money had been raised

Noble said if the proposal is adopted, current legislators will be able to serve 12 more years.

He said a poll conducted last July on limiting terms showed that a majority of Oklahomans did not have confidence in the Legislature and believed a legislator lost touch as length of service increased.

Several hundred Oklahomans were surveyed, Noble said. He did not say who conducted the poll.

He said he has received calls of support from people from both political parties.

Many interests in Oklahoma with the resources to help in this constitutional amendment haven't offered to help, he said.

"But these interests will spend substantial

amounts of money to lobby legislators buy expensive meals for legislators pour whiskey to legislators and provide entertainment to legislators," he said. "Is that what democracy is about?"

Noble said Oklahoma has been good to his family since his great grandfather opened a hardware store in Indian Territory during the 1890s.

"We believe in trying to return to Oklahoma some of what we received. This is my way of contributing to allow more people to serve the state in the Oklahoma Legislature," he said.

Noble said the framers of the Oklahoma Constitution took many things for granted, including that the Legislature would be a legislature.

See PETITION, Page 2

Petition

From Page 1
citizens, not full-time politicians.

This was obvious in the fact they met for only two to three months every other year and received nominal pay, he said.

The concept of the citizen legislator was destroyed when legislative salaries were raised to \$32,000, Noble said.

Those salaries were raised in 1988 by a legislative compensation commission whose members are appointed by the governor, House speaker and Senate president pro tempore.

Noble was asked to give an example of any problem relating to a legislator being in office more than 12 years.

He cited Sen. Gene Stipe, a McAlester Democrat, who has served since the late 1940s.

"Look at the number of Oklahomans on food stamps ... the percentage of the population in his district is substantially above the state average. So he's had all these years with all this power and influence to bring jobs to his district, instead he's put them on the taxpayers," Noble said.

When a reporter pointed out that food stamps are based on poverty, Noble said:

"Well, he's had the opportunity to bring jobs to his district. If he had the jobs there, they wouldn't have to be on food stamps."

Food stamps are paid for by the federal government.

The program is administered by the U.S. Department of Agriculture which contracts with states for certification of recipients, the issuance of

food stamps and the accountability of them.

State legislators have nothing to do with passage of the federal program.

When this was pointed out to Noble in reference to his statements about Stipe, Noble replied:

"It's very simple ... a disproportionate amount of state money going to his district."

Noble said the group pushing this constitutional amendment is bipartisan.

Honorary chairman is former Democratic Gov. Raymond Gary of Madill, Noble said.

However, the group has several current and former Republican officials on the advisory council.

Gov. Henry Bellmon said he isn't involved but did meet with Noble.

leg.
Term of office



THE DAILY OKLAHOMAN

The State Newspaper Since 1807

OKLAHOMA CITY, OK

THURSDAY, AUGUST 10, 1989

40 PAGES

Tulsa Oil Man Wants to Limit Legislative-Careers to 12 Years

By Paul English
Staff Writer

Tulsa businessman Lloyd Noble II said Wednesday he is considering initiating a petition drive aimed at limiting legislators to 12 years in office.

"We are no longer getting representative government," Noble said. "We are getting a government of career politicians."

Noble said a poll conducted at his request showed 70 percent of the 500 people surveyed favored limiting the terms of state lawmakers.

The independent oil man said he

wants to kick off the initiative petition drive in late August, to coincide with county fairs and other large meetings.

"A lot of money and manpower will have to be pledged in the next several days" to start the drive in August, he said.

A petition drive probably would cost \$300,000, he said.

The secretary of state's office said the petition calling for a state-wide vote on the proposed constitutional amendment would require 175,000 valid signatures.

"This is something that I have

The Oklahoma Report

personally felt needed to be done for a long time," Noble said.

As a legislator stays in office, he tends to be re-elected by bringing a disproportionate amount of taxpayer dollars to their district," he said.

"Less-tenured representatives and senators have far less power than those who have been there longer," he said.

Noble said his poll indicated that

about 64 percent of the people believe that the longer a legislator is in office the more he keeps touch with his constituents.

Only 18 percent believe a legislature becomes more effective through office longevity, Noble said.

Noble said the poll results led him to select a 12-year maximum.

Of those favoring a limit on legislative service, 50 percent wanted the limit to be eight years, he said.

Another 12 percent favored a 10-year limit, and 31 percent were for a 12-year ceiling, he said.

The 12-year maximum would apply to total service in the Legislature, Noble said.

The proposal is being drafted not to impact all that are there right now, either by grandfathering those who are there currently or by starting the clock running 12 years after date of passage," he said.

Noble said he started thinking about a petition drive in June after Gov. Henry Bellmon's constitutional

revision study commission had endorsed a proposal to limit legislative terms.

Noble said he talked with Andrew Trevington, Bellmon's chief of staff, who was a member of the study group.

"Andrew told me that he personally favored this and that the governor favored it and Andrew brought it up and then various legislators went thumbs down on it," he said.

Noble said former Gov. Raymond Gary already has endorsed his proposal.



Muskogee Daily Phoenix

Page 9—Section A
Saturday, August 12, 1989

Limited terms could improve the Legislature

There's a fellow in Tulsa who wants to hold a statewide petition drive to limit the terms of legislators.

Lloyd Noble II, an independent oilman, thinks 12 years is long enough for anyone to serve in the Oklahoma Legislature.

The campaign has raised the only question is why 12 years? Why not less?

Noble has a hard-on for those whom he says Oklahoma are no longer getting representative government. Career politicians are more often stumbling blocks to progress than they are experienced hands adept in fixing errors.

The public evidently shares our pessimism. Sixty-four percent of the people Noble surveyed said they believe the longer a legislator is in office, the more he keeps touch with constituents.

We don't have to look far to come up with powerful long-term legislators who take pride in stubborn reform. Although Oklahoma industry is only marginally unionized, right-to-work bills are routinely killed before reaching the floor of the Legislature. Workers compensation reform is religiously blocked by senators who earn millions each year on such cases in their private practice.

The longer legislators stay in office, the better their chances for re-election. The more powerful they become, the more stroke they exert for their districts or appropriations items. And bringing state money to your constituent will get you votes in November.

Because of Oklahoma's entrenched tribal system, less-tenured legislators have far less power. So no matter what their campaigns promised their hands are tied when they walk into the Capitol.

Earlier this year Governor Bellmon's constitutional revision study commission (called even — and discarded — a proposal to limit legislative terms). That's a shame. Maybe Noble's petition drive will catch on and do what needs to be done to bring some sunshine into state government.

The Tulsa Tribune

MONDAY, AUGUST 14, 1989

TULSA, OKLAHOMA, THURSDAY, AUGUST 10, 1989

Petition drive considered

OKLAHOMA CITY (AP) — A Tulsa businessman who says he is concerned about "professional politicians" is considering a petition drive to limit legislators to 12 years in office.

"We are no longer getting representative government," Lloyd Noble II said Wednesday. "We are getting a government of career politicians."

Noble, an independent oil man, said he would like to kick off the initiative petition drive this

To do so, however, he said "a lot of money and manpower will have to be pledged in the next several days."

A poll conducted at his request showed that 70 percent of the 500 people surveyed favored limiting the terms of lawmakers, he said.

Noble said that as legislators stay in office, they tend to be re-elected because they bring "a disproportionate amount of taxpayer dollars to their districts."

"Less-tenured representatives and senators have far less power

Too long in office

Tulsa oilman Lloyd Noble II got the kind of results he wanted in a privately conducted poll which showed that Oklahomans like the idea of limiting legislators to a maximum of 12 years in office. Translating opinions into a successful initiative petition would be a formidable task, however.

Aside from the numbers required — more than 175,000 signatures — there is a quirk in the American political psyche that shouldn't be discounted. Voters rail at Congress and state legislatures but would not be re-

turn their own senators and representatives to office. Somehow, it is always somebody else's congressman or state senator who needs to be bounced.

Noble hits the mark when he says politicians who stay in office too long accumulate too much power. Limiting their tenure is a good idea, not just in the Legislature but also in Congress. But as long as it is the politician down the hall who has too much clout, efforts to change the system will be undertaken at long odds.

Sunday, August 13, 1989

A Noble Idea

OKLAHOMA businessman Lloyd Noble II has come up with a great idea — limit state legislators to 12 years in office.

The problem is there are a few hurdles that must be overcome before the people would have an opportunity to vote on that proposal as a constitutional amendment.

First, a sufficient number of citizens' signatures — 175,656 — must be obtained on an initiative petition to put the issue on a statewide ballot. The cost of a petition drive is estimated at \$300,000.

It is unfortunate that Gov. Henry Bellmon and his constitutional revision commission did not include the Noble proposal in their list of initiative petitions now being circulated for signatures. It could have ridden piggy-

back at a great cost saving.

But since it wasn't, Noble needs the volunteers and the financial support to kick off an initiative petition drive. He wants it to coincide with county fairs and other large meetings and gatherings.

If Noble can get it off the ground, there's little doubt he can obtain a sufficient number of signatures. And chances are great the issue would be approved if the people are given an opportunity to vote on it.

The proposal should limit total legislative service to 12 years, but not apply to any service prior to passage of the amendment.

Passage would address a major fault of the legislature — control by old-guard politicians who perpetuate themselves in office by obtaining a disproportionate share of tax dollars for their districts.

Legislators terms should be limited

Oklahomans may be getting one more initiative petition in the near future which would limit the number of years a state legislator can serve to 12.

Apparently the idea is popular with most Oklahomans, according to a survey conducted by Tulsa oilman Lloyd Noble, who found 70 percent of those responding favored limiting the terms of legislators.

Of course, it won't have a major impact on most State Capitol occupants as most legislators usually leave after only a few terms either on their own or at the urging of the voters.

While 12 years would be a fine limit if those in Washington — terms of U.S. Senators are 6 years — there's no reason to use that figure in Oklahoma City.

A limit of eight years would be better — this would give a state Representative up to four terms in the House or a Senator two terms in the Senate or any combination between the two.

Eight years is plenty. If they haven't accomplished their major objectives in that time, then it's doubtful they ever will.

TULSA WORLD

Tulsa, Oklahoma Saturday, August 12, 1989

Tulsa Would Limit Legislators' Terms

By Mike Kimball
World Staff Writer

The longer a state legislator remains in office the more he loses contact with his constituents, says Tulsa businessman Lloyd Noble. Noble would put an end to that by limiting the amount of time anyone can serve as a state legislator to 12 years.

He is serious enough about it to propose an amendment to the state Constitution to that effect. Noble's proposed 12-year limit applies to both state houses.

If someone serves three 3-year terms in the House of Representatives and then wins election to the Senate, he would only be able to serve one and a half 6-year terms," Noble said.

He said 70 percent of the 500 Oklahomans contacted in a private survey favored an amendment to the Oklahoma Constitution limiting the length of time a legislator might serve.

Of those who favored limiting legislative terms, half favored an eight-year limit and more than 71 percent favored 12 years or less, according to a summary of the survey's results.

Noble agreed that placing a cap on the number of years a legislator can serve limits the good legislators as well as the bad.

"But it's grossly unfair to say that in a House district of 30,000 people and in a Senate district of 60,000 that there isn't another qualified individual in that district," Noble said.

Not would his proposed cap necessitate and the career of a rising political star, he said.

"Nothing is keeping anyone from running for any other state office, other than the House and Senate," Noble said. "He can run for statewide office or for the U.S. House or Senate."

He said to his knowledge no

other state, nor other country in the free world, has a policy that limits the number of years or terms that can be served by legislators.

He said treatment of existing legislators hasn't been decided.

Supporters of the proposal have suggested making term exempt from the constitutional amendment or starting the 12 years that would apply to the 7 terms of office from the date the proposal is passed.

FRIDAY

Monday August 25, 1985

Should we limit tenure legislators to 12 years?

LOYD NOBLE II, of the prominent Noble oil family of Tulsa, Oklahoma, is going all out to launch a petition drive for a 12-year limit on Oklahoma legislators.

A statewide poll was taken and 70% of those surveyed favored the idea. This result is not surprising as most Oklahomans like their own legislator but are not so enamored with the legislature in general. In other words, legislators are good if enough signatures can be obtained to call an election such an issue almost certainly would pass.

The idea does have merit, if viewed objectively. There has long been a cynical philosophy, including among many legislators themselves, that those who enact laws and raise our taxes should be required to go back to the real world and live under the conditions they create. And should know in advance they will have to do just that.

Twelve years is long enough to ensure enough continuous experience as new legislators take office and old ones exit under the proposal's provisions. A dozen years allows all the experience-factor doubts.

One of the important advantages of such a change would be the effect it would have on legislative leadership positions. As they have developed into almost dictatorial power, such the present setup. By the time a legislator had developed enough to hold the top leadership spots, he would not have long to last there. Giving new leadership a chance has political merit in the view of the ordinary citizen, voter and taxpayer.

More legislative-wide decisions on merit could be made rather than having decisions based purely on political ploy of a single boss.

Frank Senter



OKLAHOMA

TULSA — Oilman Lloyd Noble II hopes to launch statewide petition drive to limit state legislators to 12 years in office. He says 70% of people responding to survey favor limiting terms. ...

Limit Legislative Service? Hogwash

By David Averil
Editorial Writer

Legislator-bashing always has been a popular American sport, and never more than now. That's not surprising, who could love people who, as a class, are interested mostly in levying taxes?

The abuse heaped on legislatures and legislators usually is verbal. Sometimes it takes the form of proposals aimed at curbing legislators' power, authority or influence.



David Averil

One such idea that bubbles to the surface every now and then is that a limit should be placed on length of service in the Legislature.

Lloyd Noble II, a Tulsa independent oil man, is the latest, but certainly not the first, to suggest that length of service in the Oklahoma Legislature be limited. Noble favors 12 years. A poll conducted on his behalf, he said, revealed that 70 percent of 500 people surveyed agreed with such a limit.

Noble has tried to stir up interest in a petition drive to put his proposal to a vote of the people.

The argument in favor of limiting legislative service goes something like this: "Professional politicians" are bad. They

don't truly represent the voters who keep electing and re-electing them. The longer they serve, the more influence they gain. Ergo, legislators should not be permitted to serve long enough to become influential "professionals."

Even if the professional-politicians-are-evil argument weren't hogwash, it's difficult to see what good it would do to limit legislative tenure.

Had a 12-year limit been in force at the start of the last legislative session, it would have affected eight of the 100 members of the House, seven Democrats and one Republican. That number would have included the speaker and two members of his leadership team who were deposed in a revolt by younger members during the session. Four of the eight were not part of the leadership and are members who are not reputed to have unusual or undue influence in the House.

The Senate, where members are elected to four-year terms instead of two-year terms as in the House, is generally thought to be the senior body. Still, a 12-year cap on service last session would have affected only nine of the 48 members. That number would have included the president pro tempore and two members of his leadership team, plus the Republican floor leader. At least three of the nine are highly respected members. Four are not known to be particularly influential.

Length of service is not an indicator of quality, power or influence. A 12-year limit on service would cost the Legislature some good members and some bad ones, some influential ones and some who wield little influence. There is no guarantee that their replacements would be any better, or different. Observers who pay close attention to the process are struck by the consistency

that voters from the various parts of the state display in choosing their representatives.

Lack of turnover is not a problem in the Oklahoma Legislature. In fact, relatively rapid turnover, especially among urban members, is characteristic. More than half of the current House members (53 of 100) are in their first or second terms, they have served four years or less. A whopping 68 percent of the Senate members (29 of 48) have served four years or less.

Finally, there is this: If limiting legislative service is a good idea, why isn't it done elsewhere? No state places a limit on legislators' tenure. (A petition calling for such a limit is being circulated in California.) The United States Constitution does not limit congressional service. In fact, one would be hard pressed to name a country in the Western world that so restricts legislative or parliamentary service.

The populist framers of Oklahoma's Constitution were fearful of the powers of government, business and other institutions. They included many limits on that power. If they were worried about "professional politicians" serving in the Legislature, it isn't reflected in the lengthy, restrictive, document they produced.

Voters may turn out of office any lawmaker they don't like. The fact that some legislators are re-elected time and again indicates that their constituents, while they may gripe about the Legislature as a whole, are pretty well pleased with their own representatives.

When critics argue that the Legislature is no good, that voters can't be trusted to elect quality lawmakers, what they really are saying is that they can't accept the results of democracy.

Leg. Affairs

Proposal to Limit Legislators' Terms Called Vote

By John Greiner
Staff Writer

A proposal to limit legislators' terms may shift more power to the executive branch, making it easier for a handful of influential people to control future governors, an Enid legislator says.

"I think if people know their right to vote is being restricted, they will get out and vote against this constitutional amendment," Rep. Gary Maxey said of a proposal being circulated by Tulsa businessman Lloyd Noble II.

Noble announced Sept. 14 that an initiative petition would be circulated to amend the constitution to limit Oklahoma legislators to no

more than 12 years in office.

If the people adopt the proposal, legislators in office now would be allowed to serve 12 more years after their current terms expire, Noble said.

Maxey, a Democrat, said he speculates that a possible motive for limiting legislators' terms would be that "it is a lot easier to control the executive branch than 101 members of the House of Representatives."

In many cases it takes years for a legislator to gain the experience to become effective, he said.

"He (Noble) would rather limit that and shift power to the executive branch, where a few wealthy

people can control the man or woman in the governor's mansion," Maxey said.

Noble disagreed.

"The power that is in the Legislature will remain in the Legislature but will be equally distributed among all legislators," Noble said.

Maxey is serving his first term after upsetting an incumbent legislator in 1988.

"I am speaking from a voter's standpoint... whether I am in office or not, I want the right to send someone down there," Maxey said.

He said he is offended by the proposal.

"Our democracy is based on the

fact that if someone gets experience, I have a right to send him down there," Maxey said.

Limiting terms restricts this right, he said.

The belief that this proposal would restrict the power of the people to make their own choices is shared by a man who has been involved in Republican Party politics for years in Oklahoma.

Drew Mason, former aide to Gov. Henry Bellmon and a political science professor, said limiting terms of state legislators would not accomplish anything.

In a letter to *The Oklahoman*, Mason said Noble's proposal is "clearly undemocratic."

"Our constitutions, federal and

state, place the power of choice in the hands of the people, not government," Mason wrote. "Should we give away our power to those whom we deem worthy for as long as we wish to let them as our representatives?"

Your Views Amendment Would Limit Our Choices

Daily OK 9-21-89

TO THE EDITOR:

In Oklahoma, it seems, Legislature bashing has achieved a status almost equal to that of talking about OU football. Sam Noble's recent announcement that he is sponsoring an initiative petition to limit the terms of legislators is just the latest attack in this popular pastime of thoughtless people.

In the first place, Noble's approach to finding a solution for a problem which he is unable to define except in vague terms of Gene Stipeisms, is terribly misguided and quite likely to result in unintended consequences. He wishes to make it a law that legislators may serve only 12 years. Currently, our legislators are only serving 5.3 years on the average. If a legislator is limited to 12 years, the voters will, if experience is any indicator, develop a tendency to confer upon their representatives the full 12 years.

Only eight members of the House and eight members of the Senate have been re-elected by their constituents for more than 12 years. These are hardly the dimensions of a serious problem. Perhaps it indicates that the voters are shrewd enough to retain those they wish to keep in service and discharge the rest. If such is the case, we don't need a constitutional amendment to ratify the general good sense of the electorate.

In the second place, Noble's plan is clearly undemocratic. Our constitutions, federal and state, place the power of choice in the hands of the people, not the government. Why should we give away our power to elect those whom we deem worthy, for as long as we wish to have them as our representatives? It is a difficult chore to persuade competent people to run for elected office. Once we have them in place it seems only prudent that we keep them there as long as they do a good job. If they fail to meet our standards we may then resort to



Metro Thoughts

Do 10-16-87

A Tulsa man has filed a petition seeking an election to limit a legislator's term in office to 12 years. What do you think about this? Do you think it should be decided by a statewide vote?



Patty Cohenour
Postal Worker

"Yes, I think it is a great idea. I think it will end a lot of corruption in government. People should be allowed to choose whether they want to limit legislators' terms."



Tim Deglual
Lawyer

"I think people should be allowed to vote on it. But I don't agree with it. I think it takes time to develop the kind of expertise legislators need. I think the proposal would exclude a lot of experienced and qualified people from that job."



Cathryn Carr
Mission Supervisor

"I think they should limit their terms in office, because otherwise you have professional politicians. I think the legislators need to be out in the mainstream doing some other kind of work and finding out what is going on. Yes, I think the people should be allowed to vote on it."



Ellen Hartman
Office Manager

"The petition takes away the right of the voter. We may not like the person in office, but it's up to the people in his or her district to decide who they want in office. It is not up to us to limit their terms. That is the way our country works. Why change it?"



Loyd R. Neal
Cattle Hide Dealer

"Sure, people should be allowed to vote on it. I think 12 years is enough. If they are good ones, they can be voted back in to office. But if they're bad eggs, you can't seem to get them out."



Eldon Hydr

"I think it allowed to haven't dec how I feel al thought abo haven't dec"

Leg. Term

Limit legislative terms?

Editor, The Tribune:

Oklahomans for Legislative Reform has been organized for the purpose of amending the Oklahoma Constitution, by initiative petition, to limit the tenure of Oklahoma legislators to 12 cumulative years.

For the most part, we no longer have citizen-legislators providing representative government, as our founding fathers envisioned. Instead, we have career politicians advocating bigger, costly government. The pay of Oklahoma legislators, \$32,000 a year, makes them the eighth highest paid in the nation. And frankly, Oklahoma taxpayers don't think they are getting their money's worth.

A scientific survey, commissioned this summer, showed over 75 percent of Oklahomans would support a constitutional amendment to limit the years state legislators may serve to 12. Limitation of terms is not new; governors' terms are limited to eight years.

Despite the overwhelming support among Oklahoma voters, this reform will not be accomplished without time, effort and money from all who want to see this enacted.

Tulsa
LLOYD NOBLE II
Chairman, Oklahomans
for Legislative Reform

Editor, The Tribune:

The proposed constitutional amendment to limit legislative service strikes at the heart of representative government, which holds that the people are best able to choose their own legislators.

The Legislature is the most important of the three branches of government. It makes the basic decisions, determines policies, and appropriates funds to carry them out. Twelve years may be long enough to master Roberts Rules of Order, but is not long enough to develop the statesmen needed to keep the Ship of State on a true course.

If applied to Congress, the 12-year rule would force Sen. David Boren to quit just as he has reached the period of his greatest service to state and nation. Had it been in effect in England, Winston Churchill could not have returned as prime minister to defend Britain and the Free World against Hitler. On a smaller scale, there are now some in our Legislature whose future service will become apparent in the years to come, if not forced out prematurely.

The proposed amendment is not so much an attack upon individual legislators as it is upon the sovereign right of the people to make their unrestricted choice. This is a right won over the centuries in only a few Western democracies, and it should not be given un-

People's forum

The Tribune welcomes letters and will publish as many as space permits. But no letter will be used unless it is signed with correct name and address. The Tribune reserves the right to edit all letters. Letters may be mailed to People's Forum, P.O. Box 1770, Tulsa, Okla. 74102. Contributors with access to a fax machine may transmit their letters by phoning 584-1037.

lives of people. Only experience begets wisdom. We are not born with it, nor does it come automatically with a diploma from law school.

If certain groups want to get rid of a handful of legislative committee chairmen, let them support superior candidates for those jobs; but in any event, the people should be allowed to make a free choice. This meat-ax attack upon our legislative branch is not in the public interest.

Oklahoma City L.D. MELTON

Legislative
Term of Office

Leg. T of O

2-Year Limiting Plan Irks Legislators

Tulsa Senator Questions Motives of Businessman Lloyd Noble II

Ron Jenkins
Associated Press Writer

OKLAHOMA CITY — Veteran Oklahoma legislators say they are used to dodging political brickbats, but are growing weary of the Legislature being used as a political whipping

In 1989, voters overwhelmingly adopted a constitutional change to shorten the length of legislative sessions, despite opposition from the leaders of the Democratic majority.

Now some veteran lawmakers, both Democratic and Republican, say they are incensed by another proposed constitutional amendment to limit the number of years a state House and Senate member can serve.

Sen. Charles Ford, R-Tulsa, questioned the motives of Tulsa businessman Lloyd Noble II, who is leading an initiative petition drive aimed at limiting legislative service to 12 years.

Ford said revenge may be a factor in Noble's efforts. He said Noble, formerly of Ardmore, ran for the Legislature several years ago and lost to veteran state Rep. Don Duke, D-Ardmore.

Ford charged that Noble has been angry at the Legislature since that loss.

Ford said he wants Noble to single out who in the Legislature he feels is "self-serving and needs to be replaced."

Through the years, some politicians have made a career out of running against the Legislature — including some legislators themselves.

In modern times, holding legislative leadership posts has not proven to be a big plus in running for statewide offices.

Only two former House speakers — Red Phillips and Alfalfa Bill Murray — have been elected governor. And that was in the 1930s.

Raymond Gary is the only former president pro tempore of the Senate to be elected to the top state elective position.

Among the notable House and Senate leaders who tried for higher office and failed was Clem McSpadden, who had won a spot in the U.S. House before opting for an unsuccessful race for governor.

The person who beat him in the Democratic runoff for governor in 1974 was David Boren, who moved up to chief executive from the statehouse.

Boren was a back-row legislator who took positions often at odds with the leadership.

He later was elected to the U.S. Senate and is generally regarded as the state's most popular politician.

"The Legislature has always been unpopular as a group and probably always will be," said Senate President Pro Tempore Bob Cullison, D-Skiatook.

Cullison also denounced the proposed constitutional amendment, saying he did not think it is right for the people in a district to be thwarted in re-electing someone voters feel is doing a good job.

"If the incumbents are not doing a good job they are defeated. If they are, they are elected. That's our process and I don't think it should be changed," Cullison said.

Cullison and Ford also disputed the contention that it is inordinately difficult to defeat an incumbent.

"That's ridiculous," said Ford as he ticked off the names of several veteran legislators who have been defeated at the polls in recent years, including two former Senate president pro tempores and an appropriations chairman.

In the Senate alone, there was a turnover of 29 members over a two-year period that included the 1986 and 1988 elections and Ford said Noble's amendment is unnecessary.

Ford also said it is not true that long-time legislators tend to dominate the top House and Senate leadership posts.

Petition to Limit Legislators Filed

12-Year Maximum Term Sought

By Chuck Ervin
World Capitol Bureau

OKLAHOMA CITY — An initiative petition seeking to limit state legislators to 12 years in office was filed with the secretary of state Monday.

Tulsa Lloyd Noble II, who sponsored the petition, said it contains signatures of some 201,000 Oklahomans who want to submit the issue to a vote of the people. Noble said an additional 10,000 names of petition signers would be filed before the end of the day.

Sponsors of the petition need about 175,000 valid signatures to bring the proposal to a statewide vote.

Secretary of State Hannah Atkins will count the signatures and send the petition to the Supreme Court. The court will have to certify that a sufficient number of registered voters signed the petition before a state question goes on the ballot.

Noble said some \$100,000 has been contributed to support the petition drive.

Andrew Tevington, Gov. Henry Bellmon's attorney, recommended a similar limit on legislative tenure to a Bellmon task force that proposed changes in Oklahoma's Constitution.

The task force did not adopt Tevington's proposal. Tevington

has denied encouraging Noble's petition drive, and Noble said he came up with the idea on his own.

Noble, a member of a prominent Ardmore family, is a former unsuccessful Republican candidate for the Oklahoma House of Representatives from Carter County.

He initially was unable to name his representative or senator, when asked by reporters.

"I don't know," Noble said. "I can get that information, if you like."

He later correctly identified his legislators as Sen. Penny Williams, D-Tulsa, and Rep. John Bryant, R-Tulsa.

Critics of the proposal to place a 12-year constitutional limit on legislative careers have charged that it is undemocratic and would deny residents the right to choose the individual they want to represent them in the Legislature.

"The people are going to vote on this petition," Noble said Monday. He said voters still would be able to select their representatives from other eligible persons in their Senate and House districts.

"It's not democratic when politicians perpetuate themselves at the taxpayers' expense," he said.

He said his proposal would eliminate "career politicians" and encourage more people to seek office.

Petition —

From Page 1
Supreme Court.

The court will re-count the signatures and then establish a period for anyone wishing to file a protest. If the petition survives the protest period, it will be considered valid and then the governor can set an election date for it.

If a special election isn't set for this issue, it will go on the ballot the next general election.

Noble said he got the idea for the petition after reading about discussions of a similar proposal before the governor's Constitution Revision Study Commission.

Andrew Tevington, a commission member and chief of staff for Bellmon, proposed limited legislative terms to the commission, but the commission rejected it.

Noble said the budget for circulating the petitions throughout the state was about \$200,000.

More than \$100,000 was donated to the petition drive, he said.

However, there were lots of volunteers who circulated petitions for no pay, he said.

His biggest disappointment, he

A democratic exercise

Tulsa 10-5-87

Tulsa oilman Lloyd Noble II is beginning to draw some negative reaction to his campaign to limit legislators to no more than 12 years in office. The oxen are getting restless.

Recently, Drew Mason, former aide to Gov. Henry Bellmon, and a long-time political insider, called the idea "clearly undemocratic." Mason knows better.

What could be more democratic than a petition drive and a vote on Noble's idea? Is it democratic when legislators stay in office so long that they have ceased to be effective or, worse, so long that they no longer care?

Leg. Term of
Office

Rep. Gary Maxey, D-Enid, says the right to vote will be restricted if 12-year veterans no longer can appear on the ballot. How about governors who have served the limit of two terms or, for that matter, U.S. presidents?

Noble's petition drive isn't inspired by radical thought. Proposals to limit congressional terms surface now and then only to disappear. But a campaign to trim the power of legislators is possible, thanks to the simplicity of initiative petition. Maybe that's what scares the politicians. It can be done.

Enid lawmaker disputes need for limiting legislative terms

OKLAHOMA CITY (AP) — An Enid lawmaker says a proposal to limit lawmakers to 12 years in the state Legislature is an effort to restrict voter rights and to shift power to the executive branch.

Rep. Gary Maxey, D-Enid, spoke out over the weekend against a proposed state constitutional amendment to put a 12-year cap on legislative terms.

"I think if people know their right to vote is being restricted, they will get out and vote against this constitutional amendment."

Maxey said.

"I am speaking from a voter's standpoint... Whether I am in office or not, I want the right to send someone down there," Maxey said.

Tulsa businessman Lloyd Noble II announced a petition drive Sept. 14 for the proposed constitutional amendment.

Maxey's view is supported by Drew Mason, a former aide to Gov. Henry Bellmon and a political science professor.

He called Noble's proposal

"clearly undemocratic."

"Our constitutions — federal and state — place the power of choice in the hands of the people, not the government," Mason said in a letter to The Daily Oklahoman.

Maxey also speculated that Noble's motive for making the proposal may have to do with control.

"It is a lot easier to control the executive branch than 101 members of the House of Representatives," he said.

Legis.
T.O.

Petition to Limit Terms Of Legislators Is Filed

By Jim Myers
World Capitol Bureau

709-2589 already.

OKLAHOMA CITY — Tulsa oilman Lloyd Noble II filed an initiative petition Thursday to limit lawmakers' tenure to 12 years.

Noble and the group he leads, Oklahomans for Legislative Reform, have 90 days to gather the approximately 175,000 signatures needed to put the petition on the state ballot.

Meanwhile, Gov. Henry Bellmon said he remained undecided on the issue but said he would probably sign the petition if asked.

Bellmon, who chose not to seek a third six-year term in the U.S. Senate in 1980, said such a limit for members of Congress might be in order.

During his regular daily press conference, the governor told reporters of the late U.S. Sen. John McClellan of Arkansas, who, Bellmon said, had "served past his prime" and then became chairman of the powerful Senate Committee on Appropriations.

He said McClellan, whom he admired in other ways, could not keep up during appropriations meetings.

"He didn't know which page (of a bill) we were on," Bellmon said.

McClellan died in 1977 at age 81, after serving 38 years in Congress.

At his press conference earlier, Noble said his organization will need about \$250,000 to fund the project and is nearing that goal.

He said less than a third of that money will come out of his own pocket.

Calling the project a bipartisan effort, Noble said former Democratic Gov. Raymond Gary, of Madill, will serve as its honorary chairman, noting that incumbent and former lawmakers from both parties have agreed to be on the advisory council.

All but one of the lawmakers he listed are Republicans.

"Oklahoma's favorite son, Will Rogers, once said, 'We have the best government money can buy.' Now, here we are many years later, that is not the case," Noble said in a statement to be delivered at press conferences in Oklahoma City, Tulsa, Ardmore, Enid and Lawton.

"Oklahoma now has the eighth highest-paid legislators in the nation. Yet Oklahoma schoolteachers are among the lowest paid. What kind of representative government is that?"

He said last year's vote by an independent board raising legislative pay from \$20,000 to \$32,000 annually prompted him to begin the petition drive.

Noble said that pay increase destroyed the concept of a citizen-legislator.

"Now we have professional politicians with the ability to buy votes with taxpayer money by passing out 'pork barrel' projects," he said.

Leg.
Term of Office

Legis. Term at
office

Legislative term curb is sought

Tribune Capital Bureau

9.15.89
OKLAHOMA CITY — Tulsa oilman Lloyd Noble II Thursday filed an initiative petition to limit Oklahoma legislators to 12 years in office.

Noble wants to amend the state constitution and has 90 days to gather more than 175,656 signatures to place the question on a statewide ballot. Oklahoma voters would decide whether legislators' terms should be limited.

Noble, chairman of a group which he formed, Oklahomans for Legislative Reform, said the petition drive would not affect current legislators. They would be limited to 12 years after the amendment is passed, regardless of how many years they already had served, he said.

The amendment would limit lawmakers to a total of 12 years in all legislative offices. A House or Senate member whose 12 years expired could not switch to the other body.

A poll paid for by Noble and conducted in July showed "a large majority of Oklahomans did not have confidence in the Legislature and also felt a legislator lost touch as length of service increased."

When asked whether the amendment would squash the democratic process by limiting voters who preferred to send a legislator to the Capitol for more than 12 years, Noble said he had "never heard any complaints" about the limits on terms set for the governor and lieutenant governor.

In May 1966, Oklahomans overwhelmingly passed a constitutional amendment to allow the governor to serve two terms rather than one as previously stipulated. The amendment also allowed the secretary of state, state auditor and state treasurer to succeed themselves.

Term Limit Called 'Undemocratic'

OKLAHOMA CITY (AP) — A proposal to impose a limit on the number of years legislators can serve has been labeled "clearly undemocratic" and a restriction on voter rights by two opponents of the measure.

"I think if people know their right to vote is being restricted, they will get out and vote against this constitutional amendment," Rep. Gary Maxey, D-Enid, said during the weekend.

Drew Mason, a former aide to Gov. Henry Bellmon and a political science professor, called the proposal "clearly undemocratic."

A petition drive is under way to collect signatures for a statewide vote on a proposal to change the Oklahoma Constitution to place a

12-year limit on the number of years a legislator may serve.

Tulsa businessman Lloyd Noble II announced the petition drive Sept. 14. Noble said the change is aimed at distributing power equally among all members of the Legislature.

Maxey described the proposal as an effort to restrict voter rights and to shift power to the executive branch.

"I am speaking from a voter's standpoint . . . whether I am in office or not, I want the right to send someone down there," Maxey said.

"Our constitutions, federal and state, place the power of choice in the hands of the people, not the government," Mason said.

"Why should we give away our

power to elect those whom we deem worthy, for as long as we wish to have them as our representatives?"

Maxey also speculated that Noble's motive for making the proposal may have to do with control.

"It is a lot easier to control the executive branch than 101 members of the House of Representatives," he said.

In many cases it takes a few years for a legislator to gain the experience to become effective, he said.

"He (Noble) would rather limit that and shift power to the executive branch, where a few wealthy people can control the man or women in the governor's mansion," Maxey said.

Initiative Petition Refiled

Doc-2784

An initiative petition to limit legislators' terms had to be refiled this week because the original didn't meet the statutory specifications, Lloyd Noble II, the petition's principal architect, said Friday.

Noble, a Tulsa businessman, said the size type on the first petition didn't meet specifications required by law. A second petition was filed Tuesday.

It contains the identical proposition that was in the first petition which is to amend the constitution to limit state legislators to no more than 12 years in office.

Noble must get 175,656 signatures of registered voters by Dec. 18 to get the proposal on a ballot.

Legislative Tenure Subject of Petition

A Tulsa-based group is undertaking a petition drive to limit the tenure of Oklahoma legislators to 12 years.

Lloyd Noble II, a Tulsa oil producer and chairman of Oklahomans for Legislative Reform, said the petition will be filed today with the Oklahoma Secretary of State. News conferences are scheduled in Oklahoma City, Tulsa, Lawton, Ardmore and Enid, he said.

The petition calls for an amendment to the Oklahoma Constitution that would limit an individual to serving 12 years in either the Oklahoma Senate or House of Representatives, or a combination of both.

The years would not have to be consecutive, and if a person was appointed to fill the remainder of an unexpired term that time would not count against the 12-year limit.

However, no member who had completed 12 years in office would be allowed to serve a partial term, the petition said.

Around the State

Term Limit Would Help Keep Process Working for People

OKLAHOMA editorial writers have expressed their views on topics including:

The Daily Ardmoreite

Lloyd Noble has launched his initiative petition campaign to clamp a 12-year lid on the length of time anyone can serve in the Oklahoma Legislature. The effort has its good points as well as its bad, but overall has merit as a way of keeping the political process working as it should for the people.

There have been examples of meritorious, honest service to the people for periods well past the 12-year limit Noble has proposed, just as there have been instances

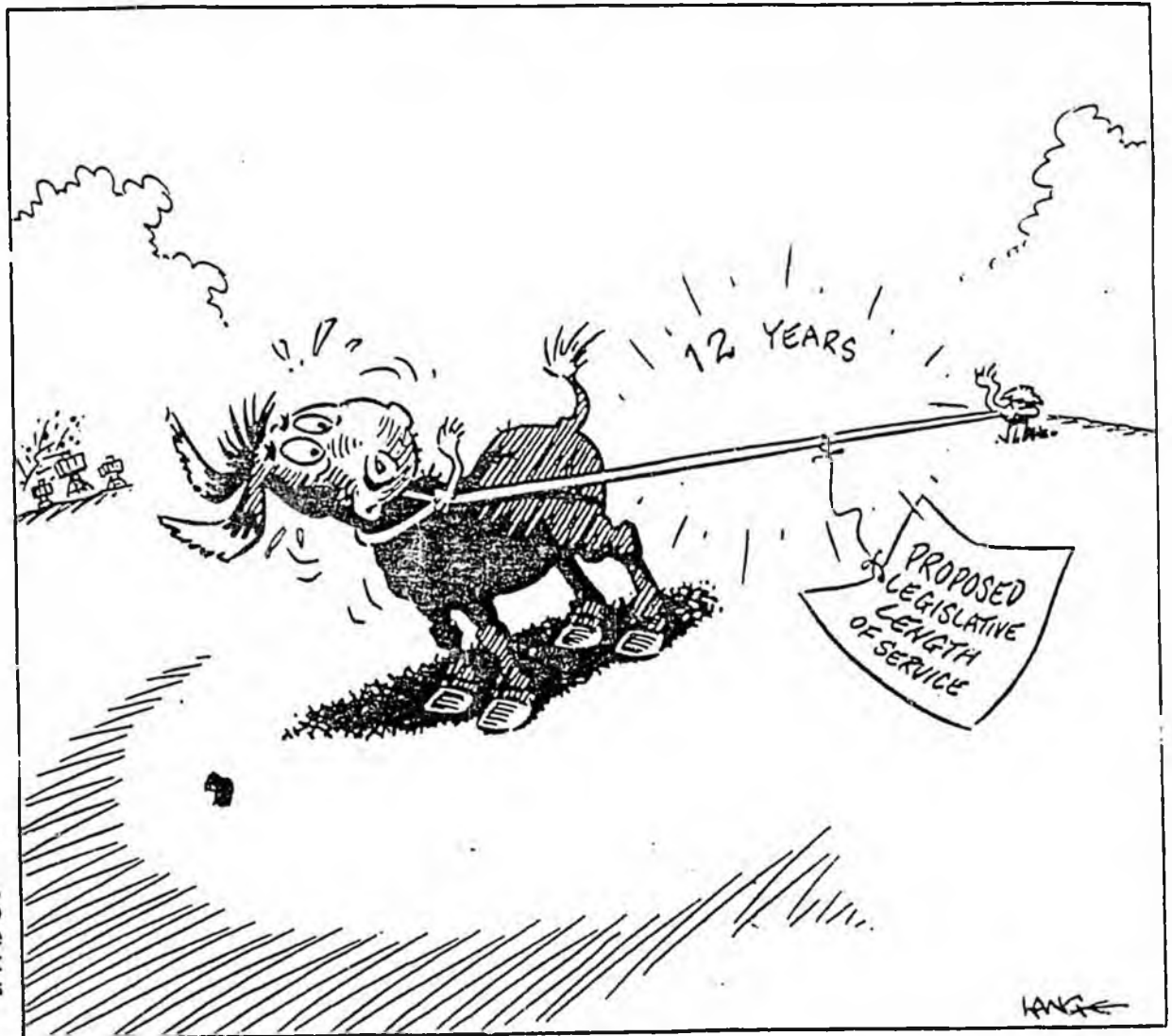
of almost immediate corruption when the wrong person is sent to the Legislature.

It makes sense to limit service to 12 years in order to eliminate the possibility that a lawmaker can become entrenched, and become more valuable to lobbyists or special interests than to the public at large.

If the initiative petition drive is successful and the proposal someday appears on the ballot, voters will have to decide whether the same, or similar, standards that now apply to the presidency and the governorship (two 4-year terms) should also apply to their elected representatives in the Legislature.

A Noble Goal

209-1884



Other...

Key:
Term of Office

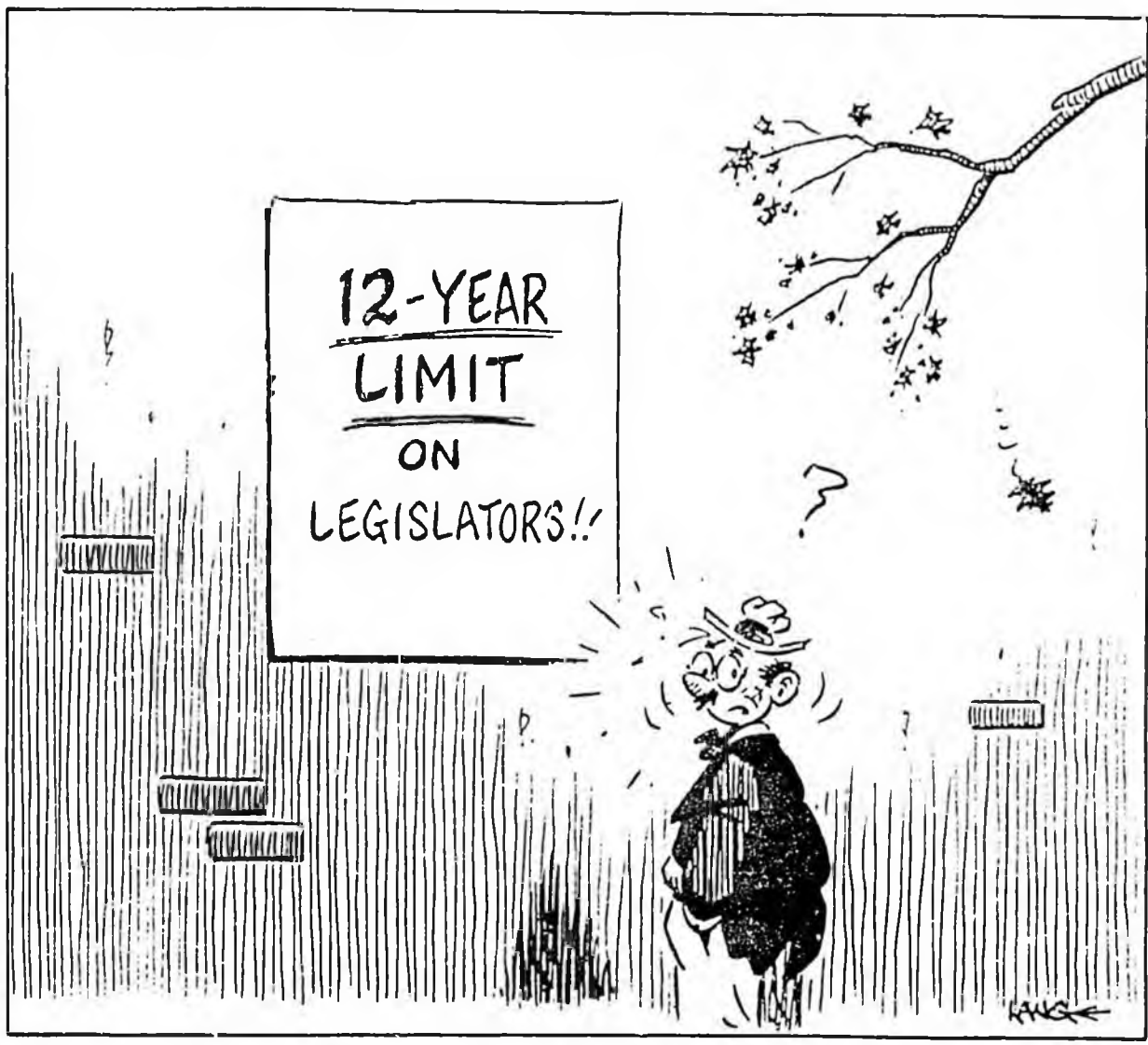
Legis.
Terms of Office
DO
9-21-89 24/16

Every Little Bit Helps



N 'Can We Make It Retroactive?'

1
1
sk.
ws
he
ut
9
so
p of
st
sa
ja
ll-
ly
of
re
tr
n
sh
ee
n
he
e
Y
nd
r
s
d
u
u



Leg. To O

2. DIMINISH ADVANTAGES TO ENCOURAGE
3. EQUALITY DISTRICTS
4. MORE ACCOUNTABILITY
5. HELP REDUCE INEQUITY 5/0
IN FUTURE!

LEGISLATIVE SPONSOR: HS State Affairs

TC DATE/DAY: Tues, Apr 10

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00 AM

LEGISLATIVE REFERENCE: HJR3/HJR57

JUNEAU ROOM: Cap 102

SUBJECT: (3) Auth Const Am. by Unit./57) Lmtg Terms/leg

BRIDGE: _____

CONTACT: Ann PH: 49603

OF PORTS: _____

DATE TAKEN/BY: Peg 4/5/90

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow *
- Bechel
- Delta Junction *
- Dillingham *
- Fairbanks
- Glennallen *
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg *
- Sitka
- Soldotna
- Valdez *

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS: _____

CHAIRING SITE: Juneau

CHAIRPERSON: Boucher

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

SPECIAL INSTRUCTIONS

H J R

58

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HJR 58

Const. Amdt: Calendaring/Voting on Bills

Received January 8, 1990
by Rep. Leman, Sharp

Heard April 18, 1990

Passed Out of Committee April 18, 1990
2 Do Pass
3 No Recommendation

TABLE OF CONTENTS

HJR 58: Const. Amdt: Calendaring/Voting on Bills

Item 1: HJR 58 by Rep. Leman, Sharp

Item 2: Fiscal Note and Analysis by Division of Elections

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 8, 1990

FURTHER REFERRALS: JUDICIARY
RULES

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HJR 58

HOUSE JOINT RESOLUTION NO.58 CONST AMDT: CALENDARING/VOTING ON BILLS

Proposing amendments to the Constitution of the State of Alaska relating to legislative action on bills and resolutions and legislative caucuses.

RECOMMENDATIONS:

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

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact Elections
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp column)

Alice Hanley Hanley

Jim Zawacki

	Do Not Pass	No Rec	Amend
<i>[Signature]</i> Finkelstein	X		
<i>[Signature]</i> MacLean	✓		
<i>[Signature]</i> Boucher	X		

* NEEDS AMENDMENTS

[Signature]
Chairman's Signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: 1/18/90
Title: Relating to legislative action on bills and resolutions
Sponsor: Rep. Leman
Requestor: Rep. Leman

Agency Affected: Office of the Governor
BRU: Division of Elections

Components: II - Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.2*	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2*	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	2.2*	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

* Costs included cover 2 to 3 pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote counting purposes.

Prepared by: Linda Edgeworth Phone: 465-4611
Division: Division of Elections Date: _____

Approved by Commissioner: [Signature] Date: 1.19.90
Agency: Division of Elections

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. HJR 58

However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2

Under these circumstances the fiscal note would be:

53.4