

TERM LIMITS IN OKLAHOMA

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On September 18, 1990, Oklahoma voters became the first in the nation to limit the tenure of their state legislators. Since 1990, the movement has spread with term limits being applied to city, county, and state officials across the nation. Almost half of these states also elected to limit their congressional delegations; however, the United States Supreme Court in 1995 found such state-enacted congressional term limits violated the Constitution.

Oklahoma is an important state to examine in the development of the term limit movement in the United States. In addition to being the first state to enact term limits, a term limit initiative of some form has appeared in the state at least three times since 1990. An analysis of these initiative campaigns partially illustrates the history of the national term limit movement. Here we examine the campaigns in Oklahoma as a portrait of the national movement and provide some indication as to the effects of term limits on politics in the Sooner State.

To make this analysis easier for the reader, the term limit efforts will be identified as follows: Oklahoma I (1990), Oklahoma II (1994), Oklahoma III (campaign cut short in 1996), and Oklahoma IV (1997-98).

Oklahoma I

When Oklahoma voters approved State Question 632 in 1990, term limitations appeared to be a novel idea. By supporting the initiative, voters indicated that they believed the legislature had become too insulated, unresponsive, and self-indulgent. Examples of the legislature's self-indulgent behavior in the late 1980's included stopping the state capitol clock to block constitutionally mandated adjournment. An independent compensation board enacted a pay raise while a House Speaker was overthrown. By 1990, voters were understandably upset with their legislature.

The campaign which led to State Question 632 was guided by one person, Tulsa businessperson Lloyd Noble. A self-described "arch-conservative," he believed that state legislators could be restricted through term limits. After a constitutional revision commission refused to consider legislative term limits, Noble decided to try the initiative

route.

In the fall of 1989, Noble received approval from the Oklahoma secretary of state to circulate a petition limiting state legislators to twelve years. The proposal, written by a group of Oklahoma lawyers who had experience in the Legislature, was a lifetime ban on more than twelve years of service, including years served in either or both chambers. For example, a member of the State House who served four years in that body and sought election to the State Senate would be able to serve only eight more years.

Noble, working with his organization "Oklahomans for Legislative Reform," circulated the petition during the winter of 1989-1990. The circulators were able to gather the second highest number of signatures ever on an initiative petition in the prescribed ninety-day period. The signatures were certified by the secretary of state, and the certification was validated by the State Supreme Court. After the signatures on the petitions were validated, Noble was able to persuade Republican Governor Henry Bellmon to place the question on the primary runoff ballot in September, ahead of Colorado and California, which had similar initiatives on their November 1990 general election ballots. State Question 632 was approved by voters by a margin of almost two to one, in part due to the absence of any significant opposition.

Much of the credit for the success of the first term limit initiative in Oklahoma can be granted to Lloyd Noble. Oklahomans for Legislative Reform, the leading pro-term limit group, was bankrolled primarily by Noble and members of his family. The total budget for the campaign including advertising was \$220,000. According to campaign finance reports filed with the state, most of the money was raised instate. Clearly, the first term limit initiative approved on a stateside basis in Oklahoma was, like in other states, a local effort. However, soon after, term limits became a genuinely national movement.

Oklahoma II

The most significant event of the term limit movement bypassed Oklahoma. In 1992, term limit initiatives were on the ballots of 14 states. These initiatives primarily sought to limit the terms of members of Congress and all 14 were successful. Oklahoma did not join the list of states with congressional term limits until 1994, in large part because, as one Oklahoma term limit advocate noted, "the money did not come from Washington [DC] until [1994]." By 1994, a Washington based group, "U.S. Term Limits," was spearheading the term limit movement across the country.

This second term limit effort in Oklahoma was conducted by two groups: Citizens for Congressional and Legislative Reform circulated the petitions, while OK Term Limits directed the advertising campaign before election day. Walt Hill, a former Reagan administration official and director of Citizens for Congressional and Legislative Reform, determined that he was too busy to conduct a proper campaign. So OK Term Limits, directed by Gary Gardenhire, a former state senator from Norman, took control of the campaign.

State Question 662, the congressional term limit initiative in Oklahoma, was drafted to resemble a number of the 1992 initiatives. Petitions were circulated in the fall and

winter of 1993-94, some circulators were paid one dollar or more per signature collected. Paying circulators per signature always raises the prospect of fraud. One circulator from Lawton was convicted of falsifying the signatures of a number of Oklahomans including the chief justice of the State Supreme Court, a seven-year-old boy, and a dead man.

Close to 300,000 signatures were gathered to put the proposal on a statewide ballot. Campaign finance reports indicated that over 80 percent of the money raised in support of the initiative was contributed by U.S. Term Limits. Most of the money was given to the campaign during the last thirty days the petition was circulated.

Owing its success to the significant financial effort of U.S. Term Limits, State Question 662 was qualified for the ballot. Before Democratic Governor David Walters could schedule the proposal for election, the state supreme court was asked to rule on the constitutionality of the measure. The Court refused to hear the constitutional challenge, arguing that it would not be appropriate to judge the proposal while it was still in the pre-election stage. Oklahoma voters approved congressional term limits, deciding the issue on the September 20 primary runoff ballot. The vote was voided in May 1995, when the U.S. Supreme Court ruled in an Arkansas case that states were constitutionally prohibited from enacting term limits on their members of Congress.

This term limits effort demonstrates the nationalization of the term limits movement. As the Oklahoma case illustrates, U.S. Term Limits became the driving force behind the movement in various states around the country when it became the national fundraiser for term limits.

Oklahoma III

The 1995 U.S. Supreme Court ruling set the stage for the next term limit effort in Oklahoma. The initiative, first circulated in the fall of 1995, incorporated the Supreme Court's decision by asking Oklahoma voters to vote to instruct the state legislature to ask for a federal constitutional convention on congressional term limits. According to the petition, if a legislator failed to vote for the call for a convention, the notation "violated voter's instructions on term limits" would appear beside his or her name on the next election ballot.

The pro-term limit group, "Oklahomans for Term Limits," collected more than 206,000 signatures on petitions. Again, as in 1994, petition circulators were paid, and most of the financial backing for the campaign came from beyond the borders of Oklahoma. Campaign finance data revealed that more than 85 percent of the money came from U.S. Term Limits. Oklahomans for Term Limits also received \$5,000 from Mississippi Term Limits at approximately the same time that a term limit initiative was rejected by voters in Mississippi. This contribution from one state term limit group to another marked a new turn in the movement. Some observers in Mississippi and Washington, DC believed it to be an attempt to hide the true source of campaign funding. The evidence suggests that U.S. Term Limits was using state-level political processes to further a national goal by shifting resources from state to state.

The third term limit initiative in Oklahoma never reached the ballot. The State Supreme Court found it unconstitutional for voters, by initiative petition, to instruct their state legislators to vote to ask Congress to call a federal convention to decide congressional term limits.

Oklahoma IV

OK Term Limits, now under the direction of Joe Windes of Norman, continued the drive for congressional term limits. The fourth effort involved lobbying the state legislature to enact an “Informed Voter” law. This law would identify by ballot notation those members of the Oklahoma congressional delegation who did not support a term limit amendment.

Effects of Term Limits

Observers in Oklahoma and across the country are assessing the effects of term limits on the political environment. There is some controversy over when the limits in Oklahoma will take effect. Oklahoma voters limited legislators to a twelve-year maximum combined, House and Senate, lifetime service after January 1, 1991. Many supporters expected the law to take full effect at the 2002 general election. However, the law allowed those members who were serving on January 1, 1991 to finish that full term before their 12 years began to accumulate toward the limit. Since legislators began their new terms in November, 15 days after the 1990 election, it was the current Attorney General’s interpretation that those elected in 1990 were allowed to finish that entire term before they were affected. This means that House members continually elected from November 1990 will be allowed to serve until November 2004. Senators continually elected from November 1990 will be allowed to serve until November 2006. (Senators serve four year terms.)

Conclusions

Research findings suggest that Oklahoma politics has changed little since the passage of State Question 632. Emerging trends in electoral competitiveness do not seem different from before the imposition of term limits. Since the advent of legislative term limits, women and Republicans constitute a greater percentage of the new members, but this trend was already underway before 1990. Legislative leadership has changed slightly, but this trend was also in motion. If term limits have had any real effect in Oklahoma to date, it has been primarily to accelerate changes that were already underway. Similar trends have been the result of more restrictive limits that have already prevented members’ reelection in California and Maine.

It is possible that state legislative term limits in Oklahoma may never be allowed to take effect. In April 1997, a federal district judge overturned California’s term limits because she found that the law’s lifetime ban on service violated the U.S. Constitution. A discussion of Oklahoma’s experience with term limits could be rendered moot by a

case involving California's experience with term limits. Oklahoma's State Question 632 included a lifetime ban. A ruling by the U.S. Supreme Court of appeals may eliminate Oklahoma's term limits law.

