

Term Limits – Time for Reform

In 1992, Michigan joined a host of other states in supporting the Term Limits Movement. In that year, the Michigan public voted to amend the state constitution to create a term limited governor, other state-wide elected officers and the legislature. The proposal passed by a nearly 60-40 percent vote of the electorate.

Under the amendment, the governor, lieutenant governor, secretary of state, attorney general and state senators are restricted to two terms in office, with each term lasting four years. Members of the state house of representatives are limited to serve up to three terms, each term lasting two years. Terms need not be consecutive. Under Michigan's term limit requirements, an individual could serve six years in the state house and eight years in the senate for a total of fourteen years in the legislature.

The hope of term limits. When the term limits constitutional amendment was adopted in 1992, voters indicated support for these main reasons:

1. *Term limits would bring new ideas and people to state government.*
Comment: It did bring new people into government with new ideas, but also limited those with ideas yet to share. When term limits was adopted, Governor John Engler was in his first term as governor. Since he was "grandfathered" into term limits, he was able to successfully run again in 1994 and 1998, serving twelve years in office. Governor Milliken filled out Governor George Romney's term beginning in 1969. He would be elected in 1970, 1974, and 1978, thus serving 14 years and becoming one of Michigan's most beloved Governors. Michigan has seen long incumbencies for Attorney General and Secretary of State. From the mid-1990s on, however, long-serving elected officials cannot exist. Term limits has created more turnover at all levels of state elected offices.
2. *Term limits would help elected officials to do what is right rather than what is popular.*
Comment: This is a very subjective wish by Michigan voters and most examples can be argued both ways, depending on political ideology. Determining what is "right" is a very difficult thing to do.
3. *Term limits would help control interest group and lobbyist influence in making public policy.*
Comment: The Michigan voters were off base on this. As the "revolving door" of legislators increased in the late 1990s and into the 21st Century, special interests and lobbyists have achieved more influence. A March 21, 2014 Washington Post article references a Wayne State University study and said, "The influence of lobbyists in Michigan was not only maintained, but it may have been magnified by term limits, a research team found in rounds of interviews with [Michigan] lawmakers. Lobbyists were also among the three most-cited determinants of whether a bill made it to the floor, they found."
4. *Term limits would help elected officials stay more in touch with their constituents.*
Comment: There is not much research on this issue. While it cannot be proven, it appears that under term limits many legislators may focus more on their next elected position, rather than staying in touch with their constituents. Before term limits, many elected officials focused their actions to solidify support back in their districts. It is not clear whether voter expectations are being met or legislator focus is more diffused.

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Experience of other states. As indicated above, in the very late 1980s and through the 1990s, a strong Term Limit Movement developed throughout the United States. Between 1990 through 2000, twenty-one states passed some form of term limited requirements. Some of these proposals also included limiting members of the U.S. Congress; however, in these cases the courts threw out state-required term limits of members of Congress as unconstitutional.

The following states adopted term limits beginning in 1990: Arizona, Arkansas, California, Colorado, Florida, Louisiana, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma, and South Dakota. Of note, there were a wide variety of term limited proposals imposed on elected officials in each state. Generally, state house members are given between eight to twelve years to serve in the state house. Michigan has the most stringent state house requirement of 6 years.

There were six states that enacted term limits in this time frame that have since been repealed. The following table provides some detail regarding the history of term limits in these states:

State	Year Enacted	Year Repealed	Who Repealed?
Idaho	1994	2002	Legislature
Massachusetts	1994	1997	State Supreme Court
Oregon	1992	2002	State Supreme Court
Utah	1994	2003	Legislature
Washington	1992	1998	State Supreme Court
Wyoming	1992	2004	State Supreme Court

Regarding the repeal of term limits in the above states, the National Conference of State Legislatures said:

In four states, courts have found term limit provisions to be unconstitutional. No court has struck down term limits on the merits of the law itself, rather, in all four cases, courts objected to the method by which the limits were enacted. In Massachusetts, Washington and Wyoming...term limits were enacted as statutes, rather than constitutional amendments. The courts said that because term limits constituted a qualification for office, they must be spelled out in the state constitution. ...In Oregon, the State Supreme Court found that the initiative imposing term limits in that state violated the single-subject requirement for initiatives.

Elections as term limits. There are many who strongly believe that elections are the best form of term limits. If the public feels an elected official should not be reelected, then the remedy is simple: don't vote for that incumbent. These people also tend to argue that term limits serve to limit their freedom to vote for the best candidate for the job. This leads to the argument of whether a state constitutional amendment can limit the freedom of voters to vote for the candidate of their choice. So far, no State Supreme Court has supported the argument that term limits violate a constitutional right of individual voters.

Unexpected consequences of term limits. Whether one agrees with term limits or not, it is clear that in the 22 years since Michigan adopted the amendment, many knowledgeable individuals and organizations that supported term limits have rethought their positions. Some of these individuals or organizations include: Former Governor John Engler, the Detroit News, the Michigan Chamber of Commerce, etc. Here are some specific concerns raised by many:

1. **Experience.** Term limits create a continual turnover of our state elected officials, leading to poor public policy. New elected officials come to state office with experiences that help provide a foundation for being a good public servant. Many are former local government officials. Others have gained experience in terms of running a private sector business. Some have been teachers, police officers, or attorneys. But such people generally do not know or understand the intricacies of running a multi-billion dollar government employing more than fifty thousand people. Before term limits, elected officials spent years in office learning about the legislature and the state of Michigan and grew in knowledge and clout. Perhaps former Governor John Engler best exemplifies the pre-term limit legislator. Engler served in the state house from 1971 to 1978, and in the state senate from 1979 to 1990. He was elected as Senate Majority leader in 1983 and then became one of the state's longest serving governors eight years later. In other words, it took him twelve years to gain the experience his colleagues thought necessary to be a leader of a legislative body. Now, under term limits, Michigan has seen legislators become Speaker of the House with just two years of experience and freshman legislators placed in charge of billion dollar budgets with literally no experience in understanding the ramifications of budget decisions. Would the private sector hire a CEO with two years of experience; would a company turn over their financial decisions to a person with no experience?
2. **Career Politicians.** It was argued that before term limits, people were becoming career politicians, seeking one term after another, in rare cases building a career lasting twenty or more years. The argument was that term limits would end this problem. In fact, term limits has served to create a different kind of career politician as new legislators often consider the next office for which to run, playing musical chairs in a succession of elected posts, none of which they are allowed to stay in long enough to completely understand the job. Or they seek employment working for special interests or becoming lobbyists. This was not generally the case before 1992. To be sure, before term limits, elected officials often kept their eye on future "opportunities," but they were not under the artificially created pressure to begin looking for those opportunities as soon as they were elected.
3. **The growth factor.** Today, as before term limits, many legislators come to Lansing not fully understanding the complexities of state policy issues. Unlike term limited legislators, many pre-1992 legislators learned to master the complexities of state law or state budget intricacies over time in office. In addition, these legislators developed respect and trust with many of their colleagues, regardless of political parties. Party leadership had less power with these people than in a term-limited world. It could be argued that there was more independent thinking and more bi-partisan cooperation in the pre-term limits era.
4. **Special Interests.** As discussed previously, it was argued that special interests would be thwarted by term limits. As indicated, the opposite has happened. New legislators become immediately intertwined with special interests to gain information on issues, raise campaign funds or to prepare for their reelection campaigns. Additionally, legislative staffs have also become extremely powerful and influential as they know more and have the experience current legislators lack.

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Most of these problems have been acknowledged in the media, as editorial pages across the state have spoken out against term limits, including many that initially embraced the proposal.

Recommendations. The MAC Governmental Effectiveness: Election Reforms Board Advisory Team has very serious concerns regarding Michigan's term limit requirements. In keeping with our principles of transparent and effective government we would propose the following:

Recommendation 1. Strongly support the elimination of the 1992 term limit requirements on state legislators. The legislative branch must deal with intricacies of making law and determining the state budget. They also serve their districts as a form of ombudsman. It should be up to the general public to determine the length of stay for a legislator. Before term limits, the average state house legislator stayed twelve years in their position. Some served longer, some served fewer years, but the public made the decision, not an arbitrary requirement. Legislative term limits has contributed to inefficiency in state government, led to more partisan politics, and added to a lack of stewardship and sound public policy development at the state level. Further, term limits has created a series of high profile elections – especially at the primary level – which may have attracted more special interests and national PACs into our state legislative races. We believe such broad “outside” money creates undue influence and should be limited and definitely not encouraged.

Recommendation 2. While there needs to be significant change to Michigan's term limits law, the current two-term requirement for Governor, Lieutenant Governor, Attorney General and Secretary of State is less onerous and could remain intact. Like the President of the United States, executive branch leaders generally come into office with new programs and ideas to make their offices more effective and responsive to the general public. Eight years may be a reasonable length of time for implementation at this level of leadership.

Recommendation 3. Recognizing that much of the Michigan electorate is “turned off” by state government, we understand that voters may not be ready to fully eliminate term limits. In this case, changes can be made to reach a more effective middle ground. Some potential ideas to consider include:

1. Limit House members to no more than six terms (a total of 12 years)
2. Limit Senate members to no more than three terms (a total of 12 years)
3. Thus, the maximum a legislator could serve is twenty-four years
4. Prohibit a legislator from becoming a lobbyist or lobbyist agent for two years after leaving the legislature*

*This last point supports a position taken in the MAC Government Ethics Policy Paper.

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