

# SENATE BILL REPORT

## SJR 8203

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As of February 5, 2021

**Brief Description:** Proposing an amendment to the Constitution regarding term limits.

**Sponsors:** Senator Wilson, J..

**Brief History:**

**Committee Activity:** State Government & Elections: 2/05/21.

**Brief Summary of Joint Resolution**

- Sends a proposed state constitutional amendment to the voters at the next general election, setting term limits for statewide elected officials and legislators.

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### SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

**Staff:** Samuel Brown (786-7470)

**Background:** Qualifications for Office. Under the Washington State Constitution, any person must be a registered voter to run for elective office. Persons who will be 18 or older by the general election; are United States citizens; have lived in the state, county, and precinct for 30 days immediately preceding an election; and have not been convicted of an infamous crime are entitled to register to vote. A person with a felony conviction may have their voting rights provisionally restored upon completion of their sentence in a Department of Corrections facility and, if applicable, completion of a period of community custody.

Candidates for legislative office must reside in the district they seek to represent. To serve as a judge or Supreme Court justice, a person must be admitted to practice law in Washington.

Term Limits. According to the National Conference of State Legislatures, 15 states presently limit the number of terms a person may serve in a state legislative chamber.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Washington currently has no term limits for state elected officials, though several counties impose term limits on county elected officials in charter.

Initiative 573. In 1992, Washington voters passed Initiative 573, which made certain incumbent elected officials ineligible to run for re-election. An incumbent could not run for re-election as:

- United States Senator if the person had served as Senator for 12 of the previous 18 years;
- Governor, Lieutenant Governor, or state Senator if the person had served in that office for 8 of the previous 14 years;
- United States or state Representative if the person had served in that office for 6 of the previous 12 years; or
- a state legislator if the person had served as a state legislator for 14 of the previous 20 years.

The provisions of Initiative 573 were struck down in two court opinions. In *Thorsted v. Gregoire*, 841 F. Supp. 1068 (W.D. Wash. 1994), a federal court invalidated the provisions of Initiative 573 restricting United States Senators and Representatives from running for re-election, holding that Washington could not add qualifications to service in those positions beyond those provided in Article I of the United States Constitution. In *Gerberding v. Munro*, 134 Wash. 2d 188 (1998), the Washington Supreme Court invalidated Initiative 573's term limits for state offices, holding that since qualifications to serve as Governor, Lieutenant Governor, or state legislator are set in the Washington State Constitution, Initiative 573's attempt to do so in statute violated the Washington State Constitution.

**Summary of Joint Resolution:** At the next general election, voters will have the opportunity to approve or reject a proposed amendment to the Washington State Constitution imposing the following term limits on elected officials:

- a maximum of four terms in the state House of Representatives;
- a maximum of two terms, or one full term and completion of a partial term of more than one year, in the state Senate, any statewide elected office, or as state Supreme Court justice.

The term limits in the proposed constitutional amendment do not apply to officials in office at the time of the joint resolution's introduction.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is not a termination. There are always higher offices for elected officials to seek. If term limits are good enough for the presidency, they are good enough for the Legislature. Incumbents have a built-in advantage in fundraising and can change filing and campaign finance rules. Electing the same officials year after year narrows the perspectives and thoughts given consideration. Incumbents receive free media coverage through press conferences and publishing editorials. Term limits break up relationships between lobbyists and legislators and make it difficult to hide corruption or patronage. This will increase voter turnout. New legislators bring new ideas to long-term problems. Our best and brightest are not running for office because the odds of defeating an incumbent are overwhelming and they do not want to become career politicians. This will create a healthier Legislature. It strikes voters as odd that the presidency and county councils have term limits, but not the Governor or Legislature.

CON: Term limits rob voters of the ability to select representatives of their choice. It does not serve democracy well to disqualify capable representatives only because they have experience, knowledge, skills, and relationships. This will intensify corrupting influences by shifting power to lobbyists. There will be fewer veteran legislators to mentor new legislators. Races in some states with term limits have been less competitive. Concerns about accountability, effectiveness, and the corruption of big money in government require more comprehensive solutions than term limits. There is no guarantee this will result in better representation. I can hold my legislator accountable by the power of my vote. This stifles democracy.

OTHER: Political science literature finds term limits have negative effects. Term limits weaken legislatures relative to the executive branch, political parties, and lobbyists. Legislators have less time to learn the key points of legislating, and leaders gain less experience before taking control of chambers. Term limits seem to increase legislative polarization.

**Persons Testifying:** PRO: Senator Jeff Wilson, Prime Sponsor; Tim Eyman, Permanent Offense; Ron Hooper, Scott Tillman, U.S. Term Limits; Ryan Ottele.

CON: Kathy Sakahara, League of Women Voters of Washington; Cindy Madigan; Breanne Schuster, ACLU of Washington.

OTHER: Seth Masket.

**Persons Signed In To Testify But Not Testifying:** No one.