
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 1539 **Hearing Date:** June 30, 2026
Author: Addis
Version: June 17, 2026
Urgency: No **Fiscal:** Yes
Consultant: NDT

Subject: *Presidential elections: qualifications for office*

HISTORY

Source: Lieutenant Governor Eleni Kounalakis

Prior Legislation: None

Support: CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO

Opposition: None known

Assembly Floor Vote: 75 - 0

PURPOSE

The purpose of this bill is to prevent a candidate, who has already served two terms of office or is otherwise unqualified for office under the U.S. Constitution, from being placed on the California ballot as a candidate for President of the United States.

Existing law states, pursuant to the U.S. Constitution, that “[n]o person 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.” (U.S. Const., 12th Amend.)

Existing law states, pursuant to the U.S. Constitution, “no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.” (U.S. Const., 12th Amend.)

Existing law states, pursuant to the U.S. Constitution, that when electors of a state meet and vote “for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves....” (U.S. Const., 12th Amend.)

Existing law states, pursuant to the U.S. Constitution, that “[t]he executive power shall be vested in a President of the United States of America. He shall... be elected, as follows: Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress....” (U.S. Const., art. II.)

Existing law permits, pursuant to the California Constitution, the Legislature to provide for partisan elections for presidential candidates, including a “presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.” (Cal. Const., art. II, § 5, subd. (c).)

Existing law provides specific procedures by which the Democratic Party, the Republican Party, the American Independent Party, the Peace and Freedom Party, and the Green Party to participate in a presidential primary election. (Elec. Code, §§ 6000 et. seq.)

Existing law requires by 5 p.m. on the 75th day before an election at which electors for President and Vice President will be chosen, that each of these parties notify the Secretary of State (SOS) of the party’s nominee for President and Vice President. If a party has not yet held its national convention, then the party may notify the SOS of its apparent nominee. (Elec. Code, § 6901.5.)

Existing law requires the SOS to place on the general election ballot the names of the candidates for President and Vice President that the political parties have selected. (Elec. Code, §§ 13103, 13105.)

Existing law provides a process to nominate candidates for partisan offices by means other than a partisan primary, including the nomination of a group of presidential electors. (Elec. Code, § 6901.)

Existing law provides a process for presidential electors to be selected as write-in candidates. (Elec. Code, § 15340.)

Existing law provides that every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury. (Pen. Code, § 118, subd. (a).)

Existing law provides that any person who, in any affidavit taken before any person authorized to administer oaths, swears, affirms, declares, deposes, or certifies that they will testify, declare, depose, or certify before any competent tribunal, officer, or person, in any case then pending or thereafter to be instituted, in any particular manner, or to any particular fact, and in such affidavit willfully and contrary to such oath states as true any material matter which they know to be false, is guilty of perjury. In any prosecution, the subsequent testimony of such person, in any action involving the matters in such affidavit contained, which is contrary to any of the matters in such affidavit contained, shall be prima facie evidence that the matters in such affidavit were false. (Pen. Code, § 118a.)

Existing law makes perjury a felony, punishable by imprisonment for two, three, or four years. (Pen. Code, § 126.)

This bill requires by 5 p.m. on the 75th day before an election at which electors for President and Vice President will be chosen, a representative of each political party certify to the SOS in writing and under penalty of perjury the following:

- The party's nominee for President is qualified under Amendment XXII to the U.S. Constitution.
- The party's nominee for Vice President is qualified under Amendment XXII to the U.S. Constitution and therefore eligible under Amendment XII.

This bill requires that if the party does not make these certifications, then the SOS shall not place the names of the party's nominees for President and Vice President on the ballot.

This bill requires a representative of a group of independent presidential electors that are pledged to vote for a specific candidate for President and Vice President to make this same certification. If this certification is made, then the SOS shall place those candidates' names on the ballot.

This bill requires that a representative of a group of write-in candidates for presidential electors shall by 5 p.m. on the 14th day before the election make this same certification. If this certification is made, then the SOS shall include the group of write-in candidates for presidential electors on the SOS's certified list of write-in candidates.

COMMENTS

1. The Need for 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.

2. Perjury

Perjury occurs when a person, having taken an oath that they will speak honestly before a tribunal, officer, or person, states as true any material matter which they know to be false. (Pen. Code, § 118, subd. (a).) Perjury applies not only to the described testimony but also to written sworn affidavits. (Pen. Code, § 118a.) It is a jail felony punishable by two, three, or four years of imprisonment. (Pen. Code, § 126.)

It is not a defense to perjury that the person accused was not competent to give the testimony of which the falsehood is alleged. (Pen. Code, § 122.) It is also not a defense to perjury that the person accused did not know the materiality of the false statement or did not know the effect that the false statement could have. (Pen. Code, § 123.) A person cannot be convicted of perjury if the proof of their perjury rests solely upon the testimony of one other person. (Pen. Code, § 118, subd. (b).)

3. Effect of This Bill

This bill makes it a crime for a representative of a political party to attempt to place someone on the ballot for President or Vice President who is unqualified to serve due to term limits. Specifically, it requires a representative of each political party to certify, under penalty of perjury, that the party's nominees for President and Vice President are qualified under the Twenty-Second Amendment. If that certification is not made, it would prohibit placing the names of the nominees on the ballot for the general election. As written, when the candidate takes the attestation, they will likely know if they are qualified under the Twenty-Second Amendment.

If a voter or election official commits election fraud, they may be convicted of a crime.¹ However, if a candidate defrauds the people, there is no criminal remedy. Therefore, this bill may provide parity. However, research shows that increasing the severity of the punishment does little to deter crime. According to the National Institute of Justice, an agency of the U.S. Department of Justice, “[l]aws and policies designed to deter crime by focusing mainly on increasing the severity of punishment are ineffective partly because criminals know little about the sanctions for specific crimes. More severe punishments do not ‘chasten’ individuals convicted of crimes, and prisons may exacerbate recidivism... Studies show that for most individuals convicted of a crime, short to moderate prison sentences may be a deterrent but longer prison terms produce only a limited deterrent effect. In addition, the crime prevention benefit falls far short of the social and economic costs.”² Therefore, this bill could increase incarceration without creating a deterrent effect.

4. Similar Legislation

SB 46 (Umberg) prohibits the SOS from placing the name of a candidate for U.S. President or Vice President on a ballot, unless the candidate affirms, under oath, that the candidate meets the requirements for one of the aforementioned offices and the SOS does not have a reasonable suspicion the candidate is lying. This bill passed the Senate in January 2026 but was held at the Assembly Desk.

5. Argument in Support

According to CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO:

Under the Twenty-Second Amendment, which was ratified 75 years ago, the President of the United States is ineligible for more than two, four-year terms. Under current law, however, there are no specific consequences for such attempts to make an end run around the U.S. Constitution.

AB 1539 rectifies this issue by requiring a representative of each political party to certify, under penalty of perjury, that the party's nominees for President and Vice President are qualified under the Twenty-Second Amendment.

¹ California Secretary of State (2026) *Penalty Provisions* <https://www.sos.ca.gov/elections/publications-and-resources/elections-officers-digest/penalty-provisions>

² National Institute of Justice (May 2016). *Five Things about Deterrence* <https://www.ojp.gov/pdffiles1/nij/247350.pdf>

This will prevent bad actors from attempting to subvert the Constitution and place a nominee on the ballot who has already completed two terms as President, bolstering safeguards that help to protect California's democratic system.

We commend your leadership in authoring this important legislation and are dedicated to supporting its passage. Ensuring that only candidates who are legally qualified appear on the ballot is a goal we can all support, reinforcing our electoral processes and honoring the principles set forth by our Constitution.

-- END --