

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1539 (Addis) – As Amended March 26, 2026

Policy Committee: Elections Vote: 7 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill requires a representative of each political party to certify to the Secretary of State (SOS) that the party's nominees for President and Vice President are qualified for that office under the 22nd Amendment of the US Constitution.

If such written certification is not made under penalty of perjury, the names of the party's nominees must not appear on the ensuing general election ballot. This bill also establishes a similar certification process for independent presidential and vice presidential candidates.

FISCAL EFFECT:

Negligible costs to the SOS to accept written certifications regarding a candidate's qualification for election under the 22nd Amendment.

However, this bill may result in future litigation costs of an unknown, but potentially significant, amount to the SOS (General Fund). Given the SOS's past experiences implementing state laws that imposed additional requirements or preconditions for presidential and vice presidential candidates to appear on the ballot, the SOS notes that this bill, if enacted, could expose the SOS to constitutional and legal challenges.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

COMMENTS:

1) **Purpose.** 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.

This bill is sponsored by Lieutenant Governor Eleni Kounalakis and supported by a labor organization and county board of supervisors.

2) **22nd Amendment.** The 22nd Amendment of the US Constitution was ratified in 1951 to set a two-term limit for the presidency after the death of President Roosevelt, the only US

President who served more than two terms in that office. Although the plain language of the 22nd Amendment bars President Trump from being elected to the presidency again, after being elected to the office in 2016 and 2024, President Trump and his allies have suggested that he could run for a third term. This bill requires a political party to certify that its nominees for President and Vice President are not barred from office by federal term limits and prohibits non-certified nominees from appearing on the ballot in California.

- 3) **Related Legislation.** SB 46 (Umberg) prohibits the SOS from placing the name of a candidate for President or Vice President on a primary or general election ballot unless the candidate affirms, under oath, that the candidate meets the qualifications for that office. SB 46 also allows the SOS to investigate a presidential or vice presidential candidate's qualifications and provides how a candidate's qualifications may be challenged in court. SB 46 is pending referral at the Assembly Desk.

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