



ECLEG MAY08'15 PM 3:39

ERIE COUNTY LEGISLATURE

92 Franklin Street - 4th Floor
Buffalo, New York 14202

TO: Members of the Erie County Legislature

FROM: Karen M. McCarthy, Clerk

DATE: May 8, 2015

SUBJECT Documents Received Regarding:
LL Intro. No 2-2 (2015) a LL Instituting Term Limits for All elected Officials of County
Government
LL Intro. No. 7-1 (2015) a LL Retroactively Instituting Term Limits for Elected Officials of County
Government

The attached letters were received on May 8, 2015 at the Public Hearing on the above Local Laws.

Thank you.



COUNTY OF ERIE
STEFAN I. MYCHAJLIW
COMPTROLLER

May 8, 2015

Hon. Karen M. McCarthy
Clerk of the Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

RE: Public Comment on: Local Law Intro. No. 2-2 (2015)
Local Law Intro. No. 7-1 (2015)

Dear Madam Clerk:

Please accept this letter as part of the official record for the public hearings on Local Law Intro. No. 2-2 (2015) and Local Law Intro. No. 7-1 (2015).

This is not the first time politicians are talking about implementing term limits to restrict the re-eligibility of an officeholder. This debate has been ongoing since the founders penned The Federalist Papers in the late 1700s. In Federalist 72, Alexander Hamilton thoughtfully detailed some of the first arguments for and against. More than 220 years later the debate continues.

The most compelling arguments for term limits are their ability to prevent corrupt politicians from taking root, eliminating the ability for one person to amass too much power. Additionally, the public can benefit from a routinely refreshed leadership bringing with it new ideas and creative solutions to societal problems. On the other hand, opponents of term limits would argue that with routine turnover of elected leaders, their institutional knowledge and experience is lost as well. It should also be noted that term limits never appropriately address a leader's last term. If one is no longer able to run for office again, whether they were doing a good or bad job, they have little to no incentive to continue to do work on behalf of constituents in their last term, other than moral obligation. I'd like to believe that trait exists in everyone, but I'd be more comfortable with the invisible hand of democracy guiding an elected official toward the greater good.

The Legislature currently has two laws before them regarding term limits. They are comprised of similar verbiage and legislative intent. The best part of each law is that they are only the first step in a process to become reality. Erie County's charter concludes that process with a public referendum, removing the decision from elected officials and turning it over to their constituents. This is democracy in its truest form, and a public vote to decide the matter has my full support.

The main distinction between the two laws is that one (L.L. 2-2) grandfathers in current members of the Legislature and applies the terms of office going forward and the other (L.L. 7-1) does not. As someone who is directly impacted by this law, it is impossible for me to support a law that treats my ability to serve, regardless of when I was first elected, different from anyone that I am here to serve. I find it hypocritical to say to the voters that a 12 year county service limit is appropriate for all of you, should you choose to go into public service, but my service can be longer because it started before self-interested politicians arbitrarily imposed a limit.

Therefore, if this pressing matter demands a vote of the Legislature, as someone who is impacted by it, I think it is most appropriate to pass Local Law Intro. No. 7-1 (2015) entitled "A Local Law Retroactively Instituting Term Limits for Elected Officials of County Government." The voters this November should have the opportunity to vote on a law that treats elected officials the same as the people that they currently serve.

Thank you for your consideration of my testimony.

Sincerely,



STEFAN I. MYCHAJLIW
Erie County Comptroller

cc: Hon. Mark C. Poloncarz, *Erie County Executive*
Hon. Timothy B. Howard, *Erie County Sheriff*
Hon. Christopher L. Jacobs, *Erie County Clerk*
Hon. Frank A. Sedita, *Erie County District Attorney*



BUFFALO STATE
The State University of New York

**Department of Political
Science**

Classroom Building B218
1300 Elmwood Avenue
Buffalo, NY 14222-1095
Tel: (716) 878-6116

www.buffalostate.edu

May 8, 2015

Term Limits: the Reform that Underperforms:

**Memorandum in Support of Oral Testimony Outlining the Academic Research on the Impacts of
Term Limits for Elected Officials**

The swift enactment of legislative and executive term limits across a wide number of states in the past twenty-five years has failed to deliver on the numerous objectives set forth in the enacting legislation. Recent academic research into the impacts of the enactment of term limits has concluded that the impact of term limits on legislative behavior and policy enactments has been muted, at best, and resulted in numerous negative outcomes, at worst.

A wide range of researchers have hypothesized term limits for elected candidates at the state and local level would have an extraordinary wide range of impacts, including positive effects on:

- Increasing innovative decision making (Tothero 2003, Lazarus 2006),
- Improving voter turnout (Nalder 2007),
- Enhancing electoral competition and campaign finance (Masket and Lewis 2007),
- Reducing partisan outcomes of legislative elections (Powell 2008),
- Increasing ethnic legislative diversity (Carroll and Jenkins 2001, Moncrief, Powell et al. 2007),
- Improving relationships within the legislature (Sarbaugh-Thompson, Thompson et al. 2006),
- Rationalizing roll-call voting ((Wright 2007),
- Increasing bicameral negotiation (DePalo and MacManus²⁰⁰⁶, Sarbaugh-Thompson, Thompson et al. 2006),
- Enhancing technocratic public policy implementation (Herron and Shotts 2006, Erler 2007), and
- Reducing lobbyists influence (Powell, Niemi et al. 2007, Mooney 2009).

Unfortunately the most recent and sophisticated research conducted on the actual impact of term limits has shown little enhancement of the listed objectives. Instead, many negative consequences have followed, including:

- Increased legislative gridlock (Lash and Rogowski 2014),
- Loss of policy knowledge (Fowler and Hall 2014),
- Increases the importance of unelected legislative staff (Klein and Sakurai 2015),
- Increases in public spending (Balaguer-Coll, Brun-Martos et al. 2015),
- Increased importance of local political parties in selection of candidates (Masket and Lewis 2007, Moncrief, Powell et al. 2007),
- Increased shirking among politicians not seeking other elective office (Klašnja and Titunik 2014),
and
- Decreased interest in seeking elective office (Rogers 2014)

In conclusion, there is little evidence in the body of academic research conducted over the past quarter of a century to support the assertion that term limits for legislative or executive officials at the state and local level provides broad benefit. It is recommended that other avenues be sought to achieve the laudable objectives presented in both bills before the legislature today.

Sincerely,



Peter Jacobucci

Associate Professor of Political Science

SUNY Buffalo State

Works Cited

- Balaguer-Coll, M. T., et al. (2015). "Local governments' re-election and its determinants: New evidence based on a Bayesian approach." European Journal of Political Economy.
- Carroll, S. J. and K. Jenkins (2001). "Unrealized opportunity? Term limits and the representation of women in state legislatures." Women & Politics 23(4): 1-30.
- DePalo, K. A. and S. A. MacManus (2005). "LIFE AFTER TERM LIMITS: ARE "TERMED-OUT" WOMEN LEGISLATORS LESS POLITICALLY AMBITIOUS THAN THEIR MALE COUNTERPARTS?" Florida Political Chronicle.
- Erlor, H. A. (2007). "Legislative term limits and state spending." Public Choice 133(3-4): 479-494.
- Fowler, A. and A. B. Hall (2014). "Disentangling the Personal and Partisan Incumbency Advantages: Evidence from Close Elections and Term Limits." Quarterly Journal of Political Science 9(4): 501-531.
- Herron, M. C. and K. W. Shotts (2006). "Term limits and pork." Legislative Studies Quarterly 31(3): 383-403.
- Klašnja, M. and R. Titunik (2014). "The Incumbency Curse: Weak Parties, Term Limits, and Unfulfilled Accountability."
- Klein, F. A. and S. N. Sakurai (2015). "Term limits and political budget cycles at the local level: evidence from a young democracy." European Journal of Political Economy 37: 21-36.
- Lash, B. and J. C. Rogowski (2014). "Term Limits and Party Polarization: Evidence from American State Legislatures."
- Lazarus, J. (2006). "Term limits' multiple effects on state legislators' career decisions." State Politics & Policy Quarterly 6(4): 357-383.
- Masket, S. E. and J. B. Lewis (2007). "A return to normalcy? Revisiting the effects of term limits on competitiveness and spending in California assembly elections." State Politics & Policy Quarterly 7(1): 20-38.
- Moncrief, G., et al. (2007). "Composition of legislatures."
- Mooney, C. Z. (2009). "Term limits as a boon to legislative scholarship: a review." State Politics & Policy Quarterly 9(2): 204-228.
- Nalder, K. (2007). "The effect of state legislative term limits on voter turnout." State Politics & Policy Quarterly 7(2): 187-210.
- Powell, L. W., et al. (2007). "Constituent attention and interest representation." Institutional Change in American Politics: The Case of Term Limits: 38-54.
- Powell, R. J. (2008). "Minority party gains under state legislative term limits." State Politics & Policy Quarterly 8(1): 32-47.
- Rogers, S. (2014). Term Limits: Keeping Incumbents in Office, Working Paper.
- Sarbaugh-Thompson, M., et al. (2006). "Democracy among Strangers: Term Limits' Effects on Relationships between State Legislators in Michigan." State Politics & Policy Quarterly 6(4): 384-409.
- Tothero, R. A. (2003). "The Impact of Term Limits on State Legislators' Ambition for Local Office: The Case of Michigan's House." Publius: The Journal of Federalism 33(3): 111-122.
- Wright, G. C. (2007). "Do term limits affect legislative roll call voting? Representation, polarization, and participation." State Politics & Policy Quarterly 7(3): 256-280.