



**OHIO CONSTITUTIONAL MODERNIZATION COMMISSION**  
**LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE**

---

**THURSDAY, FEBRUARY 12, 2015**  
**11:00 A.M.**  
**OHIO STATEHOUSE ROOM 115**

**AGENDA**

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
  - Meeting of December 11, 2014
- IV. Discussion
  - Endorsement of House Joint Resolution 12 on Redistricting
  - Term Limits for Members of the Ohio General Assembly
  - Public Officials Compensation Commission
- V. Public Comment
- VI. Adjourn



**OHIO CONSTITUTIONAL MODERNIZATION COMMISSION**

---

**MEMORANDUM**

**TO:** Chair Fred Mills, Vice Chair Paula Brooks, and  
Members of the Legislative Branch and Executive Branch Committee

**CC:** Steven C. Hollon, Executive Director

**FROM:** Shari L. O'Neill, Counsel to the Commission

**DATE:** January 30, 2015

**RE:** Ohio Constitution Article II, Section 2  
(Term Limits for State Legislators)

---

The Legislative Branch and Executive Branch Committee has asked staff to provide a memorandum relating to the history of Article II, Section 2, as it relates to the Election and Term of State Legislators.

Article II, Section 2, reads as follows:

Representatives shall be elected biennially by the electors of the respective house of representatives districts; their term of office shall commence on the first day of January next thereafter and continue two years.

Senators shall be elected by the electors of the respective senate districts; their terms of office shall commence on the first day of January next after their election. All terms of senators which commence on the first day of January, 1969 shall be four years, and all terms which commence on the first day of January, 1971 shall be four years. Thereafter, except for the filling of vacancies for unexpired terms, senators shall be elected to and hold office for terms of four years.

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 office in accordance to 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, 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.

Under this provision, members of the General Assembly may not serve more than eight years' total in successive terms. They may, however, serve continuously by being elected to a seat in the other chamber after being term-limited out of the House or Senate. They also may return to legislative service in the same chamber by waiting four or more years to run again. The restrictions in Article II, Section 2, are set forth in the following chart:

<b>Legislative Chamber</b>	<b>House</b>	<b>Senate</b>
<b>Length of Term</b>	2 years	4 years
<b>Commencement of Term</b>	January 1 after election	January 1 after election
<b>Term Limit</b>	4 successive terms of 2 years	2 successive terms of 4 years
<b>Total</b>	8 years	8 years
<b>Successive Term Defined</b>	Terms successive unless separated by 4 or more years.	Terms successive unless separated by 4 or more years.
<b>Restriction on Subsequent Term in Different Chamber</b>	No	No
<b>Effect of Appointment to a Vacant Seat</b>	If an individual is appointed to fulfill another's term, that service doesn't count toward term limits unless less than 4 years has passed since that same individual previously held that office.	If an individual is appointed to fulfill another's term, that service doesn't count toward term limits unless less than 4 years has passed since that same individual previously held that office.
<b>Effect of Resignation</b>	If elected and resigns before end of term, individual is considered to have served the full term.	If elected and resigns before end of term, individual is considered to have served the full term.

Ohio's limitation on the number of consecutive terms that a state legislator may serve dates to 1992, when many states followed a national trend of amending their constitutions to limit the number of times state legislators could run for re-election. In 2000, the first year Ohio's legislative term limits took effect, the Ohio House of Representatives lost 45 of its 99 members,

and the Senate lost 6 of its 33 members.<sup>1</sup> Some members accepted other employment or retired in anticipation of being term limited. Consequently, as noted by Rep. Michael F. Curtin, “When the 124<sup>th</sup> Ohio General Assembly convened in January 2001, nearly half of the previous legislature—with 211 years of combined experience—were gone.”<sup>2</sup> The most immediate effect of the change was that freshman legislators were assigned committee chairmanships, but this and other changes were ameliorated by the fact that, in the ensuing years, seasoned legislators were able to change houses or to return to the General Assembly after sitting out for four or more years.<sup>3</sup>

Opponents criticize term limits as increasing the importance of legislative staff and the influence of lobbyists because legislators themselves have less time to gain the experience and skills needed for the job.<sup>4</sup> Term limits are condemned as interrupting continuity, weakening leadership, undermining collegiality, and jeopardizing diversity.<sup>5</sup> Term limits also are seen as being detrimental to institutional memory, increasing partisanship, empowering the executive branch over the legislative branch, and encouraging short-term legislative responses to complicated and long-standing societal problems.<sup>6</sup> A plethora of scholarly studies have focused on how term limits have affected fiscal policy, legislative professionalism, policy complexity, the partisan composition of the legislature, descriptive representation, redistricting procedures, electoral competition, and other facets of the legislative process.<sup>7</sup>

On the other hand, proponents maintain that term limits are a necessary tool to reduce lobbyist influence, and to infuse state government with new faces who will bring a fresh perspective to the legislative process.<sup>8</sup> Proponents embrace the view that term limits remove entrenched political careerists, replacing them with selfless “citizen legislators,” whose tenure will be brief but effective.<sup>9</sup> For term limit supporters, the goal of guarding the legislative process against the taint of corrupt influences and the control of powerbrokers is paramount, even if turnover eliminates the selfless as well as the self-serving.<sup>10</sup>

### **History of the Provision**

The 1802 Constitution provided for terms of only one year for representatives and two years for senators.<sup>11</sup> The 1851 Constitution increased the terms to two years for each. Term lengths of two years for senators remained in place until 1956, when voters approved, by a vote of 57.4 percent to 42.6 percent, an amendment that increased the term of office to four years.<sup>12</sup> Another amendment in 1967 staggered senate terms, requiring only half of the senate to stand for election at a time.<sup>13</sup>

In the early 1990s, some 21 states enacted state legislative term limits, responding to public opinion that “career politicians” were to blame for perceived governmental deficiencies.<sup>14</sup> In line with that trend, Ohio voters adopted an amendment limiting all state legislators to eight consecutive years of service, with the result that senators may only serve two successive terms of four years, and representatives may only serve four successive terms of two years.<sup>15</sup> Placed on

the ballot by initiative petition as Issue 3, the measure was approved on November 3, 1992 by a margin of 2,982,285 to 1,378,009, or 68.4 percent to 31.6 percent.<sup>16</sup>

### **Litigation Involving the Provision**

Article II, Section 2 has not been the subject of litigation; however, similar state constitutional provisions by which Ohio and other states imposed term limits upon federal congressional offices, were rejected in *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) (“Allowing individual States to adopt their own qualifications for congressional service would be inconsistent with the Framers' vision of a uniform National Legislature representing the people of the United States.”).

### **Presentations to the Committee**

The committee received two presentations from John C. Green, Ph.D., Director of the Bliss Institute of Applied Politics at the University of Akron, and one presentation from Ann Henkener, First Vice President of the League of Women Voters of Ohio on this issue.

#### *First Green Presentation*

John C. Green first presented to the committee on April 10, 2014. According to Dr. Green, Ohio’s model, called the “common model,” imposes eight-year consecutive limits in each chamber, while other models include six- or eight-year consecutive limits for the house and senate respectively, twelve-year lifetime limitations in both chambers combined, and twelve-year consecutive limits in each chamber. Dr. Green indicated that, between 1997 and 2012, six states repealed or struck down term limits, while one state enacted term limits. Thus, in 2014, 15 states have legislative term limits.

Describing the impact of legislative term limits, Dr. Green stated that term limits have impeded the development of legislative leaders, reducing leaders’ agenda-setting and coalition-building capabilities. He further indicated that the limits reduce the influence of the legislative branch in state government, instead empowering the executive branch, administrative agencies, nonpartisan staff, and lobbyists. Dr. Green also indicated that term limits increase partisanship and reduce the time legislators have to accomplish legislative goals. He noted that term limits have failed to achieve the goal of increasing the number of “citizen legislators,” as opposed to career legislators. Dr. Green observed that term limits have not increased gender, racial, or ethnic diversity in state legislatures.

Dr. Green stated that term limits have had only a modest impact on the electoral process, with no increase in the overall competitiveness of elections, no decrease in campaign spending, and an increase in the role of party caucuses in legislative campaigns. Dr. Green opined that, despite these drawbacks, term limits will continue to have strong public support. However, he stated that increasing the limits from 8 years to 12 years may alleviate the problem of a diminished role

for legislative leadership. He also indicated that allowing former legislators to return to office mitigates some of the impact of term limits.

### Second Green Presentation

In his second presentation to the committee, on June 12, 2014, Dr. Green presented polling data related to term limits. Conducted by the Center for Marketing and Opinion Research for the Bliss Institute in April 2014, the “2014 Akron Buckeye Poll” surveyed a random sample of 1,078 registered Ohio voters, including both landline and cell phone users.<sup>17</sup> Participants were asked whether they thought term limits produced poor government or good government and whether the limits have helped or hurt the state. The resulting data, with a margin of error of plus or minus three percentage points, indicates that 57 percent of those polled indicated they thought that term limits have helped the state, with 30 percent stating that the limits hurt the state and 13 percent having no opinion. These figures may be compared with 2005 polling data indicating that 59 percent of voters believed that term limits help the state, with 30 percent saying the limits hurt the state and 11 percent indicating they had no opinion.

Asked whether term limits should be kept at eight years, extended to 12 years, or repealed altogether, 70 percent of those polled favored keeping term limits at eight years, with 13 percent willing to extend the limits to 12 years, 12 percent agreeing that they should be repealed altogether, and five percent having no opinion. Queried as to whether they could accept an increase in the limit to 12 years, 38 percent of participants answered that they were firm on keeping the total number of years served at eight, with 32 percent willing to accept a 12-year limit, 13 percent being firm on a 12-year limit, 12 percent supporting a complete repeal of term limits, and five percent having no opinion.

Asked whether they would support increasing state legislative terms by two years, meaning that representatives would serve a four-year term and senators a six-year term, 61 percent of participants indicated they would support such a measure, with 36 percent indicating they would not and three percent having no opinion.

Sixty-two percent of participants stated that it should take a legislator less than five years to learn the job, while 28 percent said five-to-ten years was appropriate, seven percent identifying more than 10 years as the correct time span, and three percent having no opinion.

### Henkener Presentation

Ann Henkener, First Vice President of the League of Women Voters of Ohio (“League”), presented to the committee on July 10, 2014. According to Ms. Henkener, the league’s long opposition to term limits is based upon the rationale that terms are inherently limited to two years for representatives and four years for senators, requiring legislators to seek re-election at the end of those terms. Ms. Henkener asserted that the arguments against term limits as presented by the League to voters in 1992, when the current version of Article II, Section 2 appeared on the ballot,

have proved mostly true. As she described them, those arguments are that term limits create more “lame duck” legislators, reduce competition for legislative seats, result in less-experienced legislators, reduce institutional memory, impede long-term thinking about societal problems, and increase the power of staff, bureaucrats, and lobbyists. Ms. Henkener opined that voters continue to support the concept of term limits because they are perceived as a counterbalance to problems attributed to the redistricting process. She stated that if redistricting reform occurs, allowing for more competitive districts, then voters might look more favorably on extending term limits.

## **Analysis**

Dr. Green’s polling data suggests that, while the majority of voters may be unwilling to repeal legislative term limits altogether, they may be amenable to extending the limit from the current eight-year total to 12 years. Despite a lack of strong support for extending or eliminating term limits, the fact that 61 percent of those polled were in favor of lengthening the terms suggests that extending term lengths may be an attractive alternative to extending term limits.

In April 2013, the Columbus *Dispatch*, based upon a poll by Saperstein Associates, reported that 59 percent of respondents felt that term limits have not made a difference in the quality of the representation provided by members of the General Assembly, with 16 percent answering that term limits had made the legislature better, 11 percent answering the legislature was worse, and 14 percent being unsure.<sup>18</sup> The paper reported, however, that term limit advocacy groups continue to support the need for term limits, and that they blame other developments, such as uncompetitive legislative districts, partisan interference with the primary process, and legislators’ being elected to seats in the other chamber at the end of their terms, for diluting the impact of term limits.

A 2004 Ohio survey of some 295 knowledgeable observers, described as former members, staff, former staff, lobbyists, reporters, and others, revealed the common view that new legislative members require a full legislative session before they become acclimated to the legislative process.<sup>19</sup> Thus, the first two years of service are spent simply learning how the process works. Many have complained that limiting legislators to eight total years of service is too brief: by the time legislators know enough to truly be effective at legislating, the sun is setting on their service.

## **Additional Considerations**

In discussing potential changes to Article II, Section 2, the committee may wish to consider the following related topics:

- The possibility of extending term lengths in addition to or instead of extending term limits.
- Whether there should be a cap on total years of legislative service.

- Whether any change in term limits or term lengths would apply retroactively or prospectively.

Thank you for the opportunity to facilitate the committee's discussion of this topic. If further research is required, Commission staff is pleased to assist.

---

## Endnotes

<sup>1</sup> [www.ncsl.org/research/about-state-legislatures/members-termed-out-1996-to-2010.aspx](http://www.ncsl.org/research/about-state-legislatures/members-termed-out-1996-to-2010.aspx).

<sup>2</sup> Michael F. Curtin, *The History of Term Limits in Ohio*, located at: [http://www.teachingcleveland.org/index.php?option=com\\_content&view=article&id=1261:a-history-of-term-limits-in-ohio-by-michael-f-curtin&Itemid=311](http://www.teachingcleveland.org/index.php?option=com_content&view=article&id=1261:a-history-of-term-limits-in-ohio-by-michael-f-curtin&Itemid=311).

<sup>3</sup> Rick Farmer & Thomas H. Little, *Legislative Power in the Buckeye State: The Revenge of Term Limits*, Joint Project on Legislative Term Limits (Denver and Washington: National Conference of State Legislatures, 2005), pp. 3, 5 (attached). Also provided as Chapter 3 in *Legislating Without Experience: Case Studies in State Legislative Term Limits*, Rick Farmer, Christopher Z. Mooney, Richard J. Powell, & John C. Green, Eds., (Lanham, Md.: Rowman & Littlefield Publishers, Inc., 2007).

<sup>4</sup> *See, generally*, Jennifer Drage Bowser, Keon S. Chi, & Thomas H. Little, *Coping with Term Limits, A Practical Guide* (Denver: National Conference of State Legislatures 2006).

<sup>5</sup> Rhine L. McLin, *The Hidden Effects of Term Limits: Losing the Voices of Experience and Diversity*, 32 U. Tol. L. Rev. 539 (2001).

<sup>6</sup> David M. Gold, *Democracy in Session: History of the Ohio General Assembly* (Athens: Ohio Univ. Press 2009), pp. 461-465.

<sup>7</sup> Brian Lash & Jon C. Rogowski, *Term Limits and Party Polarization: Evidence from American State Legislatures*, p. 2, currently under review, posted online at: [https://pages.wustl.edu/files/pages/imce/rogowski/term\\_limits\\_polarization\\_jon.pdf](https://pages.wustl.edu/files/pages/imce/rogowski/term_limits_polarization_jon.pdf).

<sup>8</sup> *See, e.g.*, <http://termlimits.org/>, website of U.S. Term Limits, an advocacy organization promoting term limits at the federal, state, and local levels.

<sup>9</sup> John M. Carey, Richard G. Niemi, & Lynda W. Powell, *Term Limits in the State Legislatures* (Ann Arbor: Univ. of Michigan Press, 2000), p. 18; Steven F. Huefner, *Term Limits in State Legislative Elections: Less Value for More Money?*, 79 Ind. L.J. 427, 431-32 (2004).

<sup>10</sup> McLin, *supra*, p. 547.

<sup>11</sup> Steven H. Steinglass & Gino J. Scarselli, *The Ohio State Constitution* (2nd prtg. 2011), p. 140.

<sup>12</sup> Michael F. Curtin, *Ohio Politics Almanac* (Kent: Kent State UP, 2d Ed., 2006), p. 83.

<sup>13</sup> Steinglass & Scarselli, *supra*.

<sup>14</sup> Huefner, *supra*, p. 428.



---

<sup>15</sup> Steinglass & Scarselli, *supra*, p. 141.

<sup>16</sup> *Id.*, Appendix B.

<sup>17</sup> A May 28, 2014, Cleveland *Plain Dealer* article describing Dr. Green's poll results is attached for the committee's convenience.

<sup>18</sup> Darrel Rowland, "Support for Ohio Term Limits Vanishing," *Columbus Dispatch*, April 7, 2013 (attached).

<sup>19</sup> Farmer & Little, *supra*, p. 2.

# **Legislative Power in the Buckeye State: The Revenge of Term Limits**

By  
Rick Farmer, University of Akron  
Thomas H. Little, State Legislative Leaders Foundation

## **Joint Project on Term Limits 2004**



National Conference of State Legislatures



Council of State Governments



State Legislative Leaders' Foundation



7700 East First Place  
Denver, CO 80230-7143  
(303) 364-7700 • fax (303) 364-7800

444 North Capitol Street, N.W., Suite 515  
Washington, D.C. 20001  
(202) 624-5400 • fax (202) 737-1069  
<http://www.ncsl.org>

© 2005 by the National Conference of State Legislatures.  
All rights reserved.

## Legislative Power in the Buckeye State: The Revenge of Term Limits

Legislatures, like most institutions that depend on the art of persuasion, thrive on the development of personal relationships. State legislative term limits restrict those personal relationships which grease the wheels of the legislative process. This change, along with the loss of institutional experience and stable leadership would, many suggested, spell doom for the legislature. It would become, according to many scholars, legislators and journalists, a stepchild to the governor, the bureaucracy, lobbyists and even its own staff.

Evidence from Ohio suggests that this has not happened in the Buckeye state. In the absence of long-term members and long-held relationships, the legislature is functioning, but it is functioning differently than it was before term limits. New relationships are being formed and re-shaped every two years, the informal lines of authority are shifting, and the legislative process is more chaotic. Nonetheless, power has not dissipated and the legislature has not ground to a halt.

This Ohio report is part of the Joint Project on Term Limits, a collaboration of the National Conference of State Legislatures, the Council of State Governments, the State Legislative Leaders Foundation and state legislative scholars from across America. It reports data from Ohio for the purpose of comparison with other states.

### The Past and Present of Term Limits in Ohio

The people of Ohio passed a constitutional amendment imposing term limits on state legislators in 1992. The limits are 8 years of consecutive service in each chamber. Members are allowed to run for the other chamber or sit out four years and return to the same body. House members were first termed out of the Ohio Legislature at the November 2000 general election. Because of staggered terms in the Senate some senior members survived through 2002. As the legislature convened in January 2003 none of the 99 Representative or 33 Senators in the Ohio General Assembly had held their seat for more than 6 years.

Term limits and the term limited legislature remain relatively popular in Ohio. In November 1992 the initiative passed with 68% of the vote. A November 2001 Ohio Poll found that 62% opposed ending term limits and 59% opposed amending term limits. The Ohio Poll also shows strong approval of the legislature. In April and September of 2003, public approval of the legislature's job performance stood around 55%. However, this does represent a decline of 4 points from 2001 and 2002.

Some groups and news organizations have expressed regret for supporting the original term limits proposal. In addition some current and former legislators have openly discussed lengthening or repealing the limits. Two bills are currently before the state

legislature seeking repeal. However, an organized statewide movement has not emerged and public opinion appears to have changed very little.

There is evidence that public opinion can be swayed on the issue. A 2003 initiative in Akron sought to limit the terms of city council members to 8 years. In September, initial public opinion polling show 62 percent of residents with an opinion supported the initiative. Former Congressman Tom Sawyer and other community leaders banded together to oppose the limits. After their well organized, professional campaign opposing term limits the initiative failed with 60 percent voting against it in November. This experience suggests that term limits may be very popular before voters have given much thought to the consequences, but once voters consider the effects term limits have less support.

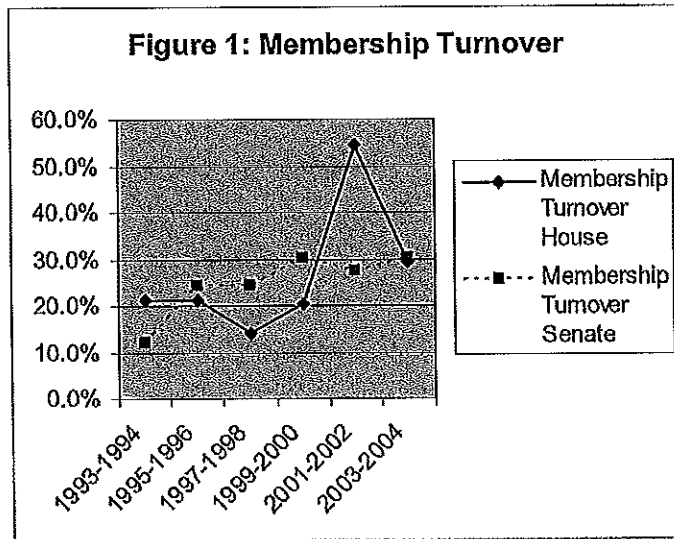
### The Consequences of Term Limits

The effects of term limits in Ohio are examined specifically in three areas: Composition and representation, institutional actors, and the legislative process. Data for this analysis were developed from a variety of sources. One thousand three hundred sixty-two former members, staff, former staff, lobbyists, reporters, etc. were invited to participate in a mail survey of knowledgeable observers of the Ohio Legislature. There were 295 respondents to the survey yielding a 22% response rate. A similar knowledgeable observer mail survey was conducted nationally by the Joint Project on Term Limits. Where possible, direct comparisons are drawn with Illinois, a similarly professionalized legislature that does not have term limits. All 307 of Ohio's 2002 legislative candidates were invited to participate in a separate candidate mail survey. There were 121 respondents yielding a 40% response rate. Frequency data for both surveys are found in Appendix A. Items from both surveys were usually 5 point scales ranging from "Quite a bit more" to "Quite a bit less," with "About the same" as the middle value. Throughout this document they are reported in parentheses with the first number representing the percentage of those who agree with the statement and the second number representing those who disagreed with the majority or said "about the same." Over 50 hours of interviews were conducted with current and former members, staffers and knowledgeable observers. Documents were collected from numerous sources and many hours were spent observing committee hearings and legislative sessions. The observations below draw upon this voluminous data.

#### Composition, Elections & Representation

##### *Composition*

Sophomore members and long-term observers agree that it takes about one full legislative session for new members to become acclimated to the legislative process. Generally, after one year and certainly after one two-year cycle members have a good grasp of how to pass legislation and serve their district's interest in the capitol. One of the effects of term limits is to bring more freshmen members into the legislature. As Figure 1 shows about 20% of Representatives and 25% of Senators were freshmen each session prior to 2000.



Legislative term limits had a dramatic effect on the Ohio House in 2000. Over half (55%) of the House members were newcomers when the legislature convened in 2001. This created a substantial amount of chaos, as several freshmen became committee chairs. Turnover at the 2002 election remained high at near 30%. On the Senate side turnover climbed to 30% following the 1998 election. This was due in part to anticipatory effects. Because they were being termed out, some members sought other opportunities and left the Senate before their terms expired. Since the implementation of term limits, 30% turnover seems to be the new norm in both chambers. 8 year limits guarantee an average of 25% turnover. With voluntary retirements and election losses, 30% turnover is likely to continue.

The high legislative turnover leads to some moderate changes in the demographics of the legislature as shown in Table 1. Since the Republican revolution in 1994 the number of Republicans has steadily increased. There was no change immediately after term limits took effect in 2000, despite over half of the House members being new. However, Republicans made additional gains after redistricting in 2002. This would suggest the shifts were more a result of redistricting than of term limits.

Year	% Democratic	% Non-White	% Women	Ave. Age*
1993-1994	50.00%	11.36%	21.97%	48.85
1995-1996	42.42%	12.87%	24.24%	49.06
1997-1998	39.39%	14.39%	21.97%	49.37
1999-2000	39.39%	13.63%	21.21%	49.98
2001-2002	39.39%	13.63%	21.97%	47.19
2003-2004	36.36%	15.15%	20.45%	47.81

\* Based on reported ages to Ohio Trucking Association (does not include ages for all members)

Representation of racial minorities has increased from 11% immediately following the passage of term limits to 15% after 2002. However, there was no change in the

percentage of minorities in the first year of term limit implementation. In fact, there was a slight decline in minority representation after the 1998 election because of termed members seeking other opportunities. The percentage of women in the Ohio legislature has varied little since the enactment of term limits. Women have been over 20% of the membership since term limits were adopted. As a result a large number of women were termed out of office in 2000. However, this did not affect their overall membership in the legislature. The average age of members increased by approximately 1 year after term limits were enacted. This may be due to some members serving out their time rather than leaving. When term limits took effect the average age declined by over two years. Of course, the elimination of long-term members would be expected to decrease the average age. A shift in the age distribution may have policy implications as baby boomers age and seniors' issues become more important.

Tables 2H & 2S indicate that similar patterns hold for both the House and the Senate. The Democrats were in the majority in the House prior to the 1994 Republican Revolution. Their numbers have declined since that time, with no effect in the first year of term limits implementation. Democrats also have declined steadily in the Senate since 1996. Minority representation is up slightly in the House. The number of women has declined steadily in the Senate but remained stable in the House. Both the House and Senate have similar patterns for average age. Average age was the only indicator that shifted substantially during the 2000 election cycle when term limits first forced members from the Ohio Legislature.

Year	% Democratic	% Non-White	% Women	Ave. Age*
1993-1994	53.54%	12.12%	23.23%	47.86
1995-1996	42.42%	13.13%	24.24%	48.00
1997-1998	39.39%	15.15%	21.21%	48.63
1999-2000	40.40%	14.14%	23.23%	49.74
2001-2002	40.40%	14.14%	25.25%	47.09
2003-2004	37.37%	16.16%	23.23%	47.64

Year	% Democratic	% Non-White	% Women	Ave. Age*
1993-1994	39.39%	9.09%	18.18%	51.81
1995-1996	42.42%	12.12%	24.24%	52.23
1997-1998	39.39%	12.12%	24.24%	51.68
1999-2000	36.36%	12.12%	15.15%	50.74
2001-2002	36.36%	12.12%	12.12%	47.52
2003-2004	33.33%	12.12%	12.12%	48.21

\* Based on reported ages to Ohio Trucking Association (does not include ages for all members)

A very important shift occurred in the number of members with previous legislative experience in the other chamber. Table 3 shows that the number of senators with previous House experience climbed from 7 after the 1992 election to 25 following the 2002 election. The greatest shift occurred following the 2000 election when term limits forced 49.5% of

House members out of their chamber. Following the 1998 election 13 senators had been House members. Following the 2000 election 21 senators had House experience.

Year	House	Senate
1993-1994	1 of 99	7 of 33
1995-1996	1 of 99	9 of 33
1997-1998	0 of 99	9 of 33
1999-2000	0 of 99	13 of 33
2001-2002	3 of 99	21 of 33
2003-2004	3 of 99	25 of 33

There was a similar though much less dramatic effect in the House. Following the 1996 and 1998 elections the House had no members with Senate experience. However, the 2000 election brought 3 senators to the House.

This membership crossover suggests several potential long-term effects of term limits in Ohio. The Senate is less likely to be effected by inexperience since so many senators have previous experience. Leadership in the Senate may emerge from former House members. The relationships between the chambers may be weakened by the influx of new members, but that may be somewhat offset by the number of members crossing over. Eventually the Senate may become the stronger of the two partners in the bicameral legislative process.

Knowledgeable observers overwhelmingly agree that the kind of person seeking office under term limits is more ideological (77% to 23%) and more partisan (65% to 35%) than before term limits. A majority of knowledgeable observers also believe that these candidates are more conservative (52% to 48%) than before term limits. This may be symptomatic of current trends in Ohio politics and the acceleration of trends produced by term limits.

The legislature contains fewer citizen legislators, according to the knowledgeable observers (64% to 36%). These observers are likely referring to the fact that many new members have previous elected experience. Candidates are often county or municipal officials.

It is widely reported that the demographics of candidates running for state legislative office across the country have changed very little as a result of term limits (Caress, 2001). The previous data support that conclusion. The face of the Ohio General Assembly has changed very little as a result of term limits, even though the members may have more local experience and be more conservative.

### *Elections*

Even before the onset of legislative term limits, legislative elections in Ohio had become increasingly a caucus-centered activity. That trend has continued and perhaps accelerated. The survey of knowledgeable observers indicates that leaders are much more focused on elections (81% to 19%) and more involved in candidate recruitment (63% to 37%) than they were 10 years ago.

Each veteran member is given a fundraising goal. These assessments vary based on the member's responsibility within the chamber. Funds are then strategically distributed to targeted races based on competitiveness. Candidates are recruited and trained, campaign professionals are hired, and cost are soaring in targeted races. The replacement of safe incumbent with open seats has accelerated the caucus activity. Knowledgeable observers find that legislators are much more aggressive at seeking campaign funds than they were 10 years ago (92% to 8%). They also claim to receive more contribution solicitations than before term limits took effect (80% to 20%).

This reflects a trend that has been growing across the country for a couple of decades in states with and without term limits (White and Shea, 2000; Morehouse and Jewel, 2003). In Illinois, a comparable legislature that does not have restricted terms, similar knowledgeable observer results were found for leadership involvement and member fundraising, so this increased activity may not be the result of term limits.

Open seats often produce primaries, and in some cases in Ohio these primaries have resulted in showdowns between competing groups, each of whom have recruited a candidate. However, because of Ohio's vacancy appointment law an increasing number of members leave their post in mid-session. This allows the caucus to appoint an incumbent and prevent the open seat challenge. For example, Senator Roy Ray resigned to take a job in university administration during his final term. The Senate Republican Caucus appointed Representative Kevin Caughlin to complete the term. The House Republican Caucus then appointed city councilman John Widowfield to complete the House term. The Republican majority in the city council then appointed a new council person. All of these candidates ran for election as incumbents in the next general election.

Knowledgeable observers believe that campaigns are more negative under term limits (80% to 20%). The increased negativity is likely the result of increased competition both in primaries and targeted general election seats.

These electoral circumstances have strengthened the hand of the majority and demoralized the minority. Democratic caucus leaders and staff express frustration at recruitment and fundraising. The minority always has trouble competing financially and in Ohio, Republicans control both legislative chambers, all three branches of government, and almost every statewide office. In addition the minority finds it difficult to recruit candidates to a term limited career. As one staffer put it, "Why would anyone want to come to Columbus if you know you can only serve 8 years and have no hope of ever being in the majority?"

All of this partisan activity has yielded very little partisan electoral change. As shown in Table 4, in the 2000 election when term limits first took effect only 8 of 99 House seats changed partisan control. And, they were an even trade of 4 from Republican to Democratic and 4 from Democratic to Republican. Following redistricting in the 2002 election more seats switched, but the net effect was for the Republicans to gain three seats. Term limits may have created some open races that facilitated change in partisan control, but the result did not benefit one party more than the other. Similar results are shown for the Senate.



Year	House				Senate			
	Untermid		Termed		Untermid		Termed	
	D to R	R to D	D to R	R to D	D to R	R to D	D to R	R to D
1994	10	0	*	*	0	1	*	*
1996	4	0	*	*	0	0	*	*
1998	0	1	*	*	2	0	*	*
2000	3	3	1	1	0	0	0	0
2002	4	0	1	2	1	0	0	0

### *Representation*

At the congressional level junior members generally pay close attention to their districts (Hibbing, 1991). The removal of senior "safe" members would suggest that legislators would focus more on district service. Knowledgeable observers overwhelmingly agree that post-term limits members are more likely to stress local issues over statewide concerns (82% to 18%) and more likely follow their districts interest than their own conscience (64% to 36%). Candidates in 2002 also agreed that the district's interest was more important than the whole state (54% to 46%) and they narrowly agreed that the district's wishes were more important than their own conscience (51% to 49%).

However, knowledgeable observers indicate that district service was about the same in 2003 as it was ten years earlier. This is in contrast to Illinois, a comparable but untermid legislature, where constituency service is reported to have increased. Term limits may have produced more delegate legislators but constituency service has not increased in Ohio.

### **Institutions: Leaders, Committees, Staff and Lobbyists**

#### *Leaders*

Both the majority and minority leadership has been greatly affected by term limits in Ohio. Some of the effects are accelerations of previous trends. For example, the leadership has used the increasing caucus role in elections to strengthen the leaderships control over the caucus.

Ohio has had a long succession of strong majority leaders. As shown in Table 5, Vern Riffe served as Speaker from 1975-1994. In the Republican revolution of 1994 Jo Ann Davidson became Speaker. When Davidson left with the first term limited class, Larry Householder, building a loyal team among the large incoming class, became speaker with only 4 years of legislative experience. Yet, Householder used his campaign and fundraising prowess, negotiating skill and prerogatives of the Chair to effectively control the House. Majority leadership in the Senate has also been strong. Stan Aronoff served as leader from 1989 to 1996. His assistant majority leader, Dick Finan, succeeded him. And when Finan was term limited, his assistant succeeded him.

---

Table 5  
about here

---

On the minority side things were very different. Several minority leaders left the legislature just before they were termed in search of other opportunities. Since the 1996 election, as term limits were approaching, both the House and Senate have had 3 minority leaders. Most of these transitions took place mid-term. This left the minority struggling internally to find its voice while the majority marched forward under strong leadership.

While turnover was high for minority leaders, the number of members entering the leadership has been stable at 9 of 18 for the legislature as a whole. As shown in Table 6, leadership turnover has declined slightly in House. It has increased slightly in the Senate.

Year	House	Senate
1993-1994	4 of 10	1 of 8
1995-1996	6 of 10	3 of 8
1997-1998	6 of 10	3 of 8
1999-2000	5 of 10	4 of 8
2001-2002	5 of 10	4 of 8
2003-2004	4 of 10	4 of 8

For obvious reasons the total amount of legislative experience has declined among leaders under term limits. Table 7 shows the average number of years a leader had served in the legislature at the beginning of the legislative session.

Year	House	Senate
1993-1994	17.5	18***
1995-1996	15.1	16.1*
1997-1998	11.5	8.5**
1999-2000	8.7	9.1*
2001-2002	4.2	10.8*
2003-2004	5.1	10.5

A few pre-term limits leaders' careers were difficult to track. Each asterisk indicates a missing case that was excluded.

The amount of legislative experience among Senate leaders is directly related to the number of leaders in the Senate who were former House members. Table 8 shows the number of leaders in each chamber who have crossed the Capitol. As that number increases in the Senate, the leadership experience levels increase, both before and after term limits. While a few senators have moved to the House (see Table 3) at this point none have joined the leadership team.

Year	House	Senate
1993-1994	0 of 10	4 of 8
1995-1996	0 of 10	4 of 8
1997-1998	0 of 10	1 of 8

1999-2000	0 of 10	2 of 8
2001-2002	0 of 10	6 of 8
2003-2004	0 of 10	8 of 8

According to knowledgeable observers in Ohio, legislative leaders are largely selected on the basis of their fundraising ability (87% to 13%), and they tend to plan their path to leadership early in their careers (84% to 16%). Something similar occurred in Michigan when term limits first took effect (Bratton-Haynie, 2001). There is no succession ladder, formal or informal in the Ohio House. Senators, have followed a more obvious succession ladder with a period of apprenticeship, but with each new class, those trends may change.

In 2000 a deal was struck between two would be House Speakers to share the responsibilities. Over the next few months one recruited enough candidates for the fall election to win the Speakership outright and the deal collapsed. As a result of this episode knowledgeable observers find that leadership selection is more contentious than because of term limits (86% to 14%). In 2004 acrimony was building in the majority caucuses of both the House and Senate until the new leader-designate emerged. Interviews indicate that battles for secondary leadership positions are heating up because potential leaders know they need to get into junior leadership early if they are to become the Speaker or President. Leadership battles often foster tension, but term limits create a battle for leadership every two years.

Interview and observation data suggest that, at least in the short-term, leadership has proven very powerful under term limits. The source of their power is primarily caucus-centered elections. Speaker Householder's efforts to recruit, train and fund candidates, both in the primaries and the general elections, yielded a large number of loyal members. In addition, Speaker Householder was willing to take disciplinary action to keep members in line. As a result the Speaker was able to develop legislation within the caucus and pass it on the floor. When members threatened to defect the issues were usually resolved in closed door caucus meetings. Rarely, but when necessary, he sought defections from the minority to build his coalition. Similar, but less dramatic, actions were taken by the Senate president.

It is difficult to say if the increased power of the leadership is directly related to term limits. Certainly, term limits created the electoral conditions that the Speaker used to his advantage, there no evidence that Speaker JoAnn Davidson would have been replaced without term limits. Other leaders are following a similar path to leadership, focusing on fundraising and elections. Some interviewees felt that new members often think independently and need considerable persuasion in caucus meetings. Knowledgeable observers agree that legislators are more independent (77% to 23%). The effect of term limits is to force leadership to work much harder at coaching the team (recruitment, training, discipline, etc.). But, Speaker Householder has proven that with considerable effort the leadership can be very powerful.

#### *Committees*

Much of the committees business has shifted to the caucus room. Members hash out their policy differences in caucus, relegating the committee process to a mere formality. This has shifted deliberation from the public committee room to the private caucus room.

Deliberation occurs in the Ohio legislature, but very little of it occurs in public. It is difficult to assess whether this situation is a result of term limits, caucus-centered campaigns or strong leadership. It is likely the result of the confluence of all three.

Overall, the number of committees has remained stable since 1995, as shown in Table 9. The Senate, with 1/3 the members of the House, has tended toward fewer sub-committees. The House has experimented with various combinations of committees and sub-committees. No trends are obvious in these early observations.

Year	House		Senate	
	Committees	Sub-Committees	Committees	Sub-Committees
1993-1994	27	5	14	3
1995-1996	20	6	12	5
1997-1998	21	9	14	4
1999-2000	18	10	13	5
2001-2002	22	6	14	3
2003-2004	21	11	14	2

Members with service in the other chamber are regularly tapped to become committee chairs. As shown in Table 10, in the Senate 11 of 14 committee chairs had House experience in 2001 and 13 of the 14 chairs had House experience in 2003. In the House all 3 of the former Senators became chairs in 2003. Clearly, there is an advantage in the committee system for members who are able to continue their legislative careers in the opposite chamber.

Year	House	Senate
1993-1994	0 of 27	2 of 14
1995-1996	0 of 20	3 of 12
1997-1998	0 of 21	5 of 14
1999-2000	0 of 18	4 of 13
2001-2002	0 of 21	11 of 14
2003-2004	3 of 21	13 of 15

A major source of chaos within the Ohio legislature since term limits has been committees. One observe notes, "It is easy to tell which chairmen know how to run a committee and which don't." Because of the influx of new members in 2000 several freshmen House members became committee chairs.

Interviews and observations suggest that committee meetings are more rancorous than before term limits. A survey of knowledgeable observers found members in committee to be: less knowledgeable about the issues (77% to 23%), less willing to compromise (56% to 44%) and less courteous to colleagues (56% to 44%).

Overall observers find committees to hold about the same amount of power as they held before term limits. But, they are the place where the naiveté of junior members sits in the spotlight.

### *Staff*

Ohio has three distinct types of staff. First, each member of the House has one legislative aid. That single staffer is responsible for all functions of the office. Committee chairs get a second aid. Each Senator gets one administrative assistant and one legislative aid. Second, each caucus has a sizable staff. When Speaker Householder took charge of the House after the 2000 election, he significantly increased the Speaker's staff by reducing the number of staffers individual members had. Finally, the Legislative Service Commission is non-partisan staff, who oversees bill processing.

Lack of job security is the most important issue facing personal staff as a result of term limits. Rapid turnover is nothing new for legislative staff. However, under term limits staffers know that their boss will be leaving at a fixed date and the staffer needs an exit strategy. Some staffers have used term limits as a reason to leave the legislature. In many cases, the new member keeps the experienced staffer. Sometimes staffers find another member for whom to work. In 2001 when more than half of the House turned over, every staff member who wanted to stay with the House found a position.

The turnover in personal staff, like the turnover in members, has contributed to the loss of relationships. Staffers know each other and depend on those relationships to navigate the legislative process. With friends retiring, leaving for other jobs, or moving to new offices everyone begins rebuilding relationships every session.

Knowledgeable observers believe that members depend more on staff to draft legislation (61% to 39%), but the power of non-partisan staff has not changed much. Freshmen members tend to depend on their personal staff for procedural advice. This has increased their power according to some observers (56% to 44%). Members tend to depend on caucus staff for policy and political advice. As a result, according to knowledgeable observers, the power of the caucus staff has increased significantly (74% to 26%).

### *Lobbyists*

Freshmen legislators, like ordinary citizens, tend to view lobbyists with suspicion. Most tend to overcome their fears as relationships begin to develop. However, in 2001 some House members refused meetings with all lobbyists for several months until the Speaker called and asked them to begin accepting the meetings.

The biggest problem lobbyists face under term limits is the large influx of new members. Many lobbying firms hired new staff, so they would be able to meet all of the new members and build essential relationships. The number of registered lobbyists has steadily increased since 1996 from 1138 to 1316, as shown in Table 11. Almost half of those new lobbyists came in with the 2000 term limits freshmen class.

Table 11: Number of Registered Lobbyists
--

Year	Total
1993-1994	1,200
1995-1996	1,187
1997-1998	1,138
1999-2000	1,192
2001-2002	1,271
2003-2004	1,316

A survey of knowledge observers suggests that the influence of lobbyists has increased in Ohio over the past decade (78% to 22%). But, this increase is comparable to the increase in Illinois, suggesting that term limits may not be the reason for the increase. Lobbyists are certainly powerful in Ohio, but they must work very hard to build and maintain the relationships which are the currency of their trade. Interviews with seasoned and freshmen members, journalists and others suggest that lobbyists are working harder to maintain their influence. One longtime capitol reporter lamented that the House Education Committee used to be run by a longtime lobbyist who knew what he was doing, now the Education Committee is run by a legislator who knows little about the issues. Lobbyists have found term limits to be a challenge in Ohio.

#### **The Legislative Process: Partisanship, Norms, Bill Processing and Power**

##### *Partisanship*

The legislative process in Ohio is much more partisan and that it was before term limits, according to knowledgeable observers (81% to 19%). However, a similar situation exists in the untermmed legislature of Illinois. There is also evidence that the Ohio Senate was becoming more partisan in the 1980's, well before term limits were adopted. Ohio's partisanship likely arises from its caucus centered elections. The caucus is the central organizing body, leading to an "us versus them mentality." A second contributing factor to the stanch partisanship is the size of the Republican majority. When Republicans can keep their members together they can easily pass major legislation, including the state budget, with any Democratic input. As a result, interviews indicate that the minority party feels neglected and ignored. This situation eased a bit in 2003 when the Speaker made a special effort to involve some members of the minority party. Some observers speculate he was having trouble with his own members and needed the minority votes.

##### *Norms*

Civility has also declined in the Ohio legislature. Increased partisanship has contributed to the loss of civility, but the lack of relationships across the aisle is another important reason. Before term limits members got to know one another in committee, on the floor and at social events. These relationships grew over time. When those relationships were severed by term limits civility was affected.

A large number of freshmen enter the legislature each year. Many of these freshmen do not know anyone in Columbus except the caucus leaders and staff, who helped them get elected. They spend much of their time with caucus colleagues plotting how to defeat the other party. The relationships that would lead to civility are never developed.

Another important factor in the loss of civility is Ohio's gift law. Several observers noted that before the gift limit was lowered one or two lobbyists would take several legislators out together in a group. Usually this involved members of both parties. One result of these informal occasions was relationship building across the aisle. Because of the new gift limit those occasions have shifted to a group of lobbyists taking one or two legislators to dinner.

The relationship between the House and Senate is reported to be strained by term limits, according to interviews. While the Senate has many former House members, there are so many new House members that very few have relationships with members of the Senate. House members sometimes have trouble finding Senate sponsors for their bills because they do not know anyone on that side of the capitol. When the House and Senate come in conflict it is more difficult to resolve the differences because of the lack of relationships.

*Bill Processing*

Table 12 indicates that the total number of bills introduced declined substantially after the 2000 election, especially in the House. This may indicate a reluctance to introduce bills on the part of the very large number of freshmen. The percentage of bills passing remained relatively stable, though the trend in the Senate is slightly upward.

Table 12: Total Number of Bills and Success Rates						
Year	House			Senate		
	# of Introduced	% Passed Committee	% Passed House	# of Introduced	% Passed Committee	% Passed Senate
1993-1994	866	NA*	16%	361	NA	23%
1995-1996	833	35%	31%	339	58%	30%
1997-1998	855	31%	26%	287	63%	33%
1999-2000	812	32%	30%	348	61%	35%
2001-2002	676	NA	29%	316	NA	37%

\*Not available from session summaries.

Knowledgeable observers believe that members are more likely to introduce interest group bills than they were 10 years ago (64% to 36%). They also find members to be less knowledgeable about statewide issues (75% to 25%), less concerned about clarity and precision in legislation (73% to 27%), and less knowledgeable about the process

(81% to 19%). Finally, observers say that the legislative process is much more chaotic (87% to 13%).

***Balance of Power***

The balance of power in Ohio has shifted to the caucus and the leadership. The Speaker and the Senate President Pro-Temp have taken charge of the legislative process and the state capital. According to knowledgeable observers, the governor has lost power over the past 10 years (72% to 28%). They also feel the legislative party caucuses (61% to 39%) and the partisan staffs (68% to 32%) have greater power. However, interviews indicate that in Ohio personality has proven more important than institutional arrangements in determining the balance of power. Many of those interviewed believe that eventually the executive branch will dominate because it speaks with one voice and has a very large staff. The effect of term limits will be to keep the personalities in flux.

Interviews revealed concern that members were paying less attention to the actions of executive agencies. Generally, they felt that less oversight was taking place. There has been no change in the confirmation process for gubernatorial appointments. While specific records were difficult to find, one longtime observer, close to the process, said that one confirmation had been denied in his memory. Confirmations do not appear to be a matter of contention between the legislative and executive branches.

**Career Paths**

Following legislative service many members seek other forms of public service. To identify how these career choices may be changing as a result of term limits, the careers of every former member of the Ohio Legislature was tracked beginning with those leaving at 1998 election. Table 13 indicates why each member in the study left the legislature. Only 13% of the representatives and 5% of the senators left because they lost their reelection bid. Seventy percent of the representatives and nearly 80% of the senators left because of term limits.

**Table 13: Members' Reasons for Leaving the Legislature**

Reason Departed	State/Chamber	
	Ohio House	Ohio Senate
Retired	17.7%	15.8%
Termed	69.6%	78.9%
Lost	12.7%	5.3%
Total	79	19
	100.0%	100.0%

According to Table 14, 40% of departing House members and almost half of departing senators ran for another office. Twenty percent ran for the other chamber. Fifteen percent ran for a local office, which may be a promotion if they live in large metropolitan area. About 10% of senators ran for Congress.



**Table 14: Departing Legislators Running for Subsequent Elective Office**

Office Sought	State/Chamber	
	Ohio House	Ohio Senate
Did not Run	60.0%	52.6%
City/County	15.0%	15.8%
State Leg	20.0%	21.1%
US Congress	3.8%	10.5%
State Wide	1.3%	0.0%
Total	80	19
	100.0%	100.0%

Table 15 indicates that running for other offices was relatively equal between termed and untermed legislators. Senators and men were a little more likely to run for office. There was little difference between majority and minority members.

**Table 15: Departing Legislators Running for Subsequent Elective Office by Predictors**

Untermed	42.9%
Termed	41.4%
House	40.5%
Senate	47.4%
Female	30.4%
Male	45.3%
Dem	42.5%
Rep	41.4%
n	98

While nearly 60% sought election to another office the electoral success rate of former legislators in Ohio was much lower. Only about 35% won election subsequent to the legislature, as seen in Table 16. Many of the members ran against each other for the same congressional seat or State Senate seat. As a result the election rate was low. Election rates in races that did not include other former legislators were very high.

**Table 16: Legislators' Post-Legislative Careers**

Post-Leg Job	State/Chamber	
	Ohio House	Ohio Senate
Deceased	3.8%	0.0%
Retired	21.3%	15.8%
Work/Business	12.5%	5.3%
Lobbying	12.5%	5.3%

Appointed	15.0%	36.8%
Elected	35.0%	36.8%
n	80	19
	100.0%	100.0%

A greater percentage of senators took appointments within the government. These were mostly members of the governor's party. House members were more likely to become lobbyists than senators, though this was less than 13 % of representatives. Representatives also were more likely to return to the private sector or retire than senators.

Table 17 indicates that termed members were more likely than untermmed members to gain appointments from the governor. And, Ohio's women legislators were very likely to receive appointments.

Untermmed	17.9%
Termed	36.8%
House	28.6%
Senate	42.1%
Female	39.1%
Male	28.8%
Dem	20.0%
Rep	39.3%
n	96

These data indicate that termed legislators in Ohio are more likely to take jobs in the executive branch than untermmed former members. The percentage of members becoming lobbyists remains low. And, termed and untermmed members are equally likely to run for another office once they leave the legislature.

### Adjusting to the New World

A variety of adaptations have occurred in Ohio. Through these adaptations the legislature has been able to continue to function. However, it requires more work by everyone concerned to keep the process flowing. Overwhelmingly, knowledgeable observers claim their work with the legislature is much harder (76% to 24%).

The most important adaptation was the Speaker's efforts to recruit and train candidates. Once his people were elected he was in firm control of the House. The use of the caucus as a forum for deliberation rather than committees was another important adaptation. New members' reliance on caucus staff for policy advice and personal staff for process advice were significant adjustments. The hiring of additional lobbyists is another

noteworthy occurrence. Together, these actions indicate that significant adaptation has taken place and that through this adaptation the legislature has managed to function. However, many individuals and groups are working much harder to compensate for the loss of relationships and experience due to term limits.

Another major adaptation was the Speaker's new member training session conducted with presumptive members of his caucus before the November election. These sessions, some of which occurred in a retreat setting, included training in floor debates and committee work. The Legislative Service Commission also expended its new member training. It now takes place over 5 days and includes mock sessions. Generally, knowledgeable observers believe these improved training sessions were helpful (78% to 22%).

According to knowledgeable observers term limits have had a greater impact on the legislature than redistricting (67% to 33%). They also believe that term limits have created their own effect rather than simply accelerating changes that were already underway (56% to 44%). Overall, the knowledgeable observers assess term limits as very negative (85% to 15%). However, when asked if term limits should be changed only 11% of respondents said they should be abolished. A majority, 56% said term limits should be expanded to 12 years and 15% said they should be kept as is. One likely explanation is that observers, though negative toward term limits, believe it is unrealistic to attempt a term limits repeal. Another potential explanation is that they believe the many of the negative effects of term limits will be ameliorated by longer maximum tenures.

### Conclusion

The Ohio legislature has changed a great deal since term limits were passed in 1992. Some of the changes were related to term limits directly, others indirectly and yet others not at all. Many of the changes in Ohio are similar to those occurring on other comparable untermmed states. Campaigns are getting more costly and more partisan. Leaders are taking a more active role in campaign fundraising, candidate recruitment and message development. Floor debates and discussion are becoming increasingly partisan. These changes are mirrored in other professional legislatures that do not have term limits.

Other changes can be attributed to the change in partisan control, increasingly caucus centered campaigns, personalities and ingenuity, each of which may be, at least indirectly, related to legislative term limits. The large number of open seats has provided an opportunity for leaders to coordinate caucus campaigns. To a great extent, the new "personalities and ingenuity" present in the Ohio legislature are there because of term limits. Most of the new members would have neither sought nor gained entrance into the legislature apart from the forced exodus of the senior members.

Finally, some effects are traceable directly to term limits. The loss of relationships, long associated with successful legislative activity, can be directly attributed to the rapid turnover of members who are either forced out by term limits or leave early to take advantage of a timely opportunity. The constant flow of new members, inexperienced committee chairs and revolving door leaders has created a much more chaotic and unpredictable

process. Further, the relative inexperience of many of the members has significantly increased the workload for everyone associated with the legislature.

In the end, the Ohio legislature is functioning and functioning rather well. Perhaps it is in spite of term limits. Perhaps it is because of term limits. Our guess is that it is a little of both. While making the process chaotic and unpredictable, term limits has created the opportunity for innovative and aggressive leaders like Speaker Larry Householder to make his mark and move the House to the pinnacle of power on Capitol Square. Although increased turnover has made the learning curve much more steep, that same rapid turnover has opened the door to a coordinated legislative caucus that has passed the most ambitious policy agenda in years.

Table 5: Majority and Minority Leader Turnover							
House		Senate					
Majority	Minority	Majority	Minority				
Vern Riffe-D	1975-1994	Corwin Nixon-R	1991-1992	Stanley Aronoff-R	1989-1996	Robert Boggs	1991-1996
Jo Ann Davidson-R	1995-2000	Jo Ann Davidson-R	1993-1994	Richard Finan-R	1997-2002	Ben Espy	1997-2000
Larry Householder-R	2001-2004	Patrick Sweeney-D	1995-1996			Rhine McLin	2000-2000
		Ross Boggs-D	1997-1998			Leigh Herrington	2001-2002
		Jack Ford-D	1999-2002	Doug White-R	2003-2004	Greg DiDinato	2003-2004
		Dean DePiero	2002-2002				
		Chris Redfern-D	2003-2004				

## References

- Bratton, Kathleen A. and Haynie, Kerry L. "When the Seniority Ladder Collapses: The Determinants of Leadership in Term Limited and Non-Term Limited States Legislatures." [Paper presented at the Annual Meeting of the American Political Science Association, San Francisco, California, August 30- September 1, 2001.]
- Caress, Stanley M. "Term Limit's Impact on the Election of Minority State Legislators: Evidence from the California State Assembly and Michigan State House." [Paper presented at the Annual Meeting of the American Political Science Association, San Francisco, California, August 30-September 1, 2001.]
- Hibbing, John R. 1991. *Congressional Careers: Contours of Life in the U.S. House of Representatives*. Chapel Hill: University of North Carolina Press.
- Morehouse, Sarah McCally and Malcom E. Jewell. 2003. *State Politics, Parties and Policy*. New York: Roman and Littlefield.
- White, John K., and Daniel M. Shea. 2000. *New Party Politics: From Jefferson and Hamilton to the Information Age*. Palgrave McMillan.

## Akron Buckeye Poll finds support among Ohio voters for longer legislative terms

ohio-statehouse-cupola.jpg

While most Ohio voters are satisfied with the current eight-year term limit for state legislators, a majority also said it would accept extending the limit to 12 years. *(Associated Press file photo)*

**Robert Higgs, Northeast Ohio Media Group** By **Robert Higgs, Northeast Ohio Media Group**

**Email the author | Follow on Twitter**

on May 28, 2014 at 5:23 PM, updated May 28, 2014 at 6:01 PM

COLUMBUS, Ohio -- A poll of registered Ohio voters found that while they support term limits, more than half also would consider lengthening individual legislative terms to 12 years.

The results seem to indicate that voters would like to see more time between elections so that legislators can have more time to do their jobs, said **John Green**, the director of the **Ray C. Bliss Institute of Applied Politics** at the University of Akron and a distinguished professor of political science.

"The sense is that the voters would like to see their legislators have more time on task," Green said.

The **2014 Akron Buckeye Poll** was conducted by the Center for Marketing and Opinion Research for the Bliss Institute. The views on term limits for state government were consistent with an earlier Akron Buckeye Poll conducted in 2005.

In the most recent poll, 57 percent said term limits have helped the state. Fifty-nine percent expressed that opinion in 2005.

When asked straight up, 70 percent of the voters preferred keeping term limits at eight years. But more than half of that group also indicated a willingness to support 12-year limits. Overall, more than 50 percent expressed a willingness to expand the time a legislator may remain in office.

"This shows that a lot of the people in the public are willing to be flexible about term limits," Green said. "They like the idea of a limit. They don't want them to stay too long. But they do show some flexibility."

Sixty-one percent said they would support extending legislative terms by two years. That would make terms for members of the House of Representatives four years long. Terms for state senators would be six years long.

The Akron Buckeye Poll surveyed 1,078 registered voters in April. It has a margin of error of plus or minus 3 percentage points. In addition to questions about term limits, the poll also asked voters about the state's process for drawing the boundaries of legislative districts and for their views on early voting.

On redistricting, 48 percent said they thought the current process for setting legislative districts has hurt the state. More than 75 percent thought the current process should be replaced by either a nonpartisan panel or a bipartisan board.

Their views were similar to the findings that an Akron Buckeye Poll in 2007 had. In that poll, 50 percent said they thought the current process had hurt state government.

As they have previously, voters expressed support for early voting. Fifty-one percent preferred that early voting remain a four-week period before election day. Eighteen percent favored allowing early voting for two weeks. Another 29 percent favored returning all voting to Election Day, except for those who can show reason for voting absentee.

In the 2005 poll, 62 percent supported the idea of early voting.

"I think what this shows is that public attitudes on these types of governing issues are stable, but not very intense," Green said. "While overall opinions of policy goals changed very little, respondents expressed flexibility on how to achieve those goals."

© 2014 cleveland.com. All rights reserved.



# The Columbus Dispatch

» Hot Links:

## Support for Ohio term limits vanishing

Law opinion	By Darrel Rowland
1. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a good example of how to handle such cases.	11%
2. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a bad example of how to handle such cases.	89%
3. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a fair example of how to handle such cases.	0%
4. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a poor example of how to handle such cases.	0%
5. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a very poor example of how to handle such cases.	0%
6. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a very good example of how to handle such cases.	0%
7. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a great example of how to handle such cases.	0%
8. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a terrible example of how to handle such cases.	0%
9. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a horrible example of how to handle such cases.	0%
10. The Ohio State University's decision to fire a professor who had been accused of sexual harassment is a magnificent example of how to handle such cases.	0%

View Larger

### THE DAILY BRIEFING

» Enough about Portman's politics. How does he look in a Bengals jersey?

» Wall Street Journal endorses Jordan in his bid to become chairman of House committee

» Legislation introduced adding secrecy to executions

» A 'GESTAPO' license plate in Ohio? No thanks

### Buckeye Forum Podcast



The Dispatch public affairs team talks politics and tackles state and federal government issues in the Buckeye Forum podcast.

### YOUR RIGHT TO KNOW

» Public records would turn secret under executions bill

By Darrel Rowland

The Columbus Dispatch • Sunday April 7, 2013 10:08 AM

Comments: 8

1

12

73

Only a third of Ohioans say the General Assembly has its priorities straight.

Just a quarter trust lawmakers and others in state government "to do what is right" at least most of the time.

And a mere sixth believe term limits enacted by Ohio voters more than 20 years ago have made the legislature better.

What do those who have worked with state legislators for decades say about that last finding from a Saperstein Associates poll for *The Dispatch*?

"I think term limits has been sort of a disaster," said Larry Long, who's spent the past 39 years with the County Commissioners Association of Ohio.

"It's had government, period," said Joel Potts, executive director of the Ohio Job and Family Services Directors' Association, who has worked with the legislature in various roles for 28 years. "For supporters of term limits, I don't think they've gotten the kind of change in government that they thought they were going to get."

Tom Ash, director of governmental relations for the Buckeye Association of School Administrators, said: "I don't think that there's anything good to be said for term limits." He has worked with the legislature for about 20 years and was a superintendent for 21 years.

Martin D. Saperstein, head of the Columbus firm that conducted the survey of more than 1,000 Ohioans, said, "Clearly, a majority of our respondents don't think that term limits made much of a difference."

Political persuasion doesn't matter: Democrats, Republicans and independents are within a single percentage point of each other in agreeing about the lack of a positive impact.

It matters little where you live, your race, whether you have a cellphone or land line, what direction you think Ohio is headed, or how old you are — although Ohioans 55 or older are more apt to see the down side of term limits, approved by Ohio voters in 1992 by more than a 2-to-1 ratio.

Since then, legislators have been limited to consecutive terms totaling eight years in one chamber. The same limit was put on nonjudicial state officeholders; the governor has been restricted since the late 1950s.

### Knowing the history

Leaders of the American Policy Roundtable, a conservative group instrumental in the 1992 push that brought term limits to the Buckeye State, say it's only the Statehouse "ruling class" that wants to change them.

"When I talk to everyday people on the street, they never say, 'Boy, I wish we didn't have term limits,'" said Rob Walgate, vice president of the organization. "Congress doesn't have term limits and how's that working out?"

David Zanotti, head of the group based near Cleveland, questioned the validity of the poll, because it included younger Ohioans who wouldn't remember what the legislature was like before term limits.

"They would not know the history of career party bosses dominating the Statehouse by holding court each night at the local pub. That local pub isn't even in business any longer. The results of the poll don't reflect negatively on term limits but certainly remind the legislature that voters don't seem especially happy with their elected officials."

Tea party leader Chris Littleton, head of the Ohio Liberty Coalition, called for "fundamental changes to redistricting as a means to bring about real change" because "gerrymandering has made political favors too easy, and therefore term limits less effective."

Matt Mayer, president of Opportunity Ohio, a free-market research group based in Dublin, and author of *Taxpayers Don't Stand a Chance*, said that uncompetitive legislative districts and political party meddling in primaries have lessened the impact of term limits.

He also says that a closer look at the statistics shows that the legislature hasn't really lost that much experience because of the limits -- mainly because several members dodge them by moving between the House and Senate (which Zanotti says was intentionally allowed in the 1992 ballot issue).

"Though certainly not the panacea people had hoped for, getting new blood in Columbus on the whole is the lesser of two evils," Mayer said.

### **In with the new**

The "new blood" benefit is one that even most term-limit opponents concede.

"I have seen term limits bring in some absolutely fantastic people that otherwise might not have gotten into the political arena ... who have brought great ideas, vitality and enthusiasm into the process," said Matt Schuler, former Senate chief of staff who is now executive director of the Ohio Casino Control Commission. "But I'm not sure you wouldn't have that over time anyway."

Sen. Randy Gardner, who served two terms in the House and is now in his second Senate stint, said he can cite several examples of new legislators who made a positive impact.

"But it speeds up ambitions and our agenda, and sometimes that gets in the way of doing our best job," the Bowling Green Republican added.

Former Senate President Tom Niehaus has seen both ends of term limits: He won election to the House in 2000 when his predecessor had to leave office because she had "maxed out," and he was forced to step down from the Senate last year after two terms. The Republican from New Richmond said the best term limits come when voters exercise their rights at the polls.

He proposes giving House members four-year terms (instead of two) and senators six-year terms (instead of four), and lengthening the limits to 12 years. That preserves legislative expertise and reduces the number of elections, which in turn reduces the impact of campaign contributions.

"I'd like there to be more focus on policy rather than running for office," Niehaus said. "You get people focused on short-term issues, short-term solutions, rather than longer-term solutions; you have two-year election cycles for the House that cause people to be looking short term, as opposed to the longer term; and then you have the parochial voters that only care about one issue."

### **Executive power**

House Speaker William G. Batchelder — whose legislative career that began in 1969 will end next year because of term limits — said even the CPAs and physicians he has recruited to run for office struggle to obtain the depth of knowledge required to be a good legislator.

"It's not an intellectual matter; it's an experience matter," he said. "The senior members sort of have a pact among themselves to help the new members understand how the process works and how important working with others is to getting things done."

But a term-limited legislature has upset the balance of power in state government, the Medina Republican said. "There's no question that the governor and the cabinet members have a ton more power than they did."

Batchelder recalled how veteran committee chairmen used to educate cabinet members, especially in more-technical areas such as insurance and utilities. But now, it's the appointed officials, not those elected by the people, with the knowledge — and thus the power.

"About half of the members understand the details of what's going on," he said.

Those sentiments are bipartisan, echoed by Sen. Charleta B. Tavares, a Democrat from Columbus who began her public-service career as a legislative staffer in the 1980s.

“You can’t teach what you don’t know. We have legislators assuming leadership positions who don’t even know the legislative process,” she said. “You’re handing over the power to the administration and the lobbyists.”

Jim Tilling, who was a political-science professor at Ohio University before taking on a variety of state government roles, said Ohioans themselves share the blame for thinking term limits would solve legislative ills. It was a simplistic solution to compensate for an uninformed electorate.

“We want to make the one or two changes that are simple and not costly that will solve all these perceived problems that we have,” he said. “The bottom line is it seemed like a real simple and sensible thing to do, but it wasn’t.”

The random-digit-dial telephone poll of 1,003 Ohio adults March 5-10 has a margin of sampling error of 3.1 percentage points overall, higher for subgroups. The results were slightly weighted to better reflect known population statistics.

The response rate was 28 percent. The poll was financed solely by *The Dispatch*.

drowland@dispatch.com

## Low opinion

Ohioans don't trust state government, don't like the legislature's priorities and don't think term limits have made a positive impact in the General Assembly.

▶ Do you think term limits imposed on the legislature by Ohio voters in the 1990s have made the legislature...?	Better	16%
	Worse	11%
	Haven't made much difference	59%
	Not sure	14%

▶ Now, how much of the time do you trust state government to do what is right...?	Just about always	2%
	Most of the time	23%
	Only some of the time	55%
	Almost never	19%
	Not sure	1%

▶ Do you think the time and effort the state legislature spends on gun bills and social issues such as the "heartbeat bill" or attempting to defund Planned Parenthood is...?	Too much	42%
	About right	33%
	Too little	19%
	Not sure	6%

Source: Saperstein Associates telephone poll (cells and land lines) for The Dispatch of 1,003 Ohio adults March 5-10 with a margin of sampling error of plus or minus 3.1 percentage points.

THE COLUMBUS DISPATCH



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

---

### MEMORANDUM

**TO:** Chair Fred Mills, Vice Chair Paula Brooks, and  
Members of the Legislative Branch and Executive Branch Committee

**CC:** Steven C. Hollon, Executive Director

**FROM:** Steven H. Steinglass, Senior Policy Advisor

**DATE:** February 5, 2015

**RE:** Ohio Constitution Article II, Section 2  
(Term Limits for State Legislators)

**Legislative Term Limits Nationally and Efforts to Repeal or Modify Them**

---

This Memorandum reviews efforts throughout the country to repeal legislative term limits or to lengthen the permissible terms. This information may be useful to the committee as it reviews legislative term limits in Ohio.

### **Ohio Background**

On November 3, 1992, Ohio voters approved an initiated amendment that limited the terms of state senators to “two successive terms of four years” and the terms of state representatives to “four successive terms of four years.”<sup>1</sup> These are chamber-specific consecutive term limits not lifetime limits, and Ohio legislators who are term-limited in one chamber may run for the other chamber. In addition, term-limited senators and representatives may run again for a term in their current chamber after a four-year hiatus.<sup>2</sup> As a result of the adoption of this constitutional provision, 45 members of the Ohio House and 6 members of the Ohio Senate were term-limited in 2000 and thus barred from running for the chamber in which they had been serving.<sup>3</sup>

### **Variations of Legislative Term Limits—Chamber-Specific and Lifetime Limits**

Most legislative term limits are for 8 years, but a few are for 12 years. Some are *lifetime limits*, but others, including Ohio’s, are *chamber-specific* limits on the numbers of consecutive years that may be served. With *chamber-specific or consecutive term limits*, a legislator is typically

limited to serving a particular number of consecutive years in a chamber. Upon reaching the limit in that chamber, a legislator may immediately run for election to the other chamber. After a set period (from two to four years), the legislator may run again for election to his/her original seat and again serve up to the limit. With *lifetime limits*, on the other hand, a legislator who has served up the limit may not again run for election to the legislature (or for a particular branch if the term limits are lifetime and chamber-specific).

#### VARIATIONS IN LEGISLATIVE TERM LIMITS (2014)<sup>4</sup>

Limit in Years	Consecutive	Lifetime Ban
6 house / 8 senate	--	MI
8 total	NE	--
8 house / 8 senate	AZ, CO, FL, ME, MT, OH, SD	MO
12 total	--	CA, OK
12 house / 12 senate	LA	NV
16 total		AR*

#### National Context

Between 1990 and 2000, 21 states adopted legislative term limits. Of these 21 states, 18 adopted them between 1990 and 1994. And of these 21 states, 15 adopted legislative term limits by amending their state constitutions with 14 of the 15 doing so as a result of initiated constitutional amendments. One state, Louisiana, amended its constitution through a legislatively-proposed amendment. In four states—Washington, Wyoming, Massachusetts, and Maine—the voters approved legislative term limits through initiated statutes, and in two states—Idaho and Utah—the state legislature adopted legislative term limits.

Currently, the following 15 states, including Ohio, have constitutionally-based term limits for state legislators:

Arizona	Louisiana	Nebraska
Arkansas	Maine	Nevada
California	Michigan	Ohio
Colorado	Missouri	Oklahoma
Florida	Montana	South Dakota

In no state have the voters repealed legislative term limits that had been placed in their state constitution. As described below, however, two states (Arkansas and California) have approved constitutional amendments that lengthened the time that legislators may serve.

### **Efforts to Repeal or Amend Constitutionally-Adopted Legislative Term Limits**

There is a voluminous academic and journalistic literature criticizing legislative term limits as well as a wealth of anecdotal information about how term limits have worked against the professionalization of legislative staff, strengthened the role of legislative leadership, enhanced the power of lobbyists, deprived legislatures of experienced members, encouraged legislators to avoid making commitments to a chamber and a leadership track, and deprived legislatures of institutional memory. Nonetheless, few proposals to either repeal or extend constitutionally-based legislative term limits have made it to the ballot. Prior to 2012, the one proposed repeal to go before the voters (South Dakota, 2008) lost badly, receiving only 24.3 percent of the votes. And during the period prior to 2012, all four proposals to extend the permissible length of legislative service also lost badly.

### **Successful State Repeals of Legislative Term Limits**

With the single exception of Oregon, efforts to repeal legislative term limits have only been successful in states in which the term limits are not contained in the state constitutions. In states where legislative term limits have been included in state constitutions (whether as a result of an initiated or a legislatively-proposed amendment), repeal efforts have rarely even reached the voters. Likewise, with only two recent exceptions, efforts to extend the limit on terms have generally been unsuccessful.

Between 1997 and 2004, legislative term limits were eliminated in six states. In Idaho and Utah, state legislatures repealed the legislative term limits that they had adopted.<sup>5</sup> In three other states—Massachusetts, Washington, and Wyoming—the state court of last resort struck down initiated statutes that imposed legislative term limits because their adoption was beyond the power of the legislature.<sup>6</sup> And in Oregon, the Oregon Supreme Court threw out an initiated constitutional amendment that had adopted legislative term limits provision for having violated the state’s separate vote requirement.<sup>7</sup>

### **SUCCESSFUL REPEALS OF LEGISLATIVE TERM LIMITS<sup>8</sup>**

<b>State</b>	<b>Year Repealed</b>	<b>Year Enacted</b>	<b>Who Repealed?</b>
IDAHO	2002	1994	Legislature
MASSACHUSETTS	1997	1994	State Supreme Court
OREGON	2002	1992	State Supreme Court

UTAH	2003	1994	Legislature
WASHINGTON	1998	1992	State Supreme Court
WYOMING	2004	1992	State Supreme Court

### Efforts to Extend Legislative Term Limits

Efforts to extend (not repeal) constitutionally-based legislative term limits have met with limited success. With the recent exceptions of California (2012) and Arkansas (2014), voters soundly rejected legislatively-proposed attempts to extend legislative term limits in Nebraska (2000), Arkansas (2004), Montana (2004), and California (2008). Similarly, in 2007, voters in Maine soundly defeated a legislatively-proposed referendum to repeal term limits that had been imposed through the state’s indirect statutory initiative.

### PROPOSED EXTENSIONS OF LEGISLATIVE TERM LIMITS

State	Year Adopted; Method of Adoption	Year of Proposed Extension	Percent yes vote
Arkansas	1992 const. initiative	2004	29.9
Montana	1992 const. initiative	2004	31.4
Maine	1993 (indirect statutory initiative)	2007	32.9
California	1990 const. initiative	2008	46.4
California	1990 const. initiative	2012	61.0
Nebraska	2000 const. initiative	2012	35.3
Arkansas	1992 const. initiative	2014	52.5

### The California Experience

The experience in California is very interesting. In 1990, the voters approved Proposition 140, which imposed chamber-specific term limits. Under this initiated amendment, which was approved by a relatively close vote of 52-48 percent, state senators were limited to two four-year senate terms, and members of the state assembly were limited to three two-year terms. Thus, a state legislator (who served the maximum in each branch) could serve a total of 14 years.

An unsuccessful effort was made in February 2008 in Proposition 93 to extend the terms and to permit legislators to serve for 12 years regardless of legislative chamber. Thus, state senators would have been able to serve three four-year terms, and members of the state assembly would have been able to serve six two-year terms. According to Ballotpedia, proponents of a “yes” vote to extend term limits contributed \$16.8 million in support of the proposed amendment, while opponents contributed \$9.0 million to defeat the proposed amendment. The voters defeated the proposed amendment by a vote of 53.6 percent to 46.4 percent.



On June 5, 2012, California voters approved Proposition 28 along the lines of the failed Proposition 93 to allow a legislator to serve a total of 12 years regardless of chamber. Proposition 28, however, only applied to legislators first elected after the measure was approved, thus not applying to sitting legislators. This proposed amendment was approved by a vote of 61 percent to 39 percent.

Proponents of Proposition 28 argued that the lifetime limitation of 12 years was a reduction from the 14 years that a legislator could serve under the existing limits (under which a legislator could serve 8 years in the Senate and 6 years in the Assembly). Opponents of the proposed amendment, however, viewed it as an attempt to extend legislative term limits. Far less was spent on this issue in 2012 than was spent in 2008. According to Ballotpedia, in 2012, \$2.3 million was contributed to the campaign to vote “yes,” while only \$835,000 was contributed to the campaign to vote “no.”

### **The Arkansas Experience**

In 1992, Arkansas voters adopted an initiated constitutional amendment in which state senators were given a lifetime limit of two four-year terms (whether consecutive or nonconsecutive) for a maximum service of eight years, and state representatives were given a lifetime limit of three two-year terms (whether consecutive or nonconsecutive) for a maximum service of six years. Because these were chamber-specific limits, legislators were able to serve the maximum number of terms in each chamber, and (ignoring partial terms) for as long as fourteen years.

A proposed amendment to extend the terms to 12 years in each chamber had been overwhelmingly rejected by Arkansas voters in 2004.

On November 4, 2014, however, Arkansas voters approved by a 52.5 percent to 47.5 percent vote a broad ethics amendment, the *Arkansas Elected Officials Ethics, Transparency, and Financial Reform Amendment of 2014* (HJR 1009). In addition to the ethics provisions, this amendment addressed term limits by removing the chamber-specific term limits in favor of a lifetime sixteen-year limit on the number of years that may be served in the General Assembly (whether consecutive or nonconsecutive and regardless of chamber).<sup>9</sup>

As a result, Arkansas legislators are now able to serve sixteen years in the General Assembly, and some senators who will reach their limit mid-term will be able to complete their final senate term and end up serving a total of eighteen years.

There is nothing in the proposed amendment that suggests that it does not apply to both incumbent and newly-elected legislators. As a result, incumbent senators who complete their second four-year term in 2016 will be able to run for two additional four-year senate terms and thus serve in the Senate for a total of sixteen years (assuming no service in the house). And incumbent representatives who complete their third two-year house term in 2016 will be able to run for five additional two-year terms and thus serve in the House for a total of sixteen years.

---

## Endnotes

<sup>1</sup> Ohio Const. Article II, Section 2.

<sup>2</sup> *See also* Ohio Const. Article II, Section 2.

<sup>3</sup> In the same election, Ohio voters placed a two successive term limitation on state constitutional officers (who, other than the governor, had no limit), *see* Ohio Const. Article III, Section 2, a two successive term limitation on United States Senators, and a four successive term limitations on United States Representatives. *See* Ohio Const. Article V, Section 8. The term limitations on members of Congress became unenforceable as a result of the United States Supreme Court decision in *U.S. Term Limits v. Thornton, Inc.*, 514 U.S. 779 (1995).

<sup>4</sup> Source: National Conference of State Legislatures (2/11/2013)  
<http://www.ncsl.org/research/about-state-legislatures/chart-of-term-limits-states.aspx> (last visited on February 1, 2015) \*(chart revised to reflect Arkansas extension of limits in 2014).

<sup>5</sup> In Idaho, the repeal of term limits was the object of a referendum in 2002, but 50.2 percent of the voters approved the repeal.

<sup>6</sup> *See League of Women Voters of Massachusetts v. Secretary of the Commonwealth*, 681 P.2d 842 (Mass. 1997); *Gerberding v. Munro*, 949 P.2d 1366 (Wash. 1997); *Cathcart v. Meyer*, 88 P.3d 1050 (Wyo. 2004).

<sup>7</sup> *See Lehman v. Bradbury*, 37 P.2d 989 (Or. 2012) (holding that state legislative term limits approved by voters was not closely related to change that limited terms of members of Congress and thus violated the state separate vote requirement).

<sup>8</sup> Source: National Conference of State Legislatures (2/11/2013)  
<http://www.ncsl.org/research/about-state-legislatures/chart-of-term-limits-states.aspx> (last visited on February 1, 2015).

<sup>9</sup> The new provision of the Arkansas Constitution Article 19, Section 2(c) (1) & (2), provides as follows: “A member of the General Assembly shall serve no more than sixteen (16) years, whether consecutive or nonconsecutive\*\*\*. A member who completes his or her sixteenth year of service during a term of office for which he or she has been elected may serve until the completion of that term of office.”

**TERM LIMITS IN THE STATES\***  
**2014**

State	Year Enacted	House		Senate		% Voted Yes
		Limit	Year of Impact	Limit	Year of Impact	
MAINE	1993	8	1996	8	1996	67.6
CALIFORNIA	1990	12 (c)	1996	12 (c)	1998	52.2
COLORADO	1990	8	1998	8	1998	71
ARKANSAS	1992	6	1998	8	2000	59.9
MICHIGAN	1992	6	1998	8	2002	58.8
FLORIDA	1992	8	2000	8	2000	76.8
OHIO	1992	8	2000	8	2000	68.4
SOUTH DAKOTA	1992	8	2000	8	2000	63.5
MONTANA	1992	8	2000	8	2000	67
ARIZONA	1992	8	2000	8	2000	74.2
MISSOURI (a)	1992	8	2002	8	2002	75
OKLAHOMA	1990	12 (c)	2004	12 (c)	2004	67.3
NEBRASKA	2000	n/a	n/a	8	2006	56
LOUISIANA	1995	12	2007	12	2007	76
NEVADA (b)	1996	12	2010	12	2010	70.4

(a) Because of special elections, term limits were effective in 2000 for eight current members of the House and one Senator in 1998.

(b) The Nevada Legislative Council and Attorney General ruled that Nevada's term limits could not be applied to those legislators elected in the same year term limits were passed (1996). They first applied to persons elected in 1998. (c) In California and Oklahoma, a legislator may serve a total of 12 years in the legislature during his or her lifetime. The total time may be split between the two chambers, or spent in its entirety in a single chamber. Before 2012, California's limits were identical to those in Arkansas: six years in the assembly and eight years in the senate.

Source: National Conference of State Legislatures (2/11/2013)

<http://www.ncsl.org/research/about-state-legislatures/chart-of-term-limits-states.aspx> (last visited on February 1, 2015)

\*The above chart does not include the 2014 amendment to extend the permissible terms in Arkansas.



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

---

**TO:** Chair Fred Mills, Vice Chair Paula Brooks, and  
Members of the Legislative Branch and Executive Branch Committee

**FROM:** Steven C. Hollon, Executive Director

**DATE:** February 11, 2015

**RE:** Two Options for Amending Ohio Constitution Article II, Section 2  
(Term Limits for State Legislators)

---

Article II, Section 2 of the Ohio Constitution limits the terms of legislators serving in the Ohio General Assembly.

Chair Mills has asked staff to distribute two different options of a possible amendment to this section which are provided as Option One and Option Two. The options contain strike-through (denoting deletions) and underlining (denoting new language) markings which set out the proposed amended provision.

**Option One – Increase Limit from Eight to Twelve Years; Applies to Current Members of the General Assembly**

*Article II, Section 2*

Representatives shall be elected biennially by the electors of the respective house of representatives districts; their term of office shall commence on the first day of January next thereafter and continue two years.

Senators shall be elected by the electors of the respective senate districts; their terms of office shall commence on the first day of January next after their election. All terms of senators which commence on the first day of January, 1969 shall be four years, and all terms which commence on the first day of January, 1971 shall be four years. Thereafter, except for the filling of vacancies for unexpired terms, senators shall be elected to and hold office for terms of four years.

No person shall hold the office of State Senator for a period of longer than ~~two~~ three successive terms of four years. No person shall hold the office of State Representative for a period longer than ~~four~~ six 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 office in accordance to 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, 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.

### *Analysis*

The effect of the language in Option One will be that legislators who are in office at the time the amendment takes effect will now be able to serve consecutive terms totaling up to 12 years.

For instance, if a senator is in his second consecutive four-year term, he will be eligible to be elected to one additional four-year term. If a senator is in his first four-year term, he will be eligible to be elected to two additional four-year terms.

Likewise, if a representative is in her fourth consecutive term, she will be eligible for two additional two-year terms. If the representative is in her third consecutive two-year term, she will be eligible for three additional two-year terms. If the representative is in her second consecutive two-year term, she will be eligible to serve four additional two-year terms. Finally, if the representative is in her first two-year term, she will be eligible to serve five additional two-year terms.

Anyone elected to their first term after the effective date of the amendment will be eligible to serve twelve consecutive years in the senate and twelve consecutive years in the house.

### **Option Two – Increase Limit from Eight to Twelve Years; Does Not Apply to Current Members of the General Assembly**

#### *Article II, Section 2*

(A) Representatives shall be elected biennially by the electors of the respective house of representatives districts; their term of office shall commence on the first day of January next thereafter and continue two years.

Senators shall be elected by the electors of the respective senate districts; their terms of office shall commence on the first day of January next after their election. All terms of senators which commence on the first day of January, 1969 shall be four years, and all terms which commence on the first day of January, 1971 shall be four years. Thereafter, except for the filling of

vacancies for unexpired terms, senators shall be elected to and hold office for terms of four years.

(B)(1) No person shall hold the office of State Senator for a period of longer than ~~two~~ three successive terms of four years. No person shall hold the office of State Representative for a period longer than ~~four~~ six 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.~~ Terms to which a person is elected or appointed on or after January 1, 2016, shall be considered in determining an individual's eligibility to hold office.

(2) Notwithstanding the term limitations prescribed by division (B)(1) of this section and subject to Section 9 of Article V of this Constitution, persons who are holding the office of senator or representative on the day immediately before the effective date of this amendment and who continue to hold that office on and after that date may hold the office of senator for a period of up to two successive terms of four years or the office of representative for a period of up to four successive terms of two years, as applicable.

In determining the eligibility of an individual to hold office in accordance to 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, 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.

### *Analysis*

The effect of the language in Option Two would appear to be that legislators who are in office at the time the amendment takes effect will still be limited to serving consecutive terms totaling eight years.

However, legislators elected to their first term after the effective date of the amendment will be eligible to serve twelve consecutive years.

**As Adopted by the Senate**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Am. Sub. S. J. R. No. 9**

**Senator Faber**

**Cosponsors: Senators Widener, Patton, Obhof, Oelslager, Cafaro, Bacon,  
Coley, Burke, Uecker, Peterson, Lehner, Beagle, LaRose, Hite, Balderson,  
Brown, Eklund, Hughes, Kearney, Sawyer, Skindell, Tavares**

---

**JOINT RESOLUTION**

Proposing to amend Section 4 of Article II, Section 1  
20 of Article II, Section 31 of Article II, 2  
Section 19 of Article III, and Section 6 of 3  
Article IV of the Constitution of the State of 4  
Ohio and to enact Section 20a of Article II of the 5  
Constitution of the State of Ohio to establish the 6  
Public Office Compensation Commission. 7

**BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

Be it resolved by the General Assembly of the State of Ohio, 8  
three-fifths of the members elected to each house concurring 9  
herein, that there shall be submitted to the electors of the 10  
state, in the manner prescribed by law at a special election to be 11  
held on May 5, 2015, a proposal to amend Section 4 of Article II, 12  
Section 20 of Article II, Section 31 of Article II, Section 19 of 13  
Article III, and Section 6 of Article IV of the Constitution of 14  
the State of Ohio and to enact Section 20a of Article II of the 15  
Constitution of the State of Ohio to read as follows: 16

**ARTICLE II**

**Section 4.** No member of the general assembly shall, during 17

the term of office for which ~~he~~ the member was elected, unless 18  
during such term ~~he~~ the member resigns therefrom, hold any public 19  
office under the United States, or this state, or a political 20  
subdivision thereof; but this provision does not extend to 21  
officers of a political party, notaries public, or officers of the 22  
militia or of the United States armed forces. 23

No member of the general assembly shall, during the term of 24  
office for which ~~he~~ the member was elected, or for one year 25  
thereafter, be appointed to any public office under this state, 26  
which office was created ~~or the compensation of which was~~ 27  
~~increased,~~ during the term of office for which ~~he~~ the member was 28  
elected. 29

**Section 20.** The General Assembly, in cases not provided for 30  
in this constitution, shall fix the term of office of all officers 31  
and the compensation of all non-elected officers; but no change 32  
therein shall affect the salary of any non-elected officer during 33  
~~his~~ the officer's existing term of office, unless the office be 34  
abolished. 35

**Section 20a.** (A) The Public Office Compensation Commission is 36  
created. The Commission consists of the following nine voting 37  
members: two members appointed by the Governor; two members 38  
appointed by the President of the Senate; two members appointed by 39  
the Speaker of the House of Representatives; one member appointed 40  
by the Minority Leader of the Senate; one member appointed by the 41  
Minority Leader of the House of Representatives; and one member 42  
appointed by the Chief Justice of the Supreme Court. The following 43  
are not eligible to be appointed as a member of the Commission: 44  
(1) an officer or employee of the state or a political subdivision 45  
of the state or a family member, as defined by law, of an officer 46  
or employee of the state or a political subdivision of the state; 47  
(2) an individual who, within twelve months before appointment, 48  
was a candidate for election to a public office in the state; or 49



(3) an individual who engages during at least a portion of the individual's time to actively advocate legislation on behalf of another. 50  
51  
52

Terms of members of the Commission are for two years. Members may not serve more than four consecutive terms. The Commission chairperson shall be selected by majority vote of all members of the Commission. Members are not entitled to compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of Commission duties. A vacancy among the members of the Commission shall be filled in the manner prescribed for the original appointment. 53  
54  
55  
56  
57  
58  
59  
60

(B)(1) The Public Office Compensation Commission shall meet each even-numbered year to review the current compensation of each elected public office in the state. The Commission shall consider such factors as are provided by law, including the amount of compensation paid to similarly skilled individuals in the private sector, the amount of compensation paid to individuals in comparable elected public offices in other states, and the current financial condition of and within Ohio. After completing its review, the Commission, by vote of at least five of its members, shall prepare a proposed compensation plan that sets forth the compensation of each elected public office in the state. The Commission shall prepare a report of its proposed compensation plan and shall present the proposed compensation plan and report at not less than three public hearings in the state in order to obtain public input regarding the proposed compensation plan. After conducting its public hearings, the Commission, by vote of at least five of its members, shall issue a final compensation plan that sets forth the compensation of each elected public office in the state. The Commission shall prepare a report of its final compensation plan not later than the last day of December in each even-numbered year. 61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81

If a proposed or final compensation plan increases or 82  
decreases the compensation amount of an elected public office by 83  
greater than the lesser of the following, the Commission shall 84  
include, in its accompanying report, specific factors that support 85  
the increase or decrease: 86

(a) Three per cent; or 87

(b) The percentage increase, if any, in the consumer price 88  
index, or a generally available comparable index, over the 89  
twelve-month period that ends on the thirtieth day of September of 90  
the immediately preceding year, rounded to the nearest one-tenth 91  
of one per cent. 92

(2) The compensation amounts set forth in the final 93  
compensation plan for each elected public office in the state take 94  
effect on the first day of July of the following odd-numbered year 95  
unless, before that day, the General Assembly, by a three-fifths 96  
vote of the members elected to each house, adopts a concurrent 97  
resolution rejecting one or more of the compensation amounts. 98

If the General Assembly rejects a final compensation plan or 99  
portion thereof, a member of the General Assembly is not entitled 100  
to an increase in compensation for the duration of the member's 101  
term of office. 102

(C) This section does not affect the compensation of a county 103  
officer elected under a county charter that has been adopted under 104  
Article X, Sections 3 and 4 of this constitution, or the 105  
compensation of an officer of a municipal corporation elected 106  
under the power of local self-government as exercised by a 107  
municipal corporation under Article XVIII, Sections 3 and 7 of 108  
this constitution. 109

**Section 31.** The members and officers of the General Assembly 110  
shall receive a fixed compensation, ~~to be prescribed by law, and~~ 111  
~~no other allowance or perquisites, either in the payment of~~ 112

~~postage or otherwise, and no change in their compensation shall~~ 113  
~~take effect during their term of office as provided for in Article~~ 114  
~~II, Section 20a of this constitution.~~ 115

ARTICLE III

Section 19. The officers mentioned in this article shall, at 116  
stated times, receive, for their services, a compensation ~~to be~~ 117  
~~established by law, which shall neither be increased nor~~ 118  
~~diminished during the period for which they shall have been~~ 119  
~~elected as provided for in Article II, Section 20a of this~~ 120  
~~constitution.~~ 121

ARTICLE IV

Section 6. (A) (1) The chief justice and the justices of the 122  
supreme court shall be elected by the electors of the state at 123  
large, for terms of not less than six years. 124

(2) The judges of the courts of appeals shall be elected by 125  
the electors of their respective appellate districts, for terms of 126  
not less than six years. 127

(3) The judges of the courts of common pleas and the 128  
divisions thereof shall be elected by the electors of the 129  
counties, districts, or, as may be provided by law, other 130  
subdivisions, in which their respective courts are located, for 131  
terms of not less than six years, and each judge of a court of 132  
common pleas or division thereof shall reside during ~~his~~ the 133  
judge's term of office in the county, district, or subdivision in 134  
which ~~his~~ the judge's court is located. 135

(4) Terms of office of all judges shall begin on the days 136  
fixed by law, and laws shall be enacted to prescribe the times and 137  
mode of their election. 138

(B) The judges of the supreme court, courts of appeals, 139

courts of common pleas, and divisions thereof, and of all courts 140  
of record established by law, shall, at stated times, receive, for 141  
their services such compensation as ~~may be provided by law, which~~ 142  
~~shall not be diminished during their term of office~~ for in Article 143  
II, Section 20a of this constitution. The compensation of all 144  
judges of the supreme court, except that of the chief justice, 145  
shall be the same. The compensation of all judges of the courts of 146  
appeals shall be the same. Common pleas judges and judges of 147  
divisions thereof, and judges of all courts of record established 148  
by law shall receive such compensation as ~~may be provided by law~~ 149  
for in Article II, Section 20a of this constitution. Judges shall 150  
receive no fees or perquisites, nor hold any other office of 151  
profit or trust, under the authority of this state, or of the 152  
United States. All votes for any judge, for any elective office, 153  
except a judicial office, under the authority of this state, given 154  
by the general assembly, or the people shall be void. 155

(C) No person shall be elected or appointed to any judicial 156  
office if on or before the day when ~~he~~ the person shall assume the 157  
office and enter upon the discharge of its duties ~~he~~ the person 158  
shall have attained the age of seventy years. Any voluntarily 159  
retired judge, or any judge who is retired under this section, may 160  
be assigned with ~~his~~ the judge's consent, by the chief justice or 161  
acting chief justice of the supreme court to active duty as a 162  
judge and while so serving shall receive the established 163  
compensation for such office, computed upon a per diem basis, in 164  
addition to any retirement benefits to which ~~he~~ the judge may be 165  
entitled. Laws may be passed providing retirement benefits for 166  
judges. 167

EFFECTIVE DATE AND REPEAL 168

If adopted by a majority of the electors voting on this 169  
proposal, Section 4 of Article II, Section 20 of Article II, 170  
Section 31 of Article II, Section 19 of Article III, and Section 6 171

of Article IV of the Constitution of the State of Ohio as amended 172  
by this proposal and Section 20a of Article II of the Constitution 173  
of the State of Ohio shall take effect immediately and existing 174  
Section 4 of Article II, Section 20 of Article II, Section 31 of 175  
Article II, Section 19 of Article III, and Section 6 of Article IV 176  
of the Constitution of the State of Ohio are repealed effective 177  
immediately. 178

SCHEDULE I 179

The Public Office Compensation Commission shall meet in 2015 180  
to review the current compensation of each elected public office 181  
in the state. The Commission shall issue a proposed compensation 182  
plan and final compensation plan, and the accompanying reports, 183  
not later than December 31, 2015, in accordance with the process 184  
in Article II, Section 20a of the Constitution. 185

The compensation amounts set forth in the final compensation 186  
plan for each elected public office in the state shall take effect 187  
on July 1, 2016, unless, before that day, the General Assembly, by 188  
a three-fifths vote of the members elected to each house, adopts a 189  
concurrent resolution rejecting one or more of the compensation 190  
amounts. 191

If the General Assembly rejects a final compensation plan or 192  
portion thereof, a member of the General Assembly is not entitled 193  
to an increase in compensation for the duration of the member's 194  
term of office. 195

SCHEDULE II 196

Some of the proposed amendments to Ohio Constitution, Article 197  
II, Sections 4 and 20, and Article IV, Section 6, replace gender 198  
specific language with gender neutral language. These amendments 199  
are not intended to make substantive changes in the Ohio 200  
Constitution. The gender neutral language shall be interpreted as 201  
a restatement of, and substituted in a continuing way for, the 202  
corresponding gender specific language existing prior to adoption 203

of the proposal.

204



# Ohio Legislative Service Commission

## Resolution Analysis

Alyssa Bethel

### Am. Sub. S.J.R. 9 130th General Assembly (As Adopted by the Senate)

**Sens.** Faber, Widener, Patton, Obhof, Oelslager, Cafaro, Bacon, Coley, Burke, Uecker, Peterson, Lehner, Beagle, LaRose, Hite, Balderson, Brown, Eklund, Hughes, Kearney, Sawyer, Skindell, Tavares

---

## RESOLUTION SUMMARY

- Creates the Public Office Compensation Commission, which consists of nine voting members.
- Requires the Commission, in each even-numbered year, to review the compensation of elected public offices in the state.
- Requires the Commission to create a proposed compensation plan and a report, and to present the plan and report at not less than three public hearings to receive public input.
- Requires the Commission to issue a final compensation plan and a report not later than December 31 of each even-numbered year.
- Allows the General Assembly to reject one or more of the final compensation amounts.
- Provides that the final compensation plan issued by the Commission takes effect July 1 of the following odd-numbered year except insofar as compensation amounts have been rejected by the General Assembly.
- Requires the Commission to create its *initial* final compensation plan not later than December 31, 2015, and provides that the compensation amounts therein take effect July 1, 2016, unless rejected by the General Assembly.
- Specifies that the creation and operation of the Public Office Compensation Commission does not affect the compensation of nonjudicial elected public offices in municipal corporations and charter counties having home rule.

- Removes the prohibition against General Assembly members receiving "allowances or perquisites" in addition to a fixed compensation.
- Limits the prohibition against General Assembly members receiving in-term increases in compensation to apply only when the General Assembly has, during a member's term, rejected the Commission's final compensation plan.
- Removes the prohibition against compensation of judges of courts of record being diminished during a term of office.
- Eliminates the prohibition against a member of the General Assembly, during the member's term, from being appointed to a public office, the compensation of which was increased during the member's term.
- Eliminates the prohibition against executive officers' compensation being increased or decreased during the period for which the officer was elected.
- Requires the Governor, majority and minority leadership of the General Assembly, and Chief Justice of the Supreme Court to appoint members to the Commission.

---

## CONTENT AND OPERATION

The joint resolution proposes an amendment to the Ohio Constitution that establishes a Public Office Compensation Commission to review and set the compensation of elected public offices, subject to rejection by the General Assembly. The proposal is to be submitted to the electors at a special election to be held on May 5, 2015.

### Duties of Public Office Compensation Commission

The Public Office Compensation Commission is required to meet each even-numbered year to review the current compensation of each elected public office in the state.<sup>1</sup> Currently, the General Assembly establishes, by law, the compensation of all officers,<sup>2</sup> of all executive officers,<sup>3</sup> and of justices of the Supreme Court and judges of the courts of appeals, courts of common pleas, and divisions thereof, and of all courts of record established by law.<sup>4</sup> Under the proposal, the Commission, instead of the General

---

<sup>1</sup> Ohio Const., art. II, sec. 20a(A)(1).

<sup>2</sup> Ohio Const., art. II, sec. 20.

<sup>3</sup> Ohio Const., art. III, sec. 19.

<sup>4</sup> Ohio Const., art. IV, sec. 6(B).





Assembly, is to establish the compensation of all elected public offices.<sup>5</sup> When reviewing the current compensation of elected public offices, the Commission must consider factors provided by law, including the amount of compensation paid to similarly skilled individuals in the private sector, the amount of compensation paid to individuals in comparable elected public offices in other states, and the current financial condition of and within Ohio.<sup>6</sup>

After completing its review, the Commission must prepare, by vote of five of its members, a proposed compensation plan that sets forth the compensation amounts for each elected public office in the state, and must prepare a report of the proposed compensation plan. The Commission must present the proposed compensation plan and the report at not less than three public hearings in the state to obtain public input regarding the plan. After conducting the public hearings, the Commission must issue, by vote of five of its members, a final compensation plan. The Commission must prepare a report of the final compensation plan not later than the last day of December in each even-numbered year. When a proposed or final compensation plan increases or decreases the compensation amount of an elected public office by more than the lesser of 3% or the percentage increase, if any, in the consumer price index,<sup>7</sup> the Commission must include specific factors that support the increase or decrease in its accompanying report.<sup>8</sup>

### **Effective date of final compensation plan; rejection of compensation amounts by General Assembly**

The compensation amounts set forth in the final compensation plan for each elected public office take effect on the first day of July of the following odd-numbered year unless, before that day, the General Assembly, by a three-fifths vote of the members elected to each house, adopts a concurrent resolution rejecting one or more of the compensation amounts. If the General Assembly rejects a final compensation plan or portion thereof, a member of the General Assembly is not entitled to an increase in compensation for the duration of the member's term of office.<sup>9</sup>

---

<sup>5</sup> Ohio Const., art. II, sec. 20a(B)(1).

<sup>6</sup> Ohio Const., art. II, sec. 20a(B)(1).

<sup>7</sup> Measured over the 12-month period that ends on the 30th day of September of the immediately preceding year, rounded to the nearest  $\frac{1}{10}$  of 1%.

<sup>8</sup> Ohio Const., art. II, sec. 20a(B)(1).

<sup>9</sup> Ohio Const., art. II, sec. 20a(B)(2).



## **Initial actions of the Public Office Compensation Commission**

The Commission must meet in 2015 to prepare and issue its initial proposed and final compensation plans and the accompanying reports following the process described above. The final compensation plan and report must be issued not later than December 31, 2015. The compensation amounts in the initial final compensation plan take effect July 1, 2016, unless rejected by the General Assembly as described above. If the General Assembly rejects the initial final compensation plan, or a portion thereof, a member of the General Assembly is not entitled to an increase in compensation for the duration of the member's term of office.<sup>10</sup>

## **Creation of Public Office Compensation Commission**

The proposal creates the Public Office Compensation Commission consisting of nine members appointed as follows: two by the Governor, two by the President of the Senate, two by the Speaker of the House of Representatives, one by the Minority Leader of the Senate, one by the Minority Leader of the House of Representatives, and one by the Chief Justice of the Supreme Court. The following individuals are not eligible to be appointed as a member of the Commission: (1) an officer or employee of the state or a political subdivision of the state, or a family member, as defined by statute, of an officer or employee of the state or a political subdivision of the state, (2) an individual who was a candidate for election to public office in the state within 12 months before appointment, or (3) an individual who engages during at least a portion of the individual's time to actively advocate legislation on behalf of another.

Members serve two-year terms and may not serve more than four consecutive terms. The Commission selects its chairperson by a majority vote. Members do not receive compensation, but must be reimbursed for actual and necessary expenses incurred in the performance of Commission duties.<sup>11</sup> Vacancies on the Commission are to be filled in the manner prescribed for the original appointment.

## **Compensation of charter county or municipal elected officer unaffected**

The proposal specifies that the creation and operation of the Commission does not affect the compensation of a county officer elected under a county charter or the compensation of an officer of a municipality elected under the power of local self-

---

<sup>10</sup> Schedule I.

<sup>11</sup> Ohio Const., art. II, sec. 20a(B).

government as exercised by a municipality under the Home Rule Amendment to the Ohio Constitution.<sup>12</sup>

## Miscellaneous

Current law prohibits the compensation of a judge of a court of record from being diminished in term.<sup>13</sup> The proposal removes this prohibition.

Currently, the compensation of members of the General Assembly may not be changed in term.<sup>14</sup> The proposal limits the prohibition to only an increase received in-term when the General Assembly has, during a member's term, rejected one or more compensation amounts in the Commission's final compensation plan.<sup>15</sup>

The proposal eliminates the prohibition against a member of the General Assembly, during the member's term, from being appointed to a public office, the compensation of which was increased during the member's term.

The proposal eliminates the prohibition against certain executive officers, during the period for which the officers were elected, from receiving an increase or decrease in compensation.

---

## HISTORY

ACTION	DATE
Introduced	12-03-14
Reported, S. State Gov't Oversight and Reform	12-04-14
Passed Senate (32-0)	12-04-14

SJR0009-AS-130.docx/emr

---

<sup>12</sup> Ohio Const., art. II, sec. 20a(C); Ohio Const., art. X, Secs. 3 and 4 (county home rule); Ohio Const., art. XVIII, secs. 3 and 7 (municipal home rule).

<sup>13</sup> Ohio Const., art. IV, sec. 6.

<sup>14</sup> Ohio Const., art. II, sec. 4.

<sup>15</sup> Ohio Const., art. II, sec. 20a(B)(2).

