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Report

The History and Impact of Legislative Term Limit Initiatives

By

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I. INTRODUCTION

Term limits at the federal level are deeply rooted in the American political system. In fact, the idea of instituting constraints on legislative terms was first developed by the Second Continental Congress in the authoring of the Articles of Confederation in 1777.¹ One provision of the Articles of Confederation prohibited congressmen from serving more than three years in a six-year period.² Although it was later abandoned with the adoption of the United States Constitution, this provision is illustrative of inherent public skepticism towards powerful political leaders who remain at their posts for an unlimited period.³ The concern regarding the concentration of power in the hands of few and fear of corrupt and overzealous politicians was influential in the structure of American government. These strong public sentiments were likely developed as a result of England's monarchy. Additionally, in 1951, the passage of the Twenty-second Amendment to the Constitution limited the President to hold no more than two terms in office.⁴ Innate public distrust is still a constant theme in the background of American politics and is especially dominant today in the state initiative and referendum process.

The popular push for and subsequent imposition of state legislative terms limits is a relatively recent grass roots movement, gaining popularity among the electorate in the 1990s.⁵ "With high name recognition and the ability to raise more money than challengers, incumbents were virtually invulnerable during the 1980s . . . Limiting Assembly and Senate terms, it was hoped, would increase the rotation into and out of office and change the background and perspectives of those serving in the Legislature."⁶ In 1990, initiatives limiting legislative terms were passed in the first states: California, Colorado, and Oklahoma.⁷ Since then, eighteen more states have adopted term limits.⁸ However, in six of those states – Idaho, Massachusetts, Oregon, Utah, Washington, and Wyoming – terms limits were repealed by the legislature or the state supreme court.⁹

¹ Sasha Horwitz, *Termed Out: Reforming California's Legislative Term Limits*, CTR. GOVTL. STUD., 5 (October 2007), <http://www.policyarchive.org/handle/10207/bitstreams/2047.pdf>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Horwitz at 5.

⁶ Bruce E. Cain and Thad Kousser, *Adapting to Term Limits: Recent Experiences and New Directions*, PUB. POLICY INST. OF CAL., 5 (November 2004), http://www.pplic.org/content/pubs/report/R_1104BCR.pdf.

⁷ *Legislative Term Limits: An Overview*, NATIONAL CONFERENCE OF STATE LEGISLATURES (accessed February 12, 2012), <http://www.ncsl.org/legislatures-elections/legisdata/legislative-term-limits-overview.aspx>.

⁸ *The Term Limited States*, NATIONAL CONFERENCE OF STATE LEGISLATURES (accessed February 12, 2012), <http://www.ncsl.org/legislatures-elections/legisdata/chart-of-term-limits-states.aspx>.

⁹ *Id.*

Because the advent of term limit provisions on state legislatures is a new step in reforming the political system, term limits have more recently begun to “kick-in” and consequently, the number of legislators termed out is dramatically increasing.¹⁰ As term limits begin to take effect, the debate on the impact of term limits on state legislatures is becoming controversial. Generally, proponents market terms limits as an essential check on “career” politicians, a mechanism bringing “new blood and fresh ideas to state legislatures” and a tool curbing corruption by lessening exposure to outside influences.¹¹ On the other hand, opponents point to the undeniable lack of experience in the state legislatures, which diminishes expertise in important policy areas.¹² Additionally, critics contend the inability to vote for the candidate of one’s choice is an infringement upon Constitutional rights guaranteed by the First and Fourteenth Amendments.¹³

II. TERM LIMIT INITIATIVES DEEMED UNCONSTITUTIONAL

The state supreme courts of Oregon, Washington, Massachusetts, and Wyoming have ruled unconstitutional specific term limit provisions, all of which were enacted through the initiative process.¹⁴ Consequently, despite efforts by U.S. Term Limits, a national non-profit organization dedicate to lobbying for term limit legislation, each state has yet to reinstate term limits.¹⁵

A. Oregon

Oregon’s Ballot Measure 3, the “Term Limit Initiative,” passed in 1992 contained two key provisions.¹⁶ One provision set limits on the terms for most statewide political officeholders and state legislatures, while the other set limits on the terms for Oregon’s Congressional representatives.¹⁷ Although the United States Supreme Court in *U.S Term Limits v. Thornton*, found state-imposed qualifications on federal Congressional offices unconstitutional, the Oregon Supreme Court went on to find the Oregon initiative also violated the separate vote requirement of the state constitution, which requires state constitutional amendments to be voted on separately.¹⁸ Measure 3 was ultimately held unconstitutional.¹⁹

¹⁰ *Legislative Term Limits: An Overview*.

¹¹ Horwitz at 1, 5.

¹² *Id.* at 2.

¹³ *Bates v. Jones*, 131 F.3d 843 (9th Cir. 1997).

¹⁴ *The Term Limited States*, NATIONAL CONFERENCE OF STATE LEGISLATURES (accessed February 12, 2012), <http://www.ncsl.org/legislatures-elections/legisdata/chart-of-term-limits-states.aspx>.

¹⁵ *State Legislative Term Limits*, U.S. TERM LIMITS (accessed February 12, 2012), <http://www.termlimits.org/content.asp?pl=18&sl=19&contentid=19>.

¹⁶ *Lehman v. Bradbury*, 333 Or. 231, 233 (2002).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 239.

B. Washington

In 1998, the Washington Supreme Court ruled Initiative 573 unconstitutional. The Washington measure was passed in 1992 and effectively restricted certain incumbent federal and state officials from running for office by prohibiting their candidacy filing and ballot appearance.²⁰ The Court found the initiative explicitly established non-incumbency as a “qualification” for political office.²¹ Consequently, because Initiative 573 was a statutory enactment and not an amendment to the Washington Constitution, the Court held it “improperly attempts to add qualifications to constitutional offices”²²

C. Massachusetts

The Massachusetts Supreme Court invalidated a 1994 initiative, entitled Question 4²³, “which purported to limit the number of consecutive terms a public officer could be listed on . . . ballots . . . and to eliminate pay, perquisites, and privileges of certain officers if reelected after serving specified number of consecutive terms.”²⁴ Again, because the term limits were established through the statutory initiative process, the initiative constituted an unconstitutional change to the Constitution of the Commonwealth. The Court noted key differences between a statutory initiative and an initiative for constitutional change, which hinge on legislative action.²⁵ In fact, previous “efforts to obtain term limits by a constitutional amendment foundered in 1992 because of the refusal of the Legislature in joint session to take final action on such a proposal as the Constitution of the Commonwealth directed.”²⁶ Consequently, because the statutory initiative process requires no joint session, it directly conflicts with the amendment process explicitly described by the state constitution.²⁷

D. Wyoming

In 1992, Wyoming voters passed Initiative 2, limiting the terms of state and federal officeholders.²⁸ Using similar reasoning as Washington and Massachusetts, the Wyoming Supreme Court concluded, “The inherent and reserved powers of the people do not include, under this constitution, the right to enact via the initiative a law that could not be enacted by the legislature.”²⁹ The Court went on to interpret the intent of the framers of the Wyoming Constitution, and concluded the constitutional qualifications for holding office are unambiguously exclusive.³⁰ Accordingly, because the Court reasoned the language of the constitution clearly mandates no law, whether enacted by the legislature or through the initiative process, may impose conditions on the right to hold political office, the initiative was declared unconstitutional.³¹

²⁰ Gerberding v. Munro, 134 Wash. 2d 188, 191-193 (1998).

²¹ Gerberding, 143 Wash. 2d at 201.

²² *Id.* at 211.

²³ *Massachusetts Term Limits Initiative, Question 4 (1994)*, BALLOTPEDIA (April 2, 2012), [http://ballotpedia.org/wiki/index.php/Massachusetts_Term_Limits_Initiative,_Question_4_\(1994\)](http://ballotpedia.org/wiki/index.php/Massachusetts_Term_Limits_Initiative,_Question_4_(1994)).

²⁴ League of Women Voters of Mass. v. Secretary of the Commonwealth, 425 Mass. 424, 424 (1997).

²⁵ *Id.* at 431.

²⁶ *Id.*

²⁷ *Id.* at 432.

²⁸ *Wyoming Term Limits. Initiative 2 (1992)*, BALLOTPEDIA (April 2, 2012), [http://ballotpedia.org/wiki/index.php/Wyoming_Term_Limits,_Initiative_2_\(1992\)](http://ballotpedia.org/wiki/index.php/Wyoming_Term_Limits,_Initiative_2_(1992)).

²⁹ Cathcart v. Myer, 88 P.3d 1050, 1067 (Wyo. 2004).

³⁰ *Id.* at 1068.

³¹ *Id.*

Lastly, the Wyoming Supreme Court went on to conclude, “The fact that seventy-seven percent of the voters favored a particular measure does not make that measure constitutional. Either we live under a constitutional government or we do not.”³²

III. CASE STUDY: CALIFORNIA

As one of the first states to enact term limits through an initiative constitutional amendment, California’s history with term limit initiatives has been at the forefront of the debate on legislative reform. The state provides a thorough example of the public policy goals behind term limits as well as reveals the unintended and perhaps negative consequences of such initiatives.

A. Proposition 140 and the Current Law

Prior to the passage of the current term limit law, the California Constitution had no provisions regarding how many terms elected officials could serve in the State Senate or State Assembly.³³ Until the enactment of Proposition 140 in 1990, “it was not uncommon for California legislators to hold office for twenty years or more.”³⁴ The passage of Proposition 140, which enacted the current law in California limiting legislative terms, reflected the public’s wariness towards politicians and the hope to eliminate “incumbency advantages.”³⁵ Proponents argued the political system unchecked by term limits “had undermined fair elections, preventing regular party turnover and perpetuating the political careers of professional politicians who were increasingly out of touch with the concerns of average Californians.”³⁶

1. *Provisions of Proposition 140*

Due to the passage of Proposition 140 with 52.17% of the vote, the California Constitution was amended to limit members of the California State Assembly to three two-year terms and members of the California State Senate to two four-year terms.³⁷ Additionally, the current law mandates a lifetime ban on past legislators seeking the same office in the future if the term limits have already been reached.³⁸ Interestingly, Proposition 140 appeared on the same ballot as the competing Proposition 131 (also known as the “Limits on Terms of Office, Ethics, Campaign Financing Act”), which was backed by Ralph Nader and defeated by 62.25% of the vote.³⁹ Proposition 131 attempted to limit the number of consecutive terms elected state officials could serve, but did not impose a lifelong ban.⁴⁰ Arguably, the decision of California voters to impose

³² *Id.* at 1067-1068.

³³ Horwitz at 5.

³⁴ Isabel Liou and Tyler McKinney, *Proposition 93: Term Limits and Legislative Reform Act*, Cal. Init. Rev. (Fall 2007).

³⁵ Cain and Kousser at 5.

³⁶ *Id.*

³⁷ *California Term Limits, Proposition 140 (1990)*, BALLOTPEDIA (February 12, 2012), [http://ballotpedia.org/wiki/index.php/California_Term_Limits,_Proposition_140_\(1990\)](http://ballotpedia.org/wiki/index.php/California_Term_Limits,_Proposition_140_(1990)).

³⁸ *Id.*

³⁹ *California Proposition 131, Ethics, Term Limits and Campaign Finance Act (1990)*, BALLOTPEDIA (February 12, 2012), [http://ballotpedia.org/wiki/index.php/California_Proposition_131_\(1990\)](http://ballotpedia.org/wiki/index.php/California_Proposition_131_(1990)).

⁴⁰ *Id.*

the stricter initiative (with respect to term limits) sheds light on the sentiment of the electorate, specifically the desire to bring new faces to the Legislature and to eliminate the veterans.

2. *Constitutional Challenges to Proposition 140*

Opponents of Proposition 140 attempted to challenge its constitutionality in two major cases.⁴¹ In *Legislature v. Eu*, the California Supreme Court addressed the issue of whether the effect of Proposition 140 was an improper constitutional revision versus a proper constitutional amendment.⁴² In distinguishing between the two, courts examine the extent of “the quantitative and qualitative effects of the measure on our constitutional scheme,” which could amount to a revision.⁴³ Concluding the proposition to have the effect of a constitutional amendment, the California Supreme Court stated, “Proposition 140 on its face does not affect either the structure or the foundational powers of the Legislature . . .”⁴⁴ Furthermore, the Court found no violation of the single-subject rule.⁴⁵ Additionally, it held the proposition was not an “unwarranted infringement on the rights to vote and seek public office . . .”⁴⁶ However, the California Supreme Court did invalidate the provisions limiting pension and retirement benefits for incumbents as an “impairment to contract”.⁴⁷ It went on to hold the remaining provisions constitutionally sound, and severable “since they can be given effect without regard to the validity or operation of the invalid pension restriction.”⁴⁸

In *Bates v. Jones*, the United States Court of Appeals for the Ninth Circuit addressed whether Proposition 140 infringed upon Plaintiffs’ First and Fourteenth Amendment rights as guaranteed by the United States Constitution, specifically “the right to vote for the candidate of one’s choice and the asserted right of an incumbent to again run for his or her office.”⁴⁹ The *Bates* Court employed a test outlined by the United States Supreme Court, to determine constitutionality: “We must ‘weigh’ the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendment . . .’ against ‘the precise interests put forward by the State as justifications for the burden imposed by its rule.’”⁵⁰ In *Bates*, the Court described term limits on state officeholders to be a “neutral candidacy qualification”, similar to age or residence.⁵¹ Additionally, it found lifetime term limits to be a nondiscriminatory restriction because Proposition 140 made “no distinction on the basis of the content of protected expressions, party affiliation, or inherently arbitrary factors such as race, religion, or gender.”⁵² With regards to the right to vote for the candidate of one’s choice, the Court held the measure did not discriminate against any one specific political group sharing a particular ideology.⁵³ Therefore, the Court

⁴¹ *Legislature v. Eu*, 54 Cal. 3d 492 (1991); *Bates v. Jones*, 131 F.3d 843 (9th Cir. 1997).

⁴² *Legislature*, 54 Cal. 3d 492.

⁴³ *Raven v. Deukmejian*, 52 Cal. 3d 336, 350 (1990).

⁴⁴ *Legislature*, 54 Cal. 3d at 509.

⁴⁵ *Id.* at 492.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Bates*, 131 F.3d at 847 (9th Cir. 1997).

⁵⁰ *Id.* at 846 (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983)).

⁵¹ *Id.* at 847.

⁵² *Id.*

⁵³ *Id.*

applied the rational basis test, ruling “Proposition 140’s minimal impact on the plaintiff’s rights is justified by the State’s legitimate interest” in guarding against unfair advantages to incumbents.⁵⁴

However, it is worth noting the concurring opinions of the divided *Bates* decision with regards to the appropriate test – rational basis or strict scrutiny – to be applied to Proposition 140’s infringement on Constitutional rights. In her concurring opinion, Judge Rymer asserted the State’s interest to be even stronger, arguing because Californian voters exercised their state “constitutional right to chose the form of their representation in the legislative branch . . . they acted in accordance with the Constitution’s guarantee that citizens of each state shall have the right to determine the structure of their own government so long as it is republican in form.”⁵⁵ Therefore, Judge Rymer concluded lifetime term limits to be “presumptively constitutional” because the State’s interest in structuring its government is explicitly rooted in the Constitution, surviving “whatever scrutiny is required.”⁵⁶

Interestingly, Judge Fletcher’s opinion in *Bates* – concurring in part and dissenting in part – questions the majority’s quick assumption that Proposition 140 is not per se discriminatory against any particular class of voters.⁵⁷ Judge Fletcher entertains the argument that the measure discriminates against a class of voters “who value legislative experience, not merely for the incumbency-based benefits that it can confer upon fortunate districts, but as a political and ideological reason for selecting a representative.”⁵⁸ While acknowledging a compelling State interest and Constitutional guarantee to experiment with structures of republican government, Judge Fletcher argued for a future application of strict scrutiny if Proposition 140 proves to disadvantage such a particular class of voters.⁵⁹

Nevertheless, the defeats of the Constitutional challenges to Proposition 140 in both federal and state court reveal that any aims to extend California’s legislative term limits are unlikely to be attained through the court system. It has become exceedingly clear that the only way to repeal California’s current law is through another successful initiative constitutional amendment.

3. *Impact of Proposition 140*

As previously discussed, the main public policy goals behind Proposition 140 focused on a “means to promote democracy by opening up the political process and restoring competitive elections.”⁶⁰ Californian voters sought to bring newcomers to the political system as well as curb the powerful influences of lobbyists and special interests.

Two different comprehensive studies done by the Public Policy Institute of California and the Center for Governmental Studies, conducted in 2004 and 2007 respectively, both found an increase in the number of minority officials since the enactment of Proposition 140. However, the cause of such results may also be attributed to national movements championing minority rights,

⁵⁴ *Bates*, 131 F.3d at 847.

⁵⁵ *Id.* at 855.

⁵⁶ *Id.*

⁵⁷ *Id.* at 871.

⁵⁸ *Id.*

⁵⁹ *Bates*, 131 F.3d at 873.

⁶⁰ *Id.* at 847.

growing populations, and the 1991 Special Masters report on redistricting, which was “influential in opening opportunities to minorities by creating more minority-majority districts.”⁶¹ Nevertheless, it is undisputed that when term limits took effect in 1996, “minority gains rose to thirty-three new members in the Senate and nine in the Assembly” in just six years.⁶² Additionally, an increase in women leadership was apparent with respect to their influence and presence as committee chairs.⁶³ Lastly, even opponents are unable to deny that term limits have opened up more opportunities for newcomers overall: “From 1990 through 2008, 369 individuals will have served in the legislature compared to 296 for the prior equivalent eighteen year period preceding term limits (1970-1988).”⁶⁴

Unfortunately, any initial increase of female influence in the California legislature was short-lived. A recent *Sacramento Bee* article, while acknowledging the state legislature is expected to open up seats for a record number of newcomers this fall due in part to term limits, contends “the same forces . . . are expected to cause the number of women elected to state office to drop for the third consecutive cycle.”⁶⁵ Women currently fill only thirty-four of 120 legislative seats and the number is projected to decline further as nine of those women are being termed out and thus ineligible to run in the upcoming election.⁶⁶ The article points to an analysis, by Scott Lay of *AroundtheCapitol.com*, which estimates as many as eight of the seats currently held by females are in danger of being lost to males in November.⁶⁷ Additionally, while nine races are expected to include women, the favored candidates in a majority are men.⁶⁸ These projections are certainly disheartening, and are evident of a concrete failed goal of Proposition 140.

Additionally, Proposition 140 has done little to curb the influence of lobbyists or special interests. In fact, many new legislators often turn to lobbyists for guidance. “A few members confessed over ninety percent of their bills were drafted or given to them by lobbyists.”⁶⁹ Additionally, the quality and expertise of legislators, specifically with regards to policy and the budget as well as the experience level of committee chairs, has been affected. One Assemblywoman stated, “I felt like I was just beginning to become an effective member at the end of my third term . . .”⁷⁰ She went on to admit the complexity she felt towards the overwhelming state budget despite her experience in local government, and estimated that she would “need ten years to learn enough to make a difference.”⁷¹ Furthermore, critics contend term limits compromise oversight of the executive branch and “erase the institutional memory necessary to scrutinize bureaucratic actions effectively.”⁷²

B. Efforts to Extend the Term Limits Imposed by Proposition 140

⁶¹ Horwitz at 16.

⁶² Cain and Kousser at 10.

⁶³ Horwitz at 19.

⁶⁴ *Id.* at 13.

⁶⁵ Torey Van Oot, *Gender Gap in Capitol Growing*, THE SACRAMENTO BEE (January 27, 2012), http://www.sacbee.com/2012/01/27/4219071/women-hitting-capitol-ceiling.html#disqus_thread.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Cain and Kousser at 17.

⁷⁰ *Id.* at 16.

⁷¹ Cain and Kousser at 17.

⁷² *Id.* at 72.

In response to the negative effects and unintended consequences of Proposition 140, there have been two past initiatives and one initiative on the upcoming June 2012 ballot aimed at extending (although not eliminating) term limits for Californian legislators. One common goal of these three measures is to allow more time for elected public officials to learn and adapt to the political process.

For example, Proposition 45 (defeated in March 2002), sought to give incumbents who were termed out an opportunity to run for one additional term in the Senate or two additional terms in the Assembly.⁷³ Although ultimately defeated by 57.7% of the vote⁷⁴, the language of the proposition acknowledged term limits as having “reinvigorated the political process by promoting full participation and bringing a breath of fresh air to California government.”⁷⁵ However, it went on to justify a change to the current system: “Proposition 45 recognizes that sometimes there are times of crisis and challenge when voters should have the option of extending the term of responsive and capable leaders. Today, stable leadership and the ability to solve complex problems, like a faltering economy, are of great importance.”⁷⁶ Proposition 45 demonstrated a gradual shift in public opinion, expressing a desire to slightly reform California’s strict term limits.

A second effort to reform California’s current law came in the form of another initiative constitutional amendment on the February 2008 statewide primary election.⁷⁷ Although Proposition 93 would have reduced the number of years an elected official was allowed to serve in the California Legislature from fourteen to twelve years, it allowed all twelve years to be served in just one legislative house.⁷⁸ Supporters of Proposition 93 argued it “necessary to stop the constant turnover in the Legislature . . . thereby preventing entrenchment and simultaneously allowing members to develop their policymaking expertise and leadership skills.”⁷⁹ Failing by a margin of 7.2%⁸⁰, the proposition is indicative of voters’ realization of the need to increase institutional memory and executive oversight as well as encourage long-term policymaking.

The upcoming June 2012 election will feature Proposition 28, strikingly similar to Proposition 93, and again aimed at reforming California’s current legislative term limits. If passed, Proposition 28 would reduce the total number of years elected officials may serve in the legislature from fourteen to twelve years, but permit service in either the Senate or Assembly or a combination of both.⁸¹ Despite this being the third attempt to alter California’s strict term limits, it

⁷³ Peter Perkins, *Proposition 45: Legislative Term Limits. Local Voter Petitions*, Cal. Init. Rev., (2001).

⁷⁴ *California Proposition 45, Extended Terms in Office via Petition (March 2002)*, BALLOTPEdia (February 12, 2012), [http://ballotpedia.org/wiki/index.php/California_Proposition_45,_Extended_Terms_in_Office_via_Petition_\(March_2002\)](http://ballotpedia.org/wiki/index.php/California_Proposition_45,_Extended_Terms_in_Office_via_Petition_(March_2002)).

⁷⁵ Secretary of State, *California Primary Election: Official Voter Information Guide*, 67 (2002), http://library.uchastings.edu/ballot_pdf/2002p.pdf, (accessed February 19, 2012).

⁷⁶ *Id.* at 29.

⁷⁷ *California Proposition 93, Amendment to Term Limit Law (February 2008)*, BALLOTPEdia (accessed February 12, 2012), [http://ballotpedia.org/wiki/index.php/California_Proposition_93,_Amendment_to_Term_Limits_Law_\(February_2008\)](http://ballotpedia.org/wiki/index.php/California_Proposition_93,_Amendment_to_Term_Limits_Law_(February_2008)).

⁷⁸ *Id.*

⁷⁹ Liou and McKinney.

⁸⁰ *California Proposition 93, Amendment to Term Limit Law (February 2008)*.

⁸¹ California Secretary of State, *June 2012 Statewide Ballot Measures: Proposition 28*, (February 19, 2012), <http://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures.htm>

seems the electorate is slowly grasping the effects of Proposition 140. Proposition 45 and Proposition 93 were narrowly defeated, which may suggest a current trend among voters, still desiring a check on “career” politicians, yet valuing the importance of collective expertise and experienced policymaking among our political leaders.

IV. PREDICTING CURRENT PUBLIC OPINION

Although California voters may be leaning towards extending term limits previously adopted via the initiative process, accessing current national public opinion on the subject is difficult (as polling on the subject is sparse). It is evident Americans favor term limits for members of the United States Congress; however, the exact number of terms the electorate desires is unclear. One relatively recent poll performed by a Rasmussen Reports national telephone survey conducted in September 2011 found 71% of likely U.S. voters favored establishing term limits for Congress.⁸² This number is likely the result of the public’s extreme disapproval of Congress’ job and continued partisan gridlock.⁸³ Another poll conducted by Fox News in September 2010 found 78% of voters favored term limits for members of the U.S. Senate and House of Representatives.⁸⁴

However, even less polling exists on the national electorate’s opinion concerning term limits for their own state legislators. In a less recent poll, from March 4, 2008, 68% of South Dakotans did not want to eliminate or extend the current legislative term limit of eight years.⁸⁵ Additionally, an August 2010 poll proved 73% of New York voters favored restoring the two-term limit for elected officials.⁸⁶ Lastly, a poll conducted in North Carolina in September 2011 found the majority of voters think the terms of state House and Senate leaders should be limited: 13% think one two-year term, 38% think two two-year terms, 20% think three two-year terms, and 14% think four two-year terms.⁸⁷

⁸² *71% Favor Term Limits for Congress*, RASMUSSEN REPORTS (September 27, 2011), http://www.rasmussenreports.com/public_content/politics/general_politics/september_2011/71_favor_term_limits_for_congress.

⁸³ CNN/ORC POLL, 3 (February 10-13, 2010), <http://i2.cdn.turner.com/cnn/2012/images/02/15/rel2f.pdf> (finding 77 percent of Americans disapprove of the way Republican leaders in Congress are handling their jobs and 67 percent of American disapprove of the way Democratic leaders in Congress are handling their jobs).

⁸⁴ Dana Blanton, *Fox News Poll: 78 Percent Favor Term Limits On Congress*, FOX NEWS (September 3, 2010), <http://www.foxnews.com/politics/2010/09/03/fox-news-poll-percent-favor-term-limits-congress/>.

⁸⁵ *South Dakotans Still Support Term Limits*, U.S. TERM LIMITS (March 2008), <http://www.termlimits.org/content.asp?admin=Y&contentid=7>.

⁸⁶ Michael Barbaro and Marjorie Connelly, *New Yorkers Strongly Back Shorter Term Limits*, NY TIMES (September 6, 2010), <http://www.nytimes.com/2010/09/07/nyregion/07term.html>.

⁸⁷ Trout, Katie, *Civitas Poll: Voters Support Term Limits for Legislative Leaders*, JOHN W. POPE CIVITAS INSTITUTE (October 6, 2011), <https://www.nccivitas.org/2011/civitas-poll-voters-support-for-term-limits-for-legislative-leaders/>.

In the aggregate, taking into account these numbers as well as the fifteen states with term limits adopted by initiatives, the evidence points to the public's desire to impose some check on their political leaders. However, the question regarding the number of terms the electorate prefers is ambiguous. In analyzing the efforts in California – specifically the past two defeated initiatives and the upcoming Proposition 28 – to extend the length legislators may serve in one house, there does seem to be a shift in public opinion favoring reforming term limits.

V. CONCLUSION

Term limits imposed by the initiative system were spurred by a desire to bring new ideas to politics and policymaking in state legislatures, which the public perceived to be dominated by “career” politicians who were far removed from their constituents. At the height of the political reform movement of the 1980s and 1990s, it seemed the electorate had had refused to the influences of powerful lobbyists and money from special interests playing a hand in the political process. In theory, legislative term limits seem to be necessary, providing an essential check on legislators, creating transparency and accountability, while also opening up the door for minorities. However as exemplified in California, strict term limits fail to eliminate outside influences and diminish the level of expertise in complex policymaking legislatures require to function effectively.