
PRO: North Carolina Needs Four-Year Terms for Legislators

by Henson Barnes

In 1835, a great debate arose in North Carolina over whether to switch from annual legislative sessions to a biennial system. The issue centered on whether annual sessions were costing the state too much money and resulting in a full-time legislature. After a spirited legislative debate and a close vote by the people, the call for a part-time, or "citizen" legislature—as opposed to a professional body—won the day. North Carolina, in contrast to most other states at the time, switched to biennial sessions, convened by a band of citizens who served as part-time legislators.¹

In 1989, more than 150 years later, the concept of a citizen legislature is again endangered. And once again the state's voters can do something about it. While the nature of the debate has shifted from the frequency of legislative sessions to the length of time a legislator serves,² the heart of the debate is the same: What can we do to ensure that North Carolina continues to have a citizen legislature?

There are two choices: Limit the time demands on a legislator's duties or service; or reduce the burdens of running for office every two years.

The work load of the legislature is increasing rapidly and is not likely to slow down. The only alternative is to decrease the time spent running for office. The proposed shift from two-year terms to four-year terms accomplishes this goal.

Over the past half-century, many governments have adopted four-year terms, often staggering them so that half the lawmakers are elected in one election and the other half in the next

election two years later. At one time, every state in the nation had two-year terms for its legislators. Now 38 states have four-year terms for at least one body in the legislature. Four states have four-year terms for both bodies (see Table 1, page 49). Two-year terms were once the norm for every county commissioner in North Carolina. Of the 100 counties, 96 have now gone to four-year terms for their commissioners. And today, more than half of our cities—about 215—have four-year terms for their governing boards or councils.

The Citizen Legislator Faces Extinction

In recent years, the legislature has increasingly resembled a full-time body. The sessions run longer. In 1987, the session began February 9 and lasted until August 14. In 1989, the session began January 11 and lasted until August 12 (see Table 2, page 50, for more). In addition, many legislators spend weeks in Raleigh in advance of the session preparing the budget. After adjournment, the legislators were serving on 175 study commissions, according to the Senate Principal Clerk's Office. When the legislature is not in session, the average legislator spends at least one day a week in Raleigh on official business.

In an off year, which is any even-numbered year, legislators return for a budget session of

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Sen. Henson Barnes (D-Wayne) huddles with former Sen. Wanda Hunt (D-Moore) and others. Hunt resigned from the Senate on Jan. 31, 1990. She says the pay is too low in the legislature.

three to six weeks in May or June. Moreover, they have to campaign in a primary and a general election during these off years. There is little time for their jobs or families.

Historically, a citizen legislator has had a full-time job at home and part-time job as a legislator, and a legislator's pay has reflected the part-time level. The pay in 1990 is \$927 a month plus per diem expenses for food and lodging (\$81 per day) and travel during sessions. But the nature of a legislator's responsibilities has changed to such an extent that few lawmakers can maintain a full-time job at home and serve in the legislature. A number of legislators resign each off year rather than run for re-election—sometimes more than are defeated in the election. It is a myth that we have part-time legislators.

Consider your occupation. Should a member of your occupation be represented in the General Assembly? The answer is certainly yes. Now ask yourself if your employer would allow you or a colleague to take off from work up to 12 to 14 months out of each 24 months to serve as a legislator. If the answer is no, then you have effectively eliminated citizens in your occupation from

serving in the General Assembly.

In theory, a citizen legislator should not be tied to any special interest group. He or she runs for office and raises sufficient funds from family and friends to run a modest campaign. That theory worked when you could call most of the people in your district by their first name. Now, it is necessary to go through the news media to reach those people. A one-page advertisement in a newspaper costs from \$350 to \$3,500, depending on the circulation of the paper. A one-minute ad on the radio can cost from \$75 to \$150. The average Senate campaign in 1988 cost \$21,810, and the average House campaign cost \$14,912—and some go as high as \$30,000 to \$50,000. This amount must be raised every other year for a two-year term (see Table 3, page 52, for more). Regular donors—special interest groups—become more important.

The two-year term is forcing legislators to accept—even depend upon—large contributions from special interest groups.³ If the average citizen is going to serve in the legislature, we must do something about the cost of campaigns.

Regardless of how productive you are in the

Table 1. Terms of Office for State Legislatures

Unicameral Legislature 4-Year Term (1)

Nebraska

Four-Year Term for Both House and Senate Members (4)

Alabama

Louisiana

Maryland

Mississippi

Four-Year Term for House Members and

Two-Year Term for Senate Members (0)

None

Four-Year Term for Senate Members and

Two-Year Term for House Members (33)

Alaska

Arkansas

California

Colorado

Delaware

Florida

Hawaii

Illinois¹

Indiana

Iowa

Kansas

Kentucky

Michigan

Minnesota

Missouri

Montana²

Nevada

New Jersey³

New Mexico

North Dakota

Ohio

Oklahoma

Oregon

Pennsylvania

South Carolina

Tennessee

Texas

Utah

Virginia

Washington

West Virginia

Wisconsin

Wyoming

Two-Year Term for Both House and Senate Members (12)

Arizona

Connecticut

Georgia

Idaho

Maine

Massachusetts

New Hampshire

New York

North Carolina

Rhode Island

South Dakota

Vermont

¹ The entire Illinois Senate is up for election every 10 years, beginning in 1972. Senate districts are divided into three groups. One selects senators for terms of four years, four years, and two years; the second group for terms of four years, two years, and four years, and the third group for terms of two years, four years, and four years.

² After each decennial reapportionment in Montana, lots are drawn for half of the senators to serve an additional two-year term. Subsequent elections are for four-year terms.

³ New Jersey Senate terms beginning in January of the second year following the U.S. decennial census are for two years only.

Source: The Book of the States 1988-89, Council of State Governments, 1988.

Table 2. Length of Legislative Sessions, 1971-1989
(Actual Working Days in Session)

Year of Session	Length of Long Sessions in Odd Years	Length of Short Sessions in Even Years	Total Length for Biennium
1971	141] 141
1972		None	
1973	97] 161
1974		64	
1975	117] 127
1976		10	
1977	123] 136
1978		13	
1979	108] 123
1980		15	
1981	127] 143
1982		16	
1983	138] 161
1984		23	
1985	118] 147
1986		29	
1987	135] 163
1988		28	
1989	129 (Senate) 138 (House)		
(Convenes May 21, 1990)			

Note: Totals include all working legislative days in each year, including extra sessions.
Source: UNC-Chapel Hill Institute of Government and House and Senate Principal Clerks' offices.

legislature or how well you serve your district, a member of the opposition party will probably file against you in the next election. Only four out of 50 senators were without opposition in 1988. If you have opposition, he or she will run expensive newspaper, radio, and television ads, as well as nail signs on every oak tree in your district. The incumbent must answer blow for blow. Campaigns continue to become more expensive. Four-year terms would tend to bring the staggering cost of campaigns under some control.

The Fears of Opponents

Opponents of four-year terms have expressed fears of this proposed change. The most often-expressed concern is that a legislator will be less responsive to the people. A person is responsive if he or she is a conscientious and hard-working legislator. The length of the term does not matter. If the fear of less responsiveness is valid, we should be making every effort to go to full-length annual sessions. I have heard no one suggest that. Has anyone complained that county commissioners or city aldermen are less responsive now than when they served two-year terms?

Opponents also fear that legislators will run for other offices—such as governor or a Council of State seat—without having to resign, since a four-year legislative term would overlap the term of those offices. County commissioners and municipal officials throughout the state currently are serving four-year terms. Their terms overlap legislative terms. Rarely does a person run for another office while serving as a commissioner or alderman. That pattern suggests that few legislators, while serving a four-year term, would run for another office. In addition, there is a new law taking effect in 1991 that requires a person to resign from any office held before running for another office.⁴ Should a legislator seek another office, what is the problem? Certainly, we do not want to build a fence around any particular office.



Karen Tam

Sens. Joe Johnson (D-Wake) and Marshall Rauch (D-Gaston) confer in the Senate.

Opponents further fear that a lower percentage of people would vote in elections for four-year-term legislators because elections might be held in off years—those even-numbered years when a president and governor are not elected. But legislators are now elected every two years, so every other election, they are elected in off-year elections. The fact that legislators would be running for a four-year term might create greater interest. An off-year election would make the legislator's record subject to closer review, which could result in better performance.⁵

Opponents additionally claim that having four-year terms will upset the balance of power between the legislature and the governor. North Carolinians historically are concerned about concentrating too much power in the executive branch. That is why our governor does not have a veto. (A gubernatorial veto—also subject to approval by the voters—passed the Senate in the

Table 3. Campaign Contributions Raised by Legislative Incumbents, 1984-1988

	1984	1986	1988	Percent Increase from 1984
Average Raised by House Members	\$ 6,396	\$11,671	\$14,912	133%
Average Raised by Senate Members	\$14,209	\$20,654	\$21,810	53%
Total Raised by Senate and House Members	\$1,542,771	\$2,433,263	\$2,879,986	87%

Source: These figures represent sums raised for campaigns by the 120 members of the House of Representatives and the 50 members of the Senate. The computations are based on research by *The Charlotte Observer* and published in a special series on June 16-20, 1985; April 5, 1987; and April 9, 1989.

1989 General Assembly and is pending in the House. See pages 2-26 for a pro-con discussion of the veto issue.) In 1977, the voters approved a constitutional amendment which allows the governor and lieutenant governor to succeed themselves.⁶ Prior to 1981, a legislator had to be elected only twice to be in office for the same period of time as the governor. But now a legislator must be elected four times—he or she must serve eight years—to be in office for the same length of time as a governor who has been re-elected. Four-year terms will restore the historical balance between the legislative and executive branches.

Finally, opponents fear that four-year terms are self-serving. If the people of this state must vote on the question, how can the outcome be called self-serving? Four-year terms will be self-serving to the people of North Carolina because the longer terms will preserve the independence of the legislative branch.

Conclusion

Historically, the citizen legislator has served North Carolina well. In an effort to limit time demands, we have established study commissions between sessions and have attempted to limit the so-called short budget session in even-numbered years. Such patchwork efforts have not

worked in reducing time demands and campaign costs for legislators.

In an effort to keep the citizen legislature, our forefathers had the courage to go from annual to biennial sessions. Let us emulate their courageous example and go from two-year to four-year terms. By doing so, the citizen legislature will continue to serve North Carolina well.

FOOTNOTES

¹See Chuck Alston, "The Citizen Legislature—Fact or Fable?", *North Carolina Insight*, Vol. 8, No. 2, November 1985, pp. 50-53.

²Several bills dealing with four-year terms were introduced in the 1989 General Assembly. Chief among them were SB 95, providing four-year terms for legislators, which passed the Senate; HB 83, providing a veto for the governor, four-year terms for legislators, and a single six-year term for the governor; and HB 206, calling for a state constitutional convention to consider all constitutional changes dealing with the balance of powers between the executive and legislative branches.

³Political Action Committees particularly are becoming more involved in legislative races. According to *The Charlotte Observer*, PACs representing business alone gave more than \$1 million in the 1988 election to legislative candidates—more than one-third of all campaign contributions. See Jim Morrill, "Lobbyists Escalate 'Arms Race,'" *The Charlotte Observer*, April 9, 1989, p. 1A.

⁴Chapter 325 of the 1989 Session Laws (SB 370).

⁵For more, see Thad Beyle, "The Presidential Primary—Sweeping Away Local Stakes," *N.C. Insight*, Vol. 3, No. 2, Spring 1980, pp. 18-19.

⁶Chapter 363 of the 1977 Session Laws. Ratified by the people on Nov. 8, 1977 on a 307,754 to 278,013 vote, as Article III, Section 2(2), N.C. Constitution.