

- SUBJECT:** Constitutional amendment providing term limits for certain state offices
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 7 ayes — Cook, Giddings, Frullo, Harless, Hilderbran, Huberty, Smithee
3 nays — Craddick, Farrar, Geren
3 absent — Menéndez, Oliveira, Sylvester Turner
- SENATE VOTE:** On final passage, March 19 — 27-4 (Birdwell, Estes, Hegar, Williams)
- WITNESSES:** (*On House companion resolution, HJR 42*)
For — George Seay, Texans for Term Limits; Tom “Smitty” Smith, Public Citizen; (*Registered, but did not testify*: Chris Howe)

Against — (*Registered, but did not testify*: Ken Hodges, Texas Farm Bureau)
- BACKGROUND:** Texas Constitution, art. 4, sec. 1 provides for the following officers constituting the executive department of the state:
- governor;
 - lieutenant governor;
 - secretary of state;
 - comptroller;
 - commissioner of the General Land Office; and
 - attorney general.
- DIGEST:** SJR 13 would limit to two consecutive terms a person holding an office listed in art. 4, sec. 1, or any other state office normally filled by the voters in a statewide election, other than a statewide judicial officer. The resolution would not limit a person’s eligibility to serve nonconsecutive terms.
- The resolution would not prohibit a person from continuing to serve in an office as a holdover until a successor was qualified. A term served when a person was appointed for the remainder of a term to fill a vacancy would

not count against their eligibility for subsequent terms.

The resolution would add a temporary grandfathering provision, expiring February 1, 2031, to specify that a term of office beginning before January 1, 2014 would not be counted in determining a person's eligibility under the resolution.

The proposal would be presented to the voters at an election on Tuesday, November 5, 2013. The ballot proposal would read: "The constitutional amendment limiting to two the number of consecutive terms for which a person may be elected or appointed to hold the office of governor, lieutenant governor, secretary of state, comptroller of public accounts, commissioner of the General Land Office, attorney general, commissioner of agriculture, or railroad commissioner."

**SUPPORTERS
SAY:**

SJR 13 would encourage new perspectives and fresh ideas in government. Currently, the offices affected by this bill have no term limits, and an individual may serve in these offices for an unlimited amount of time without any hiatus. The resolution would provide for greater turnover in Texas's major executive branch positions, allowing new energy and new candidates to bring their talents to these positions and to state government.

The resolution would make races for elective offices more fair by tempering the overwhelming power of incumbency in a campaign. Many times, voters re-elect the same officials for years at a time because the effect of incumbency and name recognition eliminates competitiveness in a race. Voters who vote in races with longstanding incumbents would benefit from the opportunity to consider new candidates and have a healthier, more substantive policy debate.

The resolution would not unnecessarily erase institutional knowledge because it would not impose a lifetime ban. After a break, a person with institutional knowledge could run again for an office that person previously held. In addition, the benefits provided by term limits and new elected officials would outweigh such concerns.

The resolution would apply only to the offices specified because the benefits provided by term limits and turnover would be most effective in executive offices. To the extent institutional knowledge is a benefit, state representatives and the judiciary benefit more from it than do executive officers. Also, state representatives and senators are part-time employees

who tend naturally to turn over their positions without mandated term limits.

OPPONENTS
SAY:

SJR 13 inappropriately would take the decision of whom to elect out of the voters' hands. Texas voters have shown in the voting booth that they want certain state officers to remain in office for longer than two terms. Turnover can happen naturally. Voters may choose to elect a different official when they are no longer happy with someone's service. Imposing term limits would take this right away from the voters and force turnover even when the public might not want a change.

Public officials benefit from the institutional knowledge that comes with experience and a reasonable tenure. Forcing turnover in the offices affected by the bill would enforce erasure of this institutional knowledge and waste time and resources on training and building that knowledge with each new officeholder.

OTHER
OPPONENTS
SAY:

SJR 13 should include term limits for state judicial officeholders and state representatives and senators. The benefits of fresh energy and new ideas provided by term limits would apply to all branches and elected officials in state government, not just to the executive offices.

NOTES:

According to the fiscal note, the cost to the state of publishing the resolution would be \$108,921.

The House companion resolution, HJR 42 by Larson, was reported favorably as substituted by the House State Affairs Committee on March 21.