

# No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • JULY/AUGUST 2013 • VOLUME 21 • No. 4

## Matt Salmon Introduces Congressional Term Limits Amendment

“Congress faces a crisis,” says Arizona Congressman Matt Salmon. “The people hold the legislative branch of our federal government in such low regard largely because they believe that they are no longer represented by fellow citizens but instead by professional politicians. It is time to change this. It is time to put citizens back in charge. It is time to pass congressional term limits.”

In April, Congressman Salmon and five co-sponsors introduced a

constitutional amendment — Joint Resolution 41 — to term limit congressional tenure to a maximum of two six-year U.S. Senate terms and three two-year U.S. House terms. The proposal is companion legislation to the term limits amendment introduced by Senator David Vitter earlier in the year.

The amendment had also been introduced in both chambers in 2011.

The amendment becomes the law of the land if ratified by three



**Rep. Matt Salmon.**

fourths of the states. But before that can happen, two thirds of each

(Continued on Page 3)

## With Double-Swindle, Arkansas Lawmakers Hope to Con Voters into Crippling Term Limits

On April 19, a 22-page, multi-subject ballot measure that includes an attack on term limits passed the Arkansas house by a 76-3 vote. It had already been endorsed by the senate. The measure will appear on the November ballot.

State lawmakers are currently limited to three two-year terms (six years) in the Arkansas house, two four-year terms (eight years) in the senate. If voters approve the so-called Arkansas Elected Officials Ethics, Transparency, and Financial Reform Amendment, lawmakers would be able to serve up to 16 years total in the legislature, which could be apportioned in any

way between the two chambers — including 16 years in one chamber and 0 years in the other. The measure would thus increase maximum tenure in the house by 166%, in the senate by 100%.

Arkansas voters originally passed state legislative

(Continued on Page 3)

**TX Senate v. Voters,  
FL Court v. Voters**

See page 7.



# President's Corner

BY PHILIP BLUMEL

Critics of term limits often suggest that the reform is “undemocratic.” Some would, therefore, repeal term limits even on the presidency itself.

In fact, by stemming both incipient and advanced corruption, term limits increase the chances that officeholders will promote the common interest rather than primarily their narrow political interest. By rendering elections more competitive, term limits expand voters’ choices at the ballot box and increase the opportunities for citizens to participate in government as representatives themselves.

Term limits are not a newfangled gimmick of political partisans. The principle of “rotation in office” originated in republics of the ancient world and was debated by the Founding Fathers, who unfortunately neglected to institutionalize the principle in the U.S. Constitution.

Despite the omission, our first president declined to run for a third term in the belief that unlimited tenure is unrepugnant. Jefferson signaled his intention to do the same in 1805, when he wrote to John Taylor that “General Washington set the example of voluntary retirement after eight years. I shall follow it, and a few more precedents will oppose the obstacle of habit to anyone after a while who shall endeavor to extend his term. Perhaps it may beget a disposition to establish it by an amendment of the Constitution.”

A little globe-trotting may be one corrective for those few, like U.S. Representative Jose Serrano, who are eager to dismantle presidential term limits despite our tradition. In countries where aspiring presidents-for-life have evaded constitutional term limits in recent years — Russia, Tajikistan, Uzbekistan, Belarus, Niger, Algeria, Cameroon, Chad, Gabon, Guinea, Togo, Tunisia, Senegal, Uganda, Venezuela, Honduras, Bolivia, Nicaragua — foes of tyranny would be puzzled by the notion that to term-limit a head of state must violate the foundations of representative government. How can safeguarding representative government from the hazards of power be regarded as an attack on that form of government?

Like other constraints on power, term limits at all levels of government do not hinder but foster representative government. If term limits actually served to undermine political freedom and representative government, so would constitutions as such; so would any body of law serving to restrain government power.

Visit Phil Blumel's blog at [pblumel.blogspot.com](http://pblumel.blogspot.com).

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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*

## Term Limit Amendment (Cont'd from page 1)

chamber of Congress must approve it.

“The public clearly wants term limits,” says Phil Blumel, president of U.S. Term Limits. “And it is the ultimate conflict of interest for federal elected officials to prevent the states from making the decision on whether their own terms should be limited.”

Blumel cites a recent Gallup poll indicating that 75% of Americans would vote for term limits, only one of the more recent confirmations of the enduring popularity of term limits.

“Many members of Congress are hearing from their constituents that they want the tough issues in D.C. to be acted upon rather than a con-

tinual kicking of the can down the road,” he says. “Voters are realizing that a constitutional amendment limiting terms for members of Congress may be the only way to make our political system work again.”

Salmon regained his congressional seat in 2012, after having served three terms in the House from 1995 to 2001.

## Double Swindle (Cont'd from page 1)

term limits in 1992, with a 60% majority. In 2004, 70% of voters rebuffed an incumbent-referred ballot measure to dilute term limits.

“In other words,” writes journalist Steve Brawer, voters “not only like [term limits]; they liked them more after they were passed.... [S] supposedly inexperienced legislators this year did fine. In fact, we’ve had term limits now for more than 20 years, and it would be hard to argue that the state is worse because of them.”

This time around, the term-limits question is packaged with a slew of political reforms of varying credibility, including new limits on campaign contribution, the

removal of lawmakers’ power to set their own salaries, and a requirement that former lawmakers wait two years instead of one year before registering as a lobbyist (see PDF of the ballot question at [ly/15neUDn](http://ly/15neUDn)). Incumbents hope that voters will find it easier to accept the anti-term-limits question if they like something else offered in the reform buffet.

Incumbents also hope that voters will not realize that maximum



Two for the price of one.

tenure of 16 years in one office is not the same as maximum tenure of six years or eight years in one office. Two dishonest schemes to fool voters for the price of one.

## Term Limits v. Shenanigans

“[New York] Governor Andrew Cuomo promised to clean up Albany, but in order to get his agenda passed, he has to play ball with the Legislature. It turns out that we have to rely on federal prosecutors to do the heavy lifting....

“Now the pot is really boiling. There is so much corruption in the system that, really, the only way to put a stop to the shenanigans is to limit the amount of time a legislator can continue to serve....

“The more the political chicanery is exposed, the more appealing term limits are.”

— Alan Chartock, “State government needs term limits,” May 26, 2013, [bit.ly/184NTIF](http://bit.ly/184NTIF)



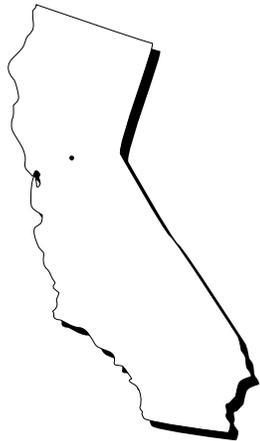
1) NY state capitol; 2) place to be set right; 3) place needing term limits; 4) all of the above.

# Term Limi



## ALASKA

*Kenai Peninsula, AK.* Kenai Assemblyman Hal Smalley proposed in June to overturn voter-enacted term limits by ordinance (2013-2). The bill is currently scheduled for an August 6 vote. Unfortunately, Kenai lawmakers have the power ignore the decision of voters once an initiative has been in effect for two years. And term limits initiatives top the list of voter decisions to ignore. Voters first passed term limits in 1993. Six years later, the Kenai assembly repealed the law. In 2007, voters again passed limits, of two consecutive four-year terms (with a mandatory six months out of office before a former assemblyman can serve again). In 2009, the assembly changed the law so that partial terms no longer counted toward the limit. Even so, many assemblymen are about to be termed out of office, including Smalley. So it's an emergency.

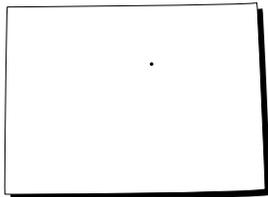


## CALIFORNIA

*Palo Alto, CA.* Palo Alto council members haven't decided yet whether to ask voters to lengthen their term from two terms to three or to just repeal the limit. In June the council voted to have the city attorney draft measures for each possibility. Councilman Marc Berman voted in favor of the job even though he is concerned, he says, about "the negative impact [such a measure would have] on new people to get involved, because the opportunity for council members to stay in longer inherently inhibits newer people from being elected to council."

*West Hollywood, CA.* Transportation Commissioner Scott Schmidt won't be re-appointed to an at-large position on the commission which he has held since 2007. According to WeHoville.com, he "was expected to be cut from the seven-member commission" as payback for serving as the manager of a campaign to impose three-term limit that passed in March with 62% support. Such appointments must be renewed by a majority of West Hollywood city council members. (Only one city council member, John D'Amico, publicly supported the term limits question.)

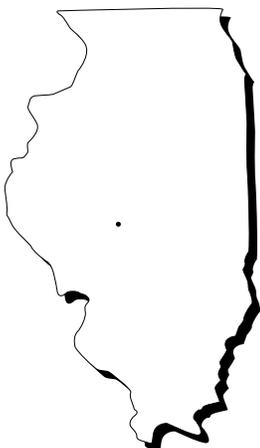
*Lake Forest, CA.* The Lake Forest town council voted 4-1 to send a three-term consecutive limit on council tenure to voters, to be decided in November. Former council members would have to wait two years before standing again for a council seat.



## COLORADO

*Moffet County, CO.* Confident that the past is not prologue, Moffat County commissioners have approved a ballot measure for November to lengthen their maximum tenure from two terms to three. The question will be asked about each elective position in separate questions. In 1996, when Moffet County voters were asked to lengthen term limits in a single ballot question, the effort failed. In 2002, when Moffet County voters were asked to lengthen term limits in separate ballot questions, the effort failed again.

*Salida, CO.* On May 7, voters retained term limits in the Salida Hospital District by a vote of 66% to 34%. Prior to the vote, Colorado blogger Laura Carno had observed that "the politicians are at it again" with regard to "intentionally manipulative" ballot language. Instead of simply asking whether term limits should be "eliminated for the directors of the Salida Hospital District," the ballot question begins argumentatively: "So that the voters of the Salida Hospital District may decide who will best serve them on the Board of Directors..." Carno comments: "Is there a reason the board had to add editorial commentary to the ballot language...? Elected officials, the voters are not uneducated peasants. You serve us, not the other way around. Please stop trying to trick us. We are getting tired of it."



## ILLINOIS

*Tinley Park, IL.* Members of a commission set up to study the effects of term limits still have no idea whether term limits would help or harm the village — it's hard to find any place just exactly like Tinley Park where term limits are in effect. But as the *Chicago Tribune* reports, the commission has been learning from town officials that mayoral tenures have increased over time. "From 1892-1937, the 'pre-World War II era,' there were 14 mayors of Tinley Park. From 1937-1970,

# ts in the News

the ‘post-war boom era,’ there were eight. Since 1970, the ‘modern/professional’ era, there have been two mayors....”

It all seems like wasteful and superfluous ritual to some residents. During one recent meeting of the term limits commission, attendee Andy Deluca got fed up with former U.S. Representative Tim Johnson’s peripatetic testimony. “I thought we were supposed to be talking about Tinley Park term limits, not the rest of the world,” Deluca said. Commission member Donald Ploquin explained that “When you talk term limits,” the issue “comes all the way down.” Deluca replied, “No, no. Our concern is Tinley Park. This is a Tinley Park issue. It was voted on and because of state law...it had to go to the board. The board doesn’t want it. They’ve been around since 1981, and they’re having a good old time over here wasting our money.”



## LOUISIANA

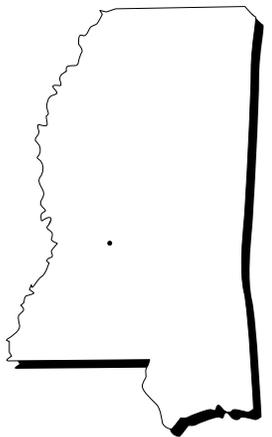
State Representative Simone Champagne’s bill to limit several statewide elective offices to three consecutive four-year terms has been quashed in committee. She has proposed the measure before, getting as far as a 49-49 vote in the house last year. (Two thirds of legislators are needed to pass the measure.) “We should all know when it’s time to go,” she says. “Unfortunately, not all elected officials know when it’s time to go.” Louisiana lawmakers are already limited to three four-year terms. The governor is limited to two terms.



## MICHIGAN

In late April, State Representative Andy Schor introduced a proposal, HJR S, that would allow representatives to serve for six terms (12 years) and senators to serve three terms (12 years) maximum. The current term limits are six years in the house, eight in the senate. Schor contends that during his election campaign, voters repeatedly voiced their desire to weaken term limits. We suggest that he widen the interview net. Meanwhile, his colleague Joseph Haveman wants voters to consider letting lawmakers serve up to 16 years “in any combination” of house seat and senate seat, which of course means a 16-year “term limit” in one seat. He says voters should have a second chance to look at term limits.

*Whitehall, MI.* This June, the Whitehall city council voted 6-1 to refer a measure to the November ballot repeal a 12-year term limit on council members. Voters will decide the question in November.

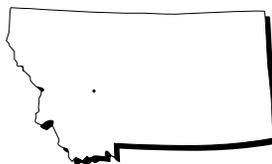


## MISSOURI

A Pulse poll conducted for U.S. Term Limits shows that 72% of Missouri likely voters opposed recent attempts to change the current term limits law. The idea floated during the recent session was to let lawmakers serve up to 16 years in the legislature as a whole, all of which could be served in either chamber. The proposed amendment didn’t make it to ballot, though, before the session ended.

## MONTANA

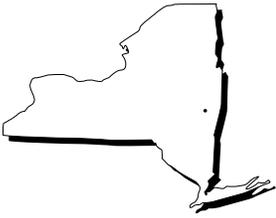
Montana’s version of legislation to lengthen term limits to a maximum of 16 years that could be served in either chamber also failed to make it to ballot during the recent legislative session.



## NEW YORK

Partly in response to recent scandal reflecting badly on the stewardship of Assembly Speaker Sheldon Silver, New York’s state senate has passed a bill to limit the terms of party leaders in both the assembly and the senate. According to the official summary, the proposed law limits “the tenure of the temporary president of the senate, speaker of the assembly, minority leader of the senate and minority leader of the assembly to 12 years; limits the tenure of the chairman of any single legislative committee to 8 years.” Twelve years is too long, but better than nothing.

Meanwhile, Assemblyman Kieran Lalor, a Republican, and a State Senator Terry Gipson, a Democrat, want to term-limit all state lawmakers. Lalor had wanted eight years maximum in each



chamber, Gipson 12 years. Their compromise is a maximum of twelve years in each chamber and a maximum of 16 years of total service in both chambers. Too lax, but better than nothing. Individual senate terms would be lengthened from two years to four years. According to Gibson, “It’s time for those who hold the reins of power in Albany to be taken to task for the culture of corruption they have allowed to fester over the last decade.”

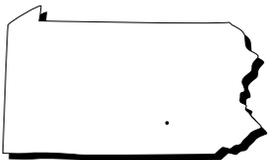
*Munsey Park, NY.* Newly minted Munsey Park Mayor Frank DeMento worked with trustees to fulfill a campaign pledge to submit his office to term limits. The law restricts the village’s mayor to three consecutive two-year terms, with a mandatory interval of at least two years before he can run again for the office.

*Putnam County, NY.* The Putnam County legislature has passed term limits on itself of three four-year terms. The measure is mostly retroactive in that terms already served count toward the limit. But anyone in office at the time of passage may pursue at least one more term. In practice, this one-term exemption applies to a single long-serving lawmaker.



**NORTH CAROLINA**

On May 8, House Bill 9 to term limit the house speaker and senate pro tem to four years passed the house by a vote of 84-35. State Representative Paul Stam, a sponsor, says, “People at the top of leadership should not stay there forever, because things freeze.” The bill must now get the approval of senators.



**PENNSYLVANIA**

*Erie County, PA.* Erie County Executive Barry Grossman, defeated for renomination to his job in the May 21 Democratic primary, says he will fight to bring a term limits question to the Erie County ballot. “Due to our inability to convince County Council to place the referendum on the fall ballot,” Grossman says, his Term Limit Referendum Study Panel “has decided to collect the 8,533 signatures necessary to bring this question to the voters. So beginning June 18, we will be deploying more than 100 Erie County volunteers to gather the necessary number of signatures.” One Erie County council member has served 35 years.



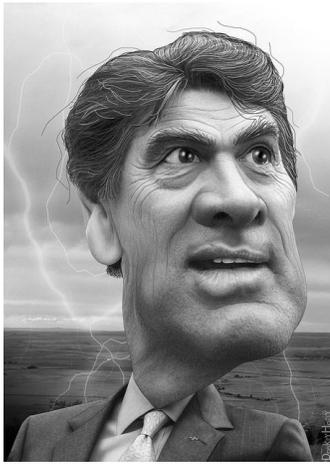
**TEXAS**

*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.



**AFGHANISTAN**

Afghan President Hamid Karzai, who has been in power eight years, says he will not try to evade Afghanistan’s constitutional limit on presidential terms come the 2014 election. “Why would I ruin my legacy by staying on and taking an opportunity away from Afghanistan to become an institutionalized democracy?” It’s a good sign that he so firmly rejects the idea this late in his second term, since right about now is when politicians less concerned with legacy and democracy would say, “Well, I used to think term limits were swell, but...”



**TX Governor Rick Perry.** / DonkeyHotey

## Texas State Senators Won't Let Voters Consider Term Limits For Governor, Others

Lawmakers in the Texas house have rejected legislation to limit the governor and other statewide elected officials. On May 15, they killed the bill by 88 to 61.

Weeks later, on July 8, Governor Rick Perry announced that he would not be running for a fourth term in 2014: "The time

has come to pass on the mantle of leadership." It's good that he is willing to step down, but it would be better if he had been required to do so sooner.

The loss in the house came after a lopsided pro-term-limits vote in the state senate. By 27 to 4, senators had approved an amendment to limit various state

officials, including the governor, to two consecutive four-year terms.

The support for term limits in the senate and the enduring popularity of the reform among Texans in general inspires proponents to continue the fight.

"Unfortunately, 93 percent of voters who want the opportunity to vote on term limits were ignored by a majority of the Texas House of Representatives," says George Seay, chairman of Texans for Term Limits.

"My commitment to stay involved and fight for principled causes is stronger than ever. Texans for Term Limits celebrates the progress in this legislative session, and looks forward to the day when term limits become a reality in Texas."

Republican gubernatorial candidate Tom Parken says that if elected, he will "abide by term limits voluntarily and will mount a renewed push in the next legislative session to submit this issue to the voters."

## Despite FL Supreme Court, Lower Court Rules that Violating Pinellas County, FL Term Limits Is No Violation

Sidestepping a Florida Supreme Court ruling that voter-approved term limits on commissioners and certain other elected officials in charter counties are indeed constitutional, a circuit court has tossed out a lawsuit against Pinellas County commissioners who are serving longer than permitted by voter-enacted term limits.

In their 2012 lawsuit, Pinellas citizens observed that *Telli v. Broward County, et al.*, the May 2012 Supreme Court decision upholding charter county term limits, applies as much to Pinellas as to any other charter county in Florida; and, therefore, that several Pinellas County commissioners must step down.

That 2012 ruling had formally "receded" from the high court's 2002 ruling in *Cook v. City of Jacksonville*. The court now understood that the "implied prohibition in *Cook* against term limits for county officers and county commissioners...overly restricts the authority of counties pursuant to their home rule powers under the Florida Constitution.... Therefore, we hold that the term limits provided in Broward County's charter do not violate the Florida Constitution...."

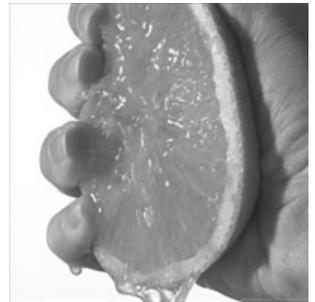
In mid-May of this year, however, Circuit Court Judge John Schaefer sided with the Pinellas commissioners against the Pinellas voters.

"The 2003 final judgment of this court declaring

the 1996 referendum for term limits unconstitutional as required by the Florida Supreme Court in *Cook v. Jacksonville...* remains binding," Schaefer asserted, as if the higher court had not just reversed *Cook*. "Any future referendums would be governed by *Telli*. The charter amendments cannot be revived."

U.S. Term Limits President Phil Blumel can only shake his head at this reasoning. "In 1996, Pinellas County commissioners failed to insert the term limits language in the county charter as clearly required by law," says Blumel. "In making this decision, Judge Schaefer essentially accepted that act as a *fait accompli*. Fixing it would have been disruptive, as three commissioners would have been forced from office; looking the other way is easy but wrong. The judge took the cowardly course and the will of Pinellas County voters has been nullified.

"Term limits rarely are defeated at the ballot box. When they fall, it is nearly always the result of legal machinations by affected politicians and politicized courts. This is another chapter in that never-ending story."



**Freshly-squeezed voter.**

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**“I hope everyone who voted for term limits will join the effort to block Christine Quinn from becoming [New York City’s] mayor. By disregarding the people’s will twice, she slapped us in the face. Now that she is running for mayor, it is time to hold her to account.... Electing her would be like electing Mayor Bloomberg to a fourth term.”**

— Charles M. Barthold, April 17, 2013, *NY Daily News*