California

The 22nd Amendment to the Constitution, which limits a person to being elected to the presidency two times, and sets additional eligibility conditions for presidents who succeed to the presidency, was voted out of Congress by a supermajority vote in both chambers. Between 1947 and 1951, the 22nd Amendment was ratified by 41 state legislatures and officially came into effect after 36 states ratified the amendment in February 1951. Since the history of the 22nd Amendment's passage and the intent of those who ratified it has become relevant again, this factsheet is part of a series covering each state's ratification process.

California's consideration of the 22nd Amendment:

- On April 15, 1947, California's legislature voted to ratify 22nd Amendment, becoming the 10th state to do so.
- Both chambers of the California legislature overwhelmingly voted in favor of the amendment, but not without procedural hurdles.
- Before the final Senate vote, Senator Thomas F. Keating, who changed his party affiliation to the Republican party in 1941, after previously serving as a Democrat, moved to have the Joint Resolution ratifying the 22nd Amendment re-referred back to the Committee on Rules. The Senate rejected the move by a 25 to 11 vote.
- The Joint Resolution ultimately passed 45 to 30 in the House and, with bipartisan support, 27 to 10 in the Senate.

22nd Amendment Ratified By California

SACRAMENTO, April 15. (AP) —California cast its ballot today for ratification of the proposed 22nd amendment to the U. S. constitution limiting the tenure of presidents, after the Truman administration, to two terms.

The assembly adopted the resolution formulated by congressional action, by a 45 to 30 vote. The division was strictly on party lines with the republicans voting yes and the democrats no. The senate had previously adopted the resolution.

Cases involving the 22nd Amendment in California:

- The body of case law from California referencing the 22nd Amendment confirms the limitation on a president being elected to a third term.
- In the 2025 case, *Doe v. Trump*, plaintiff filed litigation seeking that President Trump be removed from office, alleging that Trump is ineligible to be President under the 22nd Amendment because he has been elected three times (2016, 2020, and 2024) based on President Trump's repeated, but debunked claims that he won the 2020 election. The court found that the plaintiff's motion for a temporary restraining order in the case was procedurally deficient, but also noted that plaintiff "fail[ed] to show that he was likely to succeed on the merits of his claims" because President Trump had been elected only twice, rather than three times, and was thus, not in violation of the 22nd Amendment. No.2:25-CV-2086-TLN-JDP (July 29, 2025)
    - The Court explained: "The Twenty-Second Amendment states that '[n]o person shall be elected to the office of the President more than twice.' U.S. Const. amend. XXII. Trump was elected President in 2016 and 2024. In 2020, Joe Biden was elected President. While plaintiff alleges that Trump was elected President in 2020, that allegation is patently false and plaintiff's claim that Trump is violating the Twenty-Second Amendment is unlikely to succeed on the merits."
- In *Grinols v. Electoral College*, the Ninth Circuit specifically recognized that President Obama was, under the 22nd Amendment, "constitutionally precluded from serving as President again" following his second term based on having twice won election. 622 F. App'x 624 (9th Cir. 2015)
    - The *Grinols* decision arose from an appeal of one of several "birther" cases challenging President Obama's candidacy in 2008 and 2012 based on the erroneous claim that he was born in Kenya. Courts, including in *Grinols*, "uniformly … rejected" these complaints in pre-election and post-election suits.
    - The Court went so far as to "moot" the substantive issues of the case on 22nd Amendment grounds alone.
- In *Legislature v. Eu*, the California Supreme Court upheld specific term limitations for state legislators and various state constitutional officers. 54 Cal. 3d 492, 520 (1991)
    - In making its findings, the Court cited the "[c]onstitutional restrictions circumscribing the ability of incumbents to succeed themselves," including those that "exist in the Twenty-second Amendment to the Constitution of the United States with regard to the Presidency."
    - The Court continued, stating that "[t]he universal authority is that restriction upon the succession of incumbents serves a rational public

policy and that, while restrictions may deny qualified men an opportunity to serve, as a general rule the over-all health of the body politic is enhanced by limitations on continuous tenure."

- In *Bates v. Jones*, the Ninth Circuit upheld California's Proposition 140, which amended the California constitution to set term limits for state legislators and certain state officers. 131 F.3d 843, 847 (9th Cir. 1997)
    - The plaintiff, Tom Bates, was a former California assemblyman who argued that lifetime term limits violate the U.S. Constitution's First and Fourteenth Amendments, as voters are barred from electing certain candidates.
    - The Ninth Circuit held that term limits are not a Constitutional violation, and instead, "promote democracy by opening up the political process and restoring competitive elections."
- In *San Bernardino Cnty. Bd. of Supervisors v. Monell*, a ballot measure, Measure K, sought to place a one-term limit on members of the San Bernardino County Board of Supervisors. 91 Cal. App. 5th 1248, 1266, 1268 (2023)
    - Ruling in line with state and Circuit precedent, the Court upheld Measure K's term limit. In justifying its decision, the Court cited the 22nd Amendment and the "substantial reasons for limiting the right of incumbents to succeed themselves … includ[ing] [t]he power of incumbent officeholders to develop networks of patronage and attendant capacities to deliver favorably disposed voters to the polls, fears of an entrenched political machine which could effectively foreclose access to the political process, and the belief that regularly disrupting those 'machines' would stimulate criticism within political parties' and insure a meaningful, adversary, and competitive election." (internal quotations omitted)
    - In this case, among others, the California court applied the Supreme Court's *Anderson-Burdick* balancing test to validate term limits that are "generally applicable, even-handed, politically neutral, and … protect the reliability and integrity of the election process." *See* Anderson v. Celebrezze, 460 U.S. 780 (1983); Burdick v. Takushi, 504 U.S. 428 (1992)