

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • JULY/AUGUST 2014 • VOLUME 22 • No. 4

After Judge Kicks Illinois Term Limits From Ballot, State Supremes Decline Appeal; Measure Not On Current Ballot

On June 26, Cook County Circuit Court Judge Mary Mikva contended that Illinois's term limits ballot measure to impose eight-year term limits on state lawmakers is unconstitutional and blocked it from being posted to the ballot. In late July, the First District Appellate Court agreed to hear an expedited appeal of the decision after the Supreme



Bruce Rauner explains term limits.

Court declined to hear an appeal directly and immediately. The appeal failed.

The state supreme court did not take up the ballot measure before a late-August deadline for certification of the November ballot, so that as we go to press it appears that the question will not make it to ballot. But Bruce Rauner, the GOP candidate for governor of Illinois and chairman of the Committee for Legislative Reform and Term Limits, on August 22 asked the state supreme court to extend the deadline for certification.

(Continued on Page 3)

Cantor's Term Limit

see page 2

Self-Limitation Isn't Enough, U.S. Term Limits Tells Wisconsin Candidates and Voters

Four GOP candidates running for Congress in Wisconsin's 6th district support term limits...or say they do.

State Senator Glenn Grothman promises, if elected, to serve no more than five terms in the House of Representatives. "I've heard a great deal of concern that they will get another congressman who will be in Washington for 35 years like Congressman Petri," said Grothman, referring to incumbent Tom Petri. Petri is not running for reelection. "I, therefore, pledge to serve in Congress for a maximum of ten years, or five terms."

State Senator Joe Leibham also supports term limits. He says that too many congressmen entrench themselves in Washington to "enhance their own self interests instead of working to improve the well-being of our country." So he has committed himself to serve no more than six terms or

12 years, tops.

In a column reprinted at his campaign web site, State Representative Duey Stroebel observes that term limits "are overwhelmingly supported by the American people, but we cannot rely on

politicians to term limit themselves. I am willing to lead by example. Fortunately, Article V of the Constitution guides us on how we can rectify the current situation, and I truly

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U.S. Term Limits Amendment Pledge



I, _____, pledge that as a member of Congress I will cosponsor and vote for the U.S. Term Limits Amendment of three (3) House terms and two (2) Senate terms and no longer limit.

(Candidate Signature, Date) (Witness)

(Candidate name printed) (Witness name printed)

U.S. Term Limits, 2000 Main Street, Suite 302 / Fairfax, VA 22031
(703) 283-9697 • fax: (703) 283-2688 • fax



President's Corner

BY PHILIP BLUMEL



Dave Brat

"I am running to be Eric Cantor's term limit."

This June, economics professor and U.S. Term Limits pledge signer Dave Brat delivered on his promise by trouncing House Majority Leader Eric Cantor 55%-45% in their GOP primary for Virginia's 7th district — even though Brat received little outside help from natural allies outside his district (who presumably saw Cantor as undefeatable) and even though Cantor outraised him \$5.7 million to \$231,000.

Brat became the first candidate to defeat a majority leader for renomination since the position was created over 100 years ago. Or as Paul Jacob of Citizens in Charge put it, this is "the biggest upset since those crazy term limits folks took out House Speaker Tom Foley back in 1994."

Brat took on many issues in his campaign against the 14-year incumbent, but none was more central than his strong belief in term limits. Believing that "career politicians and special moneyed interests have corrupted our democratic system," he promised to co-sponsor an amendment not exceeding three terms in the House and two in the Senate. He would join 15 current co-sponsors of the legislation in the House — those who stand with the 75 percent of Americans who back term limits.

Sadly, D.C.'s corrupt incumbency has fashioned a system in which Brat's story is the exception, not the rule. Congress ignores the people's desire to turn away from career politicians and toward citizen legislators.

Don't let them ignore us. You can take action today to restore accountability in our nation's capital. Simply sign our U.S. Term Limits Amendment Petition (bit.ly/1IJzGE5) in support of the constitutional amendment. With your help, we can deliver a million signatures of support to the U.S. Congress.

Dave Brat's victory has struck fear in incumbents and given challengers new hope. Both sides have an incentive, now more than ever, to sign on to this vital reform.

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

Visit USTL's Facebook page ("...SHARE if you think Congress should listen to its bosses on term limits") at on.fb.me/U0blkG.

For more commentary from U.S. Term Limits — "Obama Administration Comes Out for Term Limits," "Myth-busting 101: Are Term Limits Anti-Democratic?," "Jack Abramoff: Lobbyists Hate Term Limits," and more — visit us at TERMLIMITS.ORG.

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9900 Main Street, Ste. 303

Fairfax, VA 22031

(703) 383-0907

info@ustl.org

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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 Limits Measure Not on Ballot in IL (Cont'd from page 1)

“We are sure that the Committee’s amendment does pass constitutional muster and we are optimistic that the Supreme Court will eventually rule in favor of the citizens of Illinois. Today we are asking the Illinois Supreme Court to order the State Board of Elections to delay certification of the November ballot. There is still plenty of time for the Court and Board of Elections to get our amendment on the November ballot.”

Earlier in June, the Illinois State Board of Elections had confirmed the validity of about 60 percent of the signatures on the petition to send the Term Limits and Reform question to ballot — some 370,000 valid signatures, 70,000 more than necessary to send the question to ballot.

Mikva also axed a separate reform measure that would have changed how district maps are drawn. Unlike the term limits reform question, the redistricting question had not garnered enough valid signatures to easily win the approval of election officials. The sponsor, Yes for Independent Maps, has decided to pursue a ballot measure in a later election cycle rather than appeal the decision.

Deferring to an erroneous 1994 Illinois supreme court decision, Judge Mikva’s ruling asserted that the term limits feature of the ballot measure, or

at any rate the term limits component of it, would lack a “structural and procedural” impact on the legislature.

Article XIV (bit.ly/1s4CQYT), Section 3 of the Illinois constitution states that “Amendments shall be limited to structural and procedural subjects contained in Article IV.” Article IV (bit.ly/1jzd6kT) covers the power and structure, composition, districts, procedures and compensation of the state legislature.

Term limits clearly affect both electoral procedures and legislative

structure. But even the most tendentious misreading of what is required to exert a “procedural and structural” impact on the legislature — the one branch of government that Illinoisans are allowed to affect by citizen initiative — cannot ignore the full compass of the current Term Limits and Reform ballot measure, which would alter the size and number of legislative districts in addition to restricting lawmakers to eight years of total legislative service.

What about Governor Quinn?

After Judge Mikva ruled against the Illinois term limits measure, Democratic Governor Pat Quinn issued a statement noting his own term limits campaign of two decades ago and expressing disappointment in the decision. The *Chicago Tribune* then editorialized about what the paper sees as Quinn’s merely nominal support for term limits (“Where’s the guy who wanted to empower the people?” [trib.in/1qQxqxG]). U.S. Term Limits also hopes that Governor Quinn will become a more vigorous champion of the term limits measure championed by his opponent. But we have seen incumbents reflexively disparage the reform too often to be less than grateful for even minimal words of support from a sitting governor. We appreciate Quinn’s past leadership on term limits and will welcome any renewed gusto that he may bring to the causes both of term limits and the right of voters to vote on term limits.



Governor Pat Quinn

USTL Tells Wisconsin Candidates and Voters (Cont'd from page 1)

believe that we must pass a constitutional amendment term limiting members of Congress.” Stroebel also says that he has “no intention of being in DC more than ten years.”

Tom Denow, a college instructor, also voices support for term limits, but has not promised to limit his tenure if elected.

The GOP’s 6th-district nominee will be decided in an August 12 primary.

Assuming that the support of these candidates for congressional term limits is genuine, the question is: Why haven’t they signed the U.S. Term Limits Amendment Pledge “that as a

member of Congress I will cosponsor and vote for the U.S. Term Limits Amendment of three (3) House terms and two (2) Senate terms and no longer limit”?

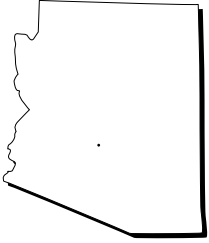
“If, indeed, a candidate is self-limiting at 10 years, that doesn’t really move the ball forward,” USTL executive director Nick Tomboulides told the *Wisconsin Reporter* (bit.ly/1qH0tEN). “His own limit is not going to dramatically overhaul corruption in Congress. If [the 6th Congressional District candidates] want to take substantive action, [they] should sign our pledge and get on the bill.”

Of course, congressional candidates can both pledge to limit their terms *and* pledge to sponsor the congressional term limit amendment. But the self-limit must complement, not substitute for, the Amendment Pledge. And any personal self-limit pledge should not exceed the maximum tenure specified in the Amendment Pledge: six years in the House; not ten, not twelve.

More than 170 congressional candidates have signed the Pledge this election season, including three in

(Continued on Page 7)

Term Limi



ARIZONA

Chandler, AZ. Chandler city council members currently limited to two consecutive terms of service have agreed to ask to voters to weaken the limit to three consecutive terms. The term limits in effect now were enacted in 1972, and voters have rebuffed three attempts since then to repeal (1986) or weaken (1996, 2000) the law. But hope to undermine term limits springs eternal in the incumbent politician's breast.

CALIFORNIA

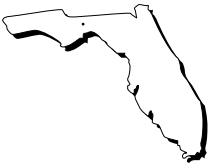
Irvine, CA. In May the Irving Council voted 4-0 to place a lifetime limit of two four-year terms as council member and two two-year terms as mayor on the November ballot. The limit currently in place restricts council members to two consecutive four-year terms and the mayor to two consecutive two-year terms; but since the restriction pertains only to consecutive terms, an officeholder may potentially serve in perpetuity.

La Mesa, CA. Council members unanimously agreed at their May 27 meeting to put a term limits measure on the ballot after 4,500 voters had signed a petition to post such a question (3,306 valid signatures were required). The measure would limit council members to three consecutive four-year terms.

Manhattan Beach, CA. A measure on a November ballot aims to restrict city council members and the city treasurer to a maximum lifetime tenure of two four-year terms. Term limits are in place, but after sitting out for two years, a former officeholder may run for the same position. Councilman Mark Burton, who proposed the ballot question, says: "I don't think it's a lifetime job, and I don't think it should be. After you've done your eight years...allow someone else the opportunity."

Moreno Valley, CA. In mid-May the city council, currently not term-limited, approved a ballot measure to impose a maximum tenure of three consecutive four-year terms. Discussed and rejected were a limit of two consecutive terms and a lifetime ban after three terms.

Palo Alto, CA. Palo Alto City Council's Policy and Services Committee okayed a ballot measure to lengthen the maximum tenure of council members from two terms to three terms. Councilman Greg Schmid dissented.



FLORIDA

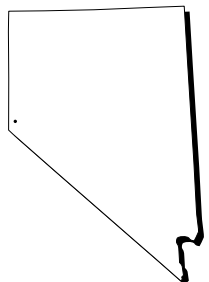
Lee County, FL. On June 3, the board of commissioners of Lee County agreed unanimously to refer a ballot measure to impose a lifetime limit on their tenure of three four-year terms. But commissioners did not also accommodate members of the public who spoke on the question by changing the maximum number of terms from three terms to two terms.

Miami Beach, FL. Voters will get a chance on August 26 to limit the number of years that a person can serve as city commissioner and mayor, together, to 14. Officials are currently limited to eight consecutive years as commissioner and to six consecutive years as mayor, but can keep flipping between the two positions. The issue of capping overall service in addition to service on the individual offices came to the fore after last November's election. In that election, Mayor Matti Bower ran for a seat on the commission after having been termed out of the mayor's office after having been termed out of a seat on the commission.



LOUISIANA

St. Mary Parish, LA. St. Mary Parish Council decided in mid-June to ask voters to accept consecutive term limits of three four-year terms for themselves and for the parish president. Councilmen and mayor are currently limited to two four-year terms. But a councilman serving a district can run for an at-large position after being termed out. Terry Guarisco, a voter speaking at the council meeting before the proposal was voted on, had a question. "Why does it appear some of you want to die in office?"



NEVADA

Nevada State Senator Tick Segerblom is pushing for a measure to abolish term limits on state and local elected officials. The bill would have to be approved by both the 2015 and 2017 legislatures before the measure is posted to ballot for voters to decide. The maximum tenure under current state law is 12 years.

Meanwhile, Nevada officials including the state's secretary of state and its attorney general have submitted a filing to the state supreme court to argue that Rick Workman, a former mayoral candidate, has no standing to sue to oust Andy Haven, the current mayor of Henderson, Nevada. (We have to wonder: Who on their view, then, *would* have "standing" to demand enforcement of local term limits, if Workman, a local voter, lacks it?) In February Nevada's supreme court had ruled that council members termed out after

ts in the News

12 years cannot then run for mayor when the mayor simultaneously serves on the council; Hafen had been a council member from 1987 to 2009 before becoming mayor in 2009. The court had made clear that he is prohibited from running again at the end of his current term. The question now before it is whether he must also step down forthwith given the fact that he is in fact exceeding the term limit which the court has recognized as valid.



NEW YORK

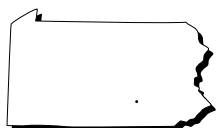
Rob Astorino, the GOP candidate for governor, favors term limits of eight years for both statewide elected officials and legislators. “You lose perspective by being in this building for as long as some of these people are,” Astorino said at a news conference. “The less time they’re here, the better it would be for everybody.”

North County Public Radio observes that the state senate’s Republican leader, Dean Skelos, “has been in office for 30 years. The Assembly GOP Leader, Brian Kolb, was first elected 14 years ago. But Astorino reserved his specific criticism to the Democratic Leader of the State Assembly, Sheldon Silver, who has been the Speaker for 20 years, and in office since 1976. He says Silver has been in office too long.”



OHIO

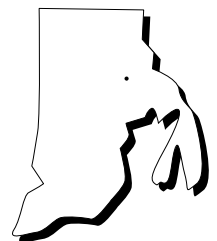
Some Ohio lawmakers are rumbling — again — about asking voters to lengthen term limits from eight years to twelve years, citing an opinion poll that strains to make it seem as if many voters who prefer an eight-year limit are at least “amenable” to a 12-year limit. (According to the poll’s own data, only 13% said that they preferred 12-year term limits to eight-year term limits.) Speaker William G. Batchelder, who is being termed out of office this year, says: “When you can get [good] people to come and stay awhile — and I don’t regard eight years as a while — then I think what they can do for the state is important.” (Uh... eight years is not “a while”?) USTL Executive Director Nick Tomboulides observes in an op-ed for the *Cleveland Plain Dealer* (bit.ly/1ni4E9g) that Batchelder’s special commission to “study” term limits not only ignores the wishes of voters on the question but “is also insulting them with the ruse of an independent study. The people of Ohio deserve better than leaders who choose political opportunism over representative government.”



PENNSYLVANIA

Carlisle, PA. A home rule charter that voters will consider next year would impose term limits of two consecutive four-year terms on the mayor and town council. After two years out of office, the termed-out official would be free to run again for the same office.

Schuylers County, PA. County lawmakers voted 7-1 to limit themselves to three four-year terms in office. The lone dissenter, Thomas Gifford, says the end of each term is all the term limit you need. “To impose anything else is redundant.” In contrast, Legislature Chairman Dennis Fagan says: “Any rational person watching our leaders in Albany and Washington would certainly see the need for term limits.”



RHODE ISLAND

Cranston, RI. By 8-1, the Cranston City Council approved a measure for the November ballot to ask voters to limit school committee members to five consecutive two-year terms, the term limit to which council members are subject. The Mayor is limited to two consecutive four-year terms. Donald Botts, who introduced the resolution, says, “Every other elected official or elected body in the city does have term limits. I think we need fresh ideas and turnover to introduce those ideas.”

TENNESSEE

Nashville and Davidson County, TN. The Metro Council of Nashville and Davidson County is considering charter amendments that include lengthening term limits from two to three consecutive four-year terms. Also on the agenda is reducing the number of district and at-large council members from 40 to 27. If the council proceeds, the amendments would reach the ballot in either August or November. Councilman Emily Evans says letting voters shrink the council is probably the only way to get them to lengthen term limits: “You have to give the public something.” Yes; weakening term limits, let us all agree, cannot be the “something” which voters seek.



They Said It



What Should Happen in Illinois This November

“On Nov. 4, hopefully voters will decide the term limit amendment....

“Long-term incumbency allows politicians to build huge war chests for re-election. An Illinois constitutional term limit amendment helps stop ‘a rigged system benefiting the few.’

“The Founding Fathers didn’t create a republic to foster corruption or to provide career politicians life-time jobs with huge pension benefits. The term limit amendment is designed to limit elected officials to a total of eight years in the legislature, reform and resize the legislature and reform the veto procedure. A term amendment prevents dominant, corrupt cliques from hoarding power while rewarding cronies.

“The amendment makes it harder to overcome a governor’s veto, raising the threshold from a three-fifth’s majority to two-thirds, thus curtailing the power of special interests.

“Term limits coupled with a redistricting amendment are a corrupt politician’s nightmare.”

— **“Why vote ‘yes’ on Illinois term limits,” Philip W. Chapman, *Belleville News-Democrat*, May 21, 2014, bit.ly/TwFRCJ**

What Should Happen in El Paso County, CO

“An institutionalized changing of the guard, with a legal limit of two four-year terms, protects society from any politician secretly abusing power for more than eight years....

“Term limits have long been a political hot potato in El Paso County. County commissioners put a deceptively worded question on the 2010 ballot that gave voters the option of limiting commissioners to three terms. It asked whether persons elected to various county offices should ‘be limited to serving three consecutive terms.’

“The measure failed to mention that commissioners and others were limited to two terms. By voting for a measure that ‘limited’ commissioners to three terms, the community chose to extend terms. Public outrage ensued upon discovery of the deception. Political pressure led commissioners to place a less confusing measure on the 2012 ballot. Given clear wording, nearly 60 percent of voters chose to restore the two-term limit that had inadvertently been extended.

“While the 2012 ballot restored eight-year limits to most county offices, the sheriff and DA were not included....

“Farmers rotate crops in a field to ensure the health of soil. Likewise, we systematically exchange public servants to protect the integrity of public institutions. Three terms may be too long for any county office.”

— **“Re-evaluate term limits in wake of sheriff scandal,” *Colorado Springs Gazette*, May 30, 2014, bit.ly/1ib0WGX**

What Should Happen in the United States

“It’s astoundingly difficult to defeat an incumbent. U.S. House re-election rates have been north of 90 percent for much of the past 50 years, and never below 85 percent over that time.

“‘What we find is the lack of term limits and competition erects a barrier to entry for prospective challengers,’ [U.S. Term Limits Executive Director Nick] Tomboulides said. ‘Challengers face a daunting task of getting elected because the fundraising bar is so high and the name recognition bar is so high.’

“The folks at U.S. Term Limits like to say getting a career politician to sign off on a term limits pledge is like getting a chicken to vote for Colonel Sanders. It is asking a politician to act against his own self-interest—and there are a lot of perks and benefits in being a member of Congress.

“Tomboulides said it will take a significant grassroots effort to turn the page on term limits. Adopting the amendment would require a supermajority of support in the House and Senate, and ratification by three fourths of the states.

“‘I am asking everyone I know to pressure candidates for Congress’ to sign the amendment pledge [bit.ly/U7cHKB], Tomboulides said. ‘That’s the only way to get this done. I don’t think politicians living in the lap of luxury are going to change this.’”

— **“Most everyone seems to agree on term limits but career politicians,” M.D. Kittle, *Wisconsin Reporter*, July 8, 2014**

The Arkansas Ballot Measure That Just Couldn't Tell the Truth by Phil Blumel

Politicians go to great lengths to thwart voter-approved term limits. If one scheme flunks, they try another. In Arkansas they are trying several simultaneously and topping it off with the most dishonest ballot title, well, ever.

The first part of the plan was to hide a provision in a long so-called ethics bill.

The second part of the plan was to use that provision to stretch Arkansas state term limits from eight to 16 years in the Senate and from six to 16 years in the House, with an overall term limit of 16 years. The change is being presented as minor. After all, isn't the current "overall" limit only 14 years? Glossed over is the fact that under current law, these 14 years cannot be served in one seat. Although the 16 years of the proposed term-limit-stretching could conceivably be served half in one chamber, half in the other, in most cases lawmakers will exploit the advantages of incumbency by sitting out the whole maximum tenure in one seat in one chamber.

The content of the term limits provision, the deceptive attempt to hide it by burying it in a so-called ethics measure, and the deceptive rationalizations being trotted out for it are bad enough. But come the spring, the Arkansas Secretary of State was adding insult to injury with the following official popular version of the ballot title for Issue No. 3: "An amendment regulating contributions to can-

didates for state or local office, barring gifts from lobbyists to certain state officials, providing for setting salaries of certain state officials and setting term limits for members of the general assembly."

Wha...?

Setting term limits for members of the general assembly? Eight-year term limits were *set* by voters in 1992. And reaffirmed by them in 2004. Issue 3 *lengthens* the existing term limits—doubles them or more than doubles them — to 16 years. Clearly, the purpose of using the word "set" is to fool relatively inattentive pro-term-limits voters into assuming that Arkansas lawmakers will now, at long last, be subjected to term limits; that to

help make this happen, they should vote Yes.

Do you believe in "setting term limits for the general assembly?" Hey, I do! Love that idea. All term limits supporters in Arkansas and everywhere support "setting term limits for members of the general assembly."

This is what the politicians are banking on. They know Arkansans support term limits, so they have crafted language designed to hornswoggle at least some Arkansas voters this November — enough, incumbents desperately hope, to let the measure squeak through. It is just one more deliberately deceptive layer of a multi-decker scam sandwich.

Phil Blumel is the president of U.S. Term Limits.



More USTL Tells Wisconsin (Cont'd from page 3)

Wisconsin (none in District 6 as we go to press). You can check the status of local congressional candidates by visiting ustermlimitsamendment.org. A printable copy of the Amendment Pledge is available at bit.ly/U7cHKB.

Not every candidate who makes

a self-limit pledge abides by it. But those who do tend to be more conscientious in serving the public good than those who are indifferent to keeping their word. And we can't think of any elected congressman who has in fact abided by a self-limit pledge who

would, if still in office, have any problem signing the USTL Amendment Pledge. The first member of Congress to sign the pledge back in 2010, U.S. Senator Tom Coburn, had also kept a pledge to serve no more than three terms in the U.S. House.

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“I am running to be Eric Cantor’s term limit.”

**— Dave Brat, signer of U.S. Term Limits Amendment Pledge
and defeater of U.S. House Majority Leader Eric Cantor
in GOP primary**

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