



# Term Lengths for Vermont Officeholders

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## Deliberations on a Constitutional Amendment

*A report from the Snelling Center for Government on a public information and survey initiative intended to promote public discussion and test public sentiment on increasing term lengths for governor, other state-wide office holders, and both houses of the legislature.*

**February 5, 2008**

### **2008 Proposals being considered in the Vermont Senate:**

#### **PROPOSAL 2**

This proposal would amend the Constitution of the State of Vermont to provide that the term of office for Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, and Attorney General be four years, beginning with the term commencing after the general election in November 2012.

#### **PROPOSAL 4**

This proposal would amend the Vermont Constitution to provide that the term of office for Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, Attorney General, State Senators, and State Representatives be four years, beginning with the term commencing after the general election in November 2012.

### **Project Partners**

*AARP Vermont \* League of Women Voters \* Vermont Business Roundtable*





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On fifteen occasions since 1970, Senator Bill Doyle, in his Town Meeting Day “Doyle Poll” has posed the question:

*Would you support a four-year term for Vermont’s governor?*

In 1970, 65% of those polled said “yes”. In fact, each time Senator Doyle posed the question, the majority of respondents said “yes.” Most recently, in 2004, 67% of Doyle Poll respondents supported a four-year term for governor. Yet, since 1974, proposals to amend the constitution have failed to pass the legislative process and come to a public referendum vote.

### **Snelling Center Project**

In the fall of 2006, the Snelling Center launched an initiative on the issues surrounding two-year versus four-year terms for statewide and legislative offices. The purpose of the initiative has been to promote discussion among Vermonters on this critical aspect of their government’s structure. The Snelling Center is not advocating for one outcome over another. It does advise that, given strong evidence of favorable public opinion, summarized below, the Legislature should give serious consideration to advancing one or more constitutional amendment proposals in the 2008 session so that the issues can be further aired in the 2008 election year discourse.

### **Project Partners**

*AARP Vermont*

*League of Women Voters*

*Vermont Business Roundtable*

The Richard A. and Barbara W. Snelling Center for Government is a non-profit, non-partisan organization. The mission of the Snelling Center is to foster responsible, ethical civic leadership, encourage public service by private citizens, and promote informed citizen participation in shaping public policy in Vermont.

## **Snelling Center: Constitutional Amendment Project Summary**

- The Snelling Center, with information and research support from the state archivist and graduate research interns from UVM and Vermont Law School, put together a comprehensive Web site (<http://www.snellingcenter.org/constitutionalamendment>) providing extensive historical and constitutional background.
- The Snelling Center interviewed past and current governors and legislative leaders, and posted video interviews on the Web.
- The Snelling Center worked with many partners to provide assistance in organizing and hosting events and programs to raise the visibility of the four-year term issue and engage Vermonters in further discussion.
- In conjunction with UVM's Center for Research on Vermont, the Snelling Center hosted a debate between Governor Madeleine Kunin and Professor Frank Bryan to kick off the public phase of the project in the fall of 2006. Subsequently, a prestigious panel was assembled to tackle the issue of “balance of powers” in Vermont, looking at one of the major issues often raised in the discussion of term lengths. Both programs were taped and aired by public access television around the state.
- In the fall of 2007, the Snelling Center hosted a repeat of the Madeleine Kunin and Frank Bryan debate in Montpelier. The debaters were joined by the leaders of Vermont's three major parties in a discussion of four-year versus two-year terms in Vermont.
- In the fall of 2006 and again in the fall of 2007, the Snelling Center fielded public opinion surveys through Macro International. Also during the fall of 2007, the Snelling Center surveyed the public extensively using a variety of techniques.
- In the course of the project, Charlie Smith, president of the Snelling Center, published op-ed essays, made frequent appearances on radio and television interview programs and made many audience presentations.
- Throughout the project, the Snelling Center has given visibility to the issue and the project through sponsorship on Vermont Public Radio.
- The Snelling Center is working as a resource partner with the Vermont Debate and Forensics League on the Vermont state high school debate championship at the statehouse on February 11, 2008, which will address the issue of the four-year term for governor and lieutenant governor.
- Throughout the project, the Snelling Center has worked with legislative leaders to keep them informed of progress, and to position consideration on this issue in the most productive way.

## **Public Opinion Survey Process and Findings**

The Snelling Center has used a variety of survey techniques to engage and educate Vermonters and to test public support for change versus maintaining the current system. The polling techniques ranged from random sample polls conducted by Macro International in 2006 and 2007, to paper-based surveys, to on-line and interactive surveys. On-line survey responses were generated through outreach and program activities, and by the efforts of project partners and other membership organizations.

In this process, nearly 1700 Vermonters were surveyed. Across survey techniques, settings and points in time, a consistent majority, ranging from 53% to 79%, supported changing to a four-year term for the governor and other statewide offices. For the governor and statewide offices the results were as follows:

- In the fall of 2006, Macro International surveyed a representative sample of 400 Vermonters. **53% of those polled indicated that they would support a term length amendment to four years, while 37% were opposed.**
- In the fall of 2007, Macro posed the question again. This time, of 400 respondents, **58% supported a term length amendment to four years, while 35% were opposed.**
- In the fall of 2007, a paper survey was sent to a list maintained by the Snelling Center of interested and active civic-minded Vermonters. **79% of 203 respondents favored a four-year term for governor and statewide offices.**
- In the fall of 2007, an on-line survey was posted through the Snelling Center's Web site. Various interest groups helped direct their members and associates to the poll. Those groups included the Vermont Business Roundtable, Vermont Businesses for Social Responsibility, the League of Women Voters, and AARP. **63% of 430 respondents favored a four-year term for governor.**
- The Snelling Center's president, Charlie Smith, gave presentations to ten Rotary clubs in northern Vermont. **Out of 262 Rotarians surveyed, 76% favored a four-year term for the governor and statewide offices.**

The same respondents were surveyed about the merit of changing terms for the state Senate to four years and terms for the House of Representatives to four years.

- With respect to senators' terms, 49.5% of Macro respondents supported changing to four years, while 46.8% opposed a change. Across the other survey channels, 59% supported changing to four years, while 36.8% opposed change.
- With respect to representatives' terms, 43.6% of Macro respondents supported change, while 53.1% opposed a change. Across the other channels, 32% of respondents supported change, while 63.9% opposed change.

## Data trends

- Support is evenly distributed with regard to **gender**.
- There was no significant difference in how people of different **ages** viewed the question; although those aged fifty and above supported the amendment at a slightly higher rate than those under age 50.
- In the 2007 Macro poll, the breakdown according to **political party** showed clear and interesting differences:

<i>Party</i>	<i>Support</i>
Republican	64%
Democratic	53%
Independent	70%
Progressive	42%
Other	46%

For more detailed information, please refer to the attached table (B) entitled *Constitutional Amendment Survey Results by Political Party*.

- In the Web, paper, and Rotary surveys, almost all respondents identified themselves as **active voters**. In the paper and Web surveys, the majority strongly identified themselves as Democrats or Independents. At the Rotary meetings, the majority identified themselves as Republicans or Independents. Yet in all groups, we found strong support for an amendment to change the governor, other statewide offices, and Senate to four years, irrespective of party affiliation.

In addition to asking whether or not Vermonters supported a four-year term for governor, the Snelling Center for Government also inquired about the reasoning behind the respondents' position.

- For those who supported the four-year term for governor, the reasons were evenly divided among:
  - a four-year term allows for better long-term planning
  - a four-year term would result in fewer election cycles
  - a four-year term will increase our ability to solve complex problems.
- For those who opposed a four-year term for governor, the overwhelming majority expressed that it would reduce the accountability of the governor to the electorate.

## Other Findings

Where the Macro poll gauged opinion in a representative sample, our other efforts drew upon highly engaged citizens who uniformly reported being regular voters. We found that **Vermonters who self-report as more politically active showed very strong support for longer term lengths.** In this group, we also noted more polarized attitudes: respondents tended to feel more strongly—either in support or in opposition—and were less likely to say that they were uncertain.

The survey process attempted to assess the favorability of multiple constitutional amendment proposals, rather than a single master proposal, such that referendum voters could vote separately on four-year terms for the governor, the Senate, and the House of Representatives. Respondents on this question generally favored the concept of the voters being given options.

## Conclusion

The Snelling Center’s project resulted in solid evidence, based on two random, representative sample polls and around 900 other survey responses, that a majority of Vermonters support a four-year term for the governor, statewide offices, and Senate. Accordingly, the Snelling Center recommends that one or more amendments be advanced through the 2008 legislative session so that the issues might be aired further in 2008 election year discourse. This would still allow the 2009 / 2010 Legislature to consider the issues one more time before deciding whether to advance any proposal to a public referendum.

### FUNDING PARTNERS

AARP Vermont	National Bank of Middlebury
Blue Cross/Blue Shield Vermont	National Life Group
Central Vermont Public Service Corporation	Neagley & Chase Construction Group
Champlain Oil Company	Northfield Savings Bank
Doubletree Hotel	Queen City Printers, Inc.
Downs Rachlin Martin PLLC	Silver Maple Editions
Entergy Nuclear VT Yankee	Sonnax Industries
Fletcher Allen Health Care	Union Mutual Insurance
Forcier, Aldrich, and Associates, Inc.	Union Street Media
Gallagher, Flynn & Company, LLP	Vermont Business Roundtable
GBIC	Vermont Gas Systems
Green Mountain Power	Vermont Law School
Hackett, Valine, MacDonald	Vermont Mutual Insurance
Hazelett Strip-Casting Corp.	Vermont State Chamber of Commerce
Hubbardton Forge	Vermont Transco, LLC (VELCO)
Kelliher, Samets, Volk Communications	Wells River Savings Bank
Lang McLaughry Spera	Windham Foundation
Middlebury College	





## Attachments

- Table A** General Results of four poll methods: *Would you support or oppose a constitutional amendment to elect Vermont's governor to a four-year term?*
- Table B** Data according to respondents' party affiliation
- Table C** Data according to respondents < 50 years of age and >50 years
- Table D** Data according to respondents' gender
- Table E** Support or oppose expanding the term for state senators from two to four years.
- Table F** Support or oppose expanding the term for state representatives from two to four years.

### Background

**Document** *Constitutional Amendment to Change the Vermont Governor's Term From Two to Four Years: A Review of the History and Arguments of Previous Deliberations*

- a. History of Vermont's governor and other office holder's term length
- b. Review of the argument in favor and opposed to amending the state constitution to increase the term length of office for governor
- c. Vermont's place in the nation relating to term length
- d. Term lengths and campaign finance reform
- e. Making the case in other states (Rhode Island and New Hampshire)



**Would you support or oppose a constitutional amendment to elect Vermont's governor to a four-year term?**

**Table A**

	<b>On-line Survey</b>	<b>Paper Survey</b>	<b>Macro Poll 07 Survey</b>	<b>Rotary Survey</b>
<b>Strongly support</b>	221 51.4%	126 62.7%	133 33.3%	135 54.7%
<b>Somewhat support</b>	50 11.6%	32 15.9%	101 25.3%	52 21.1%
<b>Somewhat oppose</b>	27 6.3%	7 3.5%	58 14.5%	26 10.5%
<b>Strongly oppose</b>	124 28.8%	26 12.9%	81 20.3%	26 10.5%
<b>Not sure</b>	8 1.9%	10 5.0%	27 6.8%	8 3.2%
<b>Total</b>	430 100.0%	201 100.0%	400 100.0%	247 100.0%

**Would you support or oppose a constitutional amendment to elect Vermont's  
governor to a four-year term?**

**Data according to respondents' party affiliation (1 of 2)**

**Table B**

		<b>On-line Survey</b>	<b>Paper Survey</b>	<b>Macro Poll 07 Survey</b>	<b>Rotary Survey</b>
<b>Republican</b>	Strongly support	72 66.7%	36 81.8%	33 44.6%	51 63.8%
	Somewhat support	9 8.3%	3 6.8%	14 18.9%	12 15.0%
	Somewhat oppose	5 4.6%	1 2.3%	7 9.5%	6 7.5%
	Strongly oppose	22 20.4%	3 6.8%	11 14.9%	9 11.3%
	Not sure	0 .0%	1 2.3%	9 12.2%	2 2.5%
	Total	108 100.0%	44 100.0%	74 100.0%	80 100.0%
	<b>Progressive</b>	Strongly support	6 25.0%	3 60.0%	2 16.7%
Somewhat support		4 16.7%	0 .0%	2 16.7%	1 20.0%
Somewhat oppose		1 4.2%	0 .0%	1 8.3%	2 40.0%
Strongly oppose		11 45.8%	2 40.0%	6 50.0%	1 20.0%
Not sure		2 8.3%	0 .0%	1 8.3%	0 .0%
Total		24 100.0%	5 100.0%	12 100.0%	5 100.0%

**Data according to respondents' party affiliation (2 of 2)**

**Table B**

		<b>On-line Survey</b>	<b>Paper Survey</b>	<b>Macro Poll 07 Survey</b>	<b>Rotary Survey</b>
<b>Independent</b>	Strongly support	68 46.9%	39 66.1%	60 42.6%	46 55.4%
	Somewhat support	15 10.3%	9 15.3%	39 27.7%	19 22.9%
	Somewhat oppose	12 8.3%	2 3.4%	14 9.9%	8 9.6%
	Strongly oppose	48 33.1%	8 13.6%	22 15.6%	8 9.6%
	Not sure	2 1.4%	1 1.7%	6 4.3%	2 2.4%
	Total	145 100.0%	59 100.0%	141 100.0%	83 100.0%
	<b>Democrat</b>	Strongly support	57 46.3%	44 50.6%	23 25.6%
	Somewhat support	19 15.4%	19 21.8%	25 27.8%	13 27.1%
	Somewhat oppose	9 7.3%	3 3.4%	15 16.7%	7 14.6%
	Strongly oppose	34 27.6%	13 14.9%	25 27.8%	5 10.4%
	Not sure	4 3.3%	8 9.2%	2 2.2%	1 2.1%
	Total	123 100.0%	87 100.0%	90 100.0%	48 100.0%
<b>Other</b>	Strongly support	8 66.7%	3 100.0%	9 22.0%	6 40.0%
	Somewhat support	2 16.7%	0 .0%	13 31.7%	5 33.3%
	Somewhat oppose	0 .0%	0 .0%	6 14.6%	2 13.3%
	Strongly oppose	2 16.7%	0 .0%	10 24.4%	1 6.7%
	Not sure	0 .0%	0 .0%	3 7.3%	1 6.7%
	Total	12 100.0%	3 100.0%	41 100.0%	15 100.0%

**Would you support or oppose a constitutional amendment to elect Vermont's  
governor to a four-year term?**

Data according to respondents < 50 years and > 50 years of age

Table C

		<b>On-line Survey</b>	<b>Paper Survey</b>	<b>Macro Poll 07 Survey</b>	<b>Rotary Survey</b>
<b>Under 50</b>	Strongly support	67	31	44	32
		49.3%	59.6%	27.3%	45.7%
	Somewhat support	23	10	39	15
		16.9%	19.2%	24.2%	21.4%
	Somewhat oppose	9	3	31	11
		6.6%	5.8%	19.3%	15.7%
	Strongly oppose	36	5	33	11
	26.5%	9.6%	20.5%	15.7%	
	Not sure	1	3	14	1
		.7%	5.8%	8.7%	1.4%
	Total	136	52	161	70
		100.0%	100.0%	100.0%	100.0%
<b>50 +</b>	Strongly support	146	93	89	95
		52.3%	65.0%	37.2%	57.9%
	Somewhat support	26	20	62	34
		9.3%	14.0%	25.9%	20.7%
	Somewhat oppose	17	4	27	15
		6.1%	2.8%	11.3%	9.1%
	Strongly oppose	83	20	48	14
	29.7%	14.0%	20.1%	8.5%	
	Not sure	7	6	13	6
		2.5%	4.2%	5.4%	3.7%
	Total	279	143	239	164
		100.0%	100.0%	100.0%	100.0%

**Would you support or oppose a constitutional amendment to elect Vermont's  
governor to a four-year term?**

**Data according to respondents' gender**

**Table D**

	<b>Male</b>	<b>Female</b>	<b>Transgender</b>
<b>Strongly support</b>	377 53.6%	219 40.7%	2 66.7%
<b>Somewhat support</b>	102 14.5%	127 23.6%	1 33.3%
<b>Somewhat oppose</b>	53 7.5%	64 11.9%	0 .0%
<b>Strongly oppose</b>	157 22.3%	92 17.1%	0 .0%
<b>Not sure</b>	15 2.1%	36 6.7%	0 .0%
<b>Total</b>	704 100.0%	538 100.0%	3 100.0%

**Support or oppose expanding the term for state SENATORS from two to four years?**

**Table E**

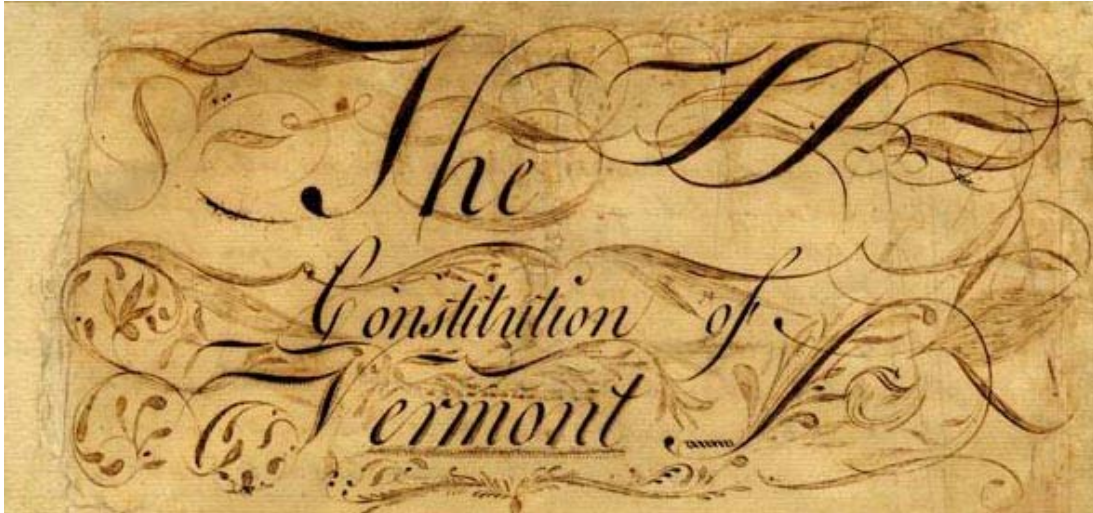
	<b>On-line Survey</b>	<b>Paper Survey</b>	<b>Macro Poll 07 Survey</b>	<b>Rotary Survey</b>
<b>Strongly support</b>	123 29.1%	91 45.3%	74 18.5%	73 29.8%
<b>Somewhat support</b>	104 24.6%	65 32.3%	124 31.0%	62 25.3%
<b>Somewhat oppose</b>	60 14.2%	18 9.0%	92 23.0%	41 16.7%
<b>Strongly oppose</b>	121 28.6%	26 12.9%	95 23.8%	54 22.0%
<b>Not sure</b>	15 3.5%	1 .5%	15 3.8%	15 6.1%
<b>Total</b>	423 100.0%	201 100.0%	400 100.0%	245 100.0%

**Support or oppose expanding the term for state REPRESENTATIVES from two to four years.**

**Table F**

	<b>On-line Survey</b>	<b>Paper Survey</b>	<b>Macro Poll 07 Survey</b>	<b>Rotary Survey</b>
<b>Strongly support</b>	57 13.6%	49 24.5%	55 13.8%	32 13.2%
<b>Somewhat support</b>	57 13.6%	47 23.5%	119 29.8%	34 14.0%
<b>Somewhat oppose</b>	90 21.5%	42 21.0%	93 23.3%	51 21.0%
<b>Strongly oppose</b>	194 46.4%	61 30.5%	119 29.8%	112 46.1%
<b>Not sure</b>	20 4.8%	1 .5%	14 3.5%	14 5.8%
<b>Total</b>	418 100.0%	200 100.0%	400 100.0%	243 100.0%





***Constitutional Amendment to Change the Vermont Governor's Term from Two to Four Years: A Review of the History and Arguments of Previous Deliberations***

**Prepared by  
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## *Introduction*

Every four years a window opens for Vermonters to propose changes to the state's Constitution. From 1880 to 2006 there were 181 proposals of amendment to the Vermont Constitution. Seventy-seven of those proposals (43%) were made since 1975. Only twenty-eight of the 181 proposals (15%) were put before the voters and twenty-six were ratified. The process of amending the constitution is arduous and has not been taken lightly by legislators or the public. In recent years one of the proposals that was brought to and rejected by voters was a proposal made in 1971 that would have granted constitutional officers of the state (including the Governor) a four year term length. While not garnering public approval at this point, the proposal for a four-year term for the office of Governor has been debated every four years since then. The 2007-2008 biennium is the latest session in which this debate will be taken up.

## *History of Vermont's Governor and other Officeholder's Term Length<sup>1</sup>*

Since 1880 there have been seventeen attempts to extend the terms of office for constitutional officers and/or legislators (10% of all proposals). Since 1961, every time the opportunity for an amendment to be introduced has occurred, there has been at least one proposal to extend terms. Only one of the seventeen proposals made it to a popular vote and that was defeated in 1974.

The last time terms of office were expanded was in 1870 when one of the last proposals by the Council of Censors was adopted, moving Vermont from one year terms to two year terms. The effort was the result of a Constitutional Convention that also addressed several other changes and modifications to the Vermont Constitution. An effort in 1880 to return to annual elections died in the senate.

Following the failed return to a one year term in 1880, there have been a number of proposals to change the term lengths:

- In 1890, a proposal would have changed the legislative, but not the executive terms to four years
- In 1921, a proposal called for six-year terms for state senators, another called for four-year terms for state officers
- In 1931, a proposal called for four-year terms for state representatives

All these attempts were unsuccessful for a variety of reasons.

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<sup>1</sup> Information has been directly extracted from the State Archive Report "Overview of Proposals of Amendment." See <http://vermont-archives.org/> for a fuller description of the history of all constitutional amendment deliberations in Vermont.

In 1957, the so called “Little Hoover Commission”, which conducted a study on state government as a whole, recommended that the Governor’s term be extended to four years for the following reasons:

- The Governor has a difficult task in quickly learning the complex organizational relationships of state administration
- Extending the Governor’s term to four years would “strengthen the Governor’s determination and ability to carry out long-range programs and effectively strengthen his capacity for leadership.”<sup>2</sup>
- A four year term would allow the Governor to concentrate on running the state and not running for re-election.

Following the recommendations of the Little Hoover Report, and significant deliberations over the structure of state government that led to reapportionment for a smaller legislature and creation of new agencies, the legislature, in 1971, introduced two notable proposals. The first proposal defeated in the legislature had called for four-year terms for state senators. The second proposal, changed constitutional officers’ (including the Governor) terms to four years. This proposal passed both houses and was sent to the people for a referendum vote. However, the amendment was rejected by voters on March, 4<sup>th</sup>, 1974 by a margin of 42,724 to 38,413.

Since the 1974 vote, efforts to amend the length of term of officeholders have failed to emerge from the legislature. Below is a summary of these efforts:

**1975:** Four year terms for state officers<sup>3</sup>. (Passed Senate; referred to House Judiciary Committee, March 19, 1976; never emerged).

**1979:** Establishes four year terms for Governor, Lieutenant-Governor, Treasurer, Secretary of State, and Auditor of Accounts. (Rejected by Senate, April 14, 1980).

**1983:** Providing for four-year terms for all state officers and members of the General Assembly, and designating the Attorney General as a constitutional officer. (Referred to Senate Government Operations Committee, January 19, 1983; never emerged).

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<sup>2</sup> Commission to Study State Government. State of Vermont. (Act 283, 1957). Pg. 98.

<sup>3</sup>The amending process for the Vermont Constitution can be found in Chapter II, Sec. 72. Proposals of amendment can be initiated every four years by the senate. A proposal must be approved by two-thirds of the senate (20 votes) before being sent to the house, where a majority vote is required for passage. Successful proposals are taken up by the succeeding legislature, the intervening election allowing voters an opportunity to instruct their legislators on whether to support any amendments. The proposal must then survive majority votes of the senate and house, before being placed before the voters for ratification.

The amending process has itself been amended three times. From 1777 until 1870 amendments could be proposed every seven years by a 13-member body, elected statewide, known as the Council of Censors. From 1870 to 1974 proposals had to go through the legislative/popular ratification process outlined above, though proposals could only be made every ten years. In 1974 the ten-year “time lock” was reduced to the current four-year period, beginning in 1975. The four-year time lock opens in 2007. Any proposals of amendment must be made, and receive the required senate and house support, during the upcoming biennium.

- 1987:** Establishes four year terms for Governor, Lieutenant-governor, Treasurer, Secretary of State, Auditor of Accounts, Attorney General, Assistant Judges, Sheriffs, State's Attorneys, and Judges of Probate. Authorizes legislature to consider certificates of votes, rather than ballots. Makes Attorney General a constitutional officer. (Rejected by the Senate, January 26, 1988)
- 1991:** Providing that the terms for state officers be for four (4) years. (Sent to Senate Committee on Government Operations, January 15, 1991; passed the Senate March 19, 1991; referred to the House Committee on Government Operations, March 21, 1991; never emerged).
- 1995:** Providing that the terms for state officers shall be for four years and limited to three consecutive terms each. (Sent to Senate Committee on Government Operations March 10, 1995; passed Senate (21-9) March 29, 1996; sent to House Committee on Government Operations, April 1, 1996; never emerged).
- 1999:** Providing that the terms for Governor, Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts and High Bailiffs be four years, beginning with the term commencing after the general election in November 2006. (Sent to Senate Committee on Government Operations January 12, 1999, never emerged.)
- 2003:** This proposal would amend the Vermont Constitution to provide that the term of office for Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, and Attorney General be four years, beginning with the term commencing after the general election in November 2010. (Sent to Senate Government Operations March 28, 2003, never emerged.)

*A review of the arguments in favor and opposed to amending the state constitution to increase the term of office for Vermont's Governor.*

The closest the state of Vermont came to changing its Governor's term to four years was in 1971. A proposal from the Senate was passed in both houses of the legislature and put before the voters in 1974. However, the amendment was rejected by voters on March, 4<sup>th</sup>, 1974 by a margin of 42,724 to 38,413. Many argue that the backdrop of Watergate and the general distrust of public officials at the time led to the defeat of the amendment. Since the public vote of 1971, there has been a proposal to change term lengths every time the opportunity to amend the constitution has arisen. However, all of these proposals have either died in a Senate or House committee.

Throughout each of the efforts since the public vote in 1974 to change the length of terms in Vermont, there have been many interesting positions and arguments for and against the change. Below are a summary of the arguments for and against changing the governor's term to four years extracted from media reports and legislative testimony.

**Table 1: Arguments In Favor and Against 4-Year Term for Governor**

**Arguments in Support of Four-Year Terms for Governor**

*Government has become more complex, requiring longer terms of service in order to achieve effective management.*

*Longer terms will make it easier to attract cabinet and other gubernatorial appointees.*

*Policymaking has become short-sighted, offering simple solutions for complex problems.*

*Two-year terms force officials into short campaign cycles, distracting them from governance.*

*Most incumbents are re-elected and frequent elections discourages voter turnout.*

**Arguments Against Four-Year Terms for Governor**

*Separation of powers will be upset if the Governor's term alone is lengthened without a lengthening of legislative terms of office.*

*There is not a problem of attracting good candidates and appointees; therefore the need does not exist to lengthen terms for this reason.*

*Longer terms decrease public accountability.*

*State government would become too bureaucratic and professionalized.*

*Incumbent Governors are almost always elected to a second term giving them a defacto 4 year term to start.*

In many ways these contemporary arguments have their roots in discussions that led to the ratification of the U.S. Constitution and were certainly echoed in the Vermont Constitution. In writing the Federalist papers James Madison and Alexander Hamilton posed a number of questions about the structure of the government that were relevant on the state and federal levels. One of the questions concerned the frequency of elections at the national and state level.

*As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured.<sup>4</sup>*

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<sup>4</sup> Federalist No. 52

This direct accountability to the citizens (voters) was a strong theme in early America (and Vermont which until 1870 only allow one-year terms for all offices and legislators). In fact, “so powerful was the pull of the traditional one-year term that Madison had to devote two *Federalist* papers (numbers 52 and 53) to arguments in support of the two-year term given members of the U.S. House”<sup>5</sup>.

As a counterpoint to the notion of frequent elections to ensure accountability, *Federalist* Paper 53 discusses the desirability of experienced legislators and the concept of institutional memory (one that can be applied to constitutional offices such as the Governor as well legislators). The argument follows that with increasing procedural complexity comes a need for an extended term so as to fulfill a civic duty to the citizenry:

*No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it. The period of service, ought, therefore, in all such cases, to bear some proportion to the extent of practical knowledge requisite to the due performance of the service.*

Many of the debates of the late 1700s are still relevant today as the balance between accountability and the challenges of an increasingly complex government policy and management tasks.

### *Vermont's Place in the Nation Relating to Term Length*

Vermont remains one of two states (along with New Hampshire) in the country to still have a two year term for its governor. Many other states in the nation changed from two to four year governor's terms during the 1970's and 1980's when many states had constitutional conventions to overhaul the workings of state governments. Of the forty-eight states that have four year terms, thirty-five of them have a two term limit for governor and Virginia has a one year term limit for governor.

Vermont is not as unique in its arrangement for the term length of the legislature. Vermont is one of eleven states with a two year term for both the House and the Senate. Another five states have four year terms for both the House and the Senate, while thirty-two have a two year term for the House and a four year term for the Senate. Nebraska is unique in that it has

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<sup>5</sup> Squire, Peverill and Keith E. Hamm, 2005. “101 Chambers: Congress, State Legislatures, and the Future of Legislative Studies.” The Ohio State University Press. Columbus. 2005, pp. 63-65.



a four year term for its unicameral legislature. Also, in Illinois the Senate is elected once every ten years. Fourteen states have term limits on legislators varying from six to twelve terms.

### *Term Lengths and Campaign Finance Reform*

The debate that brought Vermont's campaign finance reform legislation to the Supreme Court in 2006 is also one that reflects on the issue of term length. One result of the two-year election cycle that many cite as a reason to expand the length of the governor's term is that the cost and time spent campaigning in Vermont is too high. As Madeline Kunin said, "Aside from the money [referring to the cost of running for Governor], the Governor also, and the staff, has to spend a lot of time fundraising."<sup>6</sup> Many around the state have argued that reducing the frequency of the elections would free up much needed time for the Governor to tend the business of the state, rather than looking to potential fundraising causes within one year of being elected. The Vermont Public Interest Research Group (VPIRG) said the following in an appellate brief:

*There is a failure of representation when candidates spend as much time as most of them now do attending to the task of fundraising. This feature of modern representation should trouble those who favor close constituent control as well as those who favor relative independence for legislators.... Whatever it is that representatives are supposed to represent... they cannot discharge that representational function well if their schedules are consumed by the need to spend endless hours raising money and attending to time demands of those who give it.<sup>7</sup>*

In an appellate brief submitted by the Secretaries of State for New Hampshire, New Mexico, Oregon, and Wisconsin in support of Act 64 (Vermont's Campaign Finance Reform law), the issue of time spent fundraising in their states was also addressed: "At the state level, one study has shown that a majority of candidates for statewide office spend at least one-quarter of their time fund raising for their campaigns; nearly one-third of candidates for state legislative office are similarly preoccupied with fund raising."<sup>8</sup>

In 2002, Governor Jim Douglas became the first Vermont gubernatorial candidate to raise more than a million dollars in his bid for the executive office, while his two unsuccessful challengers also raised just over a combined \$1 million (See Table 2). This trend is likely to continue while concern over the increased campaign spending in Vermont politics is evident in the passage of the controversial campaign finance reform legislation recently ruled unconstitutional by the U.S. Supreme Court.<sup>9</sup>

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<sup>6</sup> Senate Government Operations Committee, 1991-1992: Testimony by former Governor Madeleine Kunin.

<sup>7</sup> 2006 WL 325190 (Appellate Brief) Brief of Respondents, Cross-Petitioners Vermont Public Interest Research Group et al. (Feb. 8, 2006).

<sup>8</sup> 2006 WL 325184 (Appellate Brief) Brief of the Secretaries of State of New Hampshire, New Mexico, Oregon, and Wisconsin as Amici Curiae in Support of Respondents/Cross-Petitioners (Feb. 8, 2006).

<sup>9</sup> *Randall v. Sorrell*. 126 S.Ct. 2479



**Table 2: Major Gubernatorial Candidate Fundraising, 1992- Present**

Year		Amt. Raised	WON/LOST
1992	<b>Howard Dean</b>	\$363,901.00	WON
1992	John McClaughry	\$131,562.00	LOST
1994	<b>Howard Dean</b>	\$368,116.00	WON
1994	David Kelley	\$39,061.00	LOST
1996	<b>Howard Dean</b>	\$331,100.00	WON
1996	John Gropper	\$45,913.00	LOST
1998	<b>Howard Dean</b>	\$342,528.00	WON
1998	Ruth Dwyer	\$245,514.00	LOST
1998	Bernie Rome	\$219,177.00	LOST
2000	<b>Howard Dean</b>	\$674,462.00	WON
2000	Ruth Dwyer	\$878,494.00	LOST
2000	Anthony Pollina	\$299,961.00	LOST
2002	<b>Jim Douglas</b>	\$1,140,661.00	WON
2002	Cornelius Hogan	\$258,086.00	LOST
2002	Douglas Racine	\$774,782.00	LOST
2004	<b>Jim Douglas</b>	\$744,805.00	WON
2004	Peter Clavelle	\$551,022.00	LOST

SOURCE: Vermont Secretary of the State, Elections

In addition to the high costs of gubernatorial campaigns, it should be noted that only one incumbent has lost an election since 1853.<sup>10</sup> In recent history, many governors in Vermont simply decide not to run, often seeking Congressional or other higher offices.

**Table 3. Vermont Governors, Term of Office, and Reason for leaving office, 1963-2008**

Name	Party	Town of Residence	Term	Reason for leaving office
Philip H. Hoff*	Democrat	Burlington	1963-1969	Ran for U.S. Senate
Deane C. Davis	Republican	Montpelier	1969-1973	Chose not to run
Thomas P. Salmon	Democrat	Rockingham	1973-1977	Ran for U.S. Senate
Richard A. Snelling	Republican	Shelburne	1977-1985	Ran for U.S. Senate
Madeleine M. Kunin	Democrat	Shelburne	1985-1991	Chose not to run
Richard A. Snelling	Republican	Shelburne	1991	Died in office
Howard B. Dean	Democrat	Burlington	1991-2003	Ran for U.S. President
James H. "Jim" Douglas	Republican	Middlebury	2003-Present	Incumbent

\*Philip Hoff is the only gubernatorial candidate to unseat an incumbent in Vermont in over 130 years.

SOURCE: Vermont State Government Since 1965, ed. Michael Sherman.

<sup>10</sup> Governor Mortimer Proctor who was unseated in the 1946 Republican primary by Ernest Gibson, Jr. Also, from 1870 to 1928 governors, under the informal mountain rule only served a single 2 year term so there was no opportunity for unseating an incumbent.

## *Making the Case in Other States: Rhode Island and New Hampshire*

Rhode Island, the last state to change the term length for Governor, offers an example of public debate that led to expanding the governor's term to four years. On the other hand, New Hampshire offers an example of reasoning for maintaining a two year term for governor. Both provide interesting arguments and historical context for the upcoming debate in Vermont.

### *Changing from 2 to 4 year terms: Rhode Island*

The state of Rhode Island was the last state to change its term for governor from two to four years. In 1992, the Rhode Island General Assembly proposed an amendment to the constitution that would change the governor and other state-wide officers' terms to four years. The amendment was part of a larger overall government reform package that included broadcasting all sessions of the House and Senate, a history, text, and status of all bill introduced, and the introduction of legislative calendars.

### Joint-Resolution 162

Joint-Resolution 162<sup>11</sup> was the proposal that the General Assembly enacted to change the term length of state officers and the governor from two to four years. Previous attempts had been made in 1973, 1982, and 1986; all of those attempts failed. J.R. 162 was authored and sponsored by several organizations such as Common Cause of Rhode Island. The proposal had several other provisions that reformed the way the state of Rhode Island governs:

- **Recall Provision:** J.R. 162 had a recall provision that allowed voters to recall state officers who had been “indicted or informed against for a felony, convicted of a misdemeanor, or against whom a finding of probable cause of violation of the code of ethics has been made by the ethics committee.” The person must initiating the recall must collect signatures from three percent of the voters from the previous election. If this requirement is met, then within 90 days they must collect signatures from fifteen percent of the voters in the last election. The issue is then put on the ballot in the following general election.
- **Election Cycle:** The proposal changed the elections years for senators and representatives from odd numbered years to even number years. This was to coincide with the election cycle for the governor.
- **Term Limits:** The proposal also limited the number of terms a governor could serve in the state to two terms.

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<sup>11</sup>The Rhode Island amendment process is very different than the Vermont amendment process. In Rhode Island, an amendment may be proposed at any time by the General Assembly by a roll call vote of a majority of members in each house (House and Senate). If the proposal receives a majority in each house, it is placed on the ballot in the following general election. If a majority of voters approve the amendment, it becomes part of the constitution.

### Public Debate on J.R. 162

The proposal was heavily debated in the General Assembly and in the media. Below are some selected quotations from newspaper articles :

*“I believe that a governor can embark on long-term programs for the benefit of the whole state without always having to look over his shoulder.”*

–Sen. John Chafee Providence Journal October 15, 1992.

*“If we want to do something for the state, if we want to build an economy, we have to give the governor the tools to do that.”*

- Former Governor J. Joseph Garrahy Providence Journal October 15, 1992

### 1992 Vote on J.R. 162

The proposal passed with relative ease on November 7<sup>th</sup>, 1992 with a vote of 59% for and 41% against. Some of the quotes from media coverage at the time (November 8<sup>th</sup>, 1992 Providence Journal):

➤ *“Passage of the four-year term measure was an astonishing reversal of what had been a pattern that had lasted for decades: periodic requests to voters to lengthen terms, and regular “no” votes every time.”*

➤ *“I think that within Rhode Island that this vote tonight is really a victory over cynicism and suspicion.”- H. Phillip West, executive director of Common Cause*

### *New Hampshire’s Two Year Term: Resistance to Change*

New Hampshire and Vermont remain the only two states in the nation with two year terms for governor. However, there have been many public votes on amendments in New Hampshire to change the term of office for the governor from two to four years:

- In 1970, 58.19% of the electorate favored a four year term for governor.<sup>12</sup>
- In 1981, 61.92% of the electorate favored a four year term for governor.
- In 1983, 63.61% of the electorate favored a four year term for governor.

Since 1983, however, resolutions to change the governor’s term to four years have stalled in committee (1993, 1997, 1999, 2001, and 2005).

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<sup>12</sup> New Hampshire’s amendment process requires a 60% vote in each house of the General Court and a public vote of 66.67% to ratify an amendment.

Constitutional Amendment Concurrent Resolution 21: The Most Recent Attempt to Change increase the governor's term of office to 4 years.

The most recent attempt to change the term length in New Hampshire came in 2005 with Constitutional Amendment Concurrent Resolution 21. CACR 21 was an attempt to change only the governor's term to four years. The resolution was referred to the House Committee on Election Law. Here, the committee heard testimony from a variety of individuals and interest groups. Below are some quotes extracted from legislative testimony.

- *“Much of the first year in office for a new governor and governor's staff is consumed by simply 'learning how to use the phones', that is, becoming acquainted with all the myriad duties a governor faces.” Dayton Duncan 2/21/05*
- *“Under our current system of two year terms, a governor is often thrown into a campaign for a second term before he or she has had the opportunity to settle into the job and put a first-year's experience to work.” Dayton Duncan 2/21/05*
- *“Electing a governor at four year intervals would shield and insulate a governor candidate from knowing the electorate, or from the electorate not knowing the governor candidate.” Coalition for Free and Open Elections,. 2/23/05*
- *“We are New Hampshire. We stand out from the crowd, whether as Governor or dog catcher. Depending on what elections you prefer. From Town to President, we set a cycle standard that meets our needs, not the needs of others.” Howard Wilson 2/23/05*

CACR 21 was ruled inexpedient to legislate and was tabled until 2006 where it was eventually defeated in the Election Law Committee.

In January 2008 CACR8 was defeated. It was a retained bill from last session that originally called for *the term of office of the governor to be four years and that the attorney general shall be elected by the House and Senate.* It did not survive a vote of "Ought to Pass" and will not be taken up.