



OREGON LEGISLATIVE POLICY, RESEARCH, & COMMITTEE SERVICES

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Basics on **TERM LIMITS**

What is the history of term limits?

Term limits date back to the 18th and 19th centuries. Known as “rotation,” citizens in colonial America would serve the legislature and then return to private life. This was not a legal mandate but rather an informal social practice.

After World War II most state legislatures became professionalized. During the 1980s, citizen sentiment grew that lawmakers were too secure and isolated and therefore less responsive to their constituents. Term limits were the result.

What are term limits?

Term limits specify the amount of time an elected official can serve and they vary considerably. There are three basic types of state legislative term limits:¹

- Lifetime limits;
- Consecutive terms served in each chamber with specific “sit-out” provisions; and
- Consecutive year limits on each chamber, with no overall institutional limit.

Which states have approved term limit laws?

In 1990, California, Colorado, and Oklahoma voters approved laws limiting the number of terms state lawmakers could serve. Since then, eighteen other states have followed suit: Maine, Arkansas, Michigan, Oregon (1992), Washington, Wyoming, Florida, Missouri, Ohio, South Dakota, Montana, Arizona, Idaho, Massachusetts, Nebraska, Nevada, Utah, and Louisiana. However, three state Supreme Courts (Nebraska, Massachusetts and Washington) have declared term limits laws unconstitutional.

Fourteen states provide for term limits in their constitutions and four in statute. Seven states place lifetime limits on state lawmakers and twelve states limit the number of consecutive years of service a lawmaker can serve. Additionally, fourteen states give equal length of service to both legislative chambers.

¹ “Leaders and Limits: Changing Patterns of State Legislative Leadership Under Term Limits,” *Spectrum*, Summer 1995, p. 7.

| State Legislative Term Limits Laws ² | | |
|---|---|--|
| State | House/Assembly | Senate |
| Arizona | Four consecutive 2-year terms (8 years) | Four consecutive 2-year terms (8 years) |
| Arkansas | Three 2-year terms (6 years) | Two 4-year terms (8 years) |
| California | Three 2-year terms (6 years) | Two 4-year terms (8 years) |
| Colorado | Four consecutive 2-year terms (8 years) | Two consecutive 4-year terms (8 years) |
| Florida | Four consecutive 2-year terms (8 years) | Two consecutive 4-year terms (8 years) |
| Idaho | Four 2-year terms (8 years – in a 15 year period) | Four 2-year terms (8 years, in a 15 year period) |
| Louisiana | Three consecutive 4-year terms (12 years) | Three consecutive 4-year terms (12 years) |
| Maine | Four consecutive 2-year terms (8 years) | Four consecutive 2-year terms (8 years) |
| Michigan | Three 2-year terms (6 years) | Two 4-year terms (8 years) |
| Missouri | Four 2-year terms (8 years) (Up to a total of 16 years of legislative service.) | Two 4-year terms (8 years) |
| Montana | Two 4-year terms (8 years) (Up to 8 years in a 16-year period.) | Two 4-year terms (8 years) |
| Nevada | Six 2-year terms (12 years) | Three 4-year terms (12 years) |
| Ohio | Four consecutive 2-year terms (8 years) (Terms are considered consecutive unless there is a break of 4 years) | Two consecutive 4-year terms (8 years) |
| Oklahoma | (Up to 12 years of legislative service.) | |
| Oregon | Three 2-year terms (8 years) | Two 4-year terms (8 years) |
| South Dakota | Four consecutive 2-year terms (8 years) | Two consecutive 4-year terms (8 years) |
| Utah | Six 2-year terms (12 years) | Three 4-year terms (12 years) |
| Wyoming | Six 2-year terms (12 years) (Limits representatives to 6 terms in any 24-year period and state senators to 3 terms in any 24-year period.) | Three 4-year terms (12 years) |

What have courts decided in regards to state term limit laws?

Three state courts (Nebraska, Massachusetts and Washington) have ruled term limit laws in those states unconstitutional, each for different reasons. Nebraska’s Supreme Court struck down voter-approved term limits in February 1996 because the measure also applied term limits to U.S senators and representatives and county and city officials.³ On July 11, 1997, the Massachusetts Supreme Judicial Court ruled voter-approved term limits unconstitutional holding the state legislature had no authority to change the state constitutional qualifications for office.⁴ Washington’s Supreme Court concluded the state’s 1992 voter approved initiative improperly attempted to add qualifications to constitutional officers by statute. Justice Talmadge wrote “A statute, whether adopted by the Legislature or the people, may not add qualifications for state offices where the Constitution sets those qualifications”.⁵

² Source: Council of State Governments survey on legislative term limits, 1997.

³ “State Legislative Term Limits,” *Solutions: Policy Options for State Decision-Makers*. February 1998, p. 14.

⁴ Id. P.15.

⁵ Id.

In 1995, the U.S. Supreme Court ruled that term limits can not be imposed on Congressional members, without amending the U.S. Constitution. However, the ruling did not say if states could limit the terms of state legislators.⁶

When was Oregon's term limit law approved?

Approved by nearly 70% of Oregon voters in 1992, Ballot Measure 3 limited Oregon legislators length of service in the legislature. This initiative also limited other office holders' length of service.

Article II, Section 19 of the Oregon Constitution reads:

*"To promote varied representation, to broaden the opportunities for public service, and to make the electoral process fairer by reducing the power of incumbency, terms in Oregon elected offices are as follows: (1) No person shall serve more than six years in the Oregon House of Representatives, eight years in the Oregon Senate, and twelve years in the Oregon legislative assembly in his or her lifetime."*⁷

Has Oregon's term limits law been challenged in court?

Term limit opponents filed a lawsuit in the U.S. District Court alleging the 1992 Oregon voter approved term limits law was unconstitutional on the grounds it violated their First and Fourteenth Amendment voting and association rights. On December 16, 1997, Judge Magistrate Thomas Coffin declared Oregon's lifetime term limits provisions set forth in the Oregon Constitution in violation of the U.S. Constitution.

However, on December 19, 1997, the Ninth U.S. Circuit Court of Appeals upheld California's term limits law, concluding voters knew the ballot initiative imposed a lifetime ban upon lawmakers. Subsequently, the Ninth U.S. Circuit Court of Appeals ruling applied to Oregon's term limits law.

How has term limits impacted the State of Oregon?

Term limits began to affect Oregon elections in 1998, with 22 Oregon representatives and two Oregon senators ineligible for re-election. Of the 24 legislators "termed out," 17 ran for other offices. Five moved from the House to the Senate and one moved from the Senate to the House.

For more information contact:

- Oregon Secretary of State Elections Division, (503) 986-1500.
- Jennie Drage, National Conference of State Legislatures (NCSL), 1560 Broadway, Suite 700, Denver, CO 80202. Telephone: (303) 830-2200.

⁶ State Legislative Term Limits," Solutions: Policy Options for State Decision-Makers. February 1998, p. 15.

⁷ Source: Oregon Constitution.