

## ASSEMBLY THIRD READING

AB 1539 (Addis)

As Amended May 19, 2026

Majority vote

**SUMMARY**

Requires a representative from each political party, a representative of each independent presidential ticket, *and a representative of each write-in presidential ticket*, to certify under penalty of perjury that their nominees 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.

**Major Provisions**

- 1) Requires a representative of each political party that is qualified to participate in a presidential general election to certify to the Secretary of State (SOS), 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. Requires a representative of each group of independent *or write-in* presidential electors that are pledged to vote for a specific candidate for President and Vice President to make a similar certification.
- 2) Prohibits nominees for President and Vice President from being placed on the ballot at a general election, *and prohibits a group of write-in candidates for presidential electors from appearing on the SOS's certified list of write-in candidates*, if the required certifications have not been made.

**COMMENTS**

The 22nd Amendment to the US Constitution 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. 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.

Please see the policy committee analysis for a full discussion of this 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."

### **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."

### **Arguments in Opposition**

None received.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, 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.

## **VOTES**

### **ASM ELECTIONS: 7-0-1**

**YES:** Pellerin, Addis, Berman, Elhawary, Johnson, Solache, Stefani

**ABS, ABST OR NV:** Gallagher

**ASM APPROPRIATIONS: 14-0-1**

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

**ABS, ABST OR NV:** Dixon

**UPDATED**

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