

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • NOVEMBER/DECEMBER 2012 • VOLUME 20 • No. 6

By Almost 2-to-1, Nebraska Voters Refuse Trojan-Horse Term Limits Measure

On November 6, Nebraska voters defeated Amendment 3 — the latest attempt by career politicians to kill or weaken state legislative term limits — by a margin of 65% to 35%.

The measure, posted to the ballot directly by lawmakers, would have padded the maximum tenure in the unicameral state legislature from two consecutive four-year terms to three consecutive four-year terms, a 50% increase.

A colorful “Save Term Limits” campaign helped call attention to the nefariousness of the measure.

Nebraskans Against Amendment 3 toured the state with a 12-foot Trojan Horse, mythic symbol of a bad thing sneakily pretending to be good in order to trick people into letting down their guard.

“It’s not like we have a citizens’ push to give our legislators more time,” Gwenn Aspen of Nebraskans Against Amendment 3 told radio station KLIN. “[Amendment 3]



Beware of incumbents bearing gifts for themselves.

did not come from the people. This came from special interests and legislators themselves. So, of course the people are overwhelmingly on our side.”

(Continued on Page 3)

11 Signers of USTL Amendment Pledge Win Election

Eleven candidates for Congress who pledged, if elected, to cosponsor and vote for congressional term limits of three two-year terms for U.S. House members, two six-year terms for U.S. Senate members, have won their contests. Here are the eleven victorious signatories of the U.S. Term Limits Pledge:

Matt Salmon. The former three-term congressman, who stepped down in 2000 to honor his term limit pledge, now returns to the House as representative of Arizona’s fifth district. Taxpayer watchdog groups gave him high marks during his first stint in Congress.



Matt Salmon

Thomas Massie. The former judge-executive of Lewis County, Massie will serve Kentucky’s fourth congressional district. “Our founding fathers never envisioned the out of-touch career politicians of today,” he says, “or the extent to which incumbents would use the influence of their positions to remain in office.”

Kerry Bentivolio. A design engineer, teacher, farmer and military veteran, Bentivolio offers himself, in the words of one campaign ad, as “a citizen

(Continued on Page 3)

More Election Results

See page 4.



President's Corner

BY PHILIP BLUMEL

Over the past year, the mailbox at the U.S. Term Limits offices in Fairfax, Virginia has been filling up with signed pledges from congressional candidates who promise to cosponsor and vote for congressional term limits bills like those introduced by Senator Jim DeMint of South Carolina and Representative David Schweichert of Arizona. These bills endorse a constitutional amendment to impose limits of three terms on House members and two six-year terms on Senate members.

But in recent weeks we've been pleased — maybe a bit surprised — to find commitments from a couple of incumbents as well.

The first arrived from Representative Mick Mulvaney of South Carolina's fifth congressional district. Interestingly, Rep. Mulvaney didn't support term limits until he was elected, an unusual phenomenon. As the second-term congressman notes on his web site, "Before I got into government I opposed term limits.... Having seen government up close, I have learned my lesson. I support term limits."

Welcome aboard!

Then we received a letter from Wisconsin's Reid Ribble, representing the eighth district, in which he pledges support for 3/2 term limits legislation and offers an idea for getting it done.

"As you are aware, I am a firm believer in term limits for Congress. I believe many of the systemic problems that our government faces would be reduced or eliminated if politicians did not make their time in Congress a career."

Representative Ribble notes that the big hurdle is getting Congress members to term limit themselves, so he suggests that a grandfather clause be added to get it through Congress. If this is enacted, he writes, "Over time, serving in Congress will again be a privilege, not a career, similar to the way the Founding Fathers originally intended." Do you agree with the idea of a grandfather clause for current congressional incumbents? (We ask this and other questions in a survey enclosed with this issue of No Uncertain Terms—let us know!)

Mulvaney and Ribble join a growing minority of incumbents on the Hill taking action on term limits.

Visit Phil Blumel's blog at pblumel.blogspot.com. Check out USTL's Facebook page at 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

Trojan Horse (Cont'd from page 1)

“The legislators may pretend they’re trying to fix term limits,” said Jeremy Aspen, chairman of the group, “but they oppose the whole idea. Our legislators should respect our vote, not try to weaken and destroy those limits.”

Incumbents often assert that the term-limiting of their venerable “experience” (years in office) must

harm the body politic. But constituents know that newcomers bring experience of their own to the job, and that many of the practices in which office-holders become experienced do not redound to the benefit of the general public. (See page 6 for commentary by Doug Kagan, president of Nebraska Taxpayers for Freedom, disputing the notion

that term limits deplete experience that voters just can’t do without.)

Nebraskans have now been obliged to approve the state’s legislative term limits law four times: in 1992, 1994, 2000 and 2012.

It seems they really mean it.

Pledgers Win (Cont'd from page 1)

statesman with a soldier’s honor who, like most Americans, is tired of what we’ve been getting from Washington and is determined to rein in the deficit spending, balance the budget, and get America back to work.” He will represent Michigan’s eleventh congressional district.

Ann Wagner. Wagner will represent Missouri’s second congressional district. She is a former chairwoman of the Missouri GOP and has served as ambassador to Luxembourg.

Richard Lane Hudson. Hudson, a speaker at the 2012 Republican convention, is a marketer who has served as a congressional chief of staff. He will represent North Carolina’s eighth congressional district. He won a five-way nomination contest in which three of the five GOP aspirants were signers of the USTL Term Limit Amendment Pledge.

Robert Pittenger. A real estate investor and former state senator, Pittenger will represent North Carolina’s ninth congressional district.

Debra Fischer. Cattle rancher and state legislator Fischer defeated former governor, former U.S. Senator and former presidential candi-

date Bob Kerry to win the Nebraska U.S. Senate race. In its endorsement, the Omaha World-Herald declared that she had had no trouble



Debra Fischer

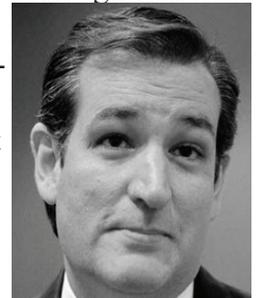
getting up to speed as a state lawmaker. “In this era of term limits, she arrived in Lincoln with a solid understanding of the Legislature and its ways....” (Unlike politicians who insist that they need several years to get up to speed.)

Markwayne Mullin. Mullin earned the endorsement of U.S. Senator Tom Coburn, who once served in the second-district congressional seat in Oklahoma that Mullin will be taking over. “Markwayne is committed to being a citizen legislator, not a career politician,” Coburn said. The bio page at Mullin’s campaign web site declares that he is “A rancher. A businessman. Not a politician!”

Beto O’Rourke. O’Rourke believes that most congressmen “are career politicians who are more concerned with the next election cycle than in making these tough decisions. They put personal considerations, party loyalty

and payback to lobbyists and big donors before principle.” He will represent Texas’s 16th congressional district.

Ted Cruz. Tea-Party-backed Ted Cruz cruised to victory in Texas’s U.S. Senate race, winning 57% to 41% after having beaten

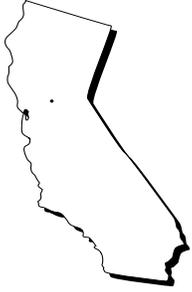


Ted Cruz

establishment favorite Lieutenant Governor David Dewhurst in the GOP primary. On Fox News, Cruz declared that he had “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.”

Mick Mulvaney. A freshman in the House, Mulvaney will return to Congress for a second term representing South Carolina’s fifth district. In a page about term limits at his campaign site, the congressman says he has changed his mind about term limits while in office. Now, “having seen government up close, I have learned my lesson. I support term limits.”

Election 20



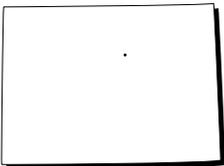
CALIFORNIA

Buellton, CA. Measure C 2012, restricting council members to 12 years of consecutive service (with the proviso that an incumbent can nevertheless run again after 12 years if no challengers qualify), passed 77% to 23%.

San Joaquin County, CA. By 59% to 41%, San Joaquin voters rejected ballot measure D to lengthen the maximum tenure of county supervisors from two four-year terms to three four-year terms. According to Recordnet.com, the only donors of a PAC created in support of the measure “are three supervisors who would be able to serve a third term if Measure D passes.”

Santa Ana, CA. Seventy-seven percent (77%) of Santa Ana voters said Yes to Measure GG, which imposes term limits of four two-year consecutive terms on the city’s mayor. Six council members are already limited to three consecutive four-year terms.

Stockton, CA. Mayor Ann Johnston, who had been fighting a legal challenge to her candidacy filed on the basis that her tenure as mayor is in violation of local term limits law, lost her reelection bid to challenger Anthony Silva by 42% to 58%. Ralph Lee White had argued in his lawsuit that Johnston was in violation of term limits because she had already served twice on the town council before being elected mayor. The city charter states: “No person elected as either Mayor or Councilmember shall be eligible to serve, or serve, as either Mayor or Councilmember for more than two (2) terms.” Opponents of the suit claim that the law provides for two terms maximum for council members and, separately, two terms maximum for the mayor.



COLORADO

El Paso, CO. On Election Day 2010, El Paso voters were tricked into supporting a weakening of their popular eight-year county commission term limits via a ballot question that appeared to impose rather than weaken limits. A firestorm erupted the following day, resulting in a new, more straightforward ballot question in 2012 in which voters were able to return to eight-year limits — which they have now done, passing the remedial measure with 58% of the vote. Unfortunately, the commissioners most responsible for the deception — Sallie Clark and Dennis Hisey — are grandfathered in under the new limits, and can therefore serve an additional eight years.

Glenwood Springs, CO. With 100% of precincts reporting, Sherry Caloia seems to have narrowly edged out incumbent District Attorney Martin Beeson 50.2% to 49.7%, although several hundred provisional ballots have yet to be counted. Beeson’s campaign provoked term-limits-related controversy because, in the words of defense attorney Tom Silverman, “The Colorado Constitution limits a DA to two consecutive terms. Beeson is running for his third consecutive term. This will be challenged, and every act he does will be questioned as to whether a legal DA performed the act.” Beeson, for this part, reprinted at his web site an opinion of the state’s attorney general that term limits do not apply to partial terms. Beeson’s first term had been a partial term, served after a recall of the ninth judicial district’s previous district attorney.



FLORIDA

Brooksville, FL. Amendment 1 on Brooksville’s slate, which was defeated 72% to 28%, would have bloated the maximum tenure of city council members from two consecutive four-year terms to three four-year terms.

Miami-Dade County, FL. On November 6, Miami-Dade voters finally got a chance to vote for strong (albeit non-retroactive) term limits for county commissioners without also having to simultaneously bribe them with a massive boost in commissioners’ salaries. The ballot **4**

12: Term Limits

question reads: “Shall the Charter be amended to provide that county commissioners shall serve no more than two consecutive four-year terms in office excluding terms of service prior to 2012?” The measure passed with 77.45% in favor.



GEORGIA

Columbia County, GA. By an 86% majority, Columbia County voters passed term limits of two consecutive four-year terms on county commissioners. The limits take effect after the next election. The referendum had originated with the commission itself and required the approval of the state legislature to be placed on the ballot.



ILLINOIS

Tinley Park, IL. An advisory term limits measure, posted after attorney Steve Eberhardt had gathered 1,900 petition signatures, has passed by 71% to 28%. Although the measure only requests the village board to term-limit itself by ordinance, the size of the win should at least be difficult for board members to ignore. Mayor Ed Zabrocki says that the term limits issue will not “fall between the cracks.”

Lombard, IL. Lombard voters decided 81% to 19% to limit the village president, trustee and clerk to three consecutive four-year terms. Voters had previously approved a non-binding measure asking them whether they’d like to consider a binding measure.



LOUISIANA

Hammond, LA. One of eight proposed amendments to the town’s home rule charter increases maximum tenure on the city council from two four-year terms to three four-year terms; it passed 58% to 42%.

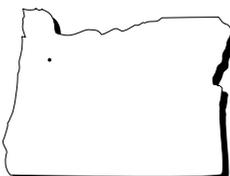
Louisiana Districts. Louisiana voters overwhelmingly supported a measure to limit school board members to three consecutive four-year terms. The measure was decided on a district-by-district rather than statewide basis; that is, regardless of the statewide total yeas and nays, local school boards would be term-limited only if a majority of local voters said Yes to the term limits question. (A few districts already limit their school boards.) All 67 parishes that considered the question voted in favor, with support “rang[ing] from 70 percent to 85 percent,” according to the Baton Rouge, LA Advocate. Unfortunately, the limits kick in with the 2014 election, and exclude terms served before then.



OHIO

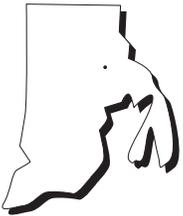
Canfield City, OH. Canfield voters passed two term limits measures. One limits council members to a maximum of three consecutive terms (which would be two-year terms after a three-year term beginning after the election of 2013); this measure passed with 61% of the vote. The second, which passed with 58% of the vote, limits the mayor to two consecutive three-year terms beginning in 2013. Until now, council members and the mayor have served four-year terms with no term limit.

Kettering, OH. Issue 28 limits the mayor and council members to two consecutive four-year terms, starting with the next election. Termed-out officials must wait four years before running again for the same seat. The ballot measure won approval from 62% of voters.



OREGON

Oakridge, OR. By 71% to 29%, Oakridge voters passed a two-term limit on city council members. The term limit and two other reform measures were introduced after a major budget shortfall, thought to be the result of fiscal mismanagement by the city manager. The council itself sent the measure to ballot.



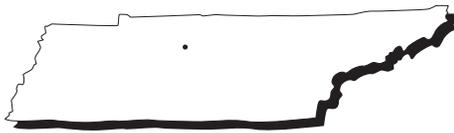
RHODE ISLAND

Johnston, RI. By 72% to 28%, Johnston voters passed Question 8 to limit the mayor to two four-year terms, starting with the 2014 election. Until now, the mayor has served terms of two years in length with no limit on tenure.



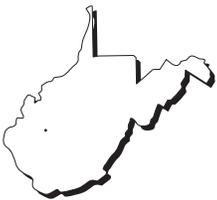
SOUTH CAROLINA

Spartanburg County, SC. By a 4-3 vote, Spartanburg’s city council passed term limits of three consecutive four-year terms on service on county boards. A year after being termed out, former board members may seek reappointment.



TENNESSEE

Knox County, TN. Voters considered two ballot measures on term limits, Questions 2 and 3. Question 2, passed with an 84% majority, states that a partial term does not count toward an elected official’s term limit. Question 3, supported by 86%, stipulates that commission district seats and commission at-large seats are the same kind of elective office for the purposes of the term limits law. This clarification prevents a commission member termed out of a district seat from then immediately running for an at-large seat.



WEST VIRGINIA

A measure to repeal term limits on county sheriffs in West Virginia failed by 47% to 53%. The vote is the fourth time that West Virginian voters have rebuffed efforts to scrub term limits on sheriffs, albeit by the narrowest margin ever. Amendments to kill term limits on sheriffs also failed in 1982, 1986 and 1994. In 1973, voters changed a one-term limit on sheriffs to a two-term limit.

UNITED STATES

Ex-vice presidential candidate and still-Congressman Paul Ryan told a townhall audience during the campaign that he supports the idea of term-limiting congressmen. “I’ve always supported [congressional term limits] in Congress. That takes a constitutional amendment. What you don’t want to do is have a state do it to itself and short-change its seniority and its clout in Congress. But I’ve always been a fan of term limits. I’ve always supported that. I’ve always believed that this should be something that you serve temporary, not for an entire lifetime.” We don’t believe that there’s anything wrong with a state’s term-limiting its own delegation to Congress. But it’s good to know that Ryan will vote Yes the next time a term limits amendment is up for a vote.

THEY SAID IT: Too Much Experience With Your Experience

“In [Nebraska’s] 2012 legislative session, 31 of 49 state senators, apparently alarmed at their terms running out, voted for a resolution to dilute term limits, setting the maximum at three four-year terms, up from two terms.

“Proponents of Amendment 3 state that citizens deserve another vote on this issue....

“I view with suspicion this move

by state senators to nullify the term limits amendment that voters originally approved. Their rationale is that this previous decision deprives the state of ‘experienced’ lawmakers. Taxpayers have voiced anger and frustration at ‘experienced’ senators on key committees placing the agendas of special interest tax and spending lobbyists and pressure groups ahead of the grievances of overburdened taxpayers.

“Senators with ‘experience’ continually have thwarted the will of Nebraskans by killing or diluting legislation that lowers our taxes, e.g., LB 970, or curtails spending, e.g., reform of the Commission of Industrial Relations. Other egregious examples of ‘experienced’ legislator disdain for voters are the escalating impediments on the right of Nebraskans to rein in state government with initiative and referendum petitions. Increasingly restrictive signature requirements now make it a Herculean task for

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A Point of Agreement: Term Limits

“Americans are obviously divided on the current presidential race. We disagree, too, on a whole range of social and economic issues. But we remain firmly united when it comes to one straightforward political reform: term limits....

“A recent poll commissioned by the Paul Simon Public Policy Institute at Southern Illinois University found that a whopping 79 percent of that state’s citizens want term limits for their legislators, against a mere 17 percent in opposition. If Illinois’s pinhole initiative process permitted a term limits measure, the voters would have decided the issue at the ballot box decades ago. And yet what are the chances that Illinois’s legislature will serve the people by placing a term-limit measure on the ballot for citizens to decide?

“It’s between slim and none...minus the slim.

“What does this say about our representative government, about government of, by and for the people? It is mere pretense.

“Even in states and cities where voters have passed term limits by ballot initiative, our supposed servants in legislatures and city councils have self-servingly sued to overturn the democratic decision of the people they claim to work for. Where initiatives could be repealed — Idaho, New York City, Washington, D.C., and Utah come to mind — politicians have repealed them. In places where politicians lack the carte blanche authority to veto the work of the voters, our solons have often forced voters to defeat repeated repeals as well as measures to significantly weaken the limits.

“The people of Tampa, Florida, and Nashville, Tennessee, have each voted on term limits four separate times, because after the initial vote to enact the concept, the city councils peppered citizens with measures to repeal or severely weaken the limits. Likewise, legislators in Arkansas, California, Maine and Montana have forced re-votes designed to repeal or weaken their limits....

“Nebraska citizens had to pass term limits three times: outrageous court decisions had struck down the first two. The voters backed their third term limit vote by defeating, in a retention election, the state supreme court justice who had authored the negative decisions — the first such defeat for a justice in the state’s history. That final term limits measure was not-so-mysteriously upheld by the court.

“Still, not only did the political and judicial resistance delay the limits first enacted in 1992 from taking

effect until 2008, the Nebraska Legislature has now stuck Amendment 3 on this year’s ballot. If passed — and it won’t be — it would weaken

the limits by allowing legislators to serve 50 percent longer....

“It is unethical for those holding a position of public trust to refuse to represent the people on the issue of term limits.... On that, we should all agree.”

— Paul Jacob, “United We Term Limit,” Townhall.com, November 8, 2012, bitly.com/SUFXwh

“Nebraska citizens had to pass term limits three times: outrageous court decisions had struck down the first two.”

Experience (Cont’d from page 6)

citizens to place a measure on the ballot.

“Career legislators have reason to oppose two-term term limits. Saturated with State Capitol fever, they seem more willing to ingratiate themselves by spending taxpayer money than be accountable to voter wishes. The longer in office, the more opportunity to develop a snug relationship with lobbyists, and thus more averse to representing

the interests of constituents....

“Term limits prompt freshmen senators to more quickly assume an active role in the legislative process. The continual emergence of new senators anxious to become involved and make their mark will generate pressure for a more inclusive policy-making process, especially on budgetary issues....

“Term limits serve as a necessary tool for ordinary citizens, Nebras-

ka’s second House, to balance our Unicameral legislature in governing our state. Nebraskans deserve a constant infusion of new legislators willing to share opportunity with the rest of the citizenry and attend to constituent grievances and concerns, with fewer legislators ‘experienced’ in monopolizing power.”

— Doug Kagan, president of Nebraska Taxpayers for Freedom, “Two terms enough to serve in Legislature,” Omaha World-Herald, October 15, 2012, bit.ly/W0i5cq

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**—Gwenn Aspen, Nebraskans Against Amendment 3
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