

REPEAL OR AMEND TERM LIMITS FOR STATE LEGISLATORS

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House Joint Resolution "V" as introduced
House Joint Resolution "W" as introduced
House Joint Resolution "X" as introduced
Sponsor: Rep. Ed McBroom
Committee: Elections

Analysis available at
<http://www.legislature.mi.gov>

Complete to 11-9-16

SUMMARY:

House Joint Resolutions V, W, and X present three separate options for amending or removing existing term limits for members of the Michigan legislature. Each is an amendment to the State Constitution and would require the approval of voters.

Currently, Article IV, Section 54 of the Michigan Constitution of 1963 states that a person may not be elected to more than three terms (for a total of six years) in the House; it also provides that a person may be elected no more than twice (for a total of eight years) to the Senate. Appointment and election to less than a full term are considered a term if the service amounts to more than half of the term.

House Joint Resolution V

This resolution would *repeal* existing term limits for members of the Michigan House of Representatives and Senate.

House Joint Resolution W

This resolution would replace the current limits of six years in the House and eight years in the Senate with *a combined limit of sixteen years*, which may be served in any combination of terms between the two chambers; however, a person is not eligible to begin serving a term unless eligible to serve the entire term under this rule. [In other words, a person may not serve three terms in the House (totaling six years) followed by three terms in the Senate (totaling 12 years); the person would be ineligible to run for the third Senate term because its completion would put the person at a total of 18 years.]

Additionally, HJR W would amend how partial terms are counted. Current language states that service is considered a full term if the time served amounts to more than half of a term; HJR W would provide that if a person holds office for one day or more within a calendar year, that person is considered to have served the entire calendar year for the purposes of the section.

House Joint Resolution X

This resolution would *impose a consecutive limit, rather than the current lifetime limit*, on Michigan legislators. Under consecutive term limits, a person who reaches the year

limit must sit out for a set period of time (usually two years) before again running for service. Once the clock has thus reset, the person may serve up to the limit again.

The term limits of three House terms and two Senate terms currently in place would remain but, in effect, a person could serve up to the limit, sit out a term of two or four years, and then be eligible to serve up to the limit again in either or both houses.

None of the three joint resolutions would have an effect on the limit of two terms imposed on the office of governor, lieutenant governor, secretary of state, and attorney general.

BACKGROUND:

Term limits were added to the Michigan Constitution in 1992 after approval by a two-thirds vote in both houses of the Michigan legislature and subsequent approval by 59% of the electorate.

Term limits in other states

Fifteen states have term limits for their legislators. Six of those states, including Michigan, have a *lifetime* limit on service which, once the year limit is reached, precludes a person from ever serving again. The remaining nine states have a limit on *consecutive* years of service. The following table, from the National Conference of State Legislatures, illustrates those limits.

Limit in years	Consecutive limit	Lifetime limit
6 house/8 senate		MI
8 total	NE	
8 house/8 senate	AZ, CO, FL, ME, MT, OH, SD	
12 total		CA, OK
12 house, 12 senate	LA	NV
16 total		AR

Repeal of term limits

According to the National Conference of State Legislatures,

In two states, term limits have been repealed by the legislature. In another four states, courts have found term limits 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, the opinions were similar. In all three states, 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, and a statute spelling them out was not constitutional. In Oregon, the state supreme court found that the initiative imposing term limits in that state violated the single-subject requirement for initiatives.

FISCAL IMPACT:

The resolutions would have a fiscal impact to state government if passed by the legislature and placed on the ballot in the next election. The Secretary of State estimates that statewide elections cost the state approximately \$10 million. There would not be any fiscal impact to the state in regards to the changes to term limits themselves. There would also not be any fiscal impact to local governments, as the state would reimburse localities for an election for a statewide ballot question.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.