

*Constitutional Amendment to Change the Vermont Governor's
Term from 2 to 4 Years: The History and Arguments of Previous
Deliberations*

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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. When the legislature convenes in January 2007 the debate will begin again.

History of Vermont's Governor and other Officeholder's Term Length¹

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.

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

¹ 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.

- 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.”²
- 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, 4th, 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 officers³. (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).

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,

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

⁴The 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.

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, 4th, 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.

In favor of amending Constitution to four-year terms:

"Government has become more complex; learning curve is steeper"

- Shifting of previously Federal government tasks, makes executive branch duties more numerous.
- "Consider Vermont as a \$3.5 billion a year business. To run that large an operation takes considerable knowledge and requires a steep learning curve. A new governor must assemble a management team, develop policies to present to the Legislature and figure out the nuts and bolts of a complicated state bureaucracy."-BFP Editorial 1/28/04

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

- "It [The two-year term] impedes the ability to be bold, to be controversial, and to undertake long-term initiatives. One might even say that it encourages

politicians to offer simplistic solutions, because they know an election is right around the corner.” Madeleine Kunin 1/29/91

- “The current system is counterproductive. Governors might shy away from complex, long-range issues because solutions to public policy concerns don’t always follow the electoral calendar. That creates the temptation for near-term fixes that can be trumpeted at the next election.”-BFP Editorial 3/24/04

“Most incumbent Governors are reelected for a second term”

- “Even though we have a two-year term now, the electorate, and a lot of people, privately assume that most governors will serve four years in Vermont, and that is our mindset. We have begun to move in that direction, because from a practical point of view, most people realize that two years is simply not enough.”-Madeleine Kunin-1/29/91

“Two-year terms do not give citizens enough policy on which to evaluate Governor’s performance”

- “Sen. Dick Mazza, D-Chittenden, a co-sponsor of the current bill, said he doesn’t believe voters see enough of the governor in two years to make a good decision on whether he or she should stay in office.”-BFP 1/29/04 Netzel
- “One might even argue after four years in office, citizens will be in a better position to evaluate the job the Governor has done, and then decide whether or not he or she should be re-elected.”-Madeleine Kunin 1/29/91

“Governor’s spend more time worrying about fundraising than policy development; State government decisions are delayed until after election”

- “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. The other phenomenon that I’m sure this committee realizes is that in an election year, a lot of positions go into limbo, a lot of state government comes to a grinding halt, a lot of decisions are delayed, because “will the Governor be re-elected?” or “who will be re-elected?”-Madeline Kunin 1/29/91
- “With gubernatorial campaigns costing roughly \$1 million, the need for money means a governor might decide to devote large chunks of time attending fund-raisers, chatting up contributors and telephoning donors.”-BFP Editorial 1/28/04

“Harder to attract quality administration officials because of the lack of job-security”

- “Also, the two-year term makes it harder for a governor to recruit an administration because qualified people are often reluctant to give up the security of private employment for what could be a quick hitch in Montpelier.”-BFP editorial-3/24/04

Keeping Two-year terms:

“The balance of power between the Executive and Legislature is shifted”

- “I think that when you really get to the heart of the matter, the major political impact of the two-year term is that the present system presents a stronger legislative branch and a weaker executive branch. I think underneath it, the Legislature still has some hesitation about creating a stronger executive by giving him a four-year term.” Madeleine Kunin 1/29/91.
- “Some legislators say doubling the Governor’s term would put the general assembly at a disadvantage because the chief executive would be able to influence off-year legislative elections while not facing the voters.”-BFP Editorial 2/24/04

“There is less opportunity to hold the Governor accountable via elections”

- “The two-year term, if it does nothing else, is it keeps accountability. It’s not bad to have a year for your election campaign. You keep in close contact with the voters.”-BFP Editorial 1/29/04

“If elections are every four years, it would bring more money (via Interest Groups) into the elections”

- “Mal Boright of Williston said making the term length four years would put more at stake each election, and therefore bring more money into politics.” – BFP Editorial 1/29/04

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 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.

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 162⁴ 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.

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 and an interview with proposal sponsor Representative Paul Crowley-R:

- *“I believe that a governor can embark on long-tern programs for the benefit of the whole state without always having tom look over his shoulder.” – Sen. John Chafee Providence Journal October 15, 1992.*
- *“The term length question was part of a longer discussion about government reform. The issue had failed on its own in 1986 by a large margin due to government distrust and corruption.” -Representative Paul Crowley Interviewed August 9th, 2006*

⁴The 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.

- “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 7th, 1992 with a vote of 59% for and 41% against. Here are some of the newspaper headlines from the November 8th, 1992 Providence Journal

- “Voters give in, top officers to win 4-year term”
- “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.⁵
- 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).

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

⁵ 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.

➤ *“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.