

Date of Hearing: March 25, 2026

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 1539 (Addis) – As Introduced January 5, 2026

SUBJECT: Presidential elections: qualifications for office.

SUMMARY: Requires a representative from each political party to certify under penalty of perjury that the party's candidates for President and Vice President of the United States (US) are not barred by federal term limits from being elected to the office of President. Specifically, **this bill:**

- 1) Requires a representative of each political party that is qualified to participate in a presidential general election to certify, under penalty of perjury, that the party's nominee for US President is qualified to be elected under the 22nd Amendment to the US Constitution, and that the party's nominee for Vice President is qualified to be elected to the office of President under the 22nd Amendment and therefore is constitutionally eligible for the office of Vice President under the 12th Amendment.
- 2) Prohibits a political party's nominees for President and Vice President from being placed on the ballot at a general election if the required certifications have not been made.

EXISTING LAW:

- 1) Requires each political party qualified to participate in the presidential general election to notify the Secretary of State (SOS) of the names of that party's nominees for the offices of President and Vice President by the 75th day before the election. Permits a party to notify the SOS of the party's *apparent* nominees for President and Vice President instead if the party has not held its national convention by the 75th day before the election. (Elections Code §6901.5)
- 2) Requires each political party to submit to the SOS a certified list of its nominated candidates to serve as presidential electors, as specified. Requires the names of the candidates for President and Vice President nominated by each party to be printed on the ballot instead of the names of the political party's elector nominees. (Elections Code §§6864, 6901, 7100, 7300, 7578, 7843)
- 3) Provides that a presidential elector candidate may be nominated by a means other than a primary election. Provides that a group of candidates for presidential electors, equal in number to the number of presidential electors to which this state is entitled, may file a nomination paper with the SOS that names the candidates for President and Vice President that the group pledges to vote for, as specified. Requires the names of the candidates for President and Vice President that the group pledged to vote for to be printed on the ballot instead of the names of the candidates for presidential elector. (Elections Code §§8300, 8303, 8304)

- 4) Provides that no person shall be elected to the office of the President more than twice, and that no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once, as specified. (US Constitution, 22nd Amendment)
- 5) Provides that no person who is constitutionally ineligible to the office of President shall be eligible to that of Vice President. (US Constitution, 12th Amendment)

FISCAL EFFECT: Unknown. State-mandated local program; contains a crimes and infractions disclaimer.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author, “The current federal administration has repeatedly tested constitutional guardrails and openly floated the idea of seeking a third term. AB 1539 stops these abuses of power before they reach our ballot and protects Californians from bad faith attempts to game the Constitution and undermine our democracy.”
- 2) **Presidential Elections in California:** Elections in California for President and Vice President differ from the process for electing individuals to other federal offices and to state office. Aside from the fact that the results of these elections depend on votes cast in other states, the process for choosing the candidates who appear on the ballot at the general election also differs from California elections for other offices.

Presidential primary election results do not directly determine the candidates who will appear on the ballot at the general election. Instead, primary election results are used by some political parties to determine the delegates that represent the state at the parties’ national conventions. The delegates to those conventions generally choose each party’s nominee for President, and the nominee for President typically chooses the party’s Vice Presidential nominee.

While the names of a party’s candidates for President and Vice President are printed on the ballot at Presidential general elections, Californians actually are casting their votes for a slate of presidential elector candidates selected by the political party that nominated that presidential ticket (or, in the case of an independent presidential ticket not affiliated with a political party, for a slate of elector candidates that has pledged to vote for that ticket). This is because the voters do not directly elect the President and Vice President; instead, the US Constitution requires each state to appoint electors who have the responsibility of choosing the President and Vice President. Each state is allocated a number of electors equal to the number of Senators and Representatives that the state is entitled to in Congress. As a body, the electors chosen by each state are referred to as the “Electoral College.”

- 3) **Presidential Term Limits and President Trump:** Until Franklin Delano Roosevelt was elected to a third term as US President in 1940, no President had served more than two terms in office. President Roosevelt subsequently was elected to a fourth term in 1944, though he died in office less than three months into that term. After President Roosevelt died, Congress proposed an amendment to the US Constitution enacting a two-term limit for the Presidency. That amendment subsequently was ratified and became the 22nd Amendment to the US

Constitution in 1951.

The 22nd Amendment provides that no one “shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.”

Donald Trump was elected to his first term as President in 2016 and again was elected President in 2024. Notwithstanding the fact that the plain language of the 22nd Amendment bars him from being elected to the office of President again, President Trump and his allies nonetheless have floated the idea that he could run again for a third term in 2028. In March 2025, for example, the *Associated Press* quoted President Trump as saying that he wasn’t joking about trying to serve a third term, and that “there are methods which you could do it.” In October, President Trump told reporters that he hadn’t really thought about running for a third term, but also refused to rule out running again in 2028. Furthermore, media outlets have reported that the official Trump store is selling Trump 2028 hats, and President Trump has displayed those hats in the Oval Office. At other times, the press has reported that President Trump has publicly downplayed the prospect of running for a third term.

It is unclear whether President Trump is serious about seeking to serve another term as President, or whether his public musings about doing so are merely an effort to energize supporters and unnerve his political opponents. Absent a repeal of or an amendment to the 22nd Amendment, however, there is no obvious legal path for him to run for a third term. By requiring political parties to certify that their nominees for President and Vice President are not barred by federal term limits from being elected to the office of President, this bill seeks to ensure that candidates who clearly are constitutionally ineligible to be elected as President or Vice President do not appear on the ballot in California.

- 4) **Other Presidential Eligibility Criteria:** This bill focuses specifically on the possibility of a presidential candidate seeking a third term in office. Although the US Constitution establishes additional eligibility requirements for serving as President or Vice President, nothing in this bill requires political parties to certify that their candidates meet those requirements. Questions about whether the SOS may exclude presidential candidates from the ballot based on eligibility concerns have been litigated frequently in California and across the country in recent years.

For example, in 2008, former presidential candidate Alan Keyes and others sued Secretary of State Debra Bowen, alleging that Barack Obama was not a natural-born citizen and therefore was ineligible to serve as President. The plaintiffs argued that the SOS had a duty to investigate whether presidential candidates meet constitutional qualifications before placing them on the ballot. The California Court of Appeal rejected this claim, holding that the plaintiffs failed to establish any such duty. (*Keyes v. Bowen* (2010), 189 Cal.App.4th 647.)

In 2012, Peta Lindsay, then 27 years old, sued Secretary Bowen after being excluded from California’s presidential primary election ballot for the Peace and Freedom Party. Lindsay did not meet the Constitution’s minimum age requirement of 35. The US Court of Appeals for the Ninth Circuit upheld the Secretary’s decision, finding that California may refuse to

list candidates who are “indisputably ineligible” to serve. The court further held that such exclusions do not violate the First Amendment or the Equal Protection Clause because the burden on political rights is minimal and justified by the state’s interest in maintaining ballot integrity and avoiding voter confusion. (*Lindsay v. Bowen* (2014), 750 F.3d 1061.)

During the 2024 Presidential campaign, multiple legal disputes arose over whether former President Donald Trump was constitutionally ineligible to run under Section 3 of the Fourteenth Amendment, often referred to as the “insurrection clause.” The most notable dispute arose in Colorado, where the state’s Supreme Court ruled in December 2023 that Trump’s actions related to the January 6, 2021, Capitol attack amounted to engaging in an insurrection, and that he therefore was ineligible to run for President. On appeal, however, the US Supreme Court unanimously reversed that decision, holding that individual states lack authority to enforce Section 3 of the Fourteenth Amendment for federal offices—such as the presidency. (*Trump v. Anderson* (2024), 601 US 100.)

Each of these cases involved distinct factual circumstances regarding candidate eligibility and raised questions about whether the SOS has the authority—or obligation—to exclude candidates from the ballot on that basis. Of these, *Lindsay v. Bowen* is most analogous to the issue of presidential term limits, as the case involved no meaningful factual dispute about the candidate’s ineligibility, nor did making a determination of eligibility require extensive investigation and fact finding by the SOS. Just as states may exclude candidates who do not meet the Constitution’s minimum age requirement, excluding candidates who are clearly barred by presidential term limits from appearing on the ballot would similarly serve the state’s interest in protecting the integrity of the electoral process.

- 5) **Independent Candidates and Proposed Amendments:** While this bill requires a representative of each political party to attest under penalty of perjury that the party’s candidates for President and Vice President are not barred by federal term limits from serving as US President, it does not currently impose a similar requirement for candidates who qualify for the ballot as Independent candidates for President and Vice President. Committee staff recommends that this bill be amended to apply its provisions to Independent candidates.
- 6) **Notification to Secretary of State and Proposed Technical and Clarifying Amendments:** To ensure that this bill can be properly implemented and to avoid potential ambiguity, committee staff recommends amendments to clarify that the certification under penalty of perjury that candidates for President and Vice President are not barred by federal term limits from serving as US President must be submitted to the SOS in writing at the same time that the party notifies the SOS of its nominees. Committee staff additionally recommends amendments to clarify that this bill’s requirements apply to a scenario where a political party notifies the SOS of its *apparent* nominees for President and Vice President because the party’s national convention has not been held by the deadline for notifying the SOS of the party’s candidates.
- 7) **Arguments in Support:** The sponsor of this bill, Lieutenant Governor Eleni Kounalakis, writes in support:

The Twenty-Second Amendment limits any individual from being elected President more than twice, and the Twelfth Amendment bars anyone ineligible to serve as President from serving as Vice President. However, current law does not provide clear consequences if a political party attempts to place a constitutionally ineligible candidate on the ballot.

AB 1539 addresses this gap by requiring a representative of each political party to certify, under penalty of perjury, that their nominees for President and Vice President are qualified to serve under the Twenty-Second Amendment. By establishing a clear legal consequence for knowingly attempting to place an ineligible candidate on the ballot, this bill reinforces respect for constitutional limits and helps safeguard the integrity of our elections.

- 8) **Related Legislation:** SB 46 (Umberg), which is awaiting referral to a policy committee in the Assembly, prohibits the SOS from placing the name of a candidate for President or Vice President on a ballot at a primary or general election unless the candidate affirms, under oath, that the candidate meets the qualifications to be elected and hold the office.

REGISTERED SUPPORT / OPPOSITION:

Support

Lieutenant Governor Eleni Kounalakis (Sponsor)
CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO
Santa Cruz County Board of Supervisors

Opposition

2 individuals

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