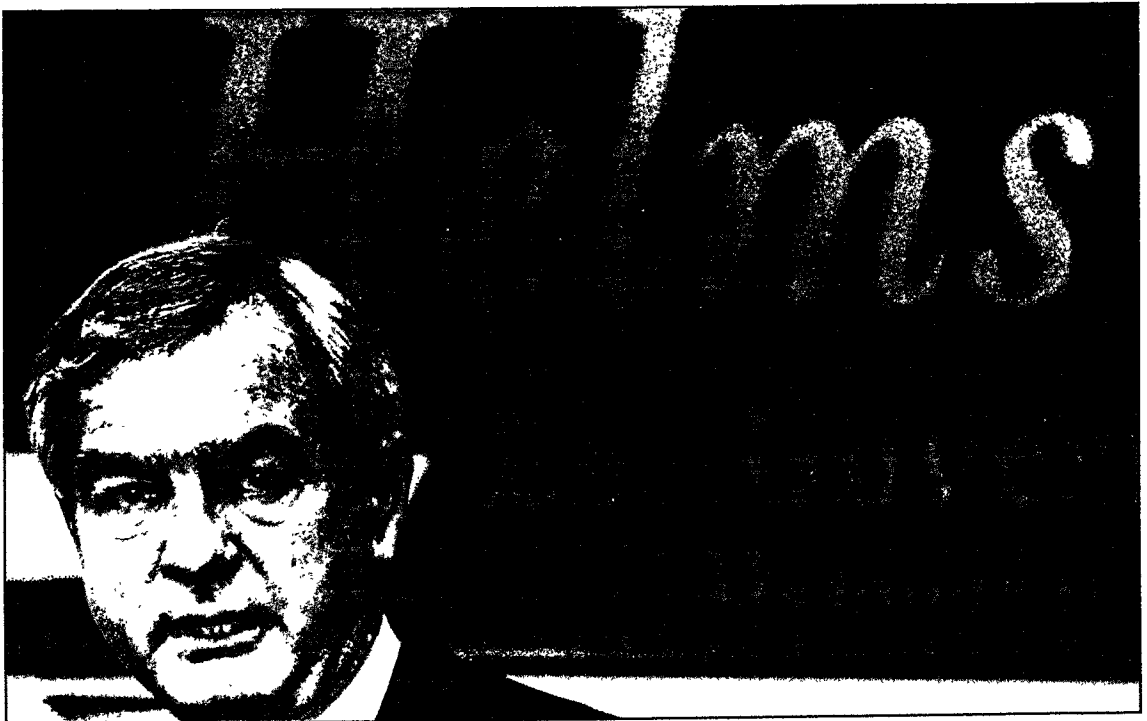

CON: North Carolina Does Not Need Four-Year Terms for Legislators

by Parks Helms

Those who propose four-year terms for legislators do so with a legitimate concern—maintenance of a citizen legislature, which has served the people of North Carolina with distinction and ability. Over the last 15 years, our General Assembly has lost many of its most capable and respected members. Some have gone on to offices such as judgeships and executive appointments, while others have returned to private life. Why this drop-out rate among legislators?¹ Among other factors, it stems from the relatively low pay legislators receive, and the tremendous

increase in campaign costs. These factors have combined to make legislative service an activity few working men and women can afford. The danger in allowing this trend to continue is that our General Assembly could become dominated by very wealthy or retired persons and lose its character as a citizen legislature.

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A four-year term, however, does not solve the problem of getting and keeping competent citizen representatives and senators. And it ignores the issue of legislator responsiveness and accountability to the people. It would reinforce the existing imbalance of power between the executive and legislative branches. And paradoxically, it would not even solve the problem it is supposed to correct. For philosophical and practical reasons, the four-year term should be defeated.

Philosophical Issues

Our state and federal governments were designed so that elected officials in at least one branch would have to face the voters at least every two years. Frequent elections serve to reflect the current mood of the people. In North Carolina, this proposition took formal shape in Article I, Section 9 of the state constitution: "For redress of grievances and for amending and strengthening the law, elections shall be often held."

The desirability of frequent elections is no less important today than it was when our constitution was adopted. The people we elect to our General Assembly should represent our present views on how government should be conducted. The immediate dissemination of information through the electronic media has made the average citizen more likely to change his stance on important issues much more often than every four years. Thus, a legislature which is isolated from the voters for four years is a legislature that does not reflect the true sense of the times in which it functions.

A legislator with a four-year term is less accountable to his constituents than one with a two-year term. Some members may be tempted with a four-year term to pay more attention to the well-heeled special interest groups and less attention to the needs and wishes of the constituents in their districts, hoping that time will cause the people of the district they represent to forget what they have or have not done. By creating a legislature which insulates its members from challenge for four years, a constitutional amendment to create four-year terms would contradict representative government as we have come to know it in North



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Rep. David Diamont (D-Surry) and Sen. Kenneth Royall (D-Durham) grapple with budget questions in committee session.

Carolina. At least some other states have adopted staggered terms to go along with their four-year terms, so that at least some legislators are elected every two years. North Carolina's current proposal does not envision staggered terms.

At a time when credibility of government at every level is in question, any change of governmental principles should be carefully studied. Now more than ever, it is important that constituents' views be reflected in public policy decisions. It is not a time to move to four year terms.

Practical Issues

Proponents of four-year terms argue that the majority of states already have precedents for such a system. At best, this is a half-argument. North Carolina, along with 11 other states, has a legislature in which both representatives and senators serve two-year terms. But should voters approve the proposed amendment, North Carolina would become one of only five states which grant four-year terms to *all* lawmakers (see Table 1, page 49). The proposal, then, takes our state from one minority category (12 states) to an even more

isolated one (four states). The argument that we should adopt a four-year system because other states have done it does not examine the whole statistical picture.

For government to be truly responsive, it must permit voters to participate often in the electoral process. The state constitution speaks to this necessity, and it is too important a principle to be abandoned. In terms of voter participation, the four-year term would undoubtedly reduce the number of people participating in the election of our legislators. The elections might be in off years—when a governor and president are not being elected. Absent any prominent statewide or national races, off-year elections have less press coverage, less public interest, and not surprisingly, significantly lower voter turnout (see Table 4, below, for more). One could argue that people who do not vote deserve the government they get,

but that position overlooks the fact that those of us who do vote get the same government. Going to four-year terms would cut in half the opportunities to vote for legislators.

Aside from its effect on the General Assembly, the four-year term would have a significant impact on the executive branch as well. North Carolina's governor is already the only chief executive in the nation without veto power. And, in recent years, the General Assembly has sought to encroach more and more on duties traditionally performed by the governor and the executive branch. The North Carolina Supreme Court ruled in 1982 that the legislature had overstepped its constitutional bounds by placing some legislators on the state Environmental Management Commission in the executive branch.² A four-year term would increase such intrusions into the executive branch and would make relations between

Table 4. Turnout of Registered North Carolina Voters in Statewide Elections, 1972-1988

Year of Statewide Election	Total Voters Who Were Registered	Total Voters Who Voted In Top Race	Percentage of Registered Voters Who Actually Voted
1972 (P)	2,357,645	1,518,612	64.4 %
1974	2,279,646	1,021,990	44.8 %
1976 (P)	2,553,717	1,677,906	65.7 %
1978	2,430,306	1,135,814	46.7 %
1980 (P)	2,774,844	1,855,833	66.9 %
1982 *	2,618,340	685,239	26.2 % *
1984 (P)	3,270,933	2,239,051	68.5 %
1986	3,080,990	1,591,330	51.6 %
1988 (P)	3,432,042	2,134,370	62.2 %

(P) denotes presidential and gubernatorial election years.

* 1982 was not a presidential or gubernatorial election year and there was no statewide race between candidates, but there was a statewide election — during the primary. In that election, the proposal to double the length of legislative terms, voted on in the primary on June 29, 1982, failed on a 163,058-522,181 vote — 23.7% for, and 76.2% against.

Source: Computations based on statistics maintained by N.C. State Board of Elections.

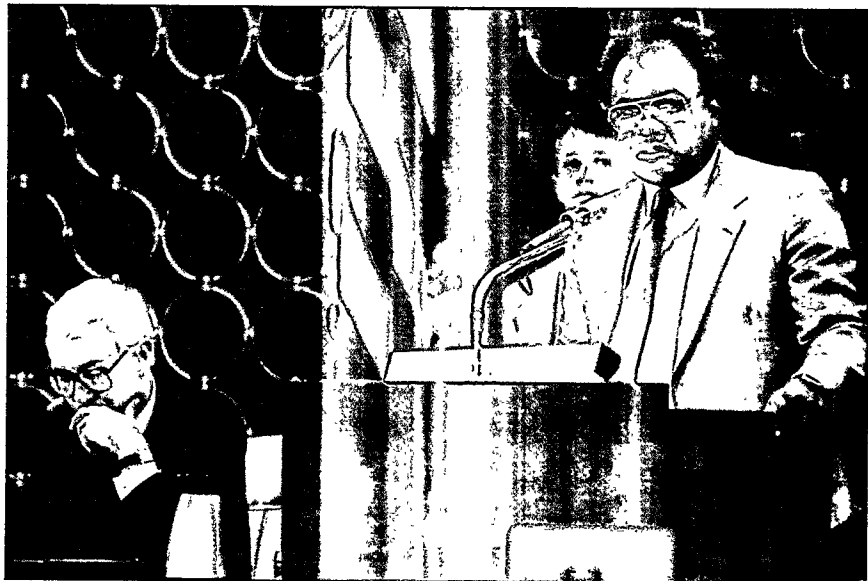
the Governor's Office and the legislature even more difficult.

In a 1981 issue of *N.C. Insight*, Thad Beyle, a political science professor at the University of North Carolina at Chapel Hill and an expert on state government, rated North Carolina's governor as one of the five weakest chief executives in the nation, primarily because the governor lacks exclusive authority over the budget, shares power with other elected officials, and does not have veto power.*

Governors could find themselves severely impaired when dealing with the entrenched legislature that would result from four-year terms. Gubernatorial succession, approved by the voters in 1977 and won by Gov. James B. Hunt Jr. in 1980 and Gov. James G. Martin in 1988, has served a useful purpose in balancing the powers of the executive and legislative branches. But we must not approve "legislative succession," which would swing too much power back to the legislative side.

The final practical twist to the four-year term debate is that longer terms will not accomplish what proponents claim they will do—make it easier for men and women of all occupations to serve in the General Assembly. This proposal does not raise the salary of a legislator, now \$11,124 annually. A person supporting a family would be just as hard pressed to serve for four years at such low wages as for two years. More importantly, if the length of sessions continues to increase, it will be just as difficult for legislators to find time to serve, no matter how long the term of office is.

Regarding campaign costs, it may be true that a four-year term would result in a legislator spend-



Lt. Gov. Jim Gardner, left, a Republican, takes a breather while Sen. Frank Ballance (D-Warren) presides in Senate.

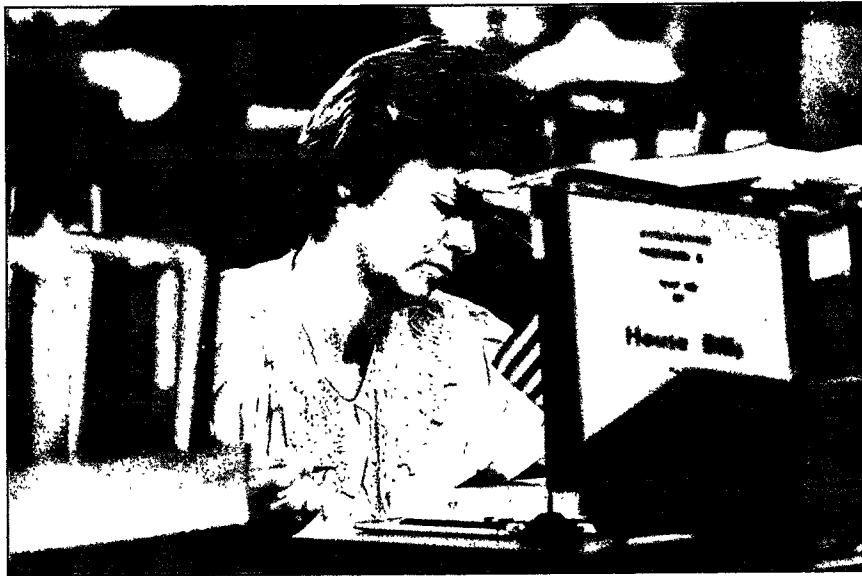
ing less on a re-election campaign. But if an incumbent would have to spend less in campaign costs, a challenger would have to spend more to run. A four-year incumbent would have more name identity in the home district than would a two-year incumbent. Generally speaking, the longer a legislator stays in office, the more formidable an opponent he or she becomes for a challenger. Hence a challenger would have to spend more against an incumbent legislator serving a four-year term. It is an unpleasant fact of political life that some talented legislators are defeated for re-election. But defeat is a risk that each person in public office assumes. No legislator, no matter how proficient he or she may be, deserves to be insulated from the voters of this state for a period of four years.

Conclusion

Encouraging qualified men and women to run for office and serve in the General Assembly can be accomplished by means other than changing the term of office to four years. Increasing salaries for legislators would do more to encourage service in the General Assembly than would the four-year term. And attracting qualified persons to stay in the legislature might well produce more frugal policies, actually saving the state more than the cost of increased salaries.

Changes less drastic than going to four-year

*Editors note: An updated version of Thad Beyle's article, "The Powers of the Governor in North Carolina: Where the Weak Grow Strong—Except for the Governor," appears on pages 27-45 of this issue. That update ranks the N.C. governor the third weakest.



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Rep. Sharon Thompson (D-Durham) is not running again for the House because of time constraints and financial considerations.

terms can preserve the historical citizen character of our legislature. More efficient management of legislative sessions could reduce meeting time. For instance, by adopting a system under which committees work on bills before a session—as is the case in Florida and other states—the General Assembly could transact the same amount of business while requiring legislators to spend less time in Raleigh. Standing committees could be given the authority to meet between sessions to study bills and resolutions. And we could formally limit the length of a session. Several states have in their constitutions limited the length of legislative sessions to as few as 30 days (Virginia

“Changes less drastic than going to four-year terms can preserve the historical citizen character of our legislature....”



disturbing trend that concerns all of us who support a citizen legislature. But implementing four-year terms for all legislators repudiates in a wholesale manner our long-established principle of representative government. Four-year terms will do little to make good legislators better and may go a long way toward making bad legislators worse.



FOOTNOTES

¹The dropout rate for the General Assembly has not been computed, but over the years a number of experienced, senior leaders have chosen not to run for re-election because of the demands on their time, their families, their businesses or their professions. Among them in recent years have been state Reps. John Ed Davenport (D-Nash), Jim Morgan (D-Guilford), Charles Evans (D-Dare) and Malcolm Fulcher (D-Carteret). These legislators have not resigned to take other government jobs or run for other office, but to return to their home towns and to their vocations. For more on legislators who leave, see article on p. 58.

²*State ex. rel. Wallace v. Bone*, 304 N.C. 591, 286 S.E. 2nd 79 (1982). See also *The Advisory Budget Commission—Not as Simple as ABC*, N.C. Center for Public Policy Research, 1980, and see Jim Bryan, Ran Coble, and Lacy Maddox, *Boards, Commissions, and Councils in the Executive Branch of N.C. State Government*, N.C. Center for Public Policy Research, 1985, p. 23.

³See Bill Pound, “The State Legislatures,” *The Book of the States 1988-89*, The Council of State Governments, May 1989, p. 77. Pound reports that 12 states, including North Carolina, place no limits on session length; 32 states have a constitutional limit; and six states have a statutory or indirect limit (such as a cessation of legislative salaries or per diem expense payments) on the length of legislative sessions.