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## TERM LIMIT PLEDGE FOR CONGRESSIONAL CANDIDATES

**House Joint Resolution "AA"**

**Sponsor: Rep. Greg Kaza**

**Committee: House Oversight and Ethics**

**Complete to 9-18-97**

### **A SUMMARY OF HOUSE JOINT RESOLUTION "AA" AS INTRODUCED 7-16-97**

The resolution would submit to a vote of the people of the state at the next general election an amendment to the state constitution that would provide for a voluntary term limits pledge for congressional candidates. More specifically, the resolution would amend Section 4 ("Place and Manner of Elections") of Article II ("Elections") of the constitution of 1963 to require the secretary of state to make available to candidates for United States Senator a pledge to serve for no more than two terms and to candidates for United States Representatives a pledge to serve for no more than three terms. If a congressional candidate executed and submitted such a pledge to the secretary of state as required under the resolution, the secretary of state would indicate on every election ballot and in all state-sponsored voter education material that the candidate had signed a term limits pledge and, for candidates who had executed a term limits pledge but ran for more than the number of terms in the pledge, that the candidate had broken the term limits pledge.

Text of the pledge. The term limits pledge for candidates for U.S. Senator would read: *"I voluntarily pledge not to serve in the United States Senate for more than 2 terms after the effective date of section 11 of article II of the state constitution of 1963. I understand that informing the voters that I have taken this pledge is important to the voters. I authorize, instruct, and ask the secretary of state to notify the voters of this action by causing the applicable statement of 'signed term limits pledge to serve no more than 2 term' or 'broke term limits pledge' next to my name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office of United States Senator. Signature: \_\_\_\_\_ Date: \_\_\_\_\_"* Similarly, the pledge for candidates for U.S. Representative would read: *"I voluntarily pledge not to serve in the United States House of Representatives more than 3 terms after the effective date of section 11 of article II of the state constitution of 1963. I understand that informing the voters that I have taken this pledge is important to the voters. I authorize, instruct, and ask the secretary of state to notify the voters of this action by causing the applicable statement of 'signed term limits pledge to serve no more than 3 terms' or 'broke term limits pledge' next to my name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office of representative in congress. Signature: \_\_\_\_\_ Date: \_\_\_\_\_"*

Execution and implementation. The secretary of state would be required to promulgate rules ("as provided by law") to implement the resolution. Congressional candidates could submit to the secretary of state an executed copy of the pledge on or before the 15th day before the secretary of state was required to certify to the appropriate boards of election commissioners the names of candidates who would appear on the ballot. If a congressional candidate submitted a

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term limits pledge as prescribed by the resolution, the secretary of state would "cause to be printed"

on every election ballot and in all state-sponsored voter education material next to the candidate's name either (a) that the candidate had signed a term limits pledge, if the candidate had ever executed the appropriate term limits pledge and hadn't qualified for a term that would exceed the number of terms in the pledge, or (b) that the candidate "broke the term limits pledge," if he or she had ever executed the appropriate pledge and had qualified for a term that exceeded the number of terms in the pledge. Under the resolution, service in office for more than half of a term would be considered to be service for a full term.

Displaying the term limits pledge. In addition to making available term limits pledge forms that met the resolution's requirements, the secretary of state also would be responsible for ensuring that a sufficient number of copies of the term limits pledge be provided to the various boards of election commissioners to be displayed in each election precinct in the state. In each election precinct, while the polls were open during a congressional election, the appropriate board of election commissioners would be required to "cause a copy of the term limits pledge form to be conspicuously displayed."

Legal standing of sponsor. The resolution would specify that the "state-recognized proponent and sponsor" of the initiative to place the proposed amendment in the state constitution would have the legal ability ("standing") to defend the resolution's provisions.

Severability. If a court found any part of the resolution or the application of the resolution invalid, that finding wouldn't affect the parts or applications that could be given effect without the invalid part or applications (so long as the court hadn't determined that the remaining parts were inoperable).

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.