

Term limits ploy by Rauner brilliant

By Jim Nowlan

GOP gubernatorial aspirant Bruce Rauner has cast himself as Sir Lancelot out to slay an unpopular dragon (the Illinois legislature) in his initiative to limit the terms of Illinois lawmakers. Whether he wins on the issue is irrelevant to his real objective of winning the March primary. Here I take a look at the policy and, more important, the politics of term limits.

In the past two decades, more than 20 states enacted term limits through citizen initiative at the ballot box; you don't expect legislators to limit their own terms, do you? Nowhere has the issue received less than a majority of the popular vote, often much more.

If you favor term limits, Illinois is a poster child for why. The two supreme leaders of the Illinois General Assembly have served for a total of more than three-quarters of a century—House Speaker Michael Madigan for 42 years and Senate president John Cullerton for 34.

Term limits are not an unalloyed good thing. By increasing turnover in the legislature, term limits reduce the influence of elected officials in the political process and increase that of their unelected staff and of the governor as well. The legislative branch also loses a storehouse of valuable experience in its membership.

On the plus side, term limits tend to reduce careerism in politics.

Term limits would also reduce the concentration of power in the legislature in which the top leaders control almost everything that transpires.

Rauner is an investor who may be worth as much as a billion dollars, and he has said he is willing to put big bucks into his political efforts. He has created a political action committee to

raise money, much of which will be his own, to circulate petitions to put his term limits proposal on the November 2014 ballot.

The Rauner proposal limits terms of lawmakers to eight years; it also reduces the size of the legislature and increases from three-fifths to two-thirds the majority needed to override a gubernatorial veto. Why would he add these other provisions when his stated goal is term limits?

The 1970 Illinois Constitution allows use of the citizen initiative only for amendments to the legislative article of the charter, in contrast to California and many western states where voters may amend the constitution and adopt laws on any subject.

Further, the Illinois Supreme Court has over the years knocked proposals for term limits and other reforms off the ballot. The court has read the constitution to require that an initiative make changes to the legislative article that are both “structural” and “procedural.”

So the proposal you may see on the 2014 ballot would impose term limits and also reduce the size of the legislature (structural change) and change the veto procedure (procedural). This makes the proposal credible, and it should clear the bar for approval by the state high court.

Yet the cynic in me believes the complicated proposal for term limits plus-other-changes is all about primary election politics. In his campaign, the new-to-politics Rauner has cleverly embraced term limits and attacked government sector unions, both positions very popular with Republican primary voters.

His three opponents have all been legislators for a long time and over the years have accepted contributions from these unions, so they are the perfect foils for his initiatives.

After the March primary, the term limits issue will lose its political value, as Gov. Quinn himself proposed term limits way back in 1994, but his initiative was knocked off the ballot by the state high court.

And popular though the term limits initiative will prove to be, the proposal is flawed by the addition of the two-thirds majority required to override a gubernatorial veto. Although you wouldn't know it from Quinn's tenure in office, the Illinois governorship is already one of the strongest in the nation, with multiple veto options, for example.

By requiring a hefty two-thirds of all lawmakers to override a veto, the legislature could rarely override a veto, making the governor in effect also chief legislator. Legislators would be cowed into accepting just about whatever a governor might want in their legislation for fear of his use of the veto.

All that said, since this is about politics and not policy, Rauner's ploy is brilliant.