

Term Limits Ballot Question 2024

Town of Empire, Colorado

The Ballot Question from Empire Resolution 24-02:

Pursuant to the authority granted by Article XVIII § 11(2), shall the term limits established in Article XVIII § 11(1) of the Colorado Constitution be eliminated, allowing the Mayor and members of the Empire Board of Trustees to serve an indefinite number of terms?

Background on the Issue of Eliminating Term Limits:

A. FEDERAL HISTORY

When our country was founded, there were no term limits. And still, recognizing the need to hand the reins on to new leaders with new ideas and to resist the temptation of lifelong power, George Washington voluntarily left the presidency after only two terms. Presidents after him for more than a century followed his example until FDR won four terms and the nation realized that term limits were a necessity. Have we reached that same turning point for Congressional terms now? From: https://home.forwardparty.com/term_limits_pros_and_cons

B. STATE LAW

Current Colorado law: Article XVIII § 11:

Section 11. Elected government officials ♦ limitation on terms.

(1) In order to broaden the opportunities for public service and to assure that elected officials of governments are responsive to the citizens of those governments, no nonjudicial elected official of any county, city and county, city, town, school district, service authority, or any other political subdivision of the State of Colorado, no member of the state board of education, and no elected member of the governing board of a state institution of higher education shall serve more than two consecutive terms in office, except that with respect to terms of office which are two years or shorter in duration, no such elected official shall serve more than three consecutive terms in office. This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1995. For purposes of this Section 11, terms are considered consecutive unless they are at least four years apart.

(2) The voters of any such political subdivision may lengthen, shorten or eliminate the limitations on terms of office imposed by this Section 11. The voters of the state may lengthen, shorten, or eliminate the limitations on terms of office for the state board of education or the governing board of a state institution of higher education imposed by this Section 11.

As enacted by the people November 8, 1994 ♦♦ Effective upon proclamation of the Governor, January 19, 1995.

Source: <https://law.justia.com/constitution/colorado/cnart18.html>

C. COMPARISON WITH OTHER MUNICIPALITIES

Term Lengths:

According to a 2006 survey of municipal governments by International City/County Management Association (ICMA), the most common mayoral term length is four years. The table below indicates the percentage of cities that apply different term lengths for the position of mayor.

<u>Length Of Term</u>	<u>Percentage Reporting</u>
1 year	14%
2 years	35%
3 years	6%
4 years	45%
Other	1%

Term Limits:

Although voters nationwide imposed new term limits for state legislatures in the 1990s, only 9 percent of the cities surveyed limit the mayor's term. Of the cities that impose limits, most (55 percent) limit the mayor to two terms, 30 percent set the maximum to three terms, and 9 percent allow four terms. Larger cities are most likely to impose term limits. Where term limits are imposed, 54 percent impose a two-term limit, and 28 percent impose a three-term limit. Some cities do not limit the number of total terms that may be served, but rather place a limit on successive terms. These limits can vary within a state – two-thirds of these cities mandate limits by city charters or ordinances – or can be set by state law.

Source: Moulder, Evelina. "Municipal Form of Government: Trends in Structure, Responsibility, and Composition." In *The Municipal Year Book*, 2008. Washington, DC: International City/County Management Association, 2008.

D. THE SUMMARY

The question on the ballot considers eliminating the number of consecutive terms. Currently candidates are restricted by State Law to 2 consecutive 4-year terms OR 3 consecutive 2-year terms, with 4 years being the required break between terms. The Empire Board of Trustees adopted Ordinance 271 on January 16th, 2024 to change the length of terms from 2 to 4 years to better align with other similar municipalities. This will take effect for the 2026 election.

Our town struggles to fill Board seats because of the small pool of possible candidates. For the past 6 years, the Town of Empire has not had a full slate of candidates on the ballot for Board of Trustees and only 1 of those 3 elections had more than 1 mayoral candidate.

What Voting “YES” Means?	What Voting “NO” Means?
Board of Trustee and Mayoral candidates will be able to run for an indefinite number of 4-year terms.	Board of Trustee and Mayoral candidates will be restricted to 2 consecutive 4-year terms with a 4-year break required before running again.
By removing term limits, citizens use the election process itself to allow the Mayor and Trustees to serve as long as they are willing, and the voters choose to re-elect them, regardless of how long they have previously served; giving full power to the voters to decide the best candidate based on merit.	Keeping Term Limits may reduce potential abuses of power by long-serving candidates who are no longer responsive to citizens, by limiting the length of time all Mayor or Trustee candidates may serve regardless of their willingness or expertise.
Term limits may be seen as an infringement on the democratic process, as the citizens are restricted from selecting a candidate they may see as the most qualified for the position.	Term Limits may encourage political participation by newcomers by creating open Board seats.
Eliminating term limits addresses the issue of Empire’s aging population by keeping the pool of candidates as large as possible.	Avoids creating an “us vs. them” mentality when the same people run for elected office over many years; avoids creating a negative mindset that officials are there for life.
Allows willing candidates to serve longer than current State Law dictates; also honors the law allowing small municipalities to pass code that serves their unique needs over legislation often prioritizing larger cities.	Keeps the Town of Empire’s Code aligned with State Law created largely with bigger municipalities in mind and honors the status quo.
Eliminating term limits allows candidates with experience to continue to grow in their roles, adds to the depth of knowledge necessary to govern, and ensures the ability to work on long-term projects with a larger scope from start to finish.	Keeping term limits could allow fresh ideas and new perspectives on current issues facing the Town.
Eliminating term limits reduces the overall costs to the Town for elections. A Michigan study* found that term limits increase the number of open seats. Open seat elections tend to be more expensive, therefore it is not surprising that eliminating term limits decreases the cost of elections.	Term limits keep the Town’s Budget for elections the same as the most recently approved Town budget. A Michigan study* found that term limits increase open seats each election term, requiring the expense of onboarding new candidates into the process which increases the cost of elections.

*source: <https://dividedwefall.org/congressional-term-limits/>