

SENATE No. 1536

The Commonwealth of Massachusetts

**MAJORITY AND MINORITY REPORTS
OF THE
JOINT COMMITTEE ON
ELECTION LAWS
RELATIVE TO AN
INITIATIVE AMENDMENT
TO THE CONSTITUTION
TO LIMIT THE TERMS
OF CERTAIN
ELECTED OFFICIALS
(see House, No. 4000).**

May 5, 1992

The Commonwealth of Massachusetts

MAJORITY REPORT

The joint committee on Election Laws has reported "ought not to pass" on H.4000, an initiative petition for a constitutional amendment which would limit the terms of elected officials.

H.4000 ought not to pass for several reasons. Certainly, not least among these is that it is an unnecessary limitation on the rights of voters. We already have the most democratic form of term limitation by the voters themselves through frequent elections. This gives the voters unlimited opportunity to reward good public service with reelection or election to higher office. Conversely, they may choose to retire those whom they believe have not served them well.

Furthermore, H.4000 is both simplistic and extreme. It seeks to establish by law an automatic termination of one's public service in a given office, even when the individual has done a good job and whom the people would otherwise wish to continue in office. In short, it goes too far in a misguided attempt to create a more open political process by legislating frequent turnover of office holders. Yet, the plain fact is that candidates and voters already have all the power they need to insure adequate turnover, and they should be allowed to exercise that right at the polls without further restriction.

Rep. Richard T. Moore,
Chairman

Rep. Thomas M. Petrolati,
Vice Chairman

Rep. Vincent P. Ciampa

Rep. Susan M. Tracy

Rep. Edward J. Clancy, Jr.

Rep. Paul J. Gannon

Rep. Warren E. Tolman

Sen. Stanley C. Rosenberg,
Chairman

Sen. Bill Owens, *Vice Chairman*

Sen. Michael J. Barrett

Sen. Robert A. Durand

Sen. Richard R. Tisei

MINORITY REPORT

The Joint Committee on Election Laws has recommended that H.4000, an initiative petition for a constitutional amendment to limit terms of elected officials, "ought not to pass." This report respectfully disagrees.

In its majority report, the committee states that H.4000 is an "unnecessary limitation on the rights of voters" who now have the right to unseat incumbents any time they wish at the ballot box.

Our view is that term limits would in fact greatly increase the choices voters would have on election day. Term limits would ensure the entry of new faces and perspectives into politics and remove the insider advantages of incumbency. Incumbents would be forced to go "up or out," not stagnate for years in the same office.

Incumbency has become a powerful advantage. As recently as the 1988 congressional elections, incumbents raised \$88 million and challengers \$9 million. That kind of imbalance is what really limits the choice of voters.

The opponents refer to term limits as an alien political idea. In fact it is not.

The President of the United States is limited to two terms. More than half the states limit the terms of their governors.

The majority report neglects a major facet of the debate heard by the committee in its hearing March 25. The fact is that term limits came to the Legislature as an initiative petition endorsed by tens of thousands of Massachusetts voters.

All voters should have the right to decide. After what undoubtedly would be a vigorous public debate, voters would decide. We should not be afraid of letting them exercise that right.

It is time to let some fresh air into the stale corridors of government. And it is time for us in the Legislature to get out of the way and let the people decide if they want to limit terms of their elected state and federal representatives.

Critical to the operation of our state and federal governments is the central concept put forth in Article I, section 8 of the Massachusetts Declaration of Rights: that no one man or woman is greater than the law itself, and that the citizens must always be empowered to determine not only who will serve them, but also the

structure in which they will serve. The time is now to return our government to the democratic body envisioned by our forefathers. That government is one dominated not by the interests of incumbency, but rather by the tireless efforts of those motivated by a desire to serve our Commonwealth in an effective way.

Rep. David J. Lionett
Rep. Robert D. Hawke
Rep. David F. Gately
Rep. Bruce E. Tarr

Sen. Nancy Achin Sullivan