

# Law on term limits hangs in high court limbo

■ Opponents of the 1992 term limits amendment have filed suit, arguing that a 1906 law renders it unconstitutional

By Lindsay Buchele  
for the Emerald

The Oregon Supreme Court is deliberating to determine whether a term limits amendment — passed by 70 percent of Oregon voters in 1992 — is constitutionally legal.

The court heard testimony in early November from lawyers representing the nonprofit group U.S. Term Limits and from the group that opposes term limits, which in-

cludes former Reps. Bill Markham and Mike Lehman.

Markham and Lehman have filed suit against the term limits law, arguing that a recent interpretation of a 1906 amendment makes the law unconstitutional.

The 1906 law states that if an initiative is made up of more than one part and will affect more than one part of the constitution, it is illegal. In 1998, some interpretation was given to this law through the *Armatta v. Kitzhaber* case, but the interpretation is still not clear, U.S. Term Limits attorney Eric Winters said.

Winters said under the *Armatta* decision, the courts must decide if

the initiative makes multiple substantive changes to the constitution and if the parts within the initiative are not "closely related." It's the "closely related" language that leaves the law open-ended, he said.

Because the amendment created term limits for more than one office, including legislators and the governor, Markham and Lehman say it was an illegal action. Both are strongly opposed to term limits, though Lehman said there is little possibility of Markham or himself running for office again if the limits are thrown out.

"You can't take a bunch of things and bundle them together in one ballot measure," Lehman said. "It

## Current Term Limits for Oregon Offices

**State Representatives:** 2-year terms, can serve 6 years total

**State Senators:** 4-year terms, can serve 8 years total

**Governor:** 4-year terms, can serve 8 years total

**Treasurer:** 4-year terms, can serve 8 years total

**Secretary of State:** 4-year terms, can serve 8 years total

SOURCE: Eric Winters, attorney at law

had an impact on how people would have voted for each individual term limit."

But the U.S. Term Limits group disagrees, and feels Oregon's legislators, most of whom are in support of the suit, are trying to override the people's authority to enact a law.

"They are trying to retroactively enforce a law," U.S. Term Limits spokeswoman, Stacie Rumenap said. "The *Armatta* decision was made in 1998, and they are trying to enforce it on an older law."

Winters said this would mean every law since 1906 that has dealt with more than one article could be challenged.

In response to that possibility, Marion Circuit Judge Paul Lipscomb ruled that no laws passed before 1992 could be challenged with the *Armatta* decision. And the Legislature passed a law in the 2000 session that pushes back the filing date for elected offices, allowing time for the term limits law to be challenged and allowing legislators time to run for office if term limits are thrown out.

*"Term limits have robbed the legislature of experience and vastly increased the power of special interests groups."*

**Charles Hinkle**  
attorney for term-limit opponents

Winters said the 10-year rule was made to specifically include term limits as a law that could be challenged.

"(The Legislature) made it so the vote wouldn't go back to the people, because they know the people are in support of term limits," Rumenap said.

Lehman argues that voters could present another initiative that would specifically define term limits if term limits are thrown out by the Oregon Supreme Court. His lawyer, Charles Hinkle, said it would be for the best if the limits were thrown out.

"Term limits have robbed the legislature of experience and vastly increased the power of special interests groups," Hinkle said. "Now it's like kindergarten every year; it's brand new every time."

Winters disagrees, pointing out that Oregon voters don't want "kings."

"Lifetime politicians can get corrupted," he said. "They get disconnected from voters."

Both sides do agree that it's very difficult to frame the language of the *Armatta* decision and apply it to such laws.

"I hope this new ruling will bring some clarity to the interpretation of the law," Winters said.

The Supreme Court is expected to rule before the filing date for office, which is in March 2002.

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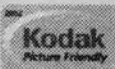
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