

CONCURRENCE IN SENATE AMENDMENTS

AB 1539 (Addis)

As Amended August 17, 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.

Senate Amendments

Make technical changes and add a co-author.

COMMENTS

The 22nd Amendment to the United States 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 hasn'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.

The Senate amendments make technical changes to the bill. This bill, as amended in the Senate, is consistent with prior Assembly actions.

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 Senate Appropriations Committee:

- 1) The Secretary of State (SOS) would incur minor and absorbable costs resulting from the bill's certification requirements. However, the bill also could result in future litigation costs of an unknown, but potentially significant, amount to SOS (General Fund). Based on SOS's prior experience implementing laws that imposed additional requirements or preconditions for presidential and vice presidential candidates to qualify for the ballot, this bill could subject SOS to constitutional and other legal challenges, resulting in potentially significant litigation costs.
- 2) The Department of Justice notes that the bill would not have a fiscal impact.

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

ASSEMBLY FLOOR: 75-0-5

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Elhawary, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Dixon, Ellis, Gabriel, Muratsuchi, Celeste Rodriguez

UPDATED

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