

PROPOSITION **50** **SUSPENSION OF LEGISLATORS.
LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

- Authorizes each house of Legislature to suspend one of its Members by two-thirds vote, and to require Member to forfeit salary and benefits while suspended.
- Prohibits suspended Member from exercising rights, privileges, duties, or powers of office, or using any legislative resources.
- Provides suspension may end on specified

date, or upon two-thirds vote of Member's house.

SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- No effect on state spending in most years. Minor state savings in some years.

FINAL VOTES CAST BY THE LEGISLATURE ON SCA 17 (PROPOSITION 50)
(RESOLUTION CHAPTER 127, STATUTES OF 2014)

Senate:	Ayes 31	Noes 3
Assembly:	Ayes 73	Noes 2

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

The California Legislature. Each year the Legislature votes to approve or reject proposed laws and passes a state budget. Voters elect 120 members to the two houses of the Legislature: 40 Senators and 80 Assembly Members. An independent commission—not the Legislature—sets salaries and benefits for legislators. Currently, the state pays most legislators a salary of about \$100,000 each year. Legislators also receive health, dental, and vision benefits. They do not receive state retirement benefits.

Disciplining Legislators. When legislators are accused of wrongdoing, there are several ways that they can be disciplined. For example, they can be prosecuted and sentenced by a court if they violate criminal laws, or voters can attempt to remove them from office through a

recall process. In addition, each house of the Legislature traditionally has had the ability to discipline its own members. Except for expulsion (described below), a majority vote of the house is required to take disciplinary actions. These disciplinary actions include the following:

- **Expulsion.** Expelling a legislator—ending his or her term of office—is the most severe disciplinary action available to the Assembly or Senate. The last time this happened was in 1905, when four Senators were found by the Senate to be taking bribes. After a legislator is expelled, he or she is no longer a Senator or Assembly Member. His or her state salary and benefits stop. Under the State Constitution, two-thirds of the Assembly or Senate must vote to expel one of its

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

members. This is the only disciplinary action specifically mentioned in the State Constitution.

- **Suspension.** Each house of the Legislature can also suspend one of its members. For example, in 2014 three Senators were accused of felonies and the Senate subsequently voted to suspend them. During the time they were suspended, the three Senators did not vote on bills or take other legislative actions. They remained in office, however, and kept receiving state salaries and benefits until they left the Senate. (Later in 2014, each of the three either resigned or left the Legislature at the scheduled end of their Senate terms.) This was the first time in history that California legislators had been suspended.
- **Other Disciplinary Actions.** In addition to expulsion and suspension, each house of the Legislature can take other, less severe disciplinary actions. These include censure (publicly criticizing a legislator).

PROPOSAL

Constitutional Provisions About Suspensions.

This measure amends the State Constitution to add new provisions regarding the suspension of legislators. The provisions address the following issues:

- **Higher Vote Requirement to Suspend Legislators.** Currently, the Assembly or Senate can suspend one of its members with a majority vote. This measure requires a two-thirds vote of the Assembly or Senate in order to suspend one of its members.

- **Allows Suspending Legislators Without Pay and Benefits.** Currently, a suspended legislator keeps receiving a state salary and benefits. This measure allows the Assembly or Senate to stop a legislator’s pay and benefits during all or part of a suspension.
- **Other Requirements for Suspending Legislators.** This measure also (1) prohibits a suspended legislator from voting on laws or taking other actions as a legislator during a suspension, (2) requires the house to describe the reasons for a suspension, and (3) sets rules for when a suspension would end (either on a specific date set by the Assembly or Senate or after two-thirds of the Assembly or Senate votes to end the suspension).

FISCAL EFFECTS

Only in rare cases have California legislators been expelled or suspended. If such disciplinary penalties against legislators continue to be rare, this measure would have no effect on state or local finances in most years. In any future year when the Senate or Assembly suspended a legislator, this measure could lower the Legislature’s compensation costs, resulting in minor state savings.

Visit <http://www.sos.ca.gov/measure-contributions> for a list of committees primarily formed to support or oppose this measure.

Visit <http://www.fppc.ca.gov/transparency/top-contributors/june-2016-primary-election.html> to access the committee’s top 10 contributors.