

PROPOSED AMENDMENT TO THE OHIO CONSTITUTION

PROPOSED CONSTITUTIONAL AMENDMENT

3 To amend Article II, Section 2 of the Ohio Constitution by the addition of the following paragraphs:

No person shall hold the office of State Senator for a period of longer than two successive terms of four years. No person shall hold the office of State Representative for a period longer than four successive terms of two years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1993 shall be considered in determining an individual's eligibility to hold office.

In determining the eligibility of an individual to hold an office in accordance with this article, (A) time spent in an office in fulfillment of a term to which another person was first elected shall not be considered provided that a period of at least four years passed between the time, if any, in which the individual previously held that office, and the time the individual is elected or appointed to fulfill the unexpired term; and (B) a person who is elected to an office in a regularly scheduled general election and resigns prior to the completion of the term for which he or she was elected, shall be considered to have served the full term in that office.

If adopted by a majority of electors voting on this amendment, each provision of this amendment shall be deemed severable from the others, and finding that a provision is invalid shall not affect the other provisions.

A majority yes vote is necessary for passage.

	Yes	SHALL THE PROPOSED AMENDMENT BE ADOPTED?
	No	

EXPLANATION AND ARGUMENT AGAINST PROPOSED AMENDMENT 3

Myth of Citizen Legislator

- Term Limits won't guarantee competitive elections; they simply guarantee turnover. Turnover, however, is not the real problem. In that last 10 years, 70% of our state Senators have been replaced at least once, as have 68% of our state Representatives.
- Term Limits won't guarantee responsible legislation. They only guarantee that our legislature will have limited experience and a limited memory of successful and failed policies of the past.
- A short-term legislature will tend to adopt short-term solutions to long-term problems.
- The goal of a citizen legislature comprised of idealistic people interested in public service won't be achieved through term limits. The same sorts of people who are in the legislature now are most likely to run and win those who can afford to take a break from their lives and jobs and who are motivated enough to campaign, raise money from friends and strangers, and withstand intense scrutiny of their personal lives.

Pay-to-play politics

- Term Limits will force dependency upon staff, bureaucrats, and lobbyists who will, in turn, be the ones deciding public policy rather than our elected officials.
- Legislators may not be effective or responsive to the electorate in their last allowable terms.
- Lame duck legislators could be tempted with offers of future jobs or other benefits.

Power of elections

- Re-election pressure is a necessary component of our democratic system. Facing the voters at election time forces accountability.
- Term Limits will discourage competition. Incumbents will still have extraordinary advantages in elections like free mailings, name recognition, and media access. Why run against an incumbent when you can wait and run for an open seat?

Prepared by Ohio League of Women Voters, Marilyn Shearer, President

EXPLANATION AND ARGUMENT FOR PROPOSED AMENDMENT 3

Issue 3 will limit the terms of the Ohio Senate to two consecutive four-year terms. Members of the Ohio House of Representatives will be limited to four consecutive

two-year terms. Since 1951 the terms of the President has been limited. Ohioans have limited the Governor's terms since 1954.

No current incumbents will be immediately thrown out of office as the result of this amendment. The terms that count toward limitation will begin with this election.

This amendment does not prohibit an incumbent state legislator from running for other offices. It simply prohibits members of the Ohio House of Representatives and Ohio Senate from making a career out of holding the same office for a lifetime. If the voters choose to return an incumbent to a position previously held for eight consecutive years, they may do so after the incumbent has sat out of office for a four-year "rest period."

This amendment, as well as Issues 2 and 4, are designed to promote rotation in office and give more Ohioans an opportunity to serve in public office. By limiting terms, open-seat elections will occur more frequently. These elections provide more opportunities for new people to run for office without having to challenge well-financed veteran legislators.

Committee For the Amendment

John J. Jazwa
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THOMAS SUDDER



COMMENTARY

Limiting terms may also limit effectiveness

COLUMBUS

Besides fat legal fees for an army of lawyers, the biggest product of this year's fight over legislative reapportionment is paper — lots of paper, filed hither and yon in courtrooms great and small.

In the end, the legal jousting is a deep-pockets rear-guard action by Democrats, who've ruled the Ohio House since 1973, to distract GOP strategists from next year's attempt to regain the House for the party of McKinley, Harding and Bush.

A Monday hearing in Columbus by a panel of three federal judges was held in a U.S. Courthouse bearing a bronze plaque commemorating the building's completion by the Democratic New Deal administration of President Franklin D. Roosevelt.

Once a post office, the Columbus building's plaque also carries the name of Roosevelt's first postmaster general, James A. Farley, who from 1932 to 1940 was Democratic national chairman but broke with Roosevelt over FDR's decision to break the two-term tradition — which brings us to term-limit fever.

The reason Farley was postmaster general (as former GOP National Chairman Will Hays was Warren Harding's postmaster general) — indeed, the reason local postmasters were political appointees — was because the Post Office Department was patronage of the party in the White House.

Now we have a "non-political" Postal Service, run by a "non-partisan" board that's brought "professional" management to the mails.

The Postal Service's clerks, sorters and carriers do a far better job than they get credit for, but the question is: Does the "non-partisan" Postal Service do a better job now than when the hacks called the shots?

Most people don't think so. Why? Because the hacks knew that if they didn't do a decent job, their bosses wouldn't be re-elected. Result? The hacks would be on the street.

The same could be said of our members of Congress and state legislators. When people need a passport in a hurry, do they call the State Department? Not unless they're students of double-talk — it's Sen. Ageless or Congressman Shopworn to the rescue.

The same thing happens when a constituent has a problem with Social Security or veteran's benefits.

The jobs of the unelected bureaucrats don't hinge on their performance — the jobs of legislators do.

And how do Sen. Ageless and Rep. Shopworn get the clout to energize snoozing bureaucrats? By being in Congress — or, in Ohio, in the General Assembly — long enough so the bureaucrats know the rulebook runaround is a losing game.

For the same reason, does anyone really think Cleveland State University would have a new convocation center but for the seniority of Rep. Patrick A. Sweeney, D-9, of Cleveland?

Or that Akron and Youngstown would have gotten big state projects but for the respective efforts of former Sen. Oliver Ocasek, a Northfield Democrat, and Sen. Harry Meshel, D-33, of Youngstown?

Or that Cincinnati would be at the receiving end of Ohio's construction cornucopia if Senate President Stanley J. Aronoff, R-8, of Cincinnati, hadn't been a legislator since 1961?

A "non-partisan, scientific" formula might, in theory, have produced the same results with a limited-term legislature. But if not, where would one complain? To the state statistics association? That'd show 'em.

It's harder to measure the potential impact on state programs — as opposed to concrete projects — of a limited-term legislature.

But as one example, the statewide academic testing of school pupils finally began mainly because of several senior GOP legislators — despite constant roadblocks by school bureaucrats and teacher lobbyists.

For all their defects, the tests have at least focussed public attention on school problems — though maybe that imposes more responsibility on taxpayers than Ohioans really want.

After all, we won't turn off our TV sets. But when Johnny and Joanie can't read, we want to fire their teachers.

Just as many of us won't vote — but then demand term-limits.

Sudder is legislative correspondent for The Plain Dealer.

"I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience."

- Andrew Jackson
(1767-1845)
7th President of the U.S.



Q. What are the chances of term limits becoming Ohio law?

A. Extremely good. But in order to amend the Ohio Constitution to make it happen, petitions have to first be signed by more than 362,000 registered voters. Those signatures must be gathered right now in order to meet the Ohio Secretary of State's deadline. Then, all Ohioans will have the chance to vote on the term limits amendment in the fall.

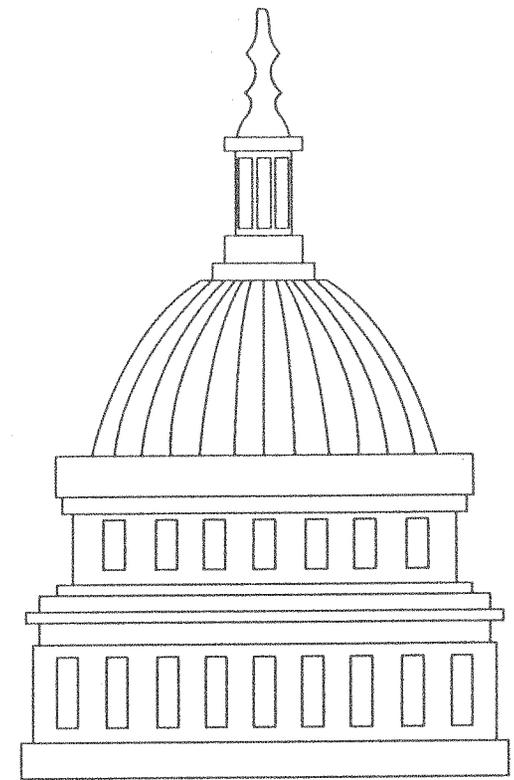
Q. What can I do to help?

A. Simply call 1-800-OH LIMIT to receive a petition package — free of charge — and become a petition circulator. Circulating a petition is simple and takes very little time. Please remember, we need to gather these signatures right now to place this amendment on the ballot.

For more information, please contact:

Ohioans for Term Limits
12500 Elmwood Avenue
Cleveland, Ohio 44111
1-800-OH LIMIT or (216) 671-0210

Ohioans for Term Limits
John J. Jazwa, Treasurer



It's a nice place to visit. But they shouldn't live there.

1-800-OH LIMIT

Q. Won't term limits create chaos by throwing all our current officeholders out of office?

A. No one will be immediately thrown out of office by this amendment. Every incumbent starts with a "clean slate." They are eligible, if elected, to serve for the terms allowed by the amendment.

Q. Won't we lose too much experience in the legislature if term limits passes?

A. Think about what that experience has brought us: huge deficits, a \$3 trillion national debt, bounced checks, Congressional pay raises and skyrocketing taxes. Experience is valuable. Limiting politicians' terms will produce a flow of real-life experience in the legislature as citizens from all walks of life have the opportunity to serve in public office.

Q. Is this constitutional?

A. Yes. Ohio can amend its constitution to limit state officials. Many legal scholars are also convinced that states may limit their congressional representatives. If the federal part of this amendment is challenged, the limits for state officials will still go into effect.

Q. Are you "out to get" a particular office holder?

A. No. It's difficult to say it any simpler. This term limits proposal is about reforming our system of government to make it more responsive to the people and to limit the abuse of power. It is not about getting any individual politician out of office.

LIMITING POLITICIANS' TERMS

QUESTIONS & ANSWERS

Q. Is term limits a new idea?

A. No, term limitation goes back to the Articles of Confederation which preceded the U.S. Constitution. The reason term limits were not originally written into the federal or state Constitution is that our Founding Fathers didn't think anyone would make a career out of holding one elected office.

Many well-known officeholders favored term limits, including George Washington, Abraham Lincoln, Harry Truman, Dwight Eisenhower, John F. Kennedy, and many others.

Q. Whose terms are presently limited?

A. We've limited the U.S. President and the Ohio Governor since the 1950s. In both cases, constitutional amendments were passed by the people to limit their terms.

Q. Whose terms will be limited by the proposal being circulated by Ohioans for Term Limits?

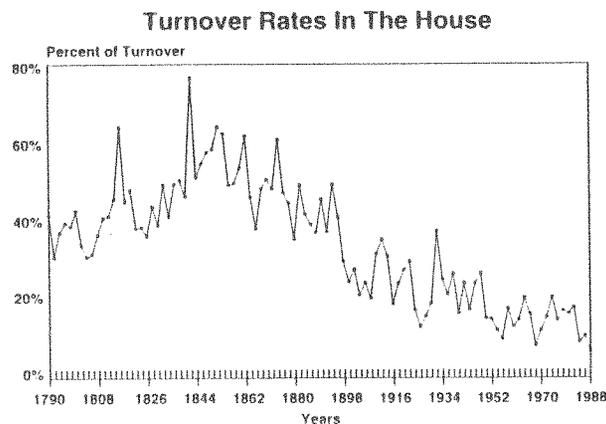
A. U.S. Senators and Representatives, Ohio State Senators and Representatives, the Lieutenant Governor, State Attorney General, Auditor, Treasurer, and Secretary of State.

Q. Who gets limited to what?

A. Members of the Ohio House of Representatives and the U.S. House of Representatives will be limited to four consecutive terms in office (8 yrs.).

Ohio State Senators and state officials (Lieutenant Governor, Attorney General, Auditor, Treasurer, Secretary of State) will be limited to two consecutive terms (8 yrs.)

U.S. Senators from Ohio will be limited to two consecutive terms (12 years, since their term of office is six years long).



Q. Some people are saying we don't need term limits as long as we can vote incumbents out of office. Is this true?

A. That's a nice theory, but it doesn't work out in practice, as the bar graph above proves. Today's incumbents have made a career out of holding office. They have large salaries, staffs and benefit packages. They spend incredible time and money making certain that no one can unseat them. Because of these advantages, turnover in the Ohio Legislature and U.S. Congress is unbelievably small. Term limits is about changing the rules to create a more responsive government. The Founding Fathers spoke about a "citizen legislature" where people from all walks of life could serve in office for a short period of time, then return home to live under the laws they had passed.

Q. Doesn't limiting terms restrict voter choice?

A. No, limiting terms is voter choice. In the 1950s, citizens decided to change the rules by setting limits on how long the President and Governor may hold office. Those changes have worked out pretty well. Limiting state officials and members of Congress is one more opportunity for

voters to improve our system of elected representation.

Furthermore, the Ohio term limits proposal is very reasonable. It does not permanently ban an officeholder from returning to the same office. It only requires that he/she sit out for four years before running again for that office. Like the current limits for the Governor, nothing prevents voters from choosing to re-elect a previous incumbent for the same office at a later date. Neither does the proposal in any way limit an elected official from seeking an office other than the one he/she has just held.

Q. Is this some kind of partisan movement — an attempt by one political party to gain an advantage over another?

A. No. Incumbents from all parties are not very happy with the idea of term limits. Ohioans for Term Limits is not funded by, nor interested in advancing the cause of any political party. This is a citizen effort, with statewide support from Ohioans of all party affiliation, race, gender, and ideology. In fact, almost every poll on this issue — whether state or national — indicates that about 70% of the general population favors term limits.



Term limits not the problem; party sway is: Matt Mayer

Published: Saturday, July 16, 2011, 1:30 PM



By **Plain Dealer** guest columnist

Every year, someone pens a column blaming term limits for alleged Statehouse dysfunction. The latest missive comes from Thomas Suddes in "This is your legislature on term limits" (Forum, July 10). Suddes warns us "experience is the best teacher." Suddes had to inconveniently note that current Ohio House Speaker William Batchelder first began serving in the 1960s.

Before faulting term limits, writers should make sure the data actually support their conclusions. With term limits, they doesn't.

Ohioans passed term limits in 1992 with 66 percent of the vote. While it is hard to know each voter's intent, the disdain for career politicians and the power they accumulate likely ranked high on the list. Ohioans voted for less experience over more power. They failed, however, to account for the zeal politicians have in maintaining power.

Let me explain.

To see if term limits (i.e., inexperience) is indeed to blame for Ohio's alleged legislative ills, I looked at the legislative experience by member and General Assembly for five different terms: 1971-1972, 1981-1982, 1991-1992 (the last one before term limits), 2001-2002 and 2011-2012 (the current one).

The average years of experience for members for those terms are: 4.16, 7.41, 9.36, 4.24 and 6.54. Term limits cut the average by more than half just 10 years later. After term limits, as Suddes correctly noted, those wily politicians began the practice of jumping back and forth and back between the House and Senate. This bouncing practice resulted in the average rising by 54 percent over the last 10 years, so that the average now is only 12 percent less than the average in the halcyon days of 1981-1982 (ironically, just before the partisan passage of Ohio's collective-bargaining law).

In terms of institutional experience, the total years of experience over those five terms was: 549, 978, 1,235, 560 and 863. Again, the total years of experience today is only 12 percent less than the total experience in 1981-1982. So much for inexperience being responsible for today's Statehouse ills.

If you peel back the onion even more, you will find yet another surprise. Over those five terms, the number of members with 30 years or more of experience was 0, 2, 1, 0 and 4. Those with 20 years or more totaled 2, 5, 14, 2 and 14. That's right, there are as many seasoned veterans today as in the year before the term limits amendment passed.

Perhaps there is something else to blame for Ohio's legislative ills.

Suddes lamented the loss of rebels who he says are being shown the door due to term limits. I would submit that a more likely culprit of legislative ills and fewer rebels is the

aggressive actions taken by both the Republican and Democratic parties to handpick candidates and involve themselves in primaries to ensure their guy or gal wins. This practice breeds extreme loyalty to the parties and their leadership, but leaves we the people in the back seat.

Competitive primaries are a good thing. Psalms teaches us, "As iron sharpens iron, so one man sharpens another." Having run a tough primary campaign in Colorado where the party was prohibited from getting involved, the victor would unequivocally tell you that our stiff challenge made him a better candidate and helped him win the general election by 121 votes.

It isn't experience that creates rebels willing to challenge leadership and fight aggressively on behalf of their constituencies. Rather, it is a robust, party-free primary system that gives rebels and nonparty loyalists a fair chance to win and take their independence to Columbus.

As for the issue of legislators not knowing how things work, either we've made the system too complex, or we are sending the wrong people to Columbus. If eight years really isn't enough time to learn the rules and get some things done, then we need to reform how the Statehouse works. A child who cannot read, write or do math will enter and exit elementary and middle school knowing algebra and chemistry in eight years.

It is time to stop blaming term limits and find another boogeyman for Ohio's Statehouse ills.

Matt Mayer is the president of the Buckeye Institute for Public Policy Solutions.

The case against legislative term limits: Thomas Suddes

Published: Saturday, July 28, 2012, 7:02 PM



By **Thomas Suddes, The Plain Dealer**

A good question deserves what will aim to be a good answer.

A reader recently asked, "I . . . usually find [the column] . . . informative and thought-provoking. [But] I don't understand . . . your constant railing against term limits in the Ohio legislature."

Reason No. 1: Ohio had term limits. They were called "elections." If your state legislator did a crummy job, you could fire him or her at the ballot box.

Reason No. 2: If your legislator did a good job -- some did, and do -- you could re-up him or her. But term limits retire House members and senators after eight years -- saints and scoundrels alike. If that doesn't limit an Ohioan's right to vote, then North Korea is a democracy.

Reason No. 3: By squeezing the experience a legislator has in Ohio's House or Senate, term limits make lobbyists (and legislative employees, however outstanding most are) the "deciders" in Columbus.

They, not rookie legislators, know where the bodies are buried. They know Ohio's budget has nooks and crannies like Thomas' English muffins -- nooks and crannies where bureaucrats can hide spending. But lobbyists and legislative staff don't answer to taxpayers.

Reason No. 4: Term limits strengthen Ohio's executive branch and weaken the legislative branch. Imagine: You're a term-limited Ohio legislator. You're not in a position to leapfrog from one General Assembly chamber to the other (see below). You don't have, say, a law practice or an insurance agency back home. For some lame ducks, that means the ideal post-legislature option is an appointment bestowed by the governor, no matter who he or she is.

But if the difference between (maybe) landing a state job and (maybe) going back home jobless is whether you've pleased or irked a governor, that crimps a legislator's independence, however unconsciously. He or she won't rock the boat.

Reason No. 5: Term-limit defenders offer a "leapfrog" argument. It's bunk, but here it is: A state representative may be elected to four consecutive two-year terms -- eight consecutive years. Then he or she must take a four-year break before returning to the House. A state senator may be elected to two consecutive four-year terms -- also eight consecutive years. Then he or she must take a four-year break before returning to the Senate.

But term-limited representatives can (without waiting four years) go directly to the Senate. And a term-limited senator (without waiting four years) can go directly to the House. The fans of term limits claim that demonstrates that term limits aren't really term limits -- so,

no worries. That's a heck of a defense: Term limits are OK because, hey, they're not *really* term limits?

The Ohio House is supposed to be a check on the state Senate, and the Senate a check on the House. But if you're a House member wanting a Senate seat, would you irk your party's Senate caucus? The same goes for senators wanting to back-flip to the House. (Caucuses fill midterm vacancies and fund campaigns.)

Reason No. 6: Term limits are elitist. They imply voters are too stupid or lazy to actually judge candidates. That is, Democrats, in say, Greater Cleveland, would elect Daffy Duck to the General Assembly if he ran as a Democrat. And Republicans in, say, Butler and Warren counties, would send Elmer Fudd if he ran as a Republican.

Competitive districts would trump that. So could a ballot, like Ohio's general election ballot for judges, that lists legislative candidates without party labels (though that can promote "name game" elections, like those for Cuyahoga County judgeships.)

No way, though, can anybody improve democracy in Ohio by limiting it. But that's exactly what legislative term limits do.

New fight takes shape over term limits

Prop. 28 would allow legislators to serve 12 years in one house, rather than 14 between the Assembly and Senate. Backers say the move would give lawmakers more experience.

May 18, 2012 | By Patrick McGreevy, Los Angeles Times

SACRAMENTO — Twenty-two years after California became one of the first states to limit legislators' terms in office, voters are about to decide whether the rules should be changed. In 1990, voters limited lawmakers to three two-year terms in the Assembly and two four-year stints in the Senate, for a total of 14 years in the Legislature. Proposition 28, on the June 5 ballot, would limit lawmakers to 12 years in the Legislature but allow all of those to be served in one house.

To read this article in its entirety, please use the following link:

<http://articles.latimes.com/2012/may/18/local/la-me-term-limits-20120518>