

No Uncertain Terms

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Alabama Is Second State to Call for a Term Limits Convention

Early in January of 2018, the Alabama house of representatives passed a resolution by unanimous voice vote calling for a Term Limits Convention. Just two weeks later, on January 25, the state senate finished the job, passing the Term Limits Convention resolution by 19-8.

Alabama is the second state to call for a Term Limits Convention. The first was Florida.

The leader on the senate side, Alabama State Senator Trip Pittman, said that Article V had been “put into the Constitution by the Founders in order for the people to deal with issues outside of the beltway that the beltway will never deal with. I think it is important for people to be limited in their terms of service. We want a citizen legislature and we need to get to the task of improving the quality of our government in the United States of America.”

In the house, the resolution had been sponsored by State Representative Kerry Rich and 31 cosponsors — nearly one third of the 105-member chamber, boding well for the full vote.

The resolution is an application to be combined with applications of other states “to call a limited convention for the purpose of setting term limits on the Members of



Alabama house candidate Felicia Stewart (left) and Maine State Representative Karen Gerrish display Article V Convention Pledges. Alabama recently joined Florida in calling for a Term Limits Convention.

Congress, but shall not be combined with applications on any other subject.” (See the language that USTL recommends for an Article V Term Limits Application at bit.ly/2DwNNfC on our site.)

“The people of Alabama are lucky to have public servants

(Continued on Page 3)

Term Limits Versus Voters in New York NY and Utica NY

The Big Apple and Utica, New York are very different towns, not least with respect to population — 8.5 million versus 62,000. Size, public transportation, cost of living, culture, finance and industry, all differ markedly.

But when it comes to attitudes toward term limits, the two burgers might as well be twins. Like Americans everywhere, most citizens in each support term limits, vote for term limits, and are angered by efforts to sabotage term limits. Meanwhile, most politicians in Utica and New York sabotage term limits whenever they can.

There is another respect in which these cities are unfortunately alike when it comes to term limits. Around the country, politicians often must foist ballot questions on reluctant voters to have any hope of eroding term limits. In desperation, incumbents may try to post the question during an election that they expect to be sparsely attended; or they may phrase a ballot

question dishonestly. But there must be a vote, the votes must be counted, etc.

In both NYC and Utica, however, incumbents apparently have the power to alter term limits on themselves unilaterally. At any rate, they have acted as if entitled to do so.

In New York City, city council members in 2012 unilaterally weakened term limits for themselves and the mayor, bloating the maximum legal tenure by 50%: a maximum of two four-year terms became a maximum of three four-year terms. Although the imminence of this action caused an uproar long before it was executed, council members and

**The Good News
and Bad News
in Florida** p. 7

(Continued on Page 3)



President's Corner

BY PHILIP BLUMEL

There's good news and bad news in the Sunshine State.

First the not-so-sunny news. Although Palm Beach Gardens, Florida voters have repeatedly objected to the efforts of city councilmen to undermine city council term limits — limits that voters passed just a few scant years ago, in 2014! — the council has acted to trash term limits anyway. It has referred a question to the March 2018 ballot that asks voters to add a term to members' current maximum tenure of two terms. The March date was chosen, of course, to ensure that attendance is as sparse as possible and that the percentage of incumbent allies is therefore as high as possible.

In a separate question on the same ballot, voters will consider whether termed-out council members should be allowed to run again after being out of office for three years. Currently, some termed-out council members may run again, some may not. The inconsistency exists because a court ruled that council members in office when the original term limits measure was passed in 2014 may not run for council office again, even though members first elected later than 2014 are free to run again after minimal time out of office.

To equalize matters, many Palm Beach Gardens voters would happily support an unambiguous lifetime ban for all termed-out council members. But council members refused to offer voters this alternative. As things stand, then, friends of term limits can only say No to each of the two term limits questions on the city's March ballot.

The sunnier news pertains to the proposals to term-limit county school board members in Florida to two consecutive four-year terms. In the Florida Constitution Revision Commission (CRC), which meets every 20 years, the term limits proposal was introduced by Erika Donalds. That proposal recently advanced in committee. (See more about Erika on p. 7) At the same time, a similar measure term-limiting school board members has been advancing in the Florida legislature. If either route to ballot succeeds, voters will have a chance to consider school board term limits in the November 2018 election.

Best-news scenario: the attack-term-limits questions are defeated in Palm Beach Gardens in March, followed by shining success in November for a ballot question to term-limit Florida school boards.



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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

Alabama (Cont'd from page 1)

who see what is going on in Washington and are willing to take action to fix it," says U.S. Term Limits President Phil Blumel. "By using Article V to term-limit Congress, they can restore balance between states and the federal government as our Founders intended.

"Rep. Rich and State Sen. Pittman have been an integral part of the process in Alabama. Their efforts helped make Alabama the second state in the nation to call for a convention for the exclusive purpose of proposing term limits on Congress. There are now 11 battleground states we hope will follow Alabama and Florida's lead, and the progress here has laid the groundwork for their success."

Alabamans are not alone in their desire for term limits. "More than 75% of Americans have rejected the career politician model and want to replace it with citizen leadership," Blumel observes. "The way to achieve that goal is through a congressional term limits amendment."

Polling in individual states tends to reflect the national trend. For example, recent surveys conducted by McLaughlin & Associates of voters in Georgia and several other states — South Dakota, Colorado, Tennessee, Alaska, Louisiana, Missouri, Alabama, Michigan, and New Hampshire — show four fifths of respondents in favor of imposing term limits on Congress. About the same percentage would like their state legislature to call for a Term Limits Amendment Convention.

This is one reason we expect that Georgia will soon call for such a convention as well. Last year, Georgia's senate passed the Congressional term limits resolution. Now it's up to the house of representatives.

"Georgia's General Assembly members have been especially eager to show their constituents that they are here to serve the people," says the Georgia State Director for U.S. Term Limits, James Alvarado. Signers of the Article V Convention Pledge see "not only the benefits that rotation of office in Congress will bring to the people but also how important it is to the preservation of our democracy."

U.S. Term Limits invites state lawmakers to sign the Article V Convention Pledge. Among signatories in Georgia are State Representatives Micah Gravelly, Emory Dunahoo

Jr., Jason Spencer, Wes Cantrell, Michael Caldwell, and John Pezold; and Georgia house candidate Zach Proctor.

Signers in other states include Felicia Stewart, candidate for Alabama house of representatives; Amy Wasyluka, candidate for Alabama senate; Arizona State Representatives Darin Mitchell, Paul Mosley and David L. Cook; Tennessee State Senator Mark Green; and Maine State Representatives Heidi Sampson, Karen Gerrish, and Nathan Wadsworth. Article V applications for a Term Limits Convention have been filed recently in the legislatures of Arizona, New Hampshire and Maine.

"I have always supported term limits," says Karen Gerrish, now serving her second term in the Maine house of representatives. "No public servant was meant to or should be expected to stay in office for 20, 30, or even in some federal cases, 40 years. How is that a good thing?"

The Constitution provides two methods of proposing amendments for ratification by the states. One is the more familiar approach: congressional proposal of constitution amendments upon the assent of two thirds of each chamber, an avenue that USTL is also pursuing. In the current session of Congress, Representative Ron DeSantis and Senator Ted Cruz are the lead sponsors of a joint resolution proposing a maximum of three two-year terms in the U.S. House and two six-year terms in the U.S. Senate.

But Article V also provides that "on the application of the legislatures of two thirds of the several states, [the Congress] shall call a convention for proposing amendments..." With the "several" states now totaling 50, this means that 34 states must apply for the convention in order to compel Congress to call one.

If and when such a convention produces a term limits amendment, three fourths of the states, 38, must ratify the amendment in order for it to become a part of the Constitution.

In addition to Georgia, U.S. Term Limits is currently promoting resolutions calling for a Term Limits Convention in Alaska, Arizona, Colorado, Maine, Missouri, New Hampshire, Vermont, Texas, Tennessee, and Utah.

Utica and NYC (Cont'd from page 1)

Mayor Michael Bloomberg ignored voters anyway. Eventually, though, after the deed had been done, the politicians referred a measure to restore the two-term limit for future mayors and council members — but allowing current incumbents to still serve a full three terms.

Lesson learned? Well, half-learned. Just this year, some NYC council members running for the job of council speaker again aired a proposal to lengthen city council term limits — this time, though, instead of bypassing voters, the idea was to fair-and-square ask citizens to approve the bloating at the ballot box. Nevertheless, because New Yorkers have made it so clear

that they do not long for longer term limits for city officials, the outcry against the suggestion was ubiquitous, even among foes of term limits like The New York Times. (See page 6.) So this particular trial balloon seems to be out of gas, for now.

Meanwhile, the Utica city council has been recapitulating the blunders perpetrated by the New York City council of six years ago, though with a couple of twists. The outcome of the drama is still in doubt.

The story so far:

1) Utica Mayor Robert Palmieri encourages a petition the

(Continued on Page 7)

Term Limits



CALIFORNIA

Norco, CA. Norco citizens gathering signatures for a ballot question to limit the city council to two consecutive terms feel that proposed new rules would unfairly hamper their ability to approach voters, for example, in certain parks and parking lots. The idea is to force petitioners to apply for permits before they can engage in peaceful political activity in city-owned areas. “It’s extremely frustrating that our city is not working for all the citizens,” says petitioner Michael Thompson. “If they think there’s a reason why we shouldn’t be out there exercising our political rights... It just blows me away.”

San Francisco, CA. *The San Francisco Chronicle* contends that Nick Josefowitz, who is running for supervisor in what the paper sneeringly calls “a mink-lined San Francisco district,” is doing something wrong by proposing “a wonky-sounding rule change that would limit an officeholder to a lifetime maximum of two terms in the same job. Under current rules, enacted in 1990, a mayor or supervisor could serve two terms, wait four years, then run again for the office. Josefowitz is kicking in \$80,000 to get the rule-change campaign rolling and headed to the June ballot. If voters bite, the charter change would produce a definite pro-Josefowitz edge in his November race for the supervisorial slot.” Dubbing the proposal a “trick,” the editorial implies that voters who approve the proposal with either their petition signature or their vote will have been deluded in some way — presumably thanks to the allegedly opaque “wonkiness” of proposing a lifetime ban on termed-out supervisors.

According to the newspaper, the measure is bad because it is in Josefowitz’s short-term political interest that term limits be toughened as soon as possible. Yes, tougher term limits are in his immediate political interest. But whether the proposal makes sense is still a relevant question. Is it in the interest of the citizens in general as well as the candidate in particular? After all, term limits always confer an “edge” to challengers who no longer need contend with the termed-out incumbent’s extra advantages. This is one reason for having term limits. If this edge were enough by itself to disqualify either consecutive or lifetime term limits from reasonable consideration, no elective office anywhere could be properly subject to term limits — or to any other political reform that facilitates electoral competition.

In fact, of course, the newspaper opposes the measure because it dislikes term limits to begin with; it favors the short-term interests of incumbents. The paper’s complaints pertain primarily to term limits as such, not merely to the timing of the candidate’s proposal. Most voters, though, do like term limits, for many good reasons. Josefowitz’s advocacy of term limits may be principled or it may be merely expedient. Either way, his backing makes it more likely that the question will reach the ballot and get enacted in the near future. In any case, to pass, the measure would have to gain the Yes votes of the majority of voters, not only the Yes vote cast by Josefowitz.



GEORGIA

Brookhaven, GA. The Brookhaven Charter Review Commission has recommended tenure limits of three consecutive terms for council members and the mayor (with one year off before being allowed to run again for the same seat). Commission Vice Chair Re Rebecca Chase Williams, a former mayor, noted that two of the four incumbent members of the city council were elected without challengers. The council itself must approve the charter commission’s recommendations, however. Then the Georgia general assembly must enact a bill to implement the changes.



KENTUCKY

State Representative Jim DuPlessis has introduced a bill to limit state senators to four four-year terms and state representatives to six two-year terms (excluding partial terms). “It levels the playing field,” he says. “That’s all I’m trying to do.” He proposed a similar soggy term limit in 2016.



MARYLAND

The governor of Maryland, Larry Hogan, would like to see two reforms in the state legislature: 1) live streaming of the legislature’s sessions, and 2) term limits. Early in January, Hogan called for all lawmakers to be limited to two consecutive four-year terms. “Our founding fathers never envisioned professional politicians who spend their entire careers in office.” Maryland lawmakers could impose term limits on themselves, or they could refer a constitutional amendment to the statewide ballot. So far, only a few county or town lawmakers have ever willingly subjected themselves to term limits. Unfortunately,

In The News

Maryland voters lack the right to post a term limits question themselves through a statewide citizen initiative.

Montgomery County, MD. Thanks to the county term limits law passed last year, several at-large councilmen and one district councilman cannot run for reelection. Local journalist Lou Peck reports that “[Hans] Riemer is the only at-large incumbent eligible to run for re-election under the three term limit. (Riemer has served two terms).” Two of the at-large councilmen booted by term limits (who had served three terms and four terms) are running for county executive. “Besides Elrich, Floreen and Leventhal, the other incumbent being forced out is District 1 council member Roger Berliner, also running for executive. There is at least a seven-way race for his open seat.”



MISSOURI

State Representative Donna Lichtenegger has introduced a bill to weaken state legislative term limits. At present, lawmakers serve a maximum of four two-year terms in the house and two four-year terms in the senate. Lichtenegger’s proposed amendment would lengthen tenure to 12 years in each chamber. “Basically, it would bring back institutional history,” she claims. Her amendment would also increase the individual length of a house term from two years to four years.



TENNESSEE

Memphis, TN. The Memphis city council has begun the process of referring a question to the November 2018 ballot that would add a term to the current two-term limit for the mayor and council members. If it goes to ballot and succeeds, the maximum tenure would be three consecutive terms instead of two, with the longer limit taking effect after the 2019 elections. Council member Bill Morrison is sponsoring the legislation. The new term limits would, if passed, apply to six current incumbents serving their second term; they would be able to run for a third.



UNITED STATES

Although Senator Orrin Hatch had been making noises about running yet again after seven terms and 42 years as a U.S. Senator, he has instead announced that he will retire after his present term. Hatch first won office in 1976 in a campaign criticizing the 18-year tenure of the incumbent. “What do you call a Senator who’s served in office for 18 years?” he asked then. “You call him home.” John Conyers, U.S. Representative from 1965 to 2017, has also left office, resigning before the end of his 26th term because of charges of sexual misconduct.



HONDURAS

With more than half the vote counted, the incumbent, President Juan Orlando Hernandez, had been apparently losing the Honduran presidential election last November to an entertainer named Salvador Nasralla. Then, after a mysterious 36-hour-long delay in the vote count, Hernandez was eventually determined to be the winner after all. Many believe that fraud explains the turnabout. That would be outrageous enough. But according to the Honduran constitution, the incumbent was not even eligible to run to begin with; the supreme court had nonetheless ruled that he could run, apparently regarding explicit provisions of the constitution as irrelevant to the question of constitutionality. Tens of thousands have taken to the streets in protest of the election shenanigans, with more than thirty people killed as a result. But Hernandez is still ensconced in the presidential palace.



UGANDA

In a New Year’s address, President Yoweri Museveni, 73, praised lawmakers who repealed the presidential age limit at his behest. “The 317 MPs have played a crucial role at this historical junction,” he said. “Those liars who talk about ‘life-presidency’ of Museveni should be exposed for what they say. They are either uninformed individuals talking about things they do not know or evil schemers who do not want Uganda and Africa to succeed.” Museveni has been head of state of Uganda since 1986. The parliament scrapped presidential term limits in 2005 to enable him to continue in office. Since then, the age limit has been the only bar to “life-presidency of Museveni.”

IN OUR OPINIONS

We Have Met the Enemy and It is the U.S. Congress

“The powerful runaway convention [that critics of the Term Limits Convention] fear already exists and is called Congress. The Term Limits Convention, by contrast, is 1) less powerful than Congress, 2) more safeguarded, and 3) carefully designed to rein in Congress rather than give it more power.”

— **“Article V Myths,” Nick Tomboulides, U.S. Term Limits, 2018, bit.ly/2Dw5IZ9**

The 31-Second Credibility Test

“The resignation of Florida’s most entrenched state senator is the best evidence yet that politicians cannot be trusted with power for too long.... Just three months before he was outed for groping, Latvala told an audience in Sarasota that term limits were the root of the ‘rough session’ in 2017 and should be totally repealed. He specifically complained that term limits allow individuals to accumulate too much power. But does that make sense to anyone who’s followed politics for more than half a minute?”

— **“Latvala arrogance cements case for term limits,” Nick Tomboulides, Palm Beach Post, December 28, 2017, pbpo.st/2CgN3K0**

Term Limits Dethrone Would-Be Kings

“John Conyers’s resignation from Congress Tuesday was more than just a victory for the victims of sexual assault. It also signaled the passage of the last member of Congress who was first elected to that body in the 1960s.

“The two may seem unrelated, but Conyers’s tale is just the latest example of a politician who stays in office so long that he begins to think himself a king. Rejecting Conyers should be a step toward also rejecting the career politicians who dominate Washington.”

— **“Conyers’s Abuse of Office Proves We Need to Establish Term Limits,” Kyle Sammin, The Federalist, December 7, 2017, bit.ly/2C1xLtm**

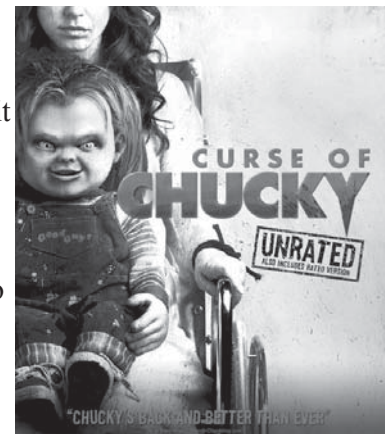
New York Times Rejects Latest Assault on NYC Term Limits

“Horror film devotees are well acquainted with Chucky, the doll possessed by an evil spirit that refuses to die. It’s kind of like the issue of easing term limits for New York City elected officials. Just when you thought it would be seen no more, it springs once again to life. And now it’s b-a-a-ack....

“Over the last quarter-century, city voters have affirmed in three referendums — in 1993, 1996 and 2010 — that they want all their officeholders to max out at two consecutive terms. On the heels of the Bloomberg-Quinn gambit, they could not have spoken more loudly. Their verdict in 2010 was overwhelming: almost three to one.

“Mr. Williams has a point in saying this is the first time New Yorkers would be asked about a Council-only change. But enough is enough. Chucky may keep bouncing back, but voters have made clear that, for now, term limits is one issue they’ve no desire to see revived.”

— **“Let’s Limit the Term-Limit Debate,” editorial, New York Times, December 6, 2017, nyti.ms/2C1ryxA**



Even Mayor de Blasio Rejects Latest Assault on NYC Term Limits

“The people have spoken. It couldn’t be clearer. People believe in term limits. I believe in term limits.... I think it’s really clear how deeply the public feels this. So I would just say to speaker candidates, I understand it’s an appealing thing to say to your immediate electorate in the speaker’s election, but you’ve got a more important electorate to think about and that’s the people.”

— **NYC Mayor Bill de Blasio, quoted in “Mayor de Blasio blasts plan to extend Council’s term limits as ‘wrong’,” Jillian Jorgensen, Daily News, November 30, 2017, nydn.us/2DF5nya**

The School Board Member Who Wants School Board Term Limits: Erika Donalds

On the home page of her Twitter account, Erika Donalds states in a “pinned tweet”: “Love me or hate me, you will never wonder where I stand.”

It’s fair to infer that her views and proposals have sometimes been heatedly opposed — by members of the education establishment, not by the typical Florida parent. An example would be her proposal as a member of the Florida Constitution Revision Commission (CRC) that school board members in the state be subject to term limits of two four-year terms.

“Term limits have overwhelming support by members of the public, and very little support by elected officials,” she notes. For most voters, term limits on elected officials are simple common sense. But many school board members, like officer-holders in other elected positions, are happy to remain in board seats for 12, 16, twenty years and more at a stretch. They and their allies resent the idea that they should regularly give up the advantages of incumbency to make way for newcomers.

Though herself a member of the Collier County School Board, to which she was elected in 2014, Erika is a strong proponent of school board term limits *and* volunteer service — i.e., no more pay for board members—as well as other reforms that ruffle the feathers of denizens of educational establishments.

“Serving in office too long makes you more loyal to the institution as opposed to representing the people who put you there. In elected office, that is not what we want. They become entrenched in the system.”

Erika Donalds is a busy woman. After earning a Masters in Accountancy from Florida Atlantic University and becoming a Certified Public Accountant and Chartered Global Management Accountant, she went on to join the New York–based investment management firm Dalton, Greiner, Hartman, Maher & Co. as Chief Financial Officer and Chief Compliance

Officer. In 2014, *Gulfshore Business* magazine named her one of its “40 under 40.”

In addition to her business career, work with the Mason Classical Academy charter school, school board membership, former presidency of the Florida Coalition of School Board Members, and political activism, Erika is also helping to raise three boys.

Term limits is only one of the common-sense reforms that Erika has tackled. As a CRC member, she has also proposed removing oversight of charter schools from often neglectful or antagonistic local school districts, getting rid of arbitrary state licensing requirements that make it harder for people to work for a living, eliminating pay for school board members, requiring appointment of school superintendents, and expanding the use of school vouchers.

She also argues that teachers should be paid on merit, with principals being allowed more discretion when it comes to compensation. “Great teachers or ones with specific skills could be paid based on their value to that specific district or school.”

The 37-member Constitution Revision Commission must choose from among more than 100 proposals to place on the November 2018 ballot. Erika is optimistic about the prospects for educational reform. The outlook is good, she says, for “pro-parent, pro-student, pro-school-choice proposals moving through the CRC.”



Erika Donalds with her family.

More Utica and NYC (Cont'd from page 3)

goal of which is to urge Utica’s common council to weaken mayoral and common council term limits. No ballot question is ever posted. The signatures are just a pretense of seeking public sanction for the elongated tenure.

2) On September 2017, the Utica common council votes 5-4 to weaken the term limits of the mayor, council members and other city officials. Instead of two four-year terms, Utica officials will now serve a maximum of to three four-year terms. Proponents insist that there is no need to bother seeking the approval of the voters.

3) Uproar ensues. Former mayors of Utica are among those criticizing the unilateral assault on term limits. The contempt for citizens is blatant — just as it was in New York City in 2012.

4) On December 19, the council holds an unscheduled vote

to reconsider the vote to weaken Utica’s term limits law. A single repentant council member, John Jacon, has gotten the message from voters and changes his vote. It looks as if the council’s previous vote to weaken term limits has just been reversed. The law is not scheduled go into effect until January 1, 2018, and the city charter provides the authority for the council to reconsider legislation.

5) The city’s corporation counsel asserts that the council’s reversal is procedurally incorrect and that the weakening of Utica’s term limits law is still in effect.

As we go to press, the situation is still up in the air. The new council being seated in 2018 may act to confirm that the term limits law has been restored to a two-term maximum, or the question of whether the December 19 reversal is in fact valid may be fought in court. Stay tuned.

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“The people have spoken. It couldn’t be clearer. People believe in term limits.... I think it’s really clear how deeply the public feels this.”

**— New York City Mayor Bill de Blasio
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