

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • JANUARY/FEBRUARY 2013 • VOLUME 21 • No. 1

The Long Wait for Miami-Dade Term Limits Ends

On November 7, 2012, Miami-Dade voters finally had a chance to approve two-term limits on county commissioners without also agreeing to pay a bribe to those commissioners. They did so with 77% of the vote.

Commissioner Lynda Bell, a co-sponsor, called the measure “the most substantive change we’ve had in the recent history of charter amendments.”

It was a long time coming. According to a *Miami Herald* tally, on thirteen previous occasions a measure to limit terms “was at-



tached to pay increases or other benefits the public couldn’t stomach.”

The latest of these failed bribe-encumbered term-limit measures had been offered on January 31, 2012. In order to pass

it, voters would have had to also agree to boost commissioner salaries from \$6,000 to \$92,097. By 54% to 46%, they defeated the measure and demanded better. (In that same

January 31 election, voters handily passed another reform measure,



Miami-Dade voters refused to pay up.

Amendment 2, to increase the time to circulation initiative petitions from 60 days to 120 days. No bribe required.)

The long-delayed posting of a clean term limits measure came in the wake of another dramatic victory for voters, the ouster of former Miami-Dade Mayor Carlos Alvarez

(Continued on Page 3)

Secret Support Versus Open Opposition

Last December, just weeks before he was to leave Congress, four-term Senator Joseph Lieberman told the world that he was now in favor of term limits.

In an interview with Hartford, Connecticut’s *WFSB-TV*, Lieberman revealed that his position on term limits “has changed. Some say there are term limits for senators every six years and it is up to voters to decide. I started out here, 24 years ago, 99th in seniority. I leave here 20th in seniority. So it changes. But I’m beginning to feel now the place needs to be changed more often. Particularly, and I don’t mean this derogatorily, in the House, where people tend to serve longer in one-party districts.”

Fair enough. It’s a change of heart that would have been more helpful, though, had it been voiced earlier,

With just a few weeks remaining in his final term, former Senator Joseph Lieberman (left) said



that he now supports term limits. Congressman Jose Serrano (right) has openly attacked presidential term limits for years.

(Continued on Page 3)

The 97% Mandate
See page 2.



President's Corner

BY PHILIP BLUMEL

Is it fair to call a 97% victory a mandate for term limits?

For all the talk of bitterness, polarization and division in what turned out to be an electoral muddle, voters in red and blue states across the nation united on November 6 in their decisive support of term limits in both local and statewide referenda.

We've so far uncovered 91 jurisdictions where term limits appeared on the ballot—either calling for new limits or defending existing ones from attacks—and term limits won in 88, or 97%, of them.

As lopsided as it is, even this figure obscures the magnitude of the victory for term limits nationwide. After all, victories included the establishing of eight-year term limits in Florida's mammoth Miami-Dade County, the establishing of school board term limits in 67 Louisiana parishes in 67 separate referenda, and the defeat of state lawmakers' attack on Nebraska's popular eight-year term limits law. Losses were limited to the removal of term limits from the offices of the coroner and sheriff in Delta County, Colorado, and the weakening of city council term limits in Hammond, Louisiana.

The 2012 election results are consistent with election results in 2010 and 2008, as well as recent national polling suggesting that some 70% to 83% of Americans support term limits on their elected officials.

We can be sure that if voters across the nation enjoyed a similar opportunity to support term limits on the nation's Congress, they would do so. Find out whether your U.S. Representative and U.S. Senator have signed the U.S. Term Limits Constitutional Amendment Pledge by visiting ustl.org. You can also send a message there to your congressman conveying your support for the Pledge.

Visit Phil Blumel's blog at pblumel.blogspot.com. Check out USTL's Facebook page at [on.fb.me/18fXE1](https://www.facebook.com/ustl.org).

Support congressional term limits by signing our online petition (bit.ly/16NnY7). To become even more active, visit the ustl.org home page to find out who is the volunteer term limits coordinator in your state. If your state is not listed, email ray@ustl.org to become a coordinator yourself.

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“It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error.”

-- U.S. Supreme Court in
*American Communications
Association v. Douds*

Long Wait (Cont'd from page 1)

in 2011. Alvarez had angered voters by, among other things, approving 40% increases in property taxes to pay for increases in union salaries while also handing out big pay hikes to staffers in his own office.

The campaign to recall Alvarez was well funded by businessmen Norman Braman. But even the best-funded grassroots campaign goes nowhere without the grassroots. In this case, "There was such uproar among people that they would come out and look for the petition," said State Senator Rene Garcia, who worked with Braman on the recall effort. In the event,

88% of voters said Yes to the recall. "It helped to have the financing. But people were upset about the fact that this had happened."

"We have to follow through to make sure reform happens here," Braman said after the recall had succeeded. "If not, then frankly for me it was a waste of money, and a lot of people's time and my time. So we have to follow through with our agenda."

With the passage of term limits last November, it seems that the people of Miami-Dade have made a good start.

Secret Support (Cont'd from page 1)

accompanied by action. The former senator was never among the signatories of the U.S. Term Limits Amendment Pledge, which would have committed him to support 12-year limits on U.S. Senate seats and six-year limits on U.S. House seats. (See ustermlimitsamendment.org/2010/10/connecticut.) Nor did Lieberman co-sponsor the term limits legislation introduced in the Senate by his colleague Jim DeMint.

We invite any currently incumbent congressmen who are secret supporters of term limits to step forward and make themselves known.

We can safely say that Representative Jose Serrano is not among them. Congressman Serrano has occupied his seat since 1990, almost as long as Lieberman held his. Moreover, Serrano is an active opponent of term limits on the seat of power for which term limits are most crucial—the presidency.

Presidential term limits have been enshrined in constitutions around the globe by citizens hoping to prevent excessive executive power and safeguard democracy. Too often, though, the limits have been stripped from those constitutions at the behest of heads of state eager to expand and prolong their power. The list includes Uganda, Dhibouti, Gambia, Chad, Algeria, Cameroon, and Venezuela. In other countries, would-be presidents-for-life have been obliged to give up similar plans to scuttle presidential term limits.

Serrano wants the U.S. to join the former group, i.e., the countries in which aspiring autocrats are unfettered by constitutional term limits. As he has done every two years since 1997, the longtime incumbent recently introduced a bill to repeal the 22nd Amendment, law of the land since February 22, 1951.

The amendment won't be repealed unless the bill first emerges



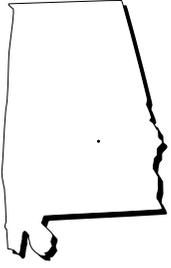
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from committee, which has never happened; then is passed by both chambers; then is ratified by three fourths of state legislatures.

That's extremely unlikely. But given the history in recent years of other brazen assaults on democratic rights—ranging from attacks on freedom of speech in the name of campaign finance reform to onerous restrictions on citizen initiative rights—it would not be too surprising to see a bigger push for repeal of presidential term limits than we've seen in the past.

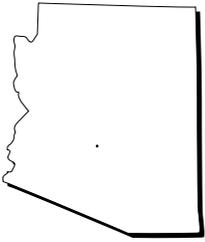
Serrano and Lieberman both got it wrong. In a republic still concerned to protect the rights of citizens and maintain checks on power, it's hostility to term limits that should be secret, passive and ashamed, support for term limits that should be open, active and proud.

Term Limi



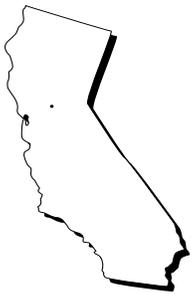
ALABAMA

By a 7-6 vote, Alabama's Constitutional Revision Committee decided to exclude three-term state legislative limits from a proposed revision of Alabama's state constitution. Some committee members who support term limits say the reform still has a chance. The Anniston Star observes that "to get a popular vote, any constitutional amendment would have to get past a majority of the 140 Alabamians least likely to want it — the 105 members of the House and the 35 in the Senate." Even so, State Senator Trip Pittman has introduced a bill to impose three-term limits to be considered in the next legislative session.



ARIZONA

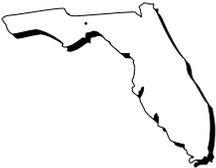
Governor Jan Brewer has yet to give up her notion about possibly running for a third term as governor in 2014 in defiance of the state constitution, which stipulates that a partial term counts as a full term for purposes of reckoning the two-term limit on her office. The governor's former general counsel, Joseph Kanefield, has divined that despite its clear language, the constitution is unclear on the point because he doesn't "think the voters were thinking about [gubernatorial succession] when they included that 'part of a term' language." However, Arizona's top election official, Arizona Secretary of State Ken Bennett, says that in his view Brewer is ineligible to run for a third term.



CALIFORNIA

West Hollywood, CA. WeHo term limits activists collected more than 3,000 signatures to post a term limits question on the March 5, 2013 ballot, and the Los Angeles County registrar-recorder has verified that more than the requisite 2,344 signatures are valid. If passed, Measure C will limit members of the West Hollywood City Council to three four-year terms.

Monterey Park, CA. A city-council-approved measure to limit council members, city clerk and city treasurer to two consecutive four-year terms will appear on Monterey Park's ballot for the March 5 election.



FLORIDA

The Florida Supreme Court is proceeding with a plan to impose eight-year term limits on its own chief justice and on the chief judges of lower courts. The term limits do not take effect in trial courts until 2015.

Pinellas County, FL. Pinellas-Pasco Circuit Judge John Schaefer has allowed a lawsuit to proceed that challenges the incumbencies of county commissioners Ken Welch, Susan Latvala, John Morroni and Karen Seel. All four incumbents have exceeded the two-term limits that were upheld by the Florida Supreme Court. If the suit is successful, the governor will have to appoint replacements. (See *USTL President Phil Blumel's commentary on this case on p. 7.*)



GEORGIA

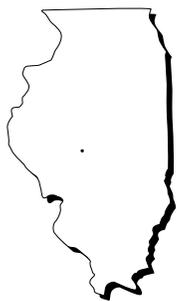
Freshman State Representative Michael Caldwell has proposed a term limit amendment to restrict representatives and senators to four consecutive two-year terms. "The American people have seen the effectiveness of term limits as a control over corruption with our president and the majority of our governors," Caldwell says. "This measure would extend the same controls that we see fit in the executive branch to our legislature, which many other states have already implemented."

Canton, GA. The Canton city council has unanimously endorsed two-term limits for council members. To be enacted, the term limit must also be approved by Georgia's state legislature.

Woodstock, GA. By 4-1, the Woodstock city council has approved a term limits resolution that, if enacted, would allow council members and the mayor to serve no more than four consecutive four-year terms in both posts taken together (i.e., a person could not serve as mayor for four terms in a row and then serve immediately serve four terms in a row as council

ts in the News

member, or vice versa). Some local term limits supporters object that four terms is too generous. As in the case of Canton, the state legislature must approve the charter revision. But one state representative, Calvin Hill of Canton, says approval is not certain because the Cherokee County delegation of the Georgia General Assembly “has always, to my knowledge, required unanimous resolutions to hear a proposal. This keeps the legislative delegation from making decisions that a city, county, etc., should be making amongst themselves.” How accepting a majority-rule decision would violate this principle is unclear.



ILLINOIS

Forsyth, IL. Pending approval of a final version of the question, Forsyth trustees have agreed to ask voters to decide this April whether to impose three-term limits for mayor and/or trustee.

Niles, IL. Niles trustees have approved a referendum for the April ballot that would impose a non-retroactive limit of three four-year terms on trustees and two four-year term limits on the town mayor. Resident Joe Makula had gotten more than 1,000 signatures in support of a citizen initiative to impose retroactive limits of four four-year terms on town officials, but a village clerk would not certify the signatures and a judge would not overrule the clerk. Makula has filed another petition to accomplish the same thing. If his second petition succeeds, two term-limit questions could be on the ballot. The push for term limits comes in the wake of the 2008 resignation of Niles Mayor Nicholas Blase, a 47-year incumbent charged with corruption.



MISSOURI

The Springfield, Missouri *News-Leader* reports that term limits have abetted a large turnover in the Missouri House, with 56 of 163 legislative districts seeing new representation in Missouri House. Twenty-five state representatives and nine state senators, or 34 lawmakers in all, were termed out of office in 2012. Missouri voters imposed a lifetime limit of four two-year terms on state lawmakers in 1992.



TEXAS

Freshman State Representative Lyle Larson has filed a constitutional amendment (HJR 42) to impose 12-year limits on all elected state officials. Two thirds of lawmakers would have to approve it before the measure could be sent to Texas voters. Larson is optimistic. “I think my bill has a good chance to pass,” he says. “We have a large freshman class coming and a large number of other people like me, who are still relatively new...members with fresh ideas who should be open-minded about my bill.”

UNITED STATES

Paul Ryan, chairman of the House Budget Committee, has been granted a waiver from the GOP’s term limits on committee chairs, but other term-limited chairman will be replaced. The exception for Ryan had encouraged John Mica, former chairman of the House Transportation and Infrastructure Committee, to push for a waiver also. But Mica eventually dropped the bid and endorsed Representative Bill Shuster for the post. Mica will chair a new Subcommittee on Government Operations that oversees Amtrak and the Transportation and Security Administration.

EGYPT

The new Egyptian constitution, which passed with 64% of the vote (though with only a third or so of the electorate participating in that vote), limits the presidency to two four-year terms. Whether that term limit holds is an open question, however, given President Mohamed Morsi’s controversial attempts to expand presidential power and the continued volatility of Egyptian politics.

IRAQ

Opponents of a third term for Iraqi Prime Minister Nuri al-Maliki have introduced legislation to impose a two-term limit on the presidency that could be passed with a simple majority of a 325-member Council of Representatives. The measure was introduced with the support of “more than 130 lawmakers,” according to a member of the legislature’s legal committee.

THEY SAID IT: Brewer's Delusion

“At first, I thought Governor Jan Brewer was just funning with her talk about possibly running again. But apparently, she is at least semi-serious.

“That’s unfortunate. The legal advice she’s getting is delusional.....

“According to Brewer’s former general counsel, Joseph Kanefield, voters didn’t have these recent experiences with partial terms in mind when term limits were adopted in 1992. Instead, they had various stratagems in mind that no one had ever thought about until Kanefield thunk them up to offer a rationale for Brewer to run again.

“According to Kanefield, rather than the partial terms voters had recently witnessed, they were thinking about a devious governor resigning shortly before the end of his second term to avoid the limitation. Or, if a secretary of state the devious governor didn’t like won election to succeed him, resigning shortly before the end of his term so the unliked successor would effectively have only one term as governor.

“There’s utterly nothing in the historical record to support Kanefield’s devious governor interpretative theory. The plain language of the Constitution and the historical



Arizona Governor Jan Brewer sees a fuzzy term limits law.

context in which the term limit was adopted clearly indicate that Brewer is done.”

— Robert Robb, “Election Notions Delusional,” *Arizona Republic*, December 1, 2012, bit.ly/UWkSmV

THEY SAID IT: Leveling the Playing Field

“It might be up to residents to decide in Arlington Heights [Illinois] later this year after resident Bill Gnech collected more than 2,700 signatures on his petition asking for a binding resolution that would limit both village trustees and presidents to two four-year terms over a lifetime. Barring any challenges to his petition, the question will be on the ballot in the April 9 election...

“Both Des Plaines and Rolling Meadows have had term limits

since the 1990s in measures approved by voters through referendum....

“ ‘People forget how incredibly powerful it is to be an incumbent in an election,’ said Rolling Meadows Mayor Tom Rooney. ‘Sure, we have an election every few years in this country, but we very rarely have fair fights because when you’re an incumbent almost every single advantage is yours. We’re not saying you have to get out of public service, just that you need to give up those advantages once in a while.’ ...

“Gnech has said a major reason he wants term limits in Arlington Heights is to bring in new people

with new ideas, as many of the trustees have been in office for more than a decade. But opponents, including Mulder, said that could lead to a big loss of institutional knowledge....

“For every good person you’re losing there are two or three stinkers being pushed out the door who wouldn’t have left otherwise,” Rooney said. “There are plenty of good office holders, but there aren’t any that are indispensable.”

— Melissa Silverberg, “Are Term Limits Good for the Suburbs?,” *Suburban Chicago Daily Herald*, January 14, 2013, <http://bit.ly/U28B30>



USTL is recruiting volunteer coordinators from around the country to promote term limits. To join the fight where you live, visit the web page for your state accessible from the ustl.org home page. States with coordinators are listed near the top of the left column, just below the navigation options. If your state is not yet listed, email ray@ustl.org to get involved.

THEY SAID IT: Pinellas County Commissioners in Denial

“Pinellas county commissioners who refuse to comply with Pinellas County’s voter-approved eight-year term limits law are in denial. They had hoped for a summary dismissal of the citizen’s case as ‘frivolous.’”

“But on Nov. 28, Pinellas-Pasco Circuit Judge John A. Schaefer refused to dismiss the suit, suggesting that citizens may be correct that Commissioners Ken Welch, Susan Latvala, John Morroni and Karen Seel are serving on the Pinellas Commission in violation of the county charter.

“In 1996, some 73 percent of Pinellas voters approved an eight-year term limits law which, according to the Pinellas Charter, went into effect on Jan. 1, 1997. This gave commissioners an additional eight years in office before the term limit kicked in. However, commissioners refused to insert the term limits language into the charter and eight years later commissioners refused to leave.

“Commissioners justified their rebellion by claiming county commission term limits are unconstitutional, citing a 2002 case in which the Supreme Court of



Florida found term limits on constitutional officers to be unconstitutional. Relying on this interpretation, they simply ignored a local Pinellas court decision in 2000 to the contrary without even bothering to appeal it!

“The only trouble with the constitutionality excuse is that the Supreme Court had never ruled on the issue of county commission term limits; and when it did, in May of this year, the Supreme Court unanimously ruled that, yes, county commission term limits are constitutional and always were. The Supremes even went so far as to overturn their previous split decision on constitutional officers. Oops...”

—Phil Blumel, “Judge: Pinellas term limits has merit, will proceed,” *Florida Term Limits Blog*, November 29, 2012, <http://bit.ly/Y9Xysh>

THEY SAID IT: Running on Empty

“As political dominoes fell, Manhattan Borough President Scott Stringer abandoned running for mayor to take a shot at controller, and Manhattan City Councilman Dan Garodnick gave up on becoming controller to run for a third term on the Council.

“Third term?”

“Yes, Garodnick wants to be a three-timer even though he opposed the 2008 measure that freed Mayor Bloomberg and the rest of the city’s elected officials from the two-term maximum....

“Had Garodnick prevailed legislatively in defeating the change, there would be no third terms.



Councilman Dan Garodnick

“Had the voters been given the choice in a third referendum, they surely would have again said no, and there would be no third terms.

“Had the 2010 charter commission, which rolled back the change to two terms but exempted incumbents like Garodnick, shown any backbone, there would be no third terms.

“But there are third terms for some members, like Garodnick, and he’s going for it—regardless of what the voters had expressed and regardless of his own pronouncements. Once more, ambition trumps principle.”

—“Garodnick for Hypocrite,” editorial, *New York Daily News*, November 29, 2012, nydn.us/SMV0P9

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Inside No Uncertain Terms...

THE MIAMI-DATE WAIT...1

SECRET SUPPORT...1

97% SOLUTION...2

TERM LIMITS IN THE NEWS...4

LEVELING THE PLAYING FIELD...6

LAST STAGE: DENIAL...7



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**— Mayor Tom Rooney, Rolling Meadows, Illinois
see p. 6**