



Taxpayers watchdog since 1945

707 Broadway, Suite 905, San Diego, CA 92101
P: (619) 234-6423 • F: (619) 234-7403 • www.sdcta.org

Legislative Term Limits Reform Act of 2010
Initiated Constitutional Amendment
June 2012

Board Action:

SUPPORT

Rationale:

The San Diego County Taxpayers Association (SDCTA) opposes term limits. The “Legislative Term Limits Reform Act of 2010” would assist in reforming current term limit laws at the state level by allowing elected officials to gain experience by providing an outlet for them to serve in a one house of the legislature for the duration of their tenure and gain experience in various policy areas.

If the Legislative Term Limits Reform Act is approved, then legislators will have the capacity to service an entire 12 years within the Assembly or the Senate. By allowing legislators a large term within one post, the legislators will be allowed to undertake longer-term policy topics and look past their next election. While the measure does not eliminate term limits, it is a step in the right direction.

Background:

Prior to 1990, term limits were not imposed on California legislators. In the November 1990 election, voters passed Proposition 140, which changed the State Constitution to impose term limits on members of the California Legislature. At present, an individual can serve up to fourteen years in the Legislature. The individual’s service is restricted to six years in Assembly (three two-year terms) and eight years in Senate (two four-year terms). SDCTA supported Proposition 140 chiefly because it limited the total amount of expenditures allowed by the Legislature. SDCTA stated at the time that the limitation of the expenditures would aid in creating a more efficient and accountable legislature.



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Table 1: Summary of SDCTA Historical Positions on Term Limits

Date	Prop	Description	SDCTA Rationale	SDCTA Position	Result
Nov. 1990	140	Limits on terms of office, legislators' retirement, legislative operating costs: Members of the State Assembly elected or appointed after November 5, 1990 limited to three two-year terms; Senate to two four-year terms. Lifelong ban against seeking the same office once the limits have been reached.	This measure will make the legislature more efficient and accountable. Also, Prop 131, which would allow a legislator to relinquish one term before returning to the same office for another tour of duty, would be nullified by this proposition.	Support	Passed
Nov. 1990	131	Limits elected statewide officials to eight successive years in office; state legislators, Board of Equalization members to 12 successive years. Limits gifts to elected state, local officials.	State funding was primary reason for opposition.	Oppose	Failed
Nov. 1992	164*	For seats in U.S. Congress, denies ballot access to persons who have already held such office for specified period. Does not count pre-1993 service.	First, do we favor change at the federal level? Are we willing to risk some loss of seniority in congress, at least for the short term? If we are, this warrants our support.	Support	Passed
Nov. 2000	E	Eliminate term limits in the City of Chula Vista for the Mayor and City Council.	Term limits prevent voters from reelecting elected officials for as many terms as they see fit. SDCTA is supportive of ending term limits.	Support	Failed
Nov. 2000	F	Extension of term limits in the City of Chula Vista, from two terms to three, as well as adding the requirement that candidates must wait three years prior to seeking reelection.	SDCTA supported Prop E that would have eliminated term limits.	Oppose	Failed
Mar. 2002	45	Allows local voters to petition the Secretary of State to permit their incumbent, termed-out Senator/Assembly Member to run for reelection to that same office, thereby allowing the legislator to serve up to an additional four years in office.	This proposition is a poor attempt to fix the term limit problem. It grants special interests more power to persuade voters through petition.	Oppose	Failed
Nov. 2004	T	Imposes term limits that prevent the Mayor from serving more than three consecutive terms in National City.	SDCTA opposes term limits. It is up to voters to decide how long an individual stays in office. They do so via the ballot box.	Oppose	Passed
Feb. 2008	93	Limits legislators' terms in the state legislature from 14 to 12 years.	Although this measure would reduce the total number of years lawmakers could serve from 14 years to 12, the addition of a grandfather clause allowing current members to serve additional terms beyond current law is disingenuous.	Oppose	Failed
Jun. 2010	B	Limits legislators' terms for County Board of Supervisors to 2 terms.	For the past decade, the San Diego County Taxpayers Association (SDCTA) has consistently opposed limits on terms of office for elected officials, upholding that it is up to voters to decide how long an individual stays in office. Proponent arguments reflect a frustration with the current governing body and incumbent fundraising advantages.	Oppose	Passed

Previous California Propositions

SDCTA opposed Proposition 93, which would have limited State legislators terms from 14 to 12 years, regardless of whether they are members of the Assembly or of the Senate, or a combination of the two. The rationale for this opposition stated that, “With current term limits, it is difficult for legislators to develop policy and process expertise in such a short time frame.” Further, there was debate as to whether the measure would allow for previously termed out legislators to be eligible to return to office. Many past legislators stated their intention of seeking election to their previous positions upon passage of the measure, which could have resulted in litigation.

Proposal:

The title and summary of the “Legislative Term Limits Reform Act of 2010” from the Attorney General of California reads¹:

LIMITS ON LEGISLATORS’ TERM IN OFFICE. INITIATIVE CONSTITUTIONAL AMENDMENT. Reduces the total amount of time a person may serve in the state legislature from 14 years to 12 years. Allows a person to serve a total of 12 years in either the Assembly, the Senate, or a combination of both. Applies only to legislators first elected after the measure is passed. Provides that legislators elected before the measure is passed to continue to be subject to existing term limits. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: No direct fiscal effect on state or local governments.

Reduction of total number of years in Legislature

This measure amends Section 2 of Article IV of the California Constitution. If approved, it would reduce the total number of years an individual can serve as a legislator in his or her lifetime from fourteen years to twelve years.

Serve in either Assembly or Senate

This initiative would permit a legislator to serve his or her years of service in either or both houses of the Legislature for up to the term limit of twelve years. For future legislators, this measure would make available the option to serve a longer period in a single house. Alternatively, future legislators could be elected to one or more terms in one or the houses and then be elected to one or more terms in the other house of the Legislature. In due course, the legislators would be able to serve up to the total term limit of twelve years.

Future Legislators

This proposal prohibits any current or former legislator from benefitting from an extension of time served beyond current term limits. It is only applicable to legislators first elected *after* the approval of this measure.

¹ From the Office of the Secretary of State. Accessed April 20, 2011.

Analysis

Fiscal Impact

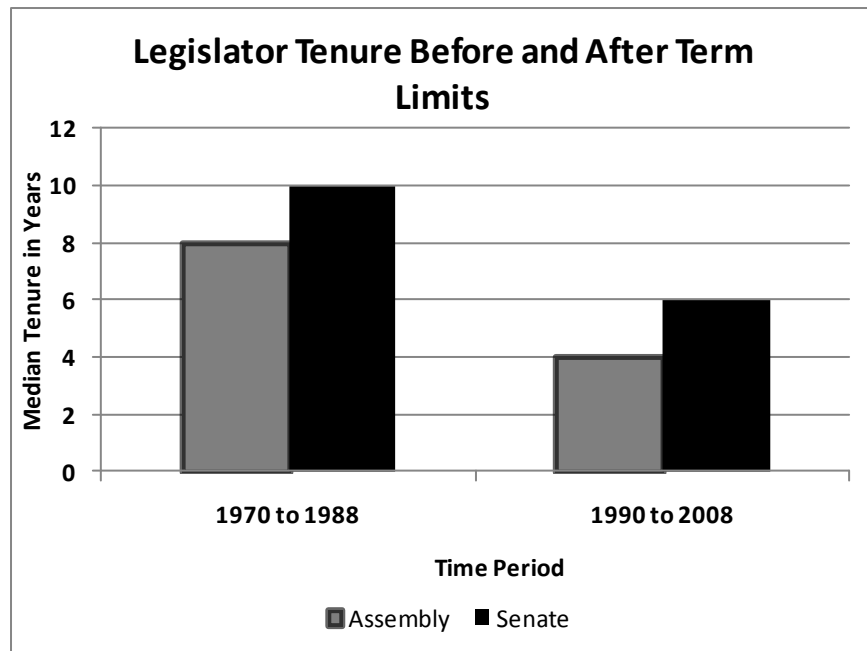
According to the Legislative Analyst’s Office, this amendment to the California Constitution would have no direct fiscal impact on state or local governments.²

Legislators’ Experience

The Center for Governmental Studies analysis of the impacts of Proposition 140 demonstrates that Assembly experience fell by about one and a half years and Senate experience by approximately two to four years between 1990 and 2008.³ If Proposition 140, which built term limits, had an impact of reducing experience by ending the term limit at 14 years, then the current initiative can potentially further reduce the experience of legislators as it will diminish their time in office to 12 years.

12 Years Service in One House

Legislators spend less time within their individual houses under term limits. According to the Center for Governmental Studies analysis, from 1970 to 1988, the average years served by an Assemblymember in the Assembly was eight years and the median tenure for a member of the Senate was ten years. The overall median legislator had spent twelve years in office. With term limits, from 1990 to 2008, the median Assemblymember term was four years in the Assembly and six years in the Senate. The overall median legislator had spent six years in office. The following is a graphic distribution of overall tenures for legislators from 1990 to 2008.⁴



² Taylor, Mac. Office of the Legislative Analyst. November 12, 2009. Accessed April 20, 2011.

³ “Termed Out: Reforming California’s Legislative Term Limits”. Center for Governmental Studies. October 2007. (pg9)

⁴ Ibid (pg 24)

Committees Experience

The committees of the California State Legislature are the primary venue for policymaking. When Proposition 140 went into effect, it reduced the specialization of legislators in policy areas and instead encouraged legislators to rotate between committees. This is considered to occur because of the implementation of term limits through Proposition 140.⁵

If term limits are further shortened by permitting legislators to alter between Assembly and Senate, then it could further reduce the element of specialization within committees. Specialization is needed within the committee structure because it allows the legislative body to make informed voting decisions on a wide range of issues.

Proponents:

The “Legislative Term Limits Reform Act of 2010” is supported by the campaign “Californians for a Fresh Start”, which is a joint venture of the Los Angeles County ALF-CIO and the Los Angeles Chamber of Commerce.⁶ Other supporters include California Common Cause. Proponents argue that the politicians are simply looking ahead to the next office rather than focusing their time upon the present dilemmas at hand. The Californians for a Fresh Start are looking to reform term limits in order to provide independence to politicians from lobbyists and develop expertise.

Opponents:

There are no listed opponents to this measure as of May 9, 2011.

⁵ Ibid (pg 44)

⁶ From the Los Angeles Chamber of Commerce website. Accessed June 8, 2010.