

# No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • MAY/JUNE 2014 • VOLUME 22 • No. 3

## As Pols Sue to Block Illinois Voters on Term Limits, Petitioners Submit 590,000+ Signatures

On April 30, the Committee for Legislative Reform and Term Limits, chaired by GOP gubernatorial candidate Bruce Rauner, submitted a 1,600-pound petition about term limits and other reforms to the Illinois State Board of Elections. The pages were so heavy because 591,092 Illinois voters had signed copies of the petition.

Even as the Committee was turning in almost double the number of signatures needed to send the measure to ballot, enemies of reform were suing to stop voters from having their say about the measure.

Should the lawsuit succeed, lawmakers won't be taking up the slack. Just days after the Committee submitted the



Lots of petition signatures.

591,092 signatures, a proposal by House Minority Leader Jim Durkin and Senate Minority Leader Christine Radogno to refer an allied constitutional amendment to the ballot died on the vine. If approved, the Radogno-Durkin amendment would have limited the governor and other statewide executive officials to two terms in office. But their effort was blocked by a 2-1 vote of the Subcommittee on Constitutional Amendments.

It is no surprise that the term limits amendment still in play is the one that inspired the independent support of

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## Illinois Voices

see page 6

## 135+ Candidates for U.S. House and U.S. Senate Have Signed Congressional Term Limit Amendment Pledge

Now that U.S. Term Limits has begun formally inviting congressional candidates to sign the congressional term limits amendment pledge, we have seen a big jump in the number of signatories. As we go to press more than 135 candidates have signed.

The pledge commits the signatory "as a member of Congress [to] cosponsor and vote for the U.S. Term Limits Amendment of three (3) House terms and two (2) Senate terms and no longer limit."

Many of the signers are vocal supporters of term limits. "I believe that we need term limits for Congressional members," says congressional candidate **Donna Sheldon**,

running for District 10 in Georgia. "Our leaders should be motivated to lead and accomplish — not simply show up to keep their job."

Signatory **Allan Levene**, running in District 11 in the same state, says: "The president is subject to two terms because of the 22nd Amendment, but Congress isn't. As such, they tend to hang on for as long as possible. Why? Because of power, being privileged and deferred to, feeling like they have become demigods (they aren't), and pensions."

**Karen Handel**, running for U.S. Senate in Georgia, has

(Continued on Page 3)



# President's Corner

BY PHILIP BLUMEL

“Affirmed.”

That single word is the only explanation which the Second District Court of Appeals condescended to give voters for their decision this April to accept the conduct of Pinellas County commissioners in ignoring the eight-year term limits approved overwhelmingly in 1996.

Of the 20 charter or “home rule” counties in Florida with the power to customize their government structure, 12 so far have passed term limits, mostly of the eight-year variety. Most have enforced their term limits from day one; but a couple of recalcitrant county commissions (those of Sarasota and Broward) fought them in court, claiming they were unconstitutional. However, in 2012, the Florida Supreme Court unanimously decided that county commission term limits are indeed constitutional. For good measure, they also decided that constitutional officer term limits are also constitutional, overturning an earlier split decision.

As a result, every term-limited county in Florida except Pinellas is enforcing their voter-approved term limits.

The scofflaw commissioners rest their legal hat on the shaky premise that the Supreme Court effectively overturned Pinellas’s term limits law in its 2002 Cook decision that ruled *constitutional* officer term limits unconstitutional. That’s why the commissioners refused to place the voter-approved amendment in their charter.

Well, yes, the Pinellas law did include constitutional officers; and this provision of the law was clearly shot down, if only temporarily.

But the court never explicitly overturned the Pinellas law. And the Cook decision did not even mention the issue of *county commission* term limits. Moreover, three other counties in which courts explicitly overturned the term limits (Sarasota, Broward and Duval) are now enforcing their limits in obedience to the unanimous Supreme Court decision of 2012 deeming those limits constitutional.

How can these facts be squared with the Second District’s somnolent decision in April? Well, they can’t be — which means that the last chapter of this story is not yet written. Patrick Wheeler, who along with Maria Scruggs is leading this lawsuit on behalf of voters, has vowed to take this case to the next, and final, step.

Will the Supreme Court of Florida allow a handful of corrupt local politicians defy its unanimous decision and the will of Pinellas County voters? I can’t imagine it. But we will find out thanks to the courage, honesty and persistence of citizens Wheeler and Scruggs.

The appellants are soliciting donations for legal expenses. Checks can be sent to John Shahan, PA, 536 East Tarpon Avenue #3, Tarpon Springs, FL, 34689; please mark the check “For Term Limits Expenses.”

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

Visit USTL’s Facebook page at [on.fb.me/18fXE1](https://on.fb.me/18fXE1).

MAY/

JUNE 2014

A publication of  
US TERM LIMITS  
FOUNDATION

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For the latest developments on term limits across America, visit our web site on the Internet at [www.termlimits.org](http://www.termlimits.org)

No Uncertain Terms is published bimonthly. Third class postage paid, Washington, D.C.

POSTMASTER: Send address changes to:  
U.S. Term Limits Foundation  
73 Spring Street, Suite 408  
New York, NY 10012

“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*

## Block Illinois Voters (Cont'd from page 1)

more than half a million Illinois voters, whereas the one that expired depended on the support of a much lower number of turf-protecting incumbents.

If the Term Limits and Reform constitutional amendment survives the turf-protectors' lawsuit and is endorsed by voters this November, it will impose a lifetime term limit of eight years on total legislative service, i.e., without regard to how those eight years are divided between the two chambers. The amendment will also restructure legislative districts and make it harder to override a gubernatorial veto by requiring a two-thirds majority to override rather than the current three-fifths majority.

The lawsuit claims that both the term limits amendment and another

measure being considered for the ballot (to end the gerrymandering of legislative districts) are unconstitutional. The litigants want the court to order the State Board of Elections to abstain from even assessing the validity of the signatures.

The lawyer who filed suit on behalf of the several groups serving as plaintiffs, Michael Kasper, is a well-known for his association Illinois House Speaker Mike Madigan. Madigan has occupied his house seat for more than four decades.

Journalist Phil Kadner observes that "Democratic Party leaders in this state seem to take pride in their contempt for the people they're supposed to serve." Their antics serve only to confirm Rauner's point that "entrenched

Democrats have been in power so long that they no longer understand the concerns of the common man."

Rauner's opponent in the general election, sitting Governor Pat Quinn, has not yet announced his support for the Term Limits and Reform ballot measure. But in late April, he issued a statement approving of the now-defunct Radogno-Durkin proposal, noting: "I led the charge to establish term limits for legislators through constitutional amendment in 1994; I successfully established recall for the office of governor through constitutional amendment in 2010; and I spearheaded the successful effort to reduce the size of the House by constitutional amendment in 1980."

## 135+ Candidates (Cont'd from page 1)

made a commercial about term limits that is hosted at [2termstotakeitback.com](http://2termstotakeitback.com). "Now the career politicians tell us they have the experience to fix our problems [e.g., the federal government's multi-trillion-dollar debt load]. But their 'experience' is expensive. And the truth is, they are the problem.... I will serve two terms so that I go to Washington with a great sense of urgency to get us on a path to fiscal sanity. I won't be worried about getting reelected. I'll be focused on getting the job done.... So join me as I take the two-term pledge. Two terms to take back the government and our future."

"Most of what is wrong with Washington today is a direct result of career politicians focusing on their reelection instead of doing what is right," concurs Georgia U.S. Senate candidate **David Perdue**.

Like Handel, **Milton Wolf**, U.S. Senate candidate in Kansas, pledges to serve no more than two terms if elected. "The Founders envisioned public service as just that: service, not a career," he says. "Many have followed [the example of George Washington], including our own Governor Brown-



**Pledge signers (L-R) Donna Sheldon, Karen Handel, David Perdue, Milton Wolf, and Sean Haugh.**

back, who pledged to only serve two terms in the U.S. Senate and kept his word. Sadly, however, too many have treated political office as a career, and they cast meaningless votes for term limits while always exempting themselves. The permanent political class is the problem and it is time to send the career politicians home."

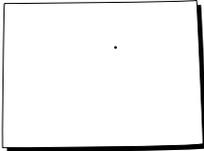
**Sean Haugh**, running for U.S. Senator in North Carolina, recalls that years ago he had been skeptical of the value of term limits until a proponent explained "that with career politicians the seniority system takes control of the legislative hierarchy. What incentive is there for someone who has earned success on their own merits in some other aspect of life to go into politics, where they have to toil away on the back bench for years and years just to get anywhere no matter how

good they are?"

Haugh's own observations confirmed the baleful effects of uninterrupted incumbency. "I found that it takes right about six years for the average NC state legislator to completely lose touch with anything that goes on outside their little building. Oh sure, some of them were that way before they went in, and a blessed few manage to get through a whole career remembering who they serve. And now that some states have term limits, we can see that the program has delivered on its promises of the benefits of a citizen legislature. At least term limited legislators are much more likely to want to get out of town and back to their real lives, instead of just sitting around indefinitely having fun spending other people's money because they have nothing better to do."

# Term Limi

## COLORADO



*Basalt, CO.* Just shy of 70% of Basalt voters approved an April ballot question specifying term limits of two four-year consecutive terms on the mayor and city council members. Two-term limits had already been in place in obedience to Colorado's constitution; the main purpose of the new question was to stipulate that the office of mayor is distinct from the office of council member for the purposes of term limits. Thus, a person can now serve eight years as council members and then, without any gap, a further eight years as mayor.

*Boulder County, CO.* The chairman of the Boulder County Libertarian Party, Ralph Shnelvar, is challenging a Boulder District Court ruling that permits Commissioner Cindy Domenico to run for yet another term despite having served most of a term (July 2007 to January 2011) before then winning a full term. In 2007, she had been appointed to fill a vacancy. Boulder commissioners are subject to a two-term limit.

## FLORIDA



USTL Executive Director Nick Tomboulides published an op-ed in the *Orlando Sentinel* ([bit.ly/1g6m8nr](http://bit.ly/1g6m8nr)) objecting to the claim that politicians like Florida state representative Keith Perry often make when they push ballot measures to weaken term limits. Such politicians say they are eager to "give voters a choice." "But if the intent is to give voters a real choice," Nick asks, "why not put six-year term limits on the ballot next to 12? How about a choice for lifetime limits rather than consecutive? If politicians really valued choice, they would include for us the choices they don't like. It never happens."

*Alachua County, FL.* Alachua County Citizens for Accountable Government, led by the chairman of the Alachua County Tea Party, is gathering signatures for a term limits question that would limit commissioners to two consecutive four-year terms.

*Deltona, FL.* Deltona commissioners approved measures for the November ballot to double their pay and eliminate their term limits of two four-year terms. Webster Barnaby, the single No vote on the commission, says: "We need to be supervised. We cannot be left alone.... Left alone to our own devices, we can become dangerous masters and fearful servants."

*Doral, FL.* On June 30, voters will consider a package of amendments to the town's city charter that includes stricter term limits on the council. Currently, council members are limited to two consecutive four-year terms; with the voters' okay, this restriction will be converted into a lifetime limit on tenure.

*Palm Beach Gardens, FL.* The Palm Beach Gardens Needs Term Limits Political Committee (a.k.a. PBGNTLPC) has withdrawn its lawsuit against Palm Beach Gardens now that the city is conforming its ballot referendum requirements to the state standard. The change of heart means that the signatures of only 10% of voters will be needed to post a ballot question, not the 15% that the city had previously demanded. The Committee is hoping to post a measure to next year's ballot to limit council members to two three-year terms.

## ILLINOIS



*Oak Lawn, IL.* In mid-March, with an 86% majority, Oak Lawn voters passed a referendum imposing consecutive term limits of three four-year terms on village trustees, the village president and the village clerk. The new law covers terms served after the April 7, 2015 election.

*Plainfield Park District, IL.* Ninety percent of Plainfield Park District voters approved a mid-March advisory referendum on term limits — one of three advisory measures. Commissioner Larry Newton noted that the district can post only three ballot questions per election cycle and called the vote "a complete waste of time," since the three measures are non-binding.

## LOUISIANA



*St. Mary Parish, LA.* Two term-limit amendments on the November ballot would lengthen the maximum tenure of council members and the parish president from two four-year terms in a particular kind of council seat to three four-year terms in any council seat. Although the current term limits nominally restrict council members to two terms, at-large district seats and single-district seats are distinguished from each other in such a way that a person can in fact serve 16 years by switching between the two seats. The measure would reduce this de facto term limit of 16 years to 12 years.

*New Orleans, LA.* Voters rebuffed attempts by two council members to lengthen their council tenure by switching from at-large to single-district seats and vice versa. As in St. Mary Parish, New Orleans council members are limited to two consecutive four-year terms but, alas, have the legal ability to try

# ts in the News

to win election to a different form of council seat and thereby serve on the council for 16 consecutive years. Nevertheless, both Jackie Clarkson, who had hoped to switch from an at-large seat to a single-district seat, and Cynthia Morrell, who had hoped to switch from a district seat to the at-large seat, were defeated in the mid-March runoffs.



## MAINE

Governor Paul LePage has a firm agenda for term limits: “You’ve got to take term limits and you’ve got to throw ’em out the window,” said he in a recent speech to an environmentalist group. The state is being hurt by “young people with firm agendas.”

Ann Luther, Advocacy Chair of the League of Women Voters of Maine, was overjoyed by this pronouncement. “The League of Women Voters could not be more pleased to find an ally in Gov. Paul LePage for the repeal of legislative term limits,” wrote she in a letter to the editor. A major problem caused by term limits, in Luther’s view, is that legislators “raise many of the same ideas over and over.” The throw-’em-out-the-window thing is the only solution.

We’ve heard this spurious indictment of term limits before, even over and over. A quick scan of world history will confirm, however, that both good ideas and bad ideas get repeated in legislatures both term-limited and un-term-limited, as well as in many other venues of human society. Human beings exist as separate individuals with independent capacities of thought, not as a congealed group mind with only one unvarying opinion on all things except when term limits come along to disrupt the unity. Whether freshmen or veterans, lawmakers dedicated to a cause (a.k.a. “firm agenda”) don’t necessarily give up at the first sign of opposition — even if their opponents *would* prefer that the issue be treated as permanently settled.



## MICHIGAN

*Grand Rapids, MI.* Supporters of a measure to limit the Grand Rapids mayor and commissioner to two four-year terms have asked the commission to place the measure on the ballot themselves. But the commissioners are not cooperating. Grand Rapids Citizens for Municipal Term Limits had collected about 500 signatures by late March, and must collect some 7,000 in all.



## SOUTH CAROLINA

*Blythewood, SC.* Blythewood became the first municipality in South Carolina to enact term limits despite the opinion of the state’s attorney general that municipalities lack the authority to do so. The town council voted 3-2 to limit council members and the mayor to a maximum of two four-year terms of consecutive service. Councilmen Bob Massa and Tom Utroska had promised to pursue term limits when they ran for their seats last fall. Massa says, “Our thinking is, if you truly have home rule, and this affects only the town of Blythewood, we ought to have the ability to say whether or not our elected officials have term limits.”



## TEXAS

*Lake Jackson, TX.* Lake Jackson voters rejected charter amendments to increase the maximum consecutive tenure of council members and the mayor from three four-year terms to four four-year terms. An allied proposition, also rejected, sought to permit council members who have served “any number of terms” to also then serve four consecutive terms as mayor. Voters did agree to exclude partial terms in office from the calculation of the term-limited tenure.



## AFGHANISTAN

Despite Taliban efforts to intimidate voters, at least in cities Afghans turned out in high numbers in the April 5 elections. The threats were reportedly more successful in rural areas. *The New York Times* reported that the government closed 13% of polling centers around the country because of the difficulty of maintaining security. President Karzai has been termed out of office and did not seek to circumvent the two-term constitutional limit on the presidency.

## BURUNDI

Although the Burundi parliament recently affirmed the 2005 constitution’s two-term limit on the presidency (a bill to allow a third five-year term failed by one vote), the president of the country, Pierre Nkurunziza, intends to run for a third term next year anyway. One of his ministers, Edouard Nduwimana, says it is “not true” that “the question of another term is closed.”

# What We Are Saying

## “And your view, Big Bad Wolf?”

“Imagine doing a study on whether the houses of the three little pigs need reinforcement, and asking the Big Bad Wolf for his take on the matter. Ridiculous as that may sound, it’s precisely how many anti-term-limits ‘studies’ are conducted. Take a 2004 study on Arizona’s term limits by...” [continued on USTL web site]

— **“Professor: Term Limits Don’t Work Because a Politician Told Me They Don’t,” Nick Tomboulides, U.S. Term Limits, May 6, 2014, [bit.ly/1sP78wD](http://bit.ly/1sP78wD)**



**Mad politician tries to solve the problem of term limits.**

## The 90%+ non-solution

“Incumbent Congress members win reelection to their own seats well over 90% of the time. This chases away meaningful challengers — quite often, all challengers — and deprives the voters of meaningful elections. The dysfunctional situation greatly reduces...” [continued on USTL web site]

— **“Term Limits: Lifetime or Consecutive?,” Philip Blumel, U.S. Term Limits, April 30, 2014, [bit.ly/1qDSsCR](http://bit.ly/1qDSsCR)**

(Also at the [TermLimits.org](http://TermLimits.org) home page: tips for writing a great letter to the editor, videos of pols bashing term limits and bemoaning \$174,000-a-year poverty, more.)



# What You Are Saying

## Incumbent protection racket in Illinois

“Incumbents coast to victory here because they’ve rigged the maps to discourage competition. In the last general election, more than half of the candidates were unopposed.

“Keep this in mind: Lawmakers have the power to put these amendments [to impose legislative term limits and deprive the state legislature of the power to draw district maps] on the ballot themselves. They have refused. They don’t want you to vote to end their incumbent protection racket. That’s why they’ve ignored all those polls for all those years.”

— **“Illinois ballot measure sends a message to pols,” *Chicago Tribune*, May 1, 2014, [trib.in/1rllzik](http://trib.in/1rllzik)**

## In Illinois, it’s called “term limits”

“I’m well aware of the arguments that we already have ‘term limits,’ it’s called Election Day; and that term limits suck institutional knowledge from government.

“One look at the political landscape in Illinois, however, refutes those arguments. How long has Michael Madigan been in office without voters in his district removing him? [Forty-three (43) years.—ed.] If a giant unfunded pension liability and billions of dollars in unpaid bills is what institutional knowledge gets us, I suggest that institutional knowledge is a crock.”

— **“Term limits or institutional knowledge? Choice is clear,” Jason Schaumburg, *Northwest Herald*, April 13, 2014, [bit.ly/1oUc9BP](http://bit.ly/1oUc9BP)**

## Strong, persistent support for Illinois term limits

“In statewide Simon Polls going back to 2010, between 75 and 80 percent of Illinois voters surveyed have supported legislative term limits. Support for leadership term limits — in offices such as Speaker of the Illinois House and President of the Illinois Senate — has been just as strong.

“‘Regardless of your position on term limits, it’s clear the idea has support. If organizers are able to get the measure on the ballot—and it’s not clear the courts will allow that — it should be easy for them to win approval,’ said David Yepsen, director of the Institute.”

— **“Voters continue to favor legislative term limits,” Southern Illinois University, April 7, 2014, [bit.ly/1iYlhQa](http://bit.ly/1iYlhQa)**

# Fighting the Anti-Term-Limits Scam in Arkansas



**Tim Jacob, chairman of Arkansas Term Limits.**

Tim Jacob has been here before.

Just as, today, the chairman of Arkansas Term Limits is a leader in the effort to preserve state legislative term limits, so he led the original charge for state legislative term limits in the early 1990s.

“I found myself the Petition Chairman for the effort to get the issue on the ballot so the people could decide,” he told a recent meeting of the Southeast Arkansas Tea Party. His comments were reported in the *Advance-Monticellonian*. “In an all-volunteer effort, with no outside help, we were able to get enough signatures to put the issue on the ballot. In November of [1992], a half million Arkansas voters said ‘yes’ to term limits with 60% of the vote. Bill Clinton was running that year and only got 53% of that same vote.

“Our elected officials should defend the Constitution and represent their constituents. But after the election results established term limits, the legislators went to court to challenge the vote saying that the voters did not know what they were doing. The Arkansas Supreme Court voted 7-0 to keep the term limits as the people had voted.”

If that all sounds pretty definitive to you, you’re probably not a career politician burdened by a liege-lord sense of entitlement about your seat of power and contempt for popular curbs on that power.

Not every officeholder harbors such contempt. But the fact that so many have proved willing to lie and cheat in hopes of tricking people into gutting state legislative term limits only bolsters the case for ejecting them from power right on schedule.

The measure that Arkansas lawmakers referred to the November ballot represents at least three overlapping lies.

The first lie is that the misleadingly entitled measure (“The Arkansas Elected Officials Ethics, Transparency, and Financial Reform Act of 2014”) is primarily about modest “ethics” reforms, not about weakening term limits. We agree with Tim’s brother, Paul Jacob, that a more accurate (and transparent) title would be “The Anti-Term Limits Measure of 2014” ([bit.ly/P0yT7c](http://bit.ly/P0yT7c)).

The second lie is that the measure’s term limits provisions aim primarily to reduce “combined” maximum tenure in house + senate from 14 years to 12 years, not primarily to double (or more than

double) the lawmaker’s maximum permitted tenure in a particular seat from six years or eight years to a whopping 16 years.

Given the often overwhelming advantages of incumbency — from franking privileges to name familiarity to gerrymandered districts to the power to dole out special favors to big-pocketed interests — incumbents know that running for reelection to one’s current seat is typically the path of least resistance.

The third lie is that many Yes-voting Arkansas lawmakers were as blindsided by the content of the ballot measure they passed as anybody else. This protestation may be true of a few harried lawmakers (though we’re skeptical). But the fact that the measure has not been yanked from the ballot in light of its now all-too-obvious purpose shows that the number of such honestly repentant legislators cannot be even a plurality, let alone a majority. Lawmakers have had months to realize their errors of their ways and reverse themselves.

“Legislators should have conviction and honor,” Tim Jacob says. “The legislature is setting out to fool the people of Arkansas. They should put the words ‘term limits’ in the title; but because the voters have twice voted to keep term limits as they currently are, the legislators are afraid that if it is clearly stated on the ballot, it will fail again.”

Jacob has been here before. He not only fought for the original term limits law that was passed in 1992, he also entered the fray in 2004, the first time the state’s lawmakers tried to fool voters into gutting term limits.

“The title of the bill on the ballot that time stated that it would ‘enact term limits,’” he recalls. “The voters had the choice to double the term limits or to keep the term limits already on the books.” By a 70% majority, they voted not to lengthen term limits. “Our voters did not say or shout ‘term limits,’ they roared ‘term limits.’”

# No Uncertain Terms

The Newsletter of the Term Limits Movement

A Publication of the U.S. Term Limits Foundation

9900 Main Street, Ste. 303

Fairfax, VA 22031

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**“We need to be supervised. We cannot be left alone.... Left alone to our own devices, we can become dangerous masters and fearful servants.”**

**— Deltona Commissioner Webster Barnaby  
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