

NEW YORK CITY BAR ASSOCIATION

Statement on Proposals to Change New York City's Term Limits Law*

New York City's term limits law¹ which imposes a limit of two consecutive terms for the offices of mayor, public advocate, comptroller, borough president and council member was adopted after being put on the ballot by petition and approved by the voters in a referendum in 1993. In 1996 a proposal which would have extended term limits for these offices to three terms or 12 years was defeated in a referendum.

Mayor Bloomberg has proposed legislation to the New York City Council whereby the Council would enact a local law permanently changing term limits from two terms to three. This would enable the mayor, 34 council members, four borough presidents and the public advocate, all of whom are facing their last year in office under current law, to run for and serve another term. Competing legislation has been introduced in the City Council which would establish a charter revision commission to conduct hearings on a change in term limits and any proposed amendments would be put to a referendum on or before May 1, 2009. There are also reports of efforts in Albany to introduce state legislation that would preclude changes to the term limits law without a referendum and further proposals may yet emerge.

The New York City Bar Association has consistently spoken out against changing term limits by legislative action in the City Council without a referendum.² It continues to adhere to that view. It is critically important that voters have confidence that when they vote on a matter, it counts. Taking the decision on a change in term limits away from the voters who have twice voted on them can only serve to engender cynicism regarding the political process, derogate the referendum process and potentially discourage voter participation in the future. This is particularly so here where a majority of the Council members who would vote on the change are personally affected. It would indeed be a tall order to convince New Yorkers that in taking this matter unto themselves after having been twice affirmed by the voters, that the Council members had only the public interest at heart. In short, a change in term limits by legislative action would be bad policy, contrary to principles of good government and potentially damaging to our City institutions.

It may be perfectly appropriate to revisit the issue of term limits and their parameters. The current circumstances could not make any clearer the impact that term limits can have. The City and Nation are facing a period of unprecedented financial upheaval. We have a very popular mayor who possesses special expertise in the financial arena and who

*This statement was drafted by the Committee on New York City Affairs.

¹ New York City Charter, Chapter 50.

² The Committee on Government Ethics, Repeal of Term Limits in New York City, *The Record*, V. 51, No. 3 at 283 (Feb. 1996); The Committee On Government Ethics, Report Concerning The Proposed Term limits Amendment with Addendum of Municipal Affairs Committee, October, 1996; Report on Int. No. 880, in relation to repealing term limits for Council Members by the Committee on New York City Affairs.

many feel is best equipped to lead the City through this period, but is precluded by current law from running for another term. On the other hand, others point to the circumstances following 9/11 where similar arguments were made for Mayor Giuliani to stay on the job beyond his term, and would argue that capable people do and did rise to the occasion and the new administration did an exemplary job in leading the City through one of its most difficult periods. To be sure, there are valid arguments on both sides of the term limits issue. Moreover, New York City now has 15 years of experience with term limits against which to evaluate them.

These are matters worthy of study, public debate and possible reconsideration by the voters. Consistent with its prior positions, this Association is of the view that fair and open consideration of any proposed change in New York City's term limits law requires (i) submission to the voters in another referendum, with time for public education and discussion, (ii) public hearings and consideration of the matter and the precise ballot language in a wide variety of public forums, and (iii) full public disclosure of contributions to campaigns for or against changes in the term limits law.

As the City Council members consider the current and any other proposals that come before them on changing New York City's term limits law, we urge them to embrace these principles which this Association has long advocated to insure a fair and open process.

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