

# Time's Up

## *Popular term limits law poses problems, provides opportunities*

**By Chris Bouneff**

Is Stevin Brooks the problem?

Brooks is the only full-time attorney in southeast Idaho's Oneida County, population 3,600, a newcomer from Utah recruited in March when the only other attorney resigned from his job as county prosecutor to become the county magistrate.

Normally, the prosecutor's job would be Brooks' for as long as he wanted. There's no local competition, and as the county's national search proved, few attorneys clamor to move to the rural farming community. In fact, Brooks was the only candidate willing to move his family to Malad City, the county seat.

Yet Idaho voters, under a term limits ballot initiative passed in 1994, insist that Brooks leave office after two terms.

So Oneida County may be in familiar territory when Brooks' second term expires eight years from now, trying to attract an attorney willing to accept a temporary, comparatively low-paying job in a community that still greets newcomers with a welcome wagon.

"It's a poor community," Brooks says. "Most are farmers. You couldn't survive here with a private practice."

Idaho's term limits initiative joined the national revolt against the so-called evils of incumbency. But did voters truly get what they wanted when they included Brooks among the damned?

In the strictest sense, Idaho's law limits only the number of times an incumbent can appear on the ballot. After four terms for legislators and two terms for most city, county and school board offices, incumbents

must sit out two terms before their name can be on the ballot again. They can win reelection as write-in candidates, but write-ins often are longshots because they require voters to do more than mark a ballot.

Idaho's law may also change. The 1998 Legislature placed an advisory measure on the November ballot asking voters whether term limits for state lawmakers and local officials should be retained after the U.S. Supreme Court voided limits for Idaho's congressional delegation. If voters say no, a message backed by a coalition of business and lobbying groups, the 1999 Legislature may have the political will to repeal or change the law.

But if recent polls are any indication, term limits are as popular as hot fudge sundaes and apple pie. Nearly 80 percent of Idaho residents favor current or stricter limits for legislators and local officials, according to Boise State University's annual Idaho Public Policy Survey.

So, term limits may be here to stay.

And at the state level, political observers have some clues as to what will happen when

limits strike the Legislature in 2002, says Gary Moncrief, a Boise State political science professor and national expert on term limits.

Different versions of term limits have already hit California and Maine, where legislative races now are more competitive as more people vie for open seats. More women and minorities also find themselves in the halls of power in part because term limits created opportunities to run for office.

And more politicians jump from office to office, starting in one post and running for another before limits oust them.

Also, lobbyists work harder to influence lawmakers because they don't have time to build lasting relationships with an ever-changing legislative roster, Moncrief says. But the biggest impact may be on technical legislation, which comprises most of a legislature's work.

Legislation on the budget and regulating industries affects our everyday lives but mostly goes unnoticed. With an inexperienced legislature, such bills aren't crafted as tightly, which could have unforeseen consequences, he says.

Moncrief expects some of the same results in Idaho, with a few exceptions. The newcomer factor won't be as large an issue because about a quarter of the Legislature already is replaced each election.

*Gary Moncrief predicts Idaho's political balance will remain stable.*



CHUCK SCHEER PHOTO



*Kuna's Greg Nelson is proof that popular incumbents can overcome term limits in small communities.*

As far as political swings, don't expect many, Moncrief says. There may be some movement on the handful of emotional issues the Legislature debates each year, such as abortion, but Democrats are in no position to push the state in a new direction.

Idaho politics have been and will remain stable not "because of the incumbency advantage," Moncrief says. "It's because of the Republican advantage in Idaho."

Even term-limit opponent state Rep. Jim Stoicheff, a Democrat from Sandpoint and 13-term legislator, admits the effects won't be devastating. The Legislature may lose valuable institutional memory, and lawmakers won't build as much trust among each other. But he has faith that voters will continue to elect qualified people.

"I don't care if they elect a Democrat or a Republican," Stoicheff says. As long as voters elect someone "with a brain and who is willing to work hard and do his homework."

Term limits may sweep through local governments, however, like a tornado through a trailer park.

Larger cities and counties such as Boise, Nampa and Ada County usually field a full slate of qualified candidates for government offices. But what about the Oneida Counties of Idaho? Already, county governments face about 30 percent turnover each election, according to Idaho Association of Counties data. And small counties often find it difficult to recruit qualified candidates to serve in such partisan, yet inconspicuous, offices as county clerk.

After all, who even knows what a county clerk does? The clerk serves as the official clerk for the district court, certifies tax levies for all taxing districts in a county, runs elections, monitors the county budget, maintains official records and a host of other duties — a huge job with huge responsibilities but little political appeal.

If small counties are lucky enough to find people willing to take the job, why should they be replaced as long as voters re-elect them? asks Dan Chadwick, IAC executive director.

Rural school districts also fear they will feel the pinch. In Kuna, a district of about 2,500 students, Superintendent Doug Rutan doesn't know what to expect under term limits, though in the past the district has persuaded some trustees to seek re-election because no one else wanted the volunteer post.

Board chairman Lee Eichelberger is a good example of how some board slots get filled. The board appointed him to fill a vacancy. And he's appeared on the ballot four times since, but he's only been challenged once. "The incentive structure for serving in local governments is just not very great," Moncrief says. "Why add disincentives at this point?"

Small districts, cities and counties find some hope in the story of Kuna Mayor Greg Nelson. In 1995, Nelson intended to retire as the city's mayor and run for Ada County commissioner.

But, as Nelson tells it, the city's business

leaders persuaded him to launch a last-minute re-election campaign as a write-in candidate. He won by a count of 288 to 214.

The victory convinced Nelson that popular incumbents can overcome term limits in small communities, although he maintains that winning as a write-in is difficult.

Local government advocates also hope that if voters confirm term limits in November's election, as expected, lawmakers will at least add a local "opt-out" clause to the term limits law. Local voters could then decide whether to exempt their city, county and school officials from term limits.

Colorado instituted such a local opt-out, and 35 communities already have exempted their officials. Most of them have populations of 3,000 or fewer people.

Donna Weaver of Citizens for Term Limits, who spearheaded 1994's term limits initiative, says all elected offices should be subject to limits. But she also supports an opt-out option. Local voters, she says, should have the choice when it comes to local government.

Oneida County's Brooks also hopes state legislators agree to allow local votes on term limits; otherwise, Oneida voters may lose the only prosecutor in town.

"You don't want to pull your family up and buy a house here if your job is going to end," Brooks said. "The Legislature is going to have to look at some exceptions." □