

Term Limits

BACKGROUND

In November 1992 Michigan voters approved—by the sizable margin of 59–41 percent—an amendment to the state constitution that limits the number of terms a person may serve in various public offices. These lifetime limits affect officeholders sworn into office on or after January 1, 1993.

- Limited to two terms are governor, lieutenant governor, secretary of state, attorney general, and state senators (terms of office are four years).
- Limited to three terms are state representatives (term of office is two years).
- Terms served need not be consecutive, and if less than half a term is served in an office, it does not count toward the limitation.

Note that limits are not imposed on the number of *offices* in which a person may serve—only on the number of *terms* s/he may serve in each.

Term limits began in reaction to Franklin Delano Roosevelt's four elections as president. In 1947 Congress proposed an amendment to the U.S. Constitution limiting a president to two terms. A sufficient number of states ratified the action, and in 1951 it was formalized as the Twenty-second Amendment.

For the next 40 years, term limitation received little attention. Then, in 1989, in Oklahoma a term limitation movement began that was aimed at congressional, state legislative, and state executive offices. It was fueled by people who believe that too many officeholders are in office too long and that long political careers are unhealthy to a representative democracy. The movement has spread, and today 20 states, including Michigan, limit legislative service, affecting more than one-third of the nation's 7,424 state legislative seats.

Long tenure in state public office was rare until recent times. In Michigan, prior to 1900 only 11 people had served more than six years in the House (the current maximum length of service). No popularly elected governor, whose term of office then was two years, had served longer than four. Prior to 1993, the Michigan Constitution had only twice limited any term of office: In the 1835 and 1850 constitutions, a sheriff was prohibited from holding office longer than four of any six years.

As the complexity, size, and salaries of government grew, political figures tended to stay in state offices for longer periods. Between 1948 and 1982, governors G. Mennen Williams (a Democrat) and William G. Milliken (a Republican) served 12 and 14 years, respectively. In 1990 the average tenure in the Michigan Senate

GLOSSARY

Lame duck

An officeholder whose power is weakened because s/he will be leaving office due to retirement, defeat, or term limit.

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and House was 11 and 10 years, respectively, and 10 lawmakers had served more than 20 years.

Modern reelection rates for incumbent legislators average well above 90 percent. From 1967 to 1990, in 1,210 primary contests for the Michigan House, only 28 incumbents lost; in the same number of general elections, just 32 incumbents lost. During the same years, in 190 primary and 190 general elections for the Michigan Senate, only 10 and 6 incumbents, respectively, lost their renomination/reelection bid.

The three-term limit on state representatives took effect in 1992, and the 1998 elections will be the first in which incumbents are forced off the ballot. At this writing, 64 of the 110 Michigan House members are ineligible to seek reelection. Incumbent senators are not affected by the two-term limitation until the 2002 election nor are the governor and other statewide elected officials.

Legislature turnover could reach 70 percent or more in election years in which the number of term-limited members peaks. For example, in the 2010 elections, there could be as many as 78 openings in the state House of Representatives and 32 in the Senate—due largely to term limits but also to defeats and retirements.

Michigan's 1992 amendment also would have limited Michigan members of the (1) U.S. House of Representatives to three terms in any 12-year period and (2) U.S. Senate to two terms in any 24-year period, but the U.S. Supreme Court ruled (5–4) that individual states do not have the right to limit length of service of members of Congress. Article I, section 5, of the U.S. Constitution states that “Each House shall be the judge of the elections, returns and qualifications of its own members.”

The U. S. Supreme Court has yet to rule on the constitutionality of term limits imposed on state offices.

DISCUSSION

In a statewide survey Public Sector Consultants, Inc., conducted shortly after the 1992 general election in Michigan, respondents reasoned that term limits will

- bring new ideas and people to state government,
- cause politicians to do what is right rather than what is popular,
- control interest group influence, and
- keep politicians more in touch with the citizenry.

Respondents also suggested that term limits will

- undermine their ultimate right to keep or oust a public official,
- disrupt an electoral system that was working, and
- cause their legislative district to lose the clout of longevity (senior members of a legislature frequently chair committees and exert greater influence over legislation and appropriations).

Supporters of term limits believe that people too often treat public office as a career rather than a service. They contend that because the salaries and benefits are attractive, a permanent, professional class of politicians has evolved—far from the country's founders' vision that citizen legislators would dedicate themselves for short periods to public service—which has led to politicians getting out of touch with ordinary citizens and becoming cozy with special interests.

Term limit opponents argue that the complexity of legislation and public policy requires considerable experience and professionalism. They believe it naive to think that someone who has no government experience can be effective. They fear that with so many new people arriving in the state capital, special interests actually will gain influence; the repository of institutional memory and knowledge about policy and process will be lobbyists rather than officeholders.

Opponents also argue that term limits violate democracy's basic premise that voters have the ultimate power to select who represents them. They believe that by artificially forcing certain incumbents off the ballot, term limits deprive voters of their inherent right to choose; the best way to get the atten-

tion of unresponsive politicians is to vote them out of office, not deny them the right to face voters.

Champions of term limits take the position that officeholder turnover will freshen politics, giving new people a chance to serve and new ideas a chance to take hold in policy. Too often, they say, incumbents routinely are reelected because they enjoy high name recognition and typically can raise campaign funds more easily than can challengers, and this frequently has robbed elections of serious competition. As the *Wall Street Journal* editorialized in 1990,

The Founding Fathers intended that spirited political contests would limit the ability of an officeholder or party to accumulate power, make it easy for outsiders to enter politics, and minimize corruption. They would hardly recognize the current U.S. House of Representatives, where the biennial turnover of 7 percent is barely above that of the 5 percent in the British House of Lords, where a seat becomes vacant only at death.

To opponents of term limits, large turnover, particularly in legislative bodies, will bring wild swings in partisan and ideological control. They fear that turnover will undermine stability in public policy, lead to far more mistakes in writing law, reduce productivity, and reward passion over reason. Also, with fewer senior officeholders around to share their knowledge and experience, they see more power being vested with unelected and unaccountable people, including staff members, lobbyists, and government appointees and career employees.

Opponents worry, too, that term limits will weaken collegiality among legislators—and the trust and give-and-take that grow from association of some length—an important part of writing law that is in the best interests of the entire state, not just the residents of one legislative district. They are concerned that leaders will be weak, virtually lame ducks the moment they are elected to posts such as Speaker of the House, Senate majority leader, or appropriations committee chair. Without strong leadership, it will be hard to form majorities on key issues, hold political party members in line, and maintain appropriate decorum.

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