

# No Uncertain Terms

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## Term Limits a Winner in Texas Primary Upset

Who gets the nod from reform-minded voters when both major contenders for the major-party nomination for statewide office—for example, Texas’s GOP nomination for U.S. Senate—espouse term limits?

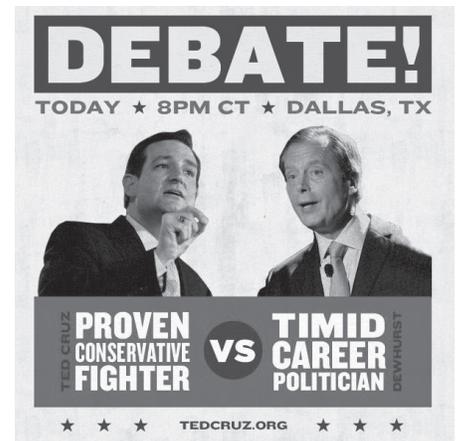
Perhaps the candidate who gives more evidence of meaning it.

Both political newcomer Ted Cruz and political old hand Lieutenant Governor David Dewhurst signed the U.S. Term Limits pledge to cosponsor and vote for congressional term limits (of three two-year terms for U.S. House members, two six-year terms for Senate members) if elected. (As we go to press, 187 candidates for congressional offices have signed

the pledge.)

But Cruz signed the pledge first; and, as USTL President Phil Blumel pointed out at his blog, “Cruz has been broadcasting his support for term limits and even mentioning the U.S. Term Limits pledge on national television. Dewhurst, on the other hand, started distancing himself from his pledge—and victory. Less than three weeks later, Dewhurst was proposing a package of election reforms that directly contradicted the pledge he had signed.”

The reference is to Dewhurst’s announcement—just two weeks after signing the pledge on June 5—in support of a limit of six two-year terms for U.S. House



**This versus that.**

members. The pledge, however, commits signatories to support three two-year terms for House

(Continued on Page 3)

### Don't Cry For Her

Argentinian strongwoman vs. term limits? See page 7.

## Jon Fleischman Founds California Term Limits

Californians eager to promote term limits have a new go-to web site: CAtermlimits.org.

California Term Limits opened its doors on August 27, 2012 with the goal of supporting term limits for politicians “at every level of government.”

“California Term Limits will be focused on defending term limits

for our statewide offices, strengthening them for our state legislators, and for establishing strong term limits wherever possible in local governments around our large state,” says CTL President Jon Fleischman. “We also focus on encouraging California’s 53 Members of Congress and two U.S. Senators to sign the U.S. Term Limits pledge to support a two-term limit for U.S.

Senators and a three-term limit for Members of Congress.”

The group will also expose “candidates for office we believe to be term limits scofflaws.”

California Term Limits plans to work closely with U.S. Term Limits, as well as with fellow term

(Continued on Page 3)



# President's Corner

BY PHILIP BLUMEL

Yet another political newcomer has left a professional politician in the dust—and he used a hilarious term limits ad to do it.

Rep. Cliff Stearns of North Central Florida's 3rd District, which includes Gainesville, was a big spending Republican with a social conservative bent. His 24-year spending record proved to be his weak spot after large animal doctor Ted Yoho highlighted it in the best TV ad so far in the 2012 election season.

The TV commercial ([bit.ly/Ql4JFR](http://bit.ly/Ql4JFR)) features WWE wrestler Dustin (Rhodes) Runnels and shows professional politicians in suits eating from a pigs' trough and throwing mud at one another. At the end, Yoho pledges to serve eight years and come home.

Stearns had been endorsed by Republican bigwigs including Representative Paul Ryan. Yet Yoho, who raised very little money, unexpectedly won the election by about 800 votes.

A Republican official told the Huffington Post that House leaders are less than sanguine about having to deal with "another Tea Partier heading to DC" and eager to shake up the establishment.

To which Yoho responds: "We're going to hear a lot of that. I heard that when I got into this race. I focused on the problem, and what I saw as the problem of Washington is a lack of leadership."

Yoho will face Democrat J.R. Gaillot in the general election, but the seat is considered safely Republican. It looks like another term limits supporter is going to Washington.

Visit Phil Blumel's blog at [termlimits.org/blog](http://termlimits.org/blog). Check out USTL's Facebook page at [on.fb.me/18fXE1](https://www.facebook.com/on.fb.me/18fXE1).

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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*

## Texas Winner (Cont'd from page 1)

members and, critically, “no longer limit.” (See a PDF image of the USTL pledge: <http://bit.ly/aE0bBa>.) The most charitable interpretation of Dewhurst’s immediate contradiction of his pledge is that he muffed the difference between six years and 12 years (one is twice the other). More likely, he lacked enthusiasm for term limits to begin with.

By contrast, Cruz told Fox News viewers: “I have no interest in being in office for decades. I strongly support term limits. And in fact

I have committed to cosponsor a constitutional amendment to limit every member of the U.S. Senate to two terms, every member of the House to three terms.”

Cruz scrounged just 2% support in polls in early 2011, but went on to garner endorsements from Tea Party groups and, in the end, cruised to victory over his establishment opponent with 56% of the vote to Dewhurst’s 44%.

The late-July upset comes on the heels of term limits supporter Rich-

ard Mourdock’s surprise win on May 8 over U.S. Senator Richard Lugar for the GOP Senate nomination in Indiana.

Another unexpectedly victorious term limits supporter is political newcomer Ted Yoho, who bested a twelve-term GOP incumbent to win a Florida district’s nomination for a U.S. House seat. More on that in the President’s Message (page 2).

**Support congressional term limits by signing our online petition at [bit.ly/16NnY7](http://bit.ly/16NnY7). Want to do more to promote term limits? Visit the Term Limits home page -- [ustl.org](http://ustl.org) -- to learn who is the volunteer term limits coordinator in your state; if your state is not listed, email [ray@ustl.org](mailto:ray@ustl.org) to become a coordinator yourself.**

## Fleischman (Cont'd from page 1)

limits activists around California.

“U.S. Term Limits is excited about the official formation of California Term Limits,” says USTL President Phil Blumel. “Term Limits is a national grassroots movement, but it is critical that this citizen movement be organized on a state-by-state level. Term limits has enjoyed broad, bipartisan support in California, and have in fact been adopted not only statewide for politicians, but in a great many of California’s counties and cities.”

One of California Term Limits earliest projects is to support the effort to get a term limits initiative on the ballot in West Hollywood, California. CA Term Limits PAC has funded paid signature gather-

ers to abet an already robust effort by local volunteers. If it reaches ballot, the term limits initiative, which would limit council members to a maximum of three four-year terms, will be decided in March of next year.

“A primary goal of the California Term Limits PAC is to assist with local efforts to qualify and pass term limits at the local govern-



**Jon Fleischman on Reason.tv.**

ment level all around the state,” Fleischman says. “West Hollywood is a classic example of where you have a small group of city insiders who have been serving on the council, in most cases, for decades.”

# The State of State



## ARIZONA

**Peoria, AZ.** In a late August election, Peoria voters spurned eight out of nine proposed ballot questions to revise the city charter. The lone survivor was a term-limits measure, Proposition 448, which imposes maximum of three consecutive four-year terms on city council members beginning in 2014.

## CALIFORNIA

**Los Angeles, CA.** LA County supervisors rejected a proposal by Michael Antonovich, elected to the board of supervisors in 1980, to lengthen their term limits. Antonovich had proposed a ballot question to lengthen the current three-term limit to five terms. Supervisor Zev Yaroslavsky also favored longer limits, but criticized his colleague's measure for being deviously worded and for being proposed at the last minute as Antonovich faced his own term limit. "I think that the notion that we are the only five people in Los Angeles County who are qualified to be stewards of this county...is selling the people of Los Angeles County short," Yaroslavsky says. "And anyway, I think other people should have the opportunity."

**San Joaquin, CA.** By 4-1, county supervisors passed a measure for the November 6 ballot (Measure D) that would lengthen term limits from two four-year terms to one of three four-year terms on the board of supervisors and the county board of education. The lone dissenter, Leroy Ornellas, wanted the amendment to stipulate that none of those currently serving on the board of supervisors would be subjected to the new term limits—so that they'd still be termed out after two terms. Nobody seconded his motion.

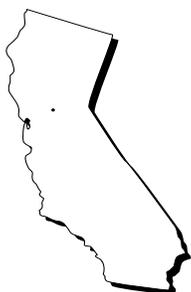
But the measure won't be posted with the misleading language the majority prefers. In early September, a judge ruled in response to a lawsuit that the ballot language had to be rewritten. "By failing to advise voters of its intent to change term limits from two to three terms it misleads them into the belief that it operates to initially impose term limits on the two boards," says Superior Court Judge Michael Coughlan.

The original language: "Shall an ordinance be adopted that limits the number of terms a person may serve on the Board of Supervisors and county Board of Education to three terms during his or her lifetime?" The language proposed in the lawsuit: "Shall an ordinance be adopted retroactively that extends the number of terms a person may serve on the Board of Supervisors and county Board of Education from the current two terms to three during his or her lifetime?" The latter wording does seem less determinedly deceptive.

**Santa Ana, CA.** Santa Ana's city council voted unanimously to place a charter amendment on the November ballot to limit the mayor to four two-year terms. The limit is not retroactive, which means that Mayor Miguel Pulido, who has held the office since 1994, could serve up eight more years if the measure passes. Council members themselves are already limited to three consecutive terms.

**Thousand Oaks, CA.** Measure L on the November ballot would limit Thousand Oaks council members to three consecutive four-year terms. But the Ventura County Star urges readers to vote No. For one thing, they say, term limits would "diminish voters' choices." Of course, term limits expand voter choices because more candidates tend to throw their hats in the ring when a seat is open.

The editorial writer also recycles the strange notion that term limits on government service make no more sense than would a government-mandated term limit on employment in private firms. Governments require a range of constitutional and other constraints that are inapplicable to markets for the very reason that government by its nature is an agency of

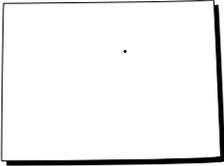


# wide Term Limits

coercion. Nobody in a free society is forced to either work for or patronize a truly private company. In a free society, every individual can “term-limit,” i.e., end, his voluntary association with others either immediately or upon fulfilling a freely accepted contractual obligation. But he can’t abstain from taxes and other mandates imposed on him by office-holders.

## COLORADO

*El Paso County* voters will have a chance in November to shorten the term limits of county officials from three four-year terms to two four-year terms. The measure would reverse a controversial 2010 measure which lengthened county term limits by using ballot language that obscured the fact that the term limits being considered were not brand-new term limits. Commissioners had refused to post it in 2011. Two county commissioners critical of the 2010 language have voted against the new measure as well, however, saying that the do-over is also misleading. That’s partly because it requires a No vote, not a Yes vote, to restore the two-term limit; according to state law, voters must be asked to say Yes to approve a change in existing law, No to leave the status quo intact. The language may yet be revised by election day.



## FLORIDA

*Polk County, FL.* From a letter to the editor in the Lakeland, FL Ledger: “August 14 will be an historic moment in Polk County. We will be replacing two county commissioners because the citizens of our county united a second time to impose term limits upon them. Those very commissioners spent our own tax dollars against us. As The Ledger reported, the commission used the office of the county attorney to fight us. But we prevailed.”

*Duval County, FL.* Duval clerk of court Jim Fuller can’t run for reelection in defiance of the Florida Supreme Court decision upholding charter county term limits, the import of which Fuller had pretended was lost in a cloud of uncertainty. After Fuller was allowed to qualify despite the court’s ruling, the city of Jacksonville sued to knock him off the ballot. In August, Circuit Judge William Wilkes ruled against Fuller, who has at least agreed not to appeal the decision. The only other candidate in the Republican primary, Ronnie Fussell, wins the GOP nomination by default.



*Pinellas County, FL.* Visit the Florida Term Limits Blog for video ([bit.ly/PaU9Bk](http://bit.ly/PaU9Bk)) of a late July meeting of the Pinellas County Commission at which citizens demand that termed-out commissioners resign. In defiance of May’s Supreme Court decision upholding term limits, the commissioners pretend the county’s term limits law, which was never rescinded, does not apply to them. The blog notes that they “do not believe [that their own argument] is true. They simply want to keep their well-paid positions of power and are willing to brazenly defy the law—overwhelmingly approved by the people—in order to keep them.” Several recent posts focus on the situation in Pinellas, including a post ([bit.ly/Q7XST3](http://bit.ly/Q7XST3)) that lists steps you can take to help defend Pinellas’s term limits law despite the commissioners’ contumacy.

*Miami, FL.* Commissioners have proceeded with a plan to post a term limit of two four-year terms on the November ballot. A weaker term limits measure that came with a big salary hike failed in January.

## GEORGIA

In January, *Columbia County* commissioners agreed, unanimously, to place a term limits question on the county’s November ballot. The measure, which limits commissioners to two



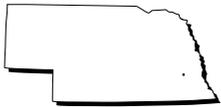


consecutive four-year terms, then had to be okayed by the state legislature.

### ILLINOIS

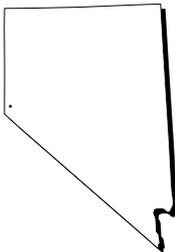
**Tinley Park, IL.** Because of a successful petition, Tinley Park voters will be deciding this November on an advisory question regarding whether “the Village Board of the Village of Tinley Park [shall] pass an Ordinance imposing term limits on all elected officials.” But it’s not stipulated how many terms local officials should be limited to.

**Niles, IL.** Petitioners in the town of Niles gathered enough signatures to place a term limits question on the ballot, but the village clerk rejected the petition on a technicality. Proponents sued, but a Cook County judge has ruled in favor of the city. The measure would have limited officials to a maximum of 16 years in office.



### NEBRASKA

If voters okay it in November, a ballot measure sponsored by State Senator Tom Carlson would increase the maximum tenure of state lawmakers from two consecutive four-year terms to three, a 50% bloating.



### NEVADA

The Nevada Supreme Court ruled in August that county officers like district attorneys and sheriffs are not subject to the 12-year term limits imposed by a voter-approved constitutional amendment on state lawmakers and local “governing” officers. The attorney general’s office had argued that county officers like sheriffs and DAs were not subject to term limits inasmuch as they lack governing authority.

### OHIO

The *Toledo Blade* “reports” that term limits “do little to oust Ohio lawmakers”—claiming that this is so simply because a lawmaker termed out of one chamber of the legislature is free to run for office in the other chamber, and because the term limits curb only consecutive service, not lifetime service. USTL would prefer stricter term limits. But how “little” is “little” with respect to the lawmaker-ousting? Reporter Jim Provance writes: “In all, 18 current state representatives and senators have served more than eight uninterrupted years in Columbus by making at least one jump between chambers.” Presumably this would be quite surprising if there were, say, a total of 20 state lawmakers in Ohio. But Ohio has 33 state legislators and 99 House members.... Thus, some 86% of the presently serving members have not, by Provance’s own reckoning, “served more than eight uninterrupted years in Columbus by making at least one jump between chambers.”



**Kettering, OH.** Kettering voters will have a chance to impose term limits of two consecutive terms on council members, thanks to a 6-0 vote by the council to place that charter amendment and another about salary on the November ballot. The pay question would cut the pay of elected officials almost in half.



### TEXAS

**McAllen, TX.** Petition organizers (primarily, the McAllen Police Association) have collected 3,129 signatures for a term limits question, more than 5% of the town’s registered voters and therefore enough to reach ballot if the signatures are verified. The city was not able to verify the signatures before the state-imposed deadline for approving questions for the November ballot; it may be posted to the May 2013 ballot instead. If enacted, the proposed measure would impose a retroactive term limit of two four-year terms on commissioners and the mayor, preventing them from running for reelection.

# Argentini­ans Protest Any Weakening of Presidential Term Limits

In mid-September, thousands marched in Buenos Aires, the largest yet in a string of protests, to register how unhappy they are with the government of Cristina Fernandez de Kirchner.

"Cristina, the vote doesn't provide impunity for moral frauds or wiping out the economy," one large red sign announced. On Twitter and Facebook, the protesters have asked fellow Argentini­ans to "march for liberty and for the defense of the national constitution."

Nobody knows for sure whether the Argentine President will pursue a third term, which would require changing the country's constitution. But she hasn't quashed either the rumors or the maneuvering by congressional allies, who are expected to debate the wisdom of revisiting presidential term limits by the end of the year.

Fernandez began her second four-year term last year, and is ineligible to stand for reelection. (The previous president, her husband Néstor Carlos Kirchner, died in 2010, after having sat out a term. He had been expected to run again for president in 2011.)

On the one hand, there's speculation that the president will seek to modify the constitution so she can remain in power. On the other hand, there's speculation that the purpose of silently allowing the speculation is only to help her maintain power during the remainder of her second term.

"This is a political strategy by the president to survive politically," according to political commentator Ignacio Fidanza. "The subject of a possible third term for Fernandez arises because she needs it as a defense: she needs the threat of her permanence in power to maintain discipline among the Peronists." With congressional elections coming up in 2013, "The worst thing for Argentina would be to have a powerless president. The Peronists are very harsh in their power struggles, and when a leader loses power, they rebel; Cristina knows this very well."

But Buenos Aires Mayor Mauricio Macri, assuming that the assault on term limits may be for real, stresses: "No one is irreplaceable."

Public discontent with tax hikes, high inflation, Draconian trade and currency controls, wage caps and



**Cristina Fernandez de Kirchner speaking at the UN.**

other government policies make it harder to organize a coalition to overthrow the two-term limit. Only if ruling party's majority were greatly expanded in consequence of the 2013 elections might the president easily gain the two thirds congressional approval needed to gut her term limit.

Which doesn't mean Fernandez won't try. Criticism of any assault on presidential term limits seemed almost universal in Argentina before the October 2011 election in which she won a second term. More recently, though, various politicians and journalists have voiced approval of the idea. Moreover, it's rumored that her administration may agree to a more generous revenue-sharing arrangement with provincial governments as a bribe for their support of a third term.

## THEY SAID IT: A tale of deux districts

"After reading the profiles of the candidates for Florida House District 55, I had to comment on something the profile overlooked. Florida voters overwhelmingly approved of term limits for elected officials. Four terms, eight years for members of the Florida House of Representatives.

"Randy Johnson was in the Florida House for eight years in another area of the state. He then moved to Highlands County to run for a different house seat being vacated by Representative Denise Grimsley.

"When the voters approved term limits, I doubt they thought for one second that cynical politicians would move from district to district to thwart the will of the people. It is evident that it may be easier keeping roaches out of the kitchen than slick politicians out of the tax money trough.

"It is clear that voters need to re-address term limits to leave no wiggle room for the kind of people that make us want term limits in the first place."

—D.B. Orr, "Voters Should Re-Address Term Limits," Sebring FL News Sun, August 17, 2012, [bit.ly/RLYeFK](http://bit.ly/RLYeFK)

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**“The notion that we are the only five people in Los Angeles County qualified to be stewards of this county is selling the people short.”**

**—Los Angeles County Supervisor Zev Yaroslavsky**

**see p. 4**