

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • MAY/JUNE 2013 • VOLUME 21 • No. 3

Texas Senate Passes Term Limits on State Officials

Rick Perry has been governor of Texas since 2000 and may win a fourth term to the office.

Future Texas governors won't be able to duplicate the feat, though, if voters in the Lone Star State have a chance to consider a term limits proposal – Senate Joint Resolution 13, authored by State Senator Kevin Eltife – that passed the state senate on March 19 by a vote of 27 to 4.

The proposal would limit the at-

torney general, secretary of state, comptroller, General Land Office commissioner, commissioner of agriculture, railroad commissioner, lieutenant governor and governor to two consecutive four-year terms.

The partial term of a person appointed to fill a vacancy would not be counted as one of the two terms. Terms served before passage of the



State Senator Kevin Eltife.

amendment would not be covered by the limit.

Eltife believes that the high level of bipartisan support for the reform in the senate augurs well for its chances in the 150-member house, where State Representative Lyle

(Continued on Page 3)

Missouri, Montana, Arkansas Lawmakers Hope to Double Their Term Limits

Incumbents in three state legislatures are pushing hard to gut their term limits, but are pretending that their only purpose is to strengthen term limits.

Missouri. On March 5, the Missouri house passed HJR 4 to double the maximum tenure in one state legislative seat from eight years to 16 years. The 16 years could be divided in any proportion between both chambers, but could also all be served in a single chamber. The spin is that maximum tenure in both chambers taken together is “still” 16 years, so that the proposed revision really isn't that big a deal, supposedly.

The proposal now goes to the senate.

USTL President Phil Blumel points out that HJR 4 seeks to “negate the 1992 referendum that initiated the 8-year limits, to which 75 percent of voters gave the nod. The voters haven't changed their minds. Polling

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D-Day for Pinellas County, FL Commissioners

See page 2.



President's Corner

BY PHILIP BLUMEL

As we go to press, May 2 is fast approaching and four Pinellas County commissioners are scared.

In December, a circuit court judge refused to dismiss the suit against them for violating their legal term limits. On May 2, the quadrumvirate faces what could be the final hearing of the case. Both sides are again asking for summary judgment.

In 1996, 73% of Pinellas voters passed eight-year term limits. But these renegade commissioners refused to insert the term limits amendment language into the charter as required by law. Then, when term limits went into effect eight years later, they refused to step down. After all, the language wasn't in the charter! Q.E.D.

Citizens were outraged. After friendly court decisions around the state – including a unanimous Florida Supreme Court decision in May of 2012 that term limits are constitutional – several of them filed suit. The three plaintiffs on the people's side represent diverse political, ethnic, professional and geographical faces of Pinellas County. This is appropriate, for term limits are not an issue of Republican versus Democrats, but of the people versus the arrogance of unchecked power.

Nowhere is that arrogance more baldly on display than in this West Coast Florida county, home of St. Petersburg and Clearwater. Shortly after the adverse court decision in December, the commissioners doubled their legal team, adding four more lawyers. Yes, that's right: they are spending an enormous amount of the people's money to fight the clearly expressed will of the people. Why? To directly benefit themselves.

Wow. Is it any wonder that people everywhere love term limits?

In addition to lawyering up, Commissioner Ken Welch publicly declared in February that he is seeking another position in local government and may not serve his full term. One of the reasons, he said, is that the judge may decide he cannot serve his full term. One would hope that he also understands that resigning is the right thing to do. Fellow scofflaws Karen Seel, John Morroni, and Susan Latvala should follow his lead.

Twelve of Florida's 20 charter or "home rule" counties have term limits. Miami-Dade voters just approved eight-year limits last November. In all but one of the dozen, the popular term limits laws are respected and enforced. Let's hope that on May 2, the citizens of Pinellas County will triumph and a decade of political corruption here will be swept away.

Visit Phil Blumel's blog at pblumel.blogspot.com.

See flatermlimits.blogspot.com for more information and updates about the Pinellas case.

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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

Texas Senate (Cont'd from page 1)

Larson introduced parallel legislation.

"I would think if we get it to the floor that there would be enough votes to take it to voters," Larson says.

His colleague Mike Villarreal agrees. "I think this is an idea that is worthy of adoption. Regardless, however, I think the governor's long tenure had made us come to appreciate how this limit will help balance power across different branches of government."

Meanwhile, Texas businessman and Republican activist George Seay, co-chairman of Associated Republicans of Texas, has founded Texans for Term Limits to promote term limits on both statewide officials and lawmakers themselves.

In a letter in the *Longview News-Journal*, Seay argues that term limits "bring new ideas, fresh leaders, prevent abuse of power, provide diversity, and offset the influence of special interests. Eight years in statewide office is plenty of time to gain experience and control the state bureaucracy. In most jobs, if you don't gain experience in one year, you're fired."

Mark Jones, a professor of political science at Jilison and Rice University, believes that just as "FDR's unprecedented tenure in office helped generate support for a two-term limit for the U.S. president, Perry's equally unprecedented tenure has bolstered the efforts of term limits advocates in Texas. One



of the principal arguments of term limits supporters is that they are necessary to remove entrenched incumbents, and certainly the long tenure of several current statewide officeholders such as Perry and Dewhurst bolsters that argument."

Jones thinks it's "close to a virtual certainty" that voters will pass the amendment if given the chance.

Thirty-six states currently term-limit their governors.

Hope to Double (Cont'd from page 1)

from 2011 shows that 77 percent of Missourians support the current eight-year term limits law and oppose weakening them."

In 2011, a gut-term-limits bill was passed by the Missouri senate, but the legislation didn't make it out of the house. The sponsor of the new gut-term-limits bill, Representative Myron Neth, is eager to emphasize "that we're not extending term limits." It's just a "tweak," natters Neth. But voters know that 16 years of maximum tenure in an office is twice as long as eight years in that office.

Montana. On March 22, the state senate in Montana also passed a bill to double lawmakers' maximum tenure from eight years to 16 years. The bill would impose a lifetime ban after the 16 years are

up, whereas the previously passed house version of HB 277 would permit ex-legislators to run again after being out of power for eight years.

Under either proposal, all 16 years could be served in a single chamber – again, doubling the maximum tenure that could be served in one legislative seat. The two versions must be reconciled before the proposed amendment can be submitted to voters.

The headline of a *Billings Gazette* article calls the Montana senate's legislation a "bill to tighten term limits," and the article goes on to say that the senate "has endorsed

a proposed constitutional amendment that would cut off lawmakers for good after 16 years in office." One can say that the senate bill is marginally stricter than the house bill. But neither "tightens" the law now in force.

In 2004, the last time Montana lawmakers tried to hornswoggle voters into doubling maximum state legislative tenure, voters trounced the measure 69% to 31%. That failed effort came a dozen years after Montanans had passed state legislative term limits with a 67% majority.

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$$8 + 8 = 16 > 8$$



Term Limi

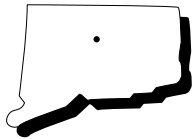


CALIFORNIA

Burbank, CA. Many voters here don't think that Burbank city council member Dave Golonski should be running for what the Burbank Leader calls an "unprecedented" sixth term. "We have to have a clean house," said Irma Loose, a 28-year resident of the city and a Golonski critic. "He's been so long in the political area that he doesn't even have to walk the pavement to be reelected." When he stood for reelection in 2009, Golonski said that if successful he anticipated "being ready to move on" after completing the next term. He has been in office since 1993.

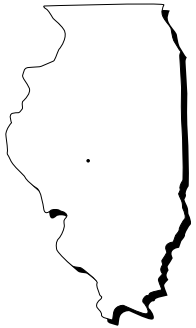
Los Angeles, CA. The Los Angeles Unified School District Board of Education has approved a measure to limit its presidency to two consecutive terms (a term is one year). The term limit prevents the current president, Marcia Garcia, from being re-elected by the seven-member board, which votes each July on which of them will serve as president. Garcia has held the position for six years.

Montgomery Park, CA. With 80% saying Yes, voters approved Measure EE to limit city council members and other local elected officials to two consecutive four-year terms. After a two-year hiatus, former incumbents may run again for the same office.



CONNECTICUT

Bristol, CT. A Bristol charter revision commission has unanimously endorsed a proposal to limit elected officials, including the mayor, council members and board of education members, to eight consecutive years – or four two-year terms for mayor and council, two four-year terms for board of education members. The city council decides in June whether to let voters consider the proposal in November.



ILLINOIS

Niles, IL. Two questions about term limits on the town's April 9 ballot have won approval, each with 86% of the vote. One, referred by the village board, limits trustees to three terms and the village president to two terms, and does not apply to terms already served. The other, the result of a successful petition initiative, would prohibit service of more than 16 years on the board of trustees, including tenure as the mayor, and would apply retroactively. The initiative version would prohibit the current mayor from running again for office, but the referred version would not require any official to end his tenure before 2021. Observers expect that which measure is followed will be hashed out in court.

Tinley Park, IL. Set up in response to an overwhelming Yes vote in favor of an advisory term limits question, the Tinley Park Commission on Term Limits is expected to take six months to prepare its report on whether term limits is a good idea. Mayoral candidate Steve Eberhart believes that the commission "is either an admission of the incompetence of our elected officials to address the issue or simply a refusal by the elected officials to acknowledge what the voters told them." No argument here.



LOUISIANA

State Representative Simone Champagne has once again filed a proposal to limit statewide elected officials to three consecutive four-year terms. The reform must win the support of two thirds of lawmakers before it can be placed before voters.

Homer, LA. The Homer town council has revoked a February 11 decision to eliminate term limits for selectmen and the mayor, after public outcry (including petitions circulated to recall the mayor and all selectmen in response to a variety of complaints) and a lawsuit by the local police chief (his second). One of the accusations is that the council violated transparency laws regarding the purpose of its February 11 meeting.

Monroe, LA. In late February, the Monroe city council approved a ballot measure to term-limit council members and the mayor to three consecutive terms. Mayor Jamie Mayo had threatened to veto the council's decision, but then realized that he lacked the power to veto ordinances placing charter revisions on the ballot. (He opposes term limits because "we already have term limits....")



NEW YORK

On April 8, the Schulyer county legislature (i.e., county council) voted 5-1 to limit their tenure to 12 consecutive years. A public hearing will be held on the proposal in mid-May. If council members then pass the proposal a second time, their service after January 1, 2014 would be subject to the term limit.



OHIO

State Representative Jay Hottinger has two complaints about term limits. One is that it inspires boldness in freshman legislators. The second is that term limits cede power to "the governor, the bureaucracy and the lobbying community" – who despite the extra power proved unable to stop ideologically principled newcomers from "railroading" the legislative veterans on the matter of attempting to reduce the collective-bargaining powers of public employees.

"We, basically, were railroaded by people who'd been there five months who said, 'No, this is the way you do it,'" Hottinger told the *Columbus Dispatch*. "The new members didn't see why they should

ts in the News

take 70 percent when they could get 100 percent [of the bill they wanted].” Hottinger complains that both Democrats and Republicans have become more ideologically consistent and more concerned about being challenged in primaries. Is it from a pro-democratic perspective that one regards both fundamental debate over governance and more competitive electoral politics as bad things?

In the same April 7 issue in which it reported Hottinger’s distaste for term limits, the *Dispatch* also ran an article entitled “Support for Ohio term limits vanishing.” But the only opinion-poll findings that are cited by the *Dispatch* refer to respondents’ views of state lawmakers or “others in state government.” For instance, just a quarter of the respondents believe that elected officials do what is right “most of the time.” And who does the newspaper quote to show support for term limits in the state is “vanishing”? Lawmakers and persons who have “worked with the legislature” for decades.

Support for term limits among most members of the political class can’t “vanish,” because they never supported term limits to begin with. It’s citizens in general who see the virtue of term limits – including and perhaps especially when they find little to applaud in the current conduct of their representatives.



TEXAS

Grapevine, TX. On May 13, the voters of Grapevine will get a chance to pass term limits of three consecutive terms on their city council and mayor. The charter amendment is being offered to voters thanks to a successful petition initiative that collected around 2,000 signatures, 600 more than the number required.



TENNESSEE

The Knoxville Focus asked readers whether they can support term limits for the Knox County Board of Education members in light of the fact that most elected offices in Knox County are already limited to two terms. They found that a “resounding 85.22% say they believe Board of Education members should be limited to two terms.”



ZIMBABWE

In mid-March, Zimbabwe voters considered a constitutional referendum to limit presidents to two five-year terms; it passed with a 95% majority. The measure is not retroactive. This fact is important because President Robert Mugabe, who had voiced support for the referendum, is serving his fourth term and planning to run for a fifth. Presumably, he will be out of luck if at age 99 he wants to run for an eighth term.

More Hope to Double (Cont’d from page 3)

Arkansas. Gutting term limits tops the agenda of Arkansas lawmakers as well.

On April 9, the Arkansas house approved a proposed constitutional amendment that bundles a range of items, including an increase in the maximum tenure of house members from six years to 16 years and an increase the maximum tenure of senate members from eight years to 16 years. Under the provision, a lawmaker’s 16 years of maximum tenure could be divided in any way between the two chambers – i.e., it’s the same scam lawmakers are trying to get away with in Missouri and Montana.

The legislation was later re-

jected when supporters of the bill sought to make some changes. Last rites proved premature, however; on April 18, the Arkansas senate passed a similar measure by a vote of 23 to 4. The new bill must now be approved by the house if it is to be put before voters.

“How is doubling the limit [in any of these three states] really making it tougher?” asks Paul Jacob, president of Citizens in Charge, which promotes initiative and referendum rights. “No matter how many times politicians and lobbyists explain, we less-experienced citizens can’t seem to understand.”

“Politicians do sometimes take

an unpopular stand based on principle,” Phil Blumel observes. “At least when the important principle at stake is their own power and prestige. Most voters agree that, in the words of the recent Missouri poll, politicians are ‘primarily interested in keeping themselves in power.’ Time and time again, legislators come up with creative ways to do so in defiance of duly enacted term limits.

“The bills being floated in Montana, Missouri and Arkansas are just the latest of these craven power grabs. In each case, the lawmakers should just say No. But if they don’t, the voters will.”

THEY SAID IT

Term Limits for Texas: The Time Has Come

“The most common argument against term limits comes from politicians who claim that limits are unnecessary because ‘that’s what elections are for.’ However, they don’t admit that incumbents have a significant advantage over challengers, and that corruption in the form of ‘machine’ politics is more apt to occur with lengthy office holders.

“Voters should remember the political machines like those of ‘Boss’ Tweed in New York City in the 1860s, Chicago’s Daley family, and the Parris of south Texas.

“Yet another criticism is that several current, long-serving state senate and house members did not have opponents in the past general elections....

“[South Texas Alliance for Progress] seeks to have the issue decided by voters rather by the lawmakers. As per the Gallup poll and a poll done by Texas for Term Limits, almost everyone in Texas supports the idea. Term limits is an idea whose time has come and Texas voters should be allowed to make it happen.”

– George Rodriguez, president, South Texas Alliance for Progress, “Term Limits: Let Voters Decide,” *San Antonio Express-News*, April 2, 2013, bit.ly/115iy0A

“Despite the fact that Republicans have total control of state government, some members of the party believe the time is right for term limits in Texas....

“Foes argue that Texas already has term limits through elections. Voters can toss out any incumbent they want to at the ballot box....

“The power of incumbency – the ability to dominate fund-raising and intimidate interest groups and people who dare support the opposition – washes that argument out to sea. Challengers have a slim chance in most cases.

“And the gerrymandered legislative districts drawn by lawmakers too frequently are effectively crafted with incumbent protection in mind.

“Voters usually don’t have a clear shot at making change if they feel it is appropriate.

“George Seay bolsters the argument for term limits with a poll commissioned by his organization [Texans for Term Limits]. It shows that 80 percent of Texans support term limits, and 93 percent believe that voters should get to decide the matter.”

– Bruce Davidson, “Reasonable term limits would benefit government,” *San Antonio Express-News*, March 16, 2013, bit.ly/116eQUC



Hey, New York State: Why Not Term Limits?

“Here’s our question: So long as [New York City] is a model, why no mention [by Governor Cuomo] of the one big limit on city politicians that doesn’t exist at the state level – term limits?

“Established politicians like campaign-finance limits on newcomers. But they hate term limits. That’s likely because term limits eliminate the greatest advantage in politics: incumbency. Term limits are popular, and they do their work cleanly, with no need for oversight boards or investigations.

“Term limits at least force an occasional level playing field every few years in the form of an open seat. That allows new candidates to raise money without facing an opponent who enjoys the enhanced visibility of office as well as the enhanced fund-raising ability that goes with it.”

– editorial, “The reform pols hate,” *New York Post*, March 10, 2013, bit.ly/12GKLQz

“That corruption is rife in New York politics isn’t a startling revelation. It’s familiar – too familiar. It’s become all-too-normal to see the image of an elected official being led away in cuffs, with the stunned look of being caught outright, the disheveled clothes, and the chunky news headlines hovering overhead like a black halo. It’s delivered horror-movie-style, and we, the tax-paying-slow-to-react public, eat it up....

“[Governor Andrew Cuomo is] proposing legislation that would make it easier for district attorneys to prosecute public corruption. That won’t solve the problem, but term limits will.

“Cuomo asserted that those entrenched in power for a long time can become corrupt. Well, placing a two-term, six-year limit on legislators would prohibit extended stays and allow voters to elect fresh voices to represent them in Albany.... If Cuomo wants to lead New York and live up to the high moral and ethical standards set forth at the beginning of his administration, he needs stand up to those who would seethe at the idea of having to leave their posts before they stuff their pockets.”

– Mike Figliola, “Halting Corrupt New York Politicians Requires Term Limits,” *International Business Times*, April 11, 2013, bit.ly/ZpHm0E



Christine Quinn.

NYC's Quinn Besieged for Betraying Term Limits, Voters

While campaigning this March to be the next New York City mayor, Christine Quinn heard from Forest Hills resident Herbert Goldman.

“Why did you push Bloomberg for a third term!?” Goldman wanted to know.

“Why did you do that? We voted twice for term limits.” Goldman told her that she didn’t “give a damn about our election votes.”

In 2008, when Mayor Bloomberg made known his wish to undermine the city’s two-term limit on Big Apple elected officials, the city council under Quinn’s leadership was happy to cooperate. The politicians could have easily posted a referendum asking voters to weaken term limits. But opinion polls were not auspicious. So Bloomberg and his allies carefully waited until it was “too late” to go to the voters. After the mayor signed a bill to lengthen the two-term limit to three terms, he had to spend an estimated \$102 million on his campaign to barely win a third term. Two years later, voters had a chance to restore the two-term limit, and did so.

Quinn rejects the idea that she failed to respect the voters’ support for term limits, and still insists that end-running the electorate to weaken term limits was the right thing to do. But her opponents in the mayoral race are not letting her off the hook.

At a debate early April, the moderator asked whether

the mayoral candidates would pledge not to overturn referendums “such as term limits.” To cheers from the crowd, candidate Bill de Blasio asserted that democracy had been “suspended in our town in 2008. I was proud to lead the opposition in the city council against Mayor Bloomberg’s proposal. Yes. The answer is yes, I will respect the will of the people in any referendum.”

Bill Thompson, the former city comptroller who ran against Bloomberg in 2009, chimed in. “What happened before was a disgrace and it is a mark on the city of New York. So, the answer is yes and I won’t just say it, I’ll keep my word.”

“The strength of our democracy is it is not about one person,” Thompson said. “There is no indispensable person in this city. And undermining the will of the people of the city of New York, who went to the polls twice and then were forced to go back a third time, was outrageous. There is no reason, there is no excuse, that 2008 should have happened and the undermining of term limits in this great city. It is wrong.”

Quinn has been chastised for undermining the term limits in a political television commercial funded by an independent liberal political group called NYC Is Not for Sale 2013. Through her lawyer, she pressured Cablevision and Time Warner Cable to stop running the ad, which criticizes her actions on a range of issues, including term limits. It has continued to air despite the cease-and-desist letter.

Thomas Sowell’s Loyal Opposition

“Those who oppose term limits express fears of having government run by amateurs, rather than by people with long experience in politics. But this country was created by people who were not career politicians, but who put aside their own private careers to serve in office during a critical time.

“When President George Washington was told by one of his advisors that an action he planned to take might prevent him from being reelected, he exploded in anger, telling his advisor that he didn’t come here to get reelected.

“As for the loss of experience and expertise if there were no career politicians, much – if not most – of that is experience and expertise in the arts of evasion, effrontery, deceit and chicanery. None of that serves the interest of the people.

“If we want term limits to achieve their goals, we have to make the limit one term, with a long interval prescribed before the same person can hold any government office again. In short, we need to make political careers virtually impossible.

“There are many patriotic Americans who would put aside their own private careers to serve in office, if the cost to them and their families were not ruinous, and if they had some realistic hope of advancing the interests of the country and its people without being obstructed by career politicians.”

– Thomas Sowell, “A Real Term Limit,” *Townhall.com*, March 20, 2013, bit.ly/Yq2V1G

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— Phil Blumel

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