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TERM LENGTH AND TERM LIMITS OF THE HEAD OF STATE

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The following report is one of a series produced by the Constitutional Design Group, a group of scholars dedicated to distributing data and analysis useful to those engaged in constitutional design. The primary intent of the reports is to provide current and historical information about design options in written constitutions as well as representative and illustrative text for important constitutional provisions. Most of the information in these reports comes from data from the Comparative Constitutions Project (CCP), a project sponsored by the National Science Foundation. Interested readers are encouraged to visit constitutionmaking.org for further resources for scholars and practitioners of constitutional design.

Note that the dates provided herein for constitutional texts reflect either the year of initial promulgation *or* of a subsequent amendment, depending on the version used for analysis. For example, Brazil 2005 refers to the Brazilian Constitution of 1988, as amended through 2005.

1. INTRODUCTION

Term length refers to the number of years an office-holder may serve once elected. A term limit is a legal restriction on the number of terms an office-holder may serve. Explicit term limits are usually found in presidential and mixed constitutions as a way of preventing dictatorial tendencies. We describe below the range of constitutional provisions regarding the term length and term limits for the head of state.

2. DATA SOURCE(S)

The analysis reported below is based on data the Comparative Constitutions Project (please see the appendix to view the question text). As of this writing, the project's sample includes 570 of the roughly 800 constitutions put in force since 1789, including more than 90% of constitutions written since World War II.

3. CLASSIFICATION AND HISTORICAL TRENDS

82% of constitutions in the sample specify the maximum term length for the head of state. However, only about 59% of constitutions impose restrictions on the number of terms the Head of State may serve. Tables 1 and 2 show the breakdown of the provisions.

Table 1. Distribution of Provisions about Maximum Term Length of the Head of State (N=570)

Term length	Number of Cases	Percent of Cases
2	6	1%
3	3	<1%
4	120	21%
5	158	28%
6	54	9%
7	48	8%
8	4	<1%
10	2	<1%
Unlimited	68	12%

Table 2. Distribution of Provisions about Restriction regarding the Number of Terms the Head of State may Serve (N=570)

Provision	Number of Cases	Percent of Cases
Only one term, total	18	3.16
Only two terms, total	94	16.49
No successive terms permitted but multiple non-successive	99	17.37
Only two successive terms permitted but multiple non-successive	46	8.07
Explicitly no term limits	69	12.11

As Table 1 suggests the most common term lengths for head of states are 4 and 5 years. As Figure 1 suggests a 4-year tenure has been on the decline since early 1900s. In 1900, 45% of constitutions that had a specified term provided for a 4-year tenure for the head of state. In 2000, however, that number decreased to about only 10% of constitutions. As figure 2 shows, the number of constitutions granting a 5-year term, on the other hand, has increased dramatically since 1930s from almost none to about 45% of constitutions with a specified term.

Figure 1. Percent of Constitutions that Provide for a 4-year Term Length for the Head of State by Year (N=570)

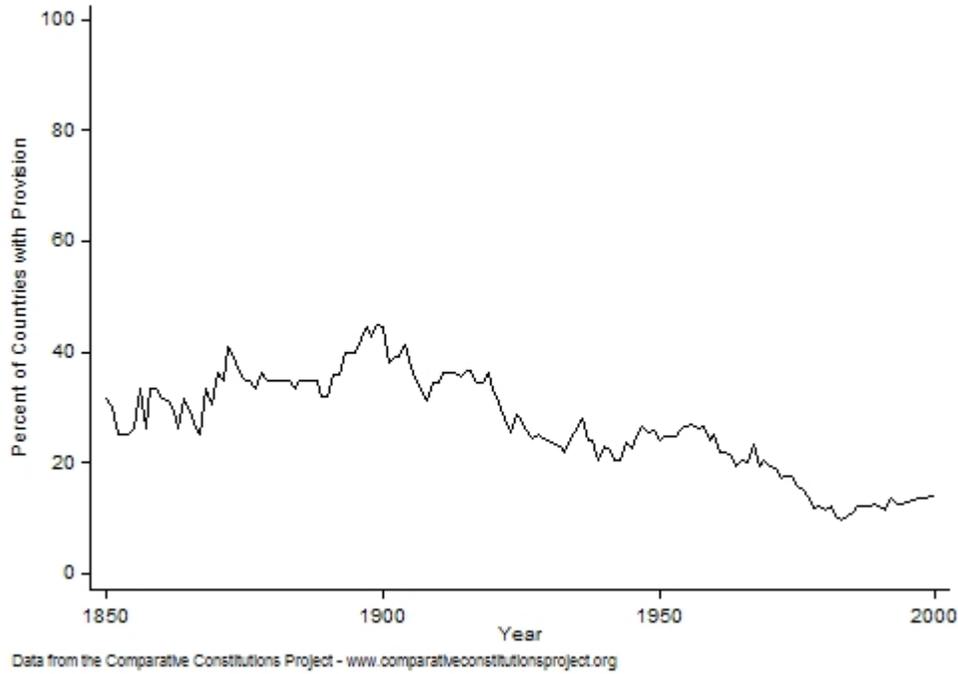
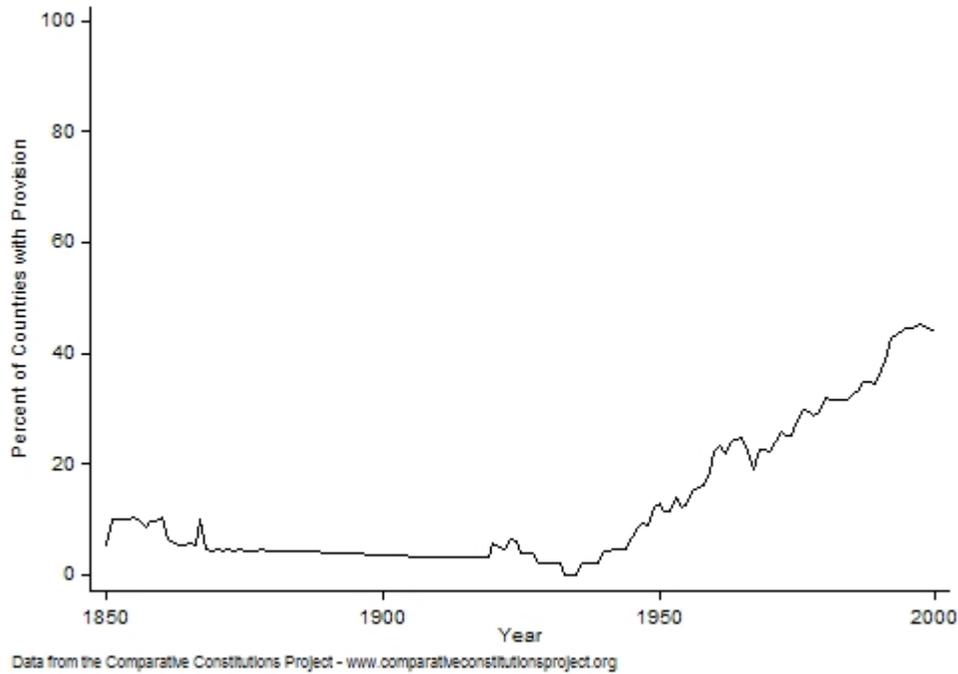


Figure 2. Percent of Constitutions that Provide for a 5-year Term Length for the Head of State by Year (N=570)



4. NOTES ON ATYPICAL CASES

Some constitutions specify a term for a particular person holding the presidential post as well as a more general provision to apply to subsequent office-holders. For example, the French constitution of 1852 specifies that “The government of the French Republic is confided for ten years to Prince Louis-Napoleon Bonaparte, now President of the Republic” (article 2). The Constitution of Yugoslavia of 1963, on the other hand, specifies a general 4-year term for a president but an unlimited tenure for Josip Broz-Tito.

A few constitutions impose a limit of three consecutive terms only or three consecutive terms and multiple non consecutive terms (e.g. Vietnam, Republic of 1962; Kiribati 1995; Seychelles 1982, Seychelles 1996; Rwanda 1973). Such cases were coded as OTHER in the survey question described in the Appendix.

Some constitutions have a prohibition on consecutive terms combined with a specification of the number of terms the executive must remain out of office. For example, Ecuador 1830, Panama 1956, Ecuador 1897, and Uruguay 1918 require two terms to elapse before the executive can be reelected again. The majority of these constitutions seem to have been written in Latin America.

Finally, Liberia 1974 is a very interesting case where (1) a second term is prohibited unless the majority votes for it and (2) if voted on and elected, the second term is shortened: “The Supreme Executive Power shall be vested in a President who shall be elected by the people, and shall hold his office for a term of eight years. No President may be elected for two consecutive terms of eight years, but should a majority of the ballots cast at a second or any other succeeding election by all of the electors voting thereat elect him, his second or any other succeeding term of office shall be for four years” (Liberia 1955, article 3.1)

5. SAMPLE CONSTITUTIONAL PROVISIONS

(Note: dates provided reflect the version of the constitution used to obtain sample provisions, and represent either initial year of promulgation or year through which subsequent amendments are included.)

The set of sample provisions is divided into sections on:

1. Only one term permitted, total
2. Only two terms permitted, total

3. No successive terms permitted, but multiple non successive terms permitted
4. Only two successive terms permitted, but multiple non successive terms permitted
5. Explicitly no term limits

5.1. Only one term permitted, total

The President shall assume the duties of the office on the first of December for a term of six years. A citizen who has held the office of President of the Republic by popular election, or as an interim, provisional, or substitute President can in no case and for no reason again hold that office.

- *Mexico 2003, Article 83*

The President of the Republic cannot be elected for a second time.

- *Turkey/Ottoman Empire 2002, Article 101*

The president and vice president of the Republic will be in office for the unpostponable term of five years, which will be computed from 15 August following the presidential election. They can in no way be reelected. The vice president is eligible to become president in the next term if he resigns six months prior to the general election. Those who have held the office of president for more than 12 months are ineligible to run for vice president of the Republic.

- *Paraguay 1992, Article 229*

5.2. Only two terms permitted, total

The President in his duties shall last for four years, and may not be reelected after two constitutional periods.

- *Ecuador 1830, Article 34*

No person may hold office as President for more than two terms, but when a person is elected to fill a vacancy in the office of President, the period between that election and the next election of a President is not regarded as a term.

- *South Africa 2003, Article 88.2*

No individual shall be elected for more than two terms as President.

The provision of this Article shall also apply to Vice-Presidents.

- *Afghanistan 2004, Article 62*

The term of office of the President of the Republic is five years. The mandate is renewable once.

- *Central African Republic 2004, Article 24*

5.3. No successive terms permitted, but multiple non successive terms permitted

A citizen who has exercised the presidency of the Republic may not be elected again until after the expiration of a presidential period.

- *Peru 1964, Article 143*

The executive power is exercised by the President of the Republic, who shall be elected every four years by direct vote and may not be reelected for the following term.

- *Dominican Republic 1962, Article 49.*

Anyone who has occupied the Presidency of the Republic for a constitutional term or for more than half thereof may not again be President of the Republic or perform that office within the ten years following the termination of his mandate.

- *Venezuela 1961, Article 185*

The citizen who has been elected President or Vice-President of the Republic may not be elected for the same office in the two Presidential terms immediately following.

- *Panama 1994, Article 173*

The President of the Republic may not be re-elected. He may serve an additional term only after an interval of five years. He may in no case run for a third term.

- *Haiti 1987, Article 134.3*

5.4. Only two successive terms permitted, but multiple non successive terms permitted

5. The President of the Republic may only be re-elected on two consecutive occasions.

6. A President of the Republic who has been re-elected on two consecutive occasions may only be a candidate for further presidential elections five years after the end of his last term of office.

- *Mozambique 1990, Articles 118. 5 and 118.6*

The Federal President holds office for six years. Re-election for the immediately following term of office is admissible once only.

- *Austria 2004, Article 14.5*

No one person shall hold the office of President of the Russian Federation for more than two terms in succession.

- *Russia 1993, Article 81.3*

5.5. Explicitly no term limits

The President and Vice-President of the Republic shall be elected for five years by direct universal suffrage. They shall be eligible for reelection.

- *Benin 1964, Article 16*

Subject to the provisions of this Constitution, a person who holds, or who has held, office as Head of State, shall be eligible for re-election to that office.

- *Samoa 2001, Article 19.2*

There shall be for Saint Christopher and Nevis a Governor-General who shall be a citizen appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in Saint Christopher and Nevis.

- *St. Kitts 1983, Article 21*

A person who holds, or who has held, office as President shall, subject to the other provisions of this Constitution be eligible for re-election to that office.

- *India 2002, Article 57*

6. APPENDIX

This report is based on the following question(s) from the Comparative Constitution Project's "survey instrument":

[HOSTERM] What is the maximum term length of the Head of State?

1. [open-ended response]

Instructions: Please answer '0' if the term length is not specified, and answer '100' if there is no term length or the term length is the life of the office holder. For constitutional monarchies, please type '100'.

[HOSTERML] What restrictions are in place regarding the number of terms the Head of State may serve?

1. Only one term permitted, total
2. Only two terms permitted, total
3. No successive terms permitted, but multiple non successive terms permitted
4. Only two successive terms permitted, but multiple non successive terms permitted
5. Explicitly no term limits
6. left explicitly to non constitutional law
90. other, please specify in the comments section
97. Unable to Determine
98. No Specified

Instructions: For this question, no limit means the constitution specifies there is no limit on the number of terms and not specified means the constitution does not specify whether or not there is a limit

For additional documentation on the Comparative Constitutions Project, (including the full codebook, the sample, the sources of constitutional texts and translation issues related to those texts, coding procedures, publicly available data, etc.) please visit the project website at www.comparativeconstitutionsproject.org.