

# CRS Report for Congress

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## Proposals to Change the House Term of Office to Four Years

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### Summary

The Constitution prescribes a two-year term of office for Members of the U.S. House of Representatives (Article I, Section 2). Some observers have suggested that the term should be longer, particularly in light of the growth in the number of constituents represented, demands on Members' time, volume and complexity of legislation, and costs of election campaigns. A change in the length of the term would require an amendment to the Constitution. Representative Charles Stenholm of Texas has introduced a proposal that would provide for electing Representatives to one term of two years and two terms of four years within each ten-year census cycle. The resolution — H.J.Res. 66 — has been referred to the House Judiciary Committee. This report provides an overview of efforts to lengthen the term of office for Members of the U.S. House of Representatives to four years. It discusses the perceived need to lengthen the term, arguments for and against lengthening the term, selected problems that might be solved and created if the term were changed to four years, and some types of four-year proposals that have been introduced. The report will be updated as events warrant.

### Background

The current two-year House term was the result of a compromise reached at the Constitutional Convention in 1787 by advocates of a one-year term and advocates of a three-year or longer term. Delegates favoring the one-year term (e.g., Elbridge Gerry, Roger Sherman, Oliver Ellsworth) argued that annual elections would help to ensure that Members would be more responsive to their constituents' views, concerns, and needs. Furthermore, Members of Congress under the Articles of Confederation were elected annually; and the term of office for members of the State Assembly in all but three states was one year.<sup>1</sup>

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<sup>1</sup> At the time of the drafting of the Constitution, the members of the lower branch of the South Carolina legislature were elected every two years, while Connecticut and Rhode Island elected their members every six months (*Federalist Papers* No. 53).

Other delegates (e.g., James Madison and Alexander Hamilton) advocated a term of at least three years. They argued that a shorter term would not allow new Members sufficient time to acquaint themselves with their duties or to gain sufficient knowledge about national issues and interests, which are inherently complex. In addition, a term of one year would “be almost consumed in preparing for and traveling to and from the seat of national business.”<sup>2</sup> Furthermore, elections held too frequently might promote indifference among the electorate. Reflecting a compromise, the proposed new Constitution, which provided that House Members “shall be chosen every second year,” was referred to the states and was ratified. Thus, any change in the two-year term requires amendment of the Constitution.

The first proposed constitutional amendment to change the length of the House term to four years was introduced by Rep. Lewis Selye of New York on February 8, 1869. Since then, more than 200 proposals have been introduced to lengthen the House term to four years. Only one of them was voted on in either House. During the 59<sup>th</sup> Congress, the resolution — H.J.Res. 120 — was rejected in the House by a vote of 89 to 86 on June 20, 1906. (Constitutional amendments require two-thirds, rather than a simple majority for passage before being referred to the states for ratification.)

A number of factors have contributed to advocates’ perception that a longer House term is needed. Some contend that, given the growth in the number of constituents each Member represents, and the volume and complexity of modern legislation, Members need a longer term to address policy issues and carry out their legislative duties. Reportedly, the “House of Representatives in the very First Congress in both of its sessions proposed only 142 bills of which 118 became law.”<sup>3</sup> During the 107<sup>th</sup> Congress, 9,130 bills and joint resolutions were introduced, of which 377 became public law.<sup>4</sup> Furthermore, with the short, two-year term, they suggest that Members are always running for reelection. Some say a longer term could increase Members’ opportunity to discharge their legislative duties without being overly concerned with campaigning. In addition, some say protracted daily sessions combined with conflicts between floor and committee work,<sup>5</sup> and increased demands on Members’ time within the short two-year time frame, can be so disruptive to Members’ family life that some may retire from the House before they or their constituents want.

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<sup>2</sup> Gaillard Hunt and James Brown Scott, eds. *Debates in the Federal Convention of 1787*, Committee of the Whole, in Remarks of Mr. Madison, Tuesday, June 12, 1787 (Westport, Connecticut: Greenwood Press, 1920), p. 91.

<sup>3</sup> Extension of remarks of Rep. Herbert Tenzer, of New York in U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Constitutional Amendments, *Four-Year Term for Representatives*, hearings on S.J.Res. 72, S.J.Res. 126, S.J.Res. 128, S.J.Res. 132, and H.J.Res. 394, 89<sup>th</sup> Cong., 2<sup>nd</sup> sess., July 13-14, 1966 (Washington: GPO, 1967), p. 26. (Rep. Tenzer made the remarks in support of a resolution he had introduced that would have provided for a three-year House term.)

<sup>4</sup> Precise comparison of figures cannot be made, due to the differences in definitions of measures and how they were recorded and categorized for early Congresses. For example, the distinction between public bills and private bills or among bills, joint resolutions, simple resolutions, and concurrent resolutions is not always made in various sources.

<sup>5</sup> For further discussion on scheduling, see CRS Report RL30825, *House Schedule: Recent Practices and Proposed Options*, by Richard S. Beth, summary.

A major challenge lies in devising a simple, comprehensive, and fair system that leaves the 10-year census-taking and reapportionment cycle unchanged. Because 10 is not evenly divisible by four, four-year terms tend to be somewhat problematic (though not unworkable). Of course, there is the option of amending Article I, Section 2, such that the census-taking and reapportionment cycle is changed to some frequency that is evenly divisible by four (e.g., every 12 years). Alternatively, supporters have offered a variety of proposals aimed at addressing reapportionment and other issues.

## Issues in Debate

**Pro/Con Arguments.** Modern debate on whether the two-year term should be lengthened (usually to four years) includes the following arguments:

### ***Arguments in Favor.***

- A longer term would give Members more time to acquire experience and expertise on issues.
- Elections held less frequently (e.g., every four years) would give Members more time to attend to their legislative responsibilities and enable them to concentrate on programs which reflect their constituents' needs and interests.
- The high incumbency rate suggests general satisfaction with the job incumbents are doing; therefore, it would save time and energy to conduct campaigns less frequently.
- Elections held less frequently could increase voter interest and hence turnout.
- A longer term would result in fewer elections, which would presumably lead to a reduction in campaign costs.

### ***Arguments in Opposition.***

- Biennial elections keep the Congress in close check and in closer touch with the people, thus making the Members more responsive to constituents.
- Decreasing the frequency of elections might diminish public influence on policy.
- Members' use of advanced technology makes today's voluminous and complex legislation manageable in the present two-year time frame.
- Members can rely upon institutional resources, including the committee system, interest groups, and nonpartisan support agencies to augment their own personal expertise or to increase their competence on issues, reducing the need for a longer term.
- While holding elections less frequently would reduce administrative costs, it would not necessarily reduce the total expense of elections. A candidate's campaign expenses are determined by factors (e.g., radio, television advertisements and other media costs, travel, campaign staff salaries, campaign events) other than frequency of elections. Less frequent elections could even raise the stakes by extending the time frame for both fund-raising and campaigning.

## Four-Year Term Proposals

Most of the proposals offered by proponents of a four-year term may be divided into categories based upon the timing of elections.<sup>6</sup> Some proponents favor dividing the House into classes, and electing the classes alternately, so that (depending upon the number of classes) some portion of the House would be up for election every two years (i.e., staggered elections). Some advocate electing all the Members at the same time — in presidential election years (i.e., concurrent elections). Others support electing all Members at the same time but to one term of two years and two terms of four years within each ten-year census cycle (two-year, four-year, four-year combination).

***Staggered Elections.*** Proponents of staggered elections have suggested dividing the House into two classes<sup>7</sup> elected alternately to four year terms. They believe staggered elections would maintain the fundamental concept of a House kept close to the people, since half of the House Members would be elected every two years. A two-year election interval would be retained while simultaneously providing the advantages of a four-year term. In addition, staggered elections would help to guard against upsetting the separation of powers doctrine and checks and balances tradition because House elections would occur in presidential election years and in non-presidential election years.

Opponents of staggering House elections argue that it would upset a fundamental difference in the natures of the House and Senate, the former being a non-continuing body, which is reconstituted at the beginning of each Congress (i.e., every two years), the latter being a body that continues from one Congress to another. It would also disrupt the basic concept of a House kept close to the people because the entire House would not be up for election *each* Congress. Further, every eligible voter in a state would not have the opportunity to vote for a Representative every two years because only half of the congressional districts in each state would be up for election every two years. This would be even more problematic for states with a single Representative (one Member elected at large) and states with an odd number of congressional districts.

In addition, some have argued that, within the context of reapportionment and resulting changes in the number of seats states may have, a House multiple-class and alternating term system could be burdensome and complicated. For example, an objective would be to develop an unbiased system for categorizing the various congressional districts, depending upon the number of classes and the decennial reapportionment; the frequency of elections would thus vary not only from state to state but also within states (but arguably no more so than in the current Senate class system).

***Elections Concurrent with the Presidential Election.*** Proponents of electing all House Members in presidential election years argue that it would maximize the likelihood of effective control of Congress and the Presidency by the same political party, thereby increasing executive-legislative harmony and giving more assurance that the President's programs would be considered, if not enacted. Furthermore, it would not

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<sup>6</sup> See **Table 1**. Also, note that the proposals described in this report and variations of them, while typical, are not the only types of four-year proposals that have been introduced.

<sup>7</sup> The majority of the proposals for staggered elections provide for dividing the House into two classes, but there have also been proposals for three-class systems.

upset the delicate balance wherein total membership of one of the houses is elected at one time. Moreover, it would not create the problems in staggering seats evenly within individual states that staggered elections could pose.

Opponents contend that electing all Members in the same year of presidential elections would upset the checks and balances in our three levels of government. It could make the legislative branch too dependent upon the executive branch, since *all* Members would be elected in presidential years. Further, it might have a negative effect on the two-party system, because it would discontinue midterm elections, which provide an opportunity for the party that lost the previous presidential election to gain seats in both houses. Also, in this context, the midterm congressional elections are often viewed as a referendum on both the incumbent President and his party.

***Two-Years, Four-Years, Four-Years Combination.***<sup>8</sup> Some other proponents of a four-year House term would rather elect the entire House at the same time but to one term of two years and two terms of four years within each ten-year census cycle (two-year, four-year, four-year combination). For example, if such legislation were passed by the Congress and approved by the states within the next seven years, the term extension would begin with the election of 2010. The entire House would be up for election three times during the ten-year cycle beginning with the 2010 election. House Members elected in 2010 would have a term of two years (2011 and 2012, serving from January 3, 2011 to January 3, 2013). House Members elected in 2012 would have a term of four years (2013, 2014, 2015, 2016, serving from January 3, 2013 to January 3, 2017); and House Members elected in 2016 would have a term of four years (2017, 2018, 2019, 2020, serving from January 3, 2017 to January 3, 2021). The cycle would begin again with the House elections of the year 2020. Representative Charles Stenholm of Texas introduced a proposal of this type on July 24, 2003. The measure — H.J.Res. 66 — was referred to the House Committee on the Judiciary.

Proponents of providing for a term of two years and two terms of four years in a ten-year cycle contend that it would accommodate the census and changes in reapportionment of the House that can occur after the decennial census. It would also maintain the basic tenet that the entire House membership is up for election simultaneously. In addition, it combines advantages of some of the other types of four-year term proposals. For example, within a decade, if elections for the two-year term were held in a non-presidential year (e.g., 2010), elections for both four-year terms would be held in presidential election years (e.g., 2012 and 2016). In the succeeding decade, the reverse would occur. That is, the election for the two-year term would be held in a presidential year (i.e., 2020) and elections for both four-year terms would be held in non-presidential years (i.e., 2022 and 2026). As a result, a rotation of a sort (relative to presidential election years) would occur within and across decades (see **Table 1**).

Opponents of the 2-4-4 plan argue that within each ten-year cycle, there would be only one interval of two years when voters would have the opportunity to effectively

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<sup>8</sup> Discussion is based upon Members being elected to the two-year term in year ending in 0 (e.g., 2010); four year term in year ending in 2 (e.g., 2012) and a four-year term in year ending in 6 (2016) within each ten year cycle. The 2-4-4 combination would begin again with the decennial census of 2020.

register their assessment of the job their Representative is doing, as compared to five such opportunities within the same ten-year time frame under the current system. The 2-4-4 plan could also upset the delicate system of checks and balances between the executive and legislative branches, depending upon whether the elections for four-year terms occurred in presidential or non-presidential years. In addition, candidates might be less inclined to seek election to the shorter two-year terms.

**Resignation from the House to Run for the Senate.** In an effort to increase Senate support for a longer House term, some of the proposals for a longer House term also provide that no Member of the House may run for the Senate unless he or she resigns from the House before seeking *nomination or election* to the Senate.

**Table 1. Four-Year House Term Proposals by Type and Election Year**

Election year	Presidential election year	Concurrent elections <sup>a</sup>	Staggered elections (two classes elected alternately) <sup>b</sup>		2-4-4 Combination (2 yr-4 yr-4yr within 10-yr. cycle)
			Class A (½)	Class B (½)	
2010			✓		✓
2012	✓	✓		✓	✓
2014			✓		
2016	✓	✓		✓	✓
2018			✓		
2020	✓	✓		✓	✓
2022			✓		✓
2024	✓	✓		✓	
2026			✓		✓
2028	✓	✓		✓	
2030			✓		✓
2032	✓	✓		✓	✓
2034			✓		
2036	✓	✓		✓	✓
2038			✓		
2040	✓	✓		✓	✓
2042			✓		✓
2044	✓	✓		✓	
2046			✓		✓
2048	✓	✓		✓	
2050			✓		✓

<sup>a</sup> For the purposes of this report, concurrent elections means electing all House Members in presidential election years.

<sup>b</sup> For the purposes of this report, staggered elections means dividing the House as equally as possible into two classes and electing those classes alternately, such that one-half of the House Members would be elected every two years.