

No Uncertain Terms

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Pressured by Voters, Renegade Council Members and U.S. Term Limits, Jacksonville, FL Council Drops Plan to Gut Term Limits

Jacksonville, Florida city council members are limited to two consecutive four-year terms in office.

Like members of term-limited electoral bodies across the land, many incumbents on the council of this large and populous city (with more people than some states) have been eager to weaken that term limit. During the current legislative session, they had hoped to post a ballot measure lengthening their maximum tenure and that of other local office-holders to three four-year terms.

On August 22, the effort died, at least for the current legislative session.

Voters would have had to approve the measure in the fall election. But: “No citizens have asked for this,” noted Councilman Tommy Hazouri during the August 22 council session — the meeting in which the proposed referendum was killed by a vote of 11 to 6.

Responding to the weirdly irrelevant claim that if the Jacksonville council doesn’t put a measure to weaken term limits up for a vote, the question will “keep coming up,” Hazouri, the councilman who spoke most forcefully against



the bill, pointed out that if efforts to weaken term limits do “come up here next year and the next year and the next year, it’s not going to because the people have asked us to

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USTL Launches a New Chapter in Utah by Nick Tomboulides

U.S. Term Limits has launched a fully staffed and operational chapter in Utah to continue the progress that Democrats and Republicans have made to rein in the powerful in Washington, DC by imposing congressional term limits.

Imposing term limits on Congress — which has received wide public support in all 50 states — will help restore trust in our government and restore power to the people.

State Director Justin Anderson said that the nationwide initiative “to impose term limits on congress has garnered

bipartisan support on the state level and on the federal level. Accountability and transparency are not partisan issues” but an

issue that divides the establishment and the people.

Anderson’s chapter will work for passage in Utah of a bill calling for the Term Limits Convention, a bill that would enable state legislatures to term limit Congress if 34 states join the call. In 2017, the bill passed the Utah State House but came up short in the Utah State Senate.

A 2016 poll from Dan Jones & Associates found that 88 percent of Utahns back term limits for Congress.

Utah has experienced its fair share of congressional careerism, with Orrin Hatch serving as one of its senators since 1976. Over the years, Hatch has articulated every possible position on term limits. But at 83, he will be running for his eighth six-year term in 2018.

If Hatch wins and serves yet another term, he will become the third-longest serving senator in American his-

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WELD: Dramatic Problems Require Dramatic Solutions

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President's Corner

BY PHILIP BLUMEL

On page 4 of this issue we quote from an op-ed by Don Gaetz, "So Does Florida Really Work?" He is talking about the legislature and the budget process, and his assessment is comparative. The term-limited, part-time Florida legislature works a heck of a lot better than an un-term-limited legislature like New York's. "Keeping a richly salaried legislature going year-round is like keeping the bar open all night to promote sobriety and safe driving."

We're not surprised that a term-limited legislature is more likely to drive safer fiscally than are un-term-limited legislatures. It's not inevitable. And, as we're always reminded, term limits are not a "panacea." But term limits do repeatedly interrupt the tendency of incumbents to accrue and abuse power at the expense of those whom they're supposed to be representing. Term limits enable a continuous renewal.

This perception is affirmed by a new report from the Mercatus Center of George Mason University, "Ranking the States by Fiscal Condition: 2017 Edition." (Visit bit.ly/2iIyvO5 for a PDF of the report.) According to authors Eileen Norcross and Olivia Gonzalez, "Florida ranks first as the most fiscally healthy state, while New Jersey ranks the lowest." Eight of the 15 fiscally strongest states have legislative term limits.

The data contradict the frequent claim of career politicians and other enemies of term limits that term limits must usher in inexperience and fiscal ruin. For example, consider the state ranked 49 on this list, Illinois. Illinois, which has no term limits, just made Representative Michael Madigan the longest serving legislative leader in American history. Madigan has been House Speaker for 32 of the last 34 years.

Experience? Vast. But Madigan's vast experience has served only to plunge his state into fiscal calamity. Just last month, ratings agencies Moody's and S&P dropped the state's bonds to BBB-, the lowest rating ever for a state. The raters said if Illinois doesn't do something about its \$200 billion in long-term debt, the bonds will be downgraded to junk.

Madigan has been able to get himself and other career politicians re-elected in perpetuity. But he is indifferent to the state's fiscal woes. If the legislature had been term-limited all these years, Illinois voters would have been rid of Madigan long ago.

Visit Phil Blumel's blog at pblumel.blogspot.com.
Visit USTL's Facebook page at on.fb.me/U0blkG.

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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

New Utah Chapter (Cont'd from page 1)

tory — ahead of even Strom Thurmond, who served for half of the 20th century. A *Salt Lake Tribune* poll recently found that 78 percent of Utahns do not want Hatch to run again in 2018. But their only choice if Hatch does run and make it to the general election will likely be between Hatch and one other major-party candidate. Critics of term limits should be less puzzled than they profess to be when voters reelect an incumbent they'd



Senator Orrin Hatch.

rather see the last of. In a two-party system, voters tend to face very limited options in November.

Politicians who have made it their career to stay in office have neglected the interests of their constituents, denied transparency, and helped calcify an establishment that opposes progress in our country.

Nick Tomboulides is the executive director of U.S. Term Limits.



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Jacksonville (Cont'd from page 1)

bring it up the next year and in the years following. It's us.

"We've met the enemy here, and it's us. We are the ones that are pushing this bill. Pushing it, pushing it, pushing it. Next year someone else can come up, if it's defeated in a referendum, and do it again."

Hazouri's contention is borne out by the modern history of term-limited legislatures around the country. No matter how many times voters defeat efforts to lengthen term limits, incumbents often simply regroup and eventually try again to undo term limits. Nor are incumbents ever eager to offer voters a chance to *shorten* maximum tenure, belying the claim that they're simply trying in a neutral way to give constituents a chance to reconsider the issue.

Councilman Bill Gulliford stressed that the rejection of an amendment to exclude present officeholders from the prospective lengthening of tenure "indicates that the bill is indeed self-serving.... I have seen no evidence of any great enthusiasm amongst the citizenry that says this is a hot issue and we should probably bring it up for another vote. I think until you get to that point...we're just beating a dead horse."

The closest that partisans of the gut-term-limits measure could come to showing that the measure was not self-serving was Councilman Reginald Brown's observation that incumbents around the state have gotten service awards from the Florida League of Cities in recognition of their longevity, in one case for 60 years of service. Brown

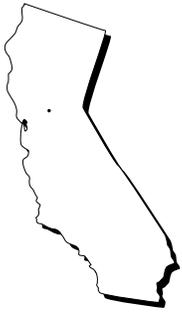
declared that if all Florida counties had been subject to a two-term limit, none of the incumbents who have gotten awards for longevity would have gotten those awards. Well, granted. All proponents of term limits on tenure can readily concede that term limits do indeed limit terms — and that term limits are indeed inconvenient *for incumbents who would prefer to remain in office indefinitely*.

The August council session was the second time in recent weeks that the referendum had come up for consideration. In July, in the wake of mounting local protests, members had deferred a final decision about whether to post the measure by a vote of 15-4.

Before the second and final consideration of the bill, U.S. Term Limits held a press conference to publicize an opinion poll conducted in early August by Rasmussen Research. The survey of 400 Jacksonville residents found that 72 percent opposed lengthening maximum tenure from two terms to three terms. Most (71 percent) also believe that the purpose of the proposal was to benefit council members, not the public. More than half of respondents (52 percent) said that they'd be less likely to vote for a council member who had acted to weaken term limits.

"It was obvious all along what this was about: politicians defying the voters in order to increase their own power," says USTL Executive Director Nick Tomboulides. "Tommy Hazouri did the city a great service by exposing the self-serving nature of this bill."

Term Limits



CALIFORNIA

Norco, CA. Residents of Norco are making their third attempt to get a term limits question on the ballot despite the nay-saying of City Attorney John Harper, who says retroactive term limits are “invalid.” The proposed term limits would allow incumbent council members to complete their current term after passage but would ban them from seeking a third four-year term if they will have served two full terms.

Montebello, CA. Montebello voters will decide in November whether to term-limit city council members to three consecutive four-year terms.

FLORIDA

Florida State Senator Greg Steube has submitted a bill to limit school board members throughout the state to two four-year terms. If okayed by the legislature, the question would appear on the November 2018 ballot; 60 percent of voters must approve the proposed constitutional amendment if it is to become law. “I think it’s important to have a new wave of leadership at these different school boards,” Steube says.

Two Florida mayors, Windermere Mayor Gary Bruhn and Ocoee Mayor Rusty Johnson, say they were “blindsided” by state house candidate Bobby Olszewski’s statement in support of municipal term limits, and therefore have withdrawn their endorsements of his candidacy. Bruhn says voters already “decide term limits” and that term limits entail “taking away our residents’ fundamental rights to self-government. If he’s willing to throw this out there, how would he try to serve us when he’s under pressure?”

These words make it sound as if support for term limits, which most voters also support, is the most heinous possible thing. “If he is willing to advocate term limits, to what depths will he not descend!” But term limits don’t “take away” the right of self-governance; they facilitate it by periodically curbing the potential for corruption and making seats more competitive. They end endless incumbency.

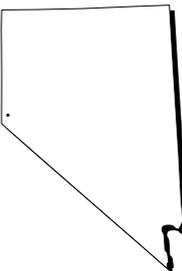
Olszewski’s answer to the mayors: “I firmly believe elected officials should be subject to term limits, and I will not stop fighting for term limits.”



GEORGIA

Roswell, GA. Fulton County Superior Court Judge Craig Schwall has ruled that Roswell mayor Jere Wood violated a new term limits law when he ran unopposed for his fifth term in 2013. Wood contends that the term limits are not retroactive; the judge disagrees. The judge ordered that Wood be removed from office immediately, but also that the order would be stayed if Wood appeals it. Wood has agreed not to seek reelection but is contesting his immediate removal.

Marietta, GA. Despite the objections of City Attorney Dough Haynie — who says the city lacks the authority to impose term limits on the city council after an attempt failed to secure term limits through the state legislature — the council voted 6-1 to limit itself and mayors to three four-year terms. According to the *Atlanta Journal-Constitution’s* Carolyn Cunningham, “About 80 percent of the Marietta City Council agreed with 80 percent of those voting in November that Marietta should set term limits for elected officials.”



NEVADA

The *San Francisco Chronicle* reports: “Twenty Nevada state lawmakers will be pushed out of their seats over the next five years, changing yet again the makeup of the two houses thanks to the state’s term limits law.... Four lawmakers are term-limited in 2020, after the next legislative session in 2019. In 2022, after the 2021 session, 16 lawmakers are set to reach the cap on their terms.” The limits are 12-year limits. “The limits would have been tighter if we had run the campaign,” USTL executive director Nick Tom-boulides told the *Chronicle*, “since we prefer limits not exceeding the eight years allotted to the president.”



NEW YORK

Huntington, NY. An unscientific local opinion survey initiated by town board member Gene Cook found that voters like term limits and believe that term limits should apply to all elected officials. Most who responded prefer two four-year terms to three four-year terms. Cook plans to hold hearings about term limits. Board member Susan Berland says it’s late in the year to be raising the question. “Cook should have put this up in a timely manner to be a referendum on the general ballot in the November election. To bring this issue up now, it’s just more political games.”

In The News

Utica, NY. According to Jim Zecca, a candidate for Utica Common Council, Utica Mayor Rob Palmeri is behind a petition drive to lengthen term limits of city officials. Palmeri has said that constituents are behind the drive. His current, second term expires in 2019, and he will be out unless the city charter is amended. According to the Oneida County Board of Elections, enough signatures have been gathered to do so. The council can implement the change itself or let the measure go to ballot. On August 2 council members tabled the question.



OREGON

Initiative Petition 19 is a term limit initiative supported by former candidate for governor Bud Pierce. The measure would impose consecutive eight-year term limits if passed by voters, and would apply retroactively. Petitioners must collect 88,184 signatures to get the question to ballot.

Douglas County, OR. A petition drive to let voters decide on a home rule charter for Roseburg has succeeded. The question will be on the November ballot. The three salaried at-large commissioners would be replaced by five-commissioner board serving particular districts and the commissioners would be subject to two-term limits. A term limit measure passed in 2014 but was overturned in court. The hope is that the limits will pass muster in a home-rule context.



VIRGINIA

Charlottesville, VA. In violation of city code, two term-limited members of the Charlottesville Planning Commission are being allowed to stay on a few months past the mandated end of their tenure and “despite...the fact that there is no record of City Council holding a public discussion of the matter.” The *Charlottesville Daily Progress* opined: “Term limits were established for a reason: to prevent experience from becoming stagnation. New membership allows new ideas to percolate through the decision-making system. The fact that the term limits are enshrined in city code makes this an important consideration, indeed. But [of] greater concern is this: If the city can ignore its own code in this instance, what’s to stop it from finding loopholes enabling it to ignore its own rules in other situations?” The *Daily Progress* proposes a “compromise”: allowing the two board members to stick around as non-voting advisors to their replacements. This would be no compromise, however. It would be a flat acceptance of the term limit. Term limits have never banned termed-out officeholders from giving advice.



WASHINGTON

Pierce County, WA. The Pierce County council referred a measure to ballot that would lengthen council term limits from two four-year terms to three four-year terms. According to the *News Tribune*, “A lengthy kerfuffle last Tuesday over who would sit on a committee that writes arguments for the voters pamphlet was a sign of the term limits battle to come.” The county council has tried this before. In 2009, Proposition 1 to length council tenure to three terms (while also changing election dates) failed with 68% voting no. The ballot language was challenged as prejudicial, but a judge dismissed the challenge, saying that a 10-day deadline for the challenge had been missed. Any misleading ballot language for a measure to lengthen term limits would have precedent, as would defeat at the ballot box.



UNITED STATES

Both of the candidates who made it to the runoff stage of Utah’s special GOP primary for U.S. Senator, incumbent U.S. Senator Luther Strange and former Alabama Chief Justice Roy Moore, have now signed the U.S. Term Limits Amendment pledge, which 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.” Moore and Strange emerged from a crowded field on August 15. Since neither candidate received more than 50 percent of the vote, a runoff will be held on September 26. Strange had been appointed to his Senate seat in February to replace Jeff Sessions, the new U.S. attorney general.

The *Daily Caller* reports that we’re out of luck when it comes to imminent U.S. Senate retirements. Although Hatch (83) and Feinstein (84) had been expected to retire, both have decided to run. In the last 25 years, an average of seven senators who might have stood for reelection have retired instead. If no one does actually step down, “this would be the first time since popular elections were created 104 years ago with no members of Senate retiring.”

IN OUR OPINIONS

Don't "Grow" Out of Integrity, Please

"Casting aside any semblance of personal honor or integrity, U.S. Rep. Markwayne Mullin (R-Okla.) announced last week that he will break his personal term-limit pledge by seeking another term in Washington, come 2018.

"'I've grown a lot,' explained the double-first-named, third-term congressman from Oklahoma in addressing his double-cross of voters. Yes, Mullin has grown bigger and more full of himself during his time in the nation's capital, just as the federal government under his watch has grown bigger and more full of itself, too....

"Politicians will concoct the most amazing farragoes to stay in office. That's why we need a constitutional amendment that limits terms for all senators and representatives with certainty. Funny, Rep. Mullin also signed a U.S. Term Limits pledge to sponsor or co-sponsor such an amendment. But the budding politician broke his word on that commitment, too."

— **"The Problem with Politicians Who Grow," Paul Jacob, Townhall, July 9, 2017, bit.ly/2h1OJY6**

Term-Limit Me Too

"[A] part of what I believe has contributed to the corruption that we've seen from the Bell Administration has been the length of his tenure in City Hall. If term limits are good enough for virtually every major city in the U.S., they should be for Birmingham, and as mayor, I will work with our state delegation to establish term limits so that no Mayor—including me—serves more than two consecutive four-year terms."

— **"5 questions with Randall Woodfin," Randall Woodfin, WBRC, August 4, 2017, bit.ly/2fiFTOQ**

Cris de Coeur to Kill Term Limits Come Not From the People

"Jacksonville Councilman Matt Schellenberg...is part of a trend here in Florida: that of political insiders scheming to undo the will of voters by abolishing term limits.

"These repeal campaigns never come from the people, who regardless of party support term limits at supermajority levels. They're always top-down efforts led by the same power brokers getting termed out of office. [But] term limits weren't invented to give politicians live the life of Riley....

"Instead of bringing Washington's career politician problem to Jacksonville, Schellenberg ought to help bring Jacksonville's term limits to Congress."

— **"Jacksonville Needs to Keep Term Limits in Place," Nick Tomboulides, Sunshine State News, July 24, 2017, bit.ly/2feDswX**

Try Term Limits and Fiscal Sobriety

"New York has a full time, highly-paid legislature and no term limits. Keeping a richly salaried legislature going year-round is like keeping the bar open all night to promote sobriety and safe driving.

"As a consequence, New York's state budget is 175 percent of [Florida's] even though they now have fewer people than Florida. In fact, more New Yorkers migrate to Florida than to any other place. New York's strategy is to raise taxes, lose more people and businesses, pay more entitlements, raise taxes again."

— **"So Does Florida Really Work?," Don Gaetz, USA Today, July 8, 2017, usat.ly/2hKKVog**

No, It's Not Just Utah, Particularly

"We have had more than 100 members of Congress serve 35 years or longer. Over the years, we have had more than 100 members of Congress serve 35 years or longer, with some stretching their tenure to nearly 60 years....

"It can...be argued that we have the power to impose our own term limits each time we go to the ballot box, but the truth is—particularly in the case of Utah—there is no real formidable opposition, meaning the 'ins' remain 'in' and the 'outs' remain with their noses pressed against the window."

— **"Why we really, really, really need term limits," Ed Kociela, Cedar City News, July 11, 2017, bit.ly/2iHhC6z**

Term Limits Convention: Dramatic Solution to a Dramatic Problem

by Bill Weld



Given the performance of Congress so far this year — and the past several years, for that matter — now is a good time to talk about term limits for the U.S. House and Senate.

From the annual failure to approve a real budget to the recent healthcare legislation debacle, it has never been more clear that Congress is dysfunctional. For the most part, it is incapable of fulfilling even the most basic responsibilities.

When they returned to Washington in a couple of weeks after their district and state “work periods,” the House and Senate had only days to resolve fundamental issues of the debt ceiling and how much the government would spend in the coming year. Those are time crunches of their own making and dysfunction — and, in the private sector, would be job-ending irresponsibility.

Something has to change. Electing a handful more Republicans or Democrats on the edges every two years isn't going to fix it. Not when, even in a “change” election, more than 90 percent of Congress will end up being the same career politicians who are the problem.

Imagine what would happen if Members of the U.S. House were limited by the Constitution to serving only three terms and Senators limited to two terms. Like Governors in 36 states where some degree of term limits are in place, they would know from Day 1 that they were sent to Congress to do a job, only have a certain period of time to do it, and would be driven not by securing a life-long career, but by a fear of failure in their one shot at serving and making a difference.

They might get some things done — and do them for the right reasons.

With term limits, legislators wouldn't have time to get too comfortable in their seats, forget who sent them there, and shift their loyalties to the special interests who have literally billions of dollars invested in the status quo.

No longer would Congress be a career. It would be the opportunity to serve that the Founders envisioned.

The American people want term limits. Poll after poll, for many years, have shown overwhelming support. That's why so many states have enacted them for governors and state legislatures. The problem, obviously, is that the one group who don't want them are the people in power and the special interests who depend on them.

Congress won't fix itself. That is abundantly clear.

Fortunately, if Congress won't act on a constitutional amendment to put federal term limits in place, the founders presciently gave the American people a way to amend the



Constitution without Congress' approval. That solution is an Article V Convention to deal specifically with the question of term limits.

If two thirds of the states pass bills calling for such a convention, Congress is legally bound to convene one — with the delegates chosen by the respective states. If and when the convention approves a proposed term-limit amendment, it goes to the states for ratification, bypassing Congress.

It's a dramatic solution. But it's a dramatic problem, and we all know that Congress won't fix it on their own.

Bill Weld is a former governor of Massachusetts. In 2016, he was the Libertarian nominee for vice president of the United States.

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“It’s a dramatic solution. But it’s a dramatic problem, and we all know that Congress won’t fix it on their own.”

**— former Massachusetts Governor Bill Weld
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