

No Uncertain Terms

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Citizen Measure to Restore Arkansas Legislative Term Limits Sails to November Ballot...and foes of Term Limits Sue

A citizen initiative campaign to impose state legislative term limits of six years maximum in Arkansas's house of representatives and eight years maximum in the senate has inspired enough signatures to make it to the November ballot, and has in fact been officially approved for the ballot. But enemies of term limits are trying to kill the ballot measure in court.

The measure would also impose a maximum ten-year limit on overall legislative service and prohibit lawmakers from sending term limits questions of their own to the ballot. Lawmakers who win reelection in 2018 would be able to serve their new term even if they are thereby exceeding the new maximum tenure.

In August, Arkansas's secretary of state reported that Arkansas Term Limits had submitted 124,674 signatures, of which 93,998 were valid. That's about 9,000 more than needed to get the question to ballot.

The new measure remedies ballot chicanery perpetrated in 2014. At that time, lawmakers sent a complicated "ethics" measure to the ballot that included a deceptively worded (and buried) provision to gut the term limits law



Tim Jacob of Arkansas Term Limits.

that Arkansans had passed in 1992. The 1992 law limited house members to six years and senators to eight years. But after the 2014 election, state lawmakers would be able to serve as many as 22 years in a single legislative seat.

Many voters ruefully admitted to being fooled by the

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U.S. Term Limits Adds New State Directors in Fight for Term Limits Convention

As U.S. Term Limits prepares to advance the prospects for a Term Limits Convention in the state legislative sessions of 2019, we have added several new volunteer state directors to our team.

Aaron Dukette. Our state director for Kentucky has served as state director and in other leadership roles for the Convention of States Project in Colorado. He teaches history, logic, literature and civics at a Christian classical school in Lexington as well as



online courses in logic and ethics for Ashford University. You can reach Aaron at adukette@termlimits.com.

New USTL Podcast p. 7

Kevin McCarthy. Our state director for North Carolina is a physician with experience in internal medicine, radiology and nuclear medicine who has taught at the LSU Medical School and been a senior staff physician at the National Institute of Health. He has also worked as an election official in the state. You can reach Kevin at kmccarthy@termlimits.com.



Steve Isaksen. Our state director for South Carolina earned a business degree from the University of Kentucky and has



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President's Corner

BY PHILIP BLUMEL

The oft-heard assurance that “we already have term limits, they’re called elections” is not as definitive as some people suppose.

One reason is the abundance of advantages — from franking privileges to free and easy publicity to the ability to dole out funds and favors — that confer upon incumbents huge electoral advantages over most challengers. We do have elections, but they’re rigged in favor of incumbents. Surely this is relevant? At district level, officeholders get reelected at a rate of 90%+. Statewide contests are little more competitive, but not much. (See the survey of congressional reelection rates at bit.ly/2O5rF09.)

Honest observers who start out skeptical of term limits eventually see why we need them.

An example is the *Chicago Tribune’s* Kristen McQueary. Fifteen years ago, she saw what happened when someone unapproved by the Democratic establishment tried to run for a state senate seat.

“The party challenged her petitions and got her kicked off the ballot at first,” McQueary recalls (trib.in/2O6QTva). “Why? She had not listed the number of the Senate district at the bottom of some of her pages, even though it was listed at the top.” The aspirant prevailed to the extent of being allowed to run. But she lost the primary. What if she had not been forced to waste time and money that could have been devoted to campaigning?

The pervasiveness of the incumbency self-protection racket explains why term limits are so popular...even though “we already have elections.”

In recent weeks, incumbents and their allies in Florida and Utica, NY have managed to stop voters from even considering ballot questions on term limits. (See pages 4-6.) These are elections we’re not being allowed to have. Establishmentarians are also struggling to block voters from enacting strong term limits in Arkansas (page 1) and Chicago (page 5).

Many incumbents loathe term limits. But most voters support term limits and the constitutional values that term limits embody and protect. Americans understand that a healthy democracy needs and benefits from both: from elections and term limits. That is why, whenever voters can vote, term limits win.



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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*

Arkansas Term Limits (Cont'd from page 1)

wording of the 2014 ballot question.

“What happened in 2014 was an outrage and a deception and a fraud to the voters,” Tim Jacob, a spokesman for Arkansas Term Limits, told Talk Business and Politics. “I think everybody, even people that didn’t like term limits, were outraged at the behavior and how the legislature, how low they would stoop.

“I’ve got friends in the legislature. I think they do an honorable job most of the time. But I think healthy turnover is important...and I don’t think anybody’s indispensable in the legislature.

“Term limits is no panacea. It’s not going to solve every problem right away. But I think it’s a vital first step in bringing back representative government in the state.”

Enemies of state legislative term limits in the state have not been content to let voters decide the question. In early September, a group called Arkansans for Common Sense Term Limits — which apparently is code for Arkansans Against Common Sense Term Limits — filed a lawsuit in hopes of getting the question yanked from the ballot. The anti-term-limits group was created by the Arkansas Farm Bureau and the Arkansas Chamber of Commerce.

State Directors (Cont'd from page 1)

served as a captain in the U.S. Air Force. He brings extensive experience in organizing activists as a former state director for the Convention of States. You can reach Steve at sisaksen@termlimits.com.

Gary Welch. Our state director for Wyoming served in the United States Army and the National Guard for more than a decade. He feels privileged to have been raised in a village founded by his great-grandfathers. You can reach Gary at gwelch@termlimits.com.

Also, **Shanna Chamblee** has joined us as legislative director. Shanna has been the deputy director of legislative affairs for Alabama Gun Rights Inc. since 2014, worked on a local petition drive to defend property rights, and is the president of her local community center. She and her husband home-school their 11 children (wow). You can reach Shanna at schamblee@termlimits.com.

These are just a few of the good folks on the growing USTL team. To learn more about all of them, visit termlimits.com/about/team.

We are working toward an amendment convention focused on congressional term limits. Such a convention would produce an amendment almost certain to be ratified by the requisite 38 states. Opinion surveys repeatedly confirm that voters of all

Their lawsuit raises technical objections about the petitions and complains that if the measure is enacted, lawmakers would be prohibited from sending any term limits questions of their own to the ballot, preventing another deviously framed ballot question designed to con voters. The document also includes 200-page appendix giving the names and addresses of many canvassers, as if to publicly rebuke them for their temerity in helping make the petition drive a success.

On September 7, the Arkansas Supreme Court appointed a former judge, Mark Hewitt, to review claims that some of the approved petition signatures should be invalidated. As we go to press, the lawsuit is still unresolved.

“We’re disappointed that they don’t think the voters deserve a chance to vote on term limits,” Tim Jacob said of the misnamed anti-term-limits group. “Their brand of corporate censorship will not succeed.”

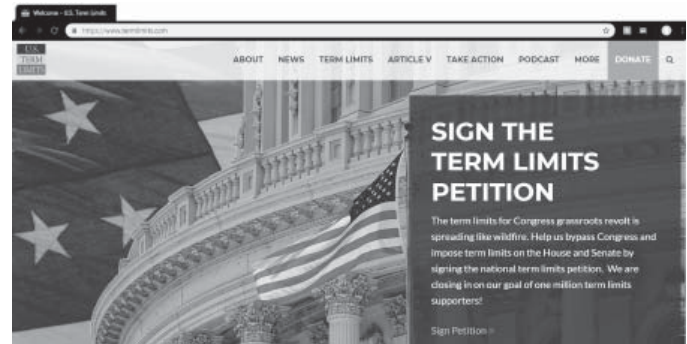


parties would happily impose term limits on the U.S. Congress if they had the chance.

Lawmakers and candidates at the state and federal level continue to sign our pledges — either to support the Congressional Term Limits Amendment in the U.S. Congress or to support the Term Limits Convention in state legislatures. During the current election cycle, 270 candidates for state legislatures or incumbent state lawmakers have signed the Term Limits Convention Pledge; of these, 168 are still in play (i.e., have not lost a primary or dropped out of their races). Meanwhile, 365 candidates for U.S. Congress or members of Congress have signed the U.S. Term Limits Amendment Pledge; of these, 123 are still in play.

So far, three states have passed resolutions for an amendment convention dealing exclusively with congressional term limits: Florida, Alabama, and Missouri.

To help fund our effort, please visit termlimits.com/donate.



Term Limits



CALIFORNIA

Camarillo, CA. Measure M to limit Camarillo city council members to a lifetime term limit of two four-year terms has been placed on the November ballot, thanks to a petition drive run by Camarillo Citizens for Term Limits (Facebook Page: bit.ly/2O19tFb). The group's refrain: "Yes on Measure M, No on Measure E." Measure E is a weaker, council-referred measure that would limit tenure to three consecutive four-year terms.

Long Beach, CA. On August 7, the Long Beach City Council voted unanimously to refer a charter question to ballot to lengthen its maximum tenure from two terms to three terms. The *Signal Tribune* says that the amendment would "create" a three-term limit for mayor and city council, noting only much later in the story that a two-term limit for these positions already exists. The possibility of winning a third term by write-in votes under the current law enables proponents of this three-term limit to pretend that by getting rid of the write-in option, they are cleaning up and tightening the law. Of course, it would have been easy to eliminate the (rarely successful) write-in option and keep the two-term limit.

San Diego, CA. To their credit, the San Diego city council unanimously sent a measure to the November ballot to eliminate a term limits loophole whereby members can serve longer than the two-term maximum if redistricting happens to alter which district they're serving in (or if they simply move from one district to another). Meanwhile, Bryan Pease is appealing a court's decision to allow San Diego Councilwoman Lorie Zapf to run for a third term because her district changed as a result of redistricting. It was Zapf's case which motivated the ballot measure to remove the loophole.

Santa Monica, CA. A term limits measure, Measure TL, on the November ballot would limit Santa Monica council members to three four-year terms "whether consecutive or not." The council had "grudgingly" placed the question on the ballot, a formality they had little choice but to follow through on after citizens gathered enough valid petition signatures. (The web site of the petition drive organizers is santamonicatransparency.org.)



FLORIDA

On September 7, the Florida Supreme Court removed Amendment 8 from the November state ballot, upholding a lower-court decision by a vote of 4 to 3. Among other education reforms, the amendment would have imposed eight-year term limits on school boards and allowed charter schools to be operated without having to answer to school boards, which are often antagonistic to charter schools.

The League of Women Voters and the Southern Law Poverty Center had filed a lawsuit to prevent voters from considering the amendment. Florida Secretary of State Pam Bondi called the suit an "attempt to interfere with the amendment process [that] stems primarily for their disagreement with Amendment 8 as a matter of policy."

After the state supreme court's ruling, Erika Daniels, the member of the Constitution Revision Committee who had sponsored Amendment 8, criticized the plaintiffs for being "so busy protecting a system — protecting power and control — that they lost sight of the children and the families who desire and deserve great public school options. We know that choice, competition, and innovation are the avenues to continuous improvement for our education system. The education monopoly will not reform itself or welcome needed competition without policy changes."

Aventura, FL. By 70% to 30%, on August 28 Aventura voters passed a referendum to drop the city charter's rule prohibiting termed-out city commissioners from running for mayor. Mayors and commissioners will now each be subjected to two consecutive four-year terms.

Palm Beach Gardens, FL. By 66% to 34%, on August 28 Palm Beach Gardens voters rejected Referendum Question 1 to weaken council term limits by stretching them from two consecutive terms to three consecutive terms. Voters rejected the measure despite the city council's misleading taxpayer-funded propaganda. The propaganda included yard signs saying "Vote Yes: Keep Term Limits," falsely implying that a No vote meant not keeping term limits. During the campaign, term limits activist Sid Dinerstein sued the city for "false and deceptive advertising." (See the U.S. Term Limits editorial at bit.ly/2NG75n8.) Now that the election is over, he has amended the suit to focus on the impropriety of the city's spending.



In The News

Palm Beach Gardens voters approved one of two other referendums on the ballot. By 60% to 40%, they approved Referendum Question 2 to revise the city charter. The many changes include a stipulation that citizens may not use the initiative process to affect policies on taxes and spending. (See pages 13 and 16 of Exhibit A at bit.ly/2NMYCOM.) By 70% to 30%, voters rejected Question 3, which would have eliminated a residency requirement for city managers.



ILLINOIS

Will it matter? By the August 6 deadline, former Illinois Governor Pat Quinn submitted more than 86,000 signatures for a proposed ballot question to limit the mayor of Chicago to two terms in office. The Chicago Board of Election Commissioners found that Quinn's team had submitted 54,995 valid signatures, a couple thousand more than required. So the term limits question can make it to ballot...if other obstacles are also surmounted. The term limit would have applied retroactively, preventing Rahm Emmanuel from running for a third term. But Emmanuel recently surprised Chicagoans by announcing that he will not run for a third term.

In any case, Quinn's side still faces several hurdles. Illinois state law ordains that local ballots may ask no more than three questions, and Chicago's city council has posted three merely advisory questions on the ballot (including one asking voters whether the city should ban plastic straws). Everyone understands that the council posted the non-binding questions in order to block the binding term limits question.

Quinn argues that his petitioned-for and binding question should have precedence over the council's ballot stuffing. Another sticking point is the fact that Quinn's petition incorporated two separate ballot questions, one on term limits and the other on establishing an elected consumer advocate. On both counts, a Chicago Board of Elections hearing officer said on September 10 that the term limits question is ineligible for ballot; and as we go to press, the Board has not yet made its final decision. Quinn says that if the board kicks the question off the ballot, he will keep fighting in court.

McHenry County, IL. A county-referred measure on the November ballot would limit the county board chairman to a maximum of two four-year terms and would limit county board members to three four-year terms. Board Chairman Jack Franks says, "It is my hope that our actions here [for term limits and other reforms] will spread to other counties, and force our state lawmakers to follow our lead."



NEBRASKA

Lincoln, NE. "The city council is required to vote 'yes' because we went through the right process. There is no debate needed. It's done." That's what Matt Innis, who helped organize a petition drive to term-limit Lincoln's mayor, said in response to the scheduling of city council meetings to deliberate about the measure. About 3,800 valid signatures were needed to post the question; the Political Renewal Association submitted 5,635 names, of which 4,322 were deemed valid. The measure would apply retroactively, ending the three-term tenure of Lincoln's current mayor, Chris Beutler. In late August, the city council did place the question on the ballot as required, with a title stressing the fate of the incumbent if the measure passes: "Mayoral term limits charter amendment that will disqualify the incumbent mayor from serving another term and prevent future mayors from serving more than three consecutive terms."



NEW YORK

Brookhaven, NY. The town board of Brookhaven has referred a measure that combines two term-related changes. If voters approve, the individual terms of board members will be increased from two years to four years, and a maximum tenure of three four-year terms will be imposed on board members.

New York, NY. Among other reforms for the November ballot, New York City's Charter Review Commission has proposed consecutive term limits of four two-year terms (eight years) for members of community boards. Four out of five borough presidents object to the ballot proposal. The exception is the borough president of Brooklyn, Eric Adams, who submitted written testimony to the CRC in support of community board term limits.

Utica, NY. Utica voters are being told to not even bother trying to reverse the city council's unilateral gutting of the council's term limits.

Former Utica councilman Louis Critelli has been seeking to bring a question to ballot reducing the maximum tenure of council members and other local from 12 years to eight years. Petitioning to post a question is a two-step

(Continued on Page 6)

Term Limits In The News (con't)

process in Utica. First, one brings a sufficient number of signatures to the council, asking council members to enact the proposed measure directly. If council members decline — as happened here — one may then collect additional signatures in order to bring the question to ballot.

Critelli quickly submitted enough additional signatures. But in the latest twist of the town government's greasy Rubik's-Cube-like maneuvering against voters, the city clerk, Michelle George, refused to certify the signatures, saying that it is "within her rights" to while away two months before doing so. Which kills any chance of sending the measure to the November 2018 ballot. A judge backed her up, even though there was plenty of time to get the question on the November ballot had Ms. George simply done her job. For now, then, Utica voters are foiled. The effort must be resumed later, although perhaps not with Critelli leading the charge. He's 93.



OHIO

North Royalton, OH. Like the city council of Youngstown, OH (see below), that of North Royalton considered sending a term limits repeal to the November ballot. But the North Royalton council ultimately decided against it. Sponsor Dan Kasaris could count only four votes in favor, and the city's charter requires that at least five of the seven council members must support sending an amendment to ballot in order to do so. Council members and the mayor are currently limited to 12 years in office.

Seven Hills, OH. The city council of Seven Hills has referred a measure to the November ballot to prevent "seat jumping" from an at-large council seat to a ward council seat and vice versa as a way to escape the town's consecutive term limits. "You will be allowed to serve four consecutive [two-year] terms, whether you're an at-large councilperson or ward councilperson," explains Council President Anthony Biasiotta.

Youngstown, OH. The Youngstown city council has referred a measure to the November ballot to repeal the term limits on itself. Council members are currently limited to four two-year terms. "It's ultimately the people's decision," says Councilman Mike Ray. "We're just giving them the opportunity to vote on it." That's all that's involved here...



WISCONSIN

Green Bay, WI. The Green Bay city council has approved a referendum for the November ballot to term-limit the mayor to three consecutive four-year terms, alderman to six consecutive two-year terms, and municipal judges to three consecutive four-year terms.

COLOMBIA

An NBC News headline oddly asserts that "Colombians spurned the chance to curb rampant corruption" during a referendum in late August. "Spurned" sounds like a stern and definitive rejection. Yet every single one of seven anti-corruption measure on Colombia's August ballot earned something like 99% support from voters weary of graft, vote buying, etc. Among the reforms was a measure to impose three-term limits on lawmakers. The problem: referendum measures in this country are burdened by a weird quorum requirement (one that does not, however, also apply to elections of candidates). None of these measures could have been enacted unless a little more than 12.1 million registered voters, at least, had gone to the polls. But only 11.6 million participated.

Even so, more Colombians said Yes to the referendum than voted for the winning candidate in Colombia's last presidential election. Moreover, 100% of those interested in voting on the questions and able to do so, did so. Colombian politicians say that the vote encourages them to pass anti-corruption measures on their own. But they could have done that already.



CONGO

Joseph Kabila, the president of the Democratic Republic of the Congo who has been refusing to step down after the end of his final permitted term (two years ago), says he will not stand for reelection when the next presidential election is held in December. But journalist Hans Dembowski believes that Kabila will try to stick around somehow or other. "The problem is that Kabila is quite obviously preparing to stay in power nonetheless," Dembowski writes (bit.ly/2MXIqhD). "First of all, the candidate who will run for Kabila's political camp is a close ally who does not have a power base of his own. Emmanuel Razamany Shary is a former interior minister and has a reputation for brutal oppression.... It is quite clear that Kabila hopes this man will be his puppet."

In Arlington, Texas, Zack Maxwell Pushes Minimum Tenure to, Well, the Max

Looked at one way, getting tough city council term limits on the Arlington, Texas ballot for this November was easy as pie. All you had to do was ask.

Just ask 28-year-old Zack Maxwell, publisher of the online daily Arlington Voice (ArlingtonVoice.com) and leader of a triumphant petition drive that had council members declaring a general emergency in response to the general enthusiasm for booting them from office.

Obtaining signatures for Proposition F “was maybe the easiest sale of my life,” Zack tells No Uncertain Terms. “We got almost all of the signatures by setting up canopies Monday through Saturday in front of public buildings. At the mention of ‘term limits,’ about 95 percent of everyone we asked was eager to sign.”

Not as enjoyable as the easy sales was the blistering Texas heat that signature gatherers endured as residents grabbed the chance to send retroactive, lifetime limits of three two-year terms to the November ballot. But the effort paid off. Zack’s crew collected more than 11,000 signatures, of which almost 9,000 proved to be signatures of registered Arlington voters. They had needed 8,612 valid signatures to reach ballot.

The campaign has a lengthy prequel. Several years ago, Zack left a job at a commercial mail receiving agency to found the Arlington Voice — with zero journalistic or even academic background under his belt. He basically came out of nowhere to offer Arlington residents a major alternative to the city’s newspaper.

“I developed the concept after realizing that print newspapers were going out of style and that more residents were seeking their news online,” Zack tells us. “After about six months of planning and development with other political leaders in the area, we launched in January 2012. And now we are the dominant source of news for Arlington.... Everything we’ve accomplished through the Arlington Voice has been the result of getting our hands dirty and learning the industry by taking action.

“The idea to petition for term limits was mine, originally. Over the years, I have watched our council marginalize entire groups of people to the benefit of political allies and donors. So last fall I began an aggressive coalition-building process, gaining the support of various citizen groups and associations. Our coalition included police officers, firefighters, Republicans, Democrats, and other groups, including the NAACP.

“I’m a Republican myself. But when I realized how term

limits could bring folks together from opposite sides of the partisan aisle, I jumped on it. Some council members have been in their seats for almost 20 years. The result is a toxic environment in which incumbents care only about catering to the immediate network of supporters who keep them in power, as well as help them fulfill their pet projects and legacy agendas. I expect term limits to scrub our council of its complacency and arrogance, and restore citizen-focused representation to our city.”

Then came the sequel to the successful petition campaign. The city council suffered a collective conniption fit.

Obligated by law, council members grudgingly approved the successfully petitioned measure for ballot — even while voicing angry objections to giving voters this opportunity. Simultaneously, in a desperate bid to cling to their political monopolies, the council cobbled together a slack alternative term limits measure to plunk onto the ballot next to the citizen-backed measure.

The council’s measure proposed a merely consecutive term limit on themselves, not a lifetime term limit; would not have been retroactive; and would have let members stay up to nine years, not six,

before being (briefly) termed out of office.

In mid-August, Zack won a temporary restraining order against the council’s “deliberately misleading” counter-measure.

“The city did not adequately notify the public,” he explained to local media at the time. The council members were “abusing their authority and their ability to do this, just to get one up on the citizens of Arlington. Fortunately, after about four or five hours in court this morning, a judge actually came out in our favor by granting us a temporary restraining order.”

With the August 20 deadline for sending measures to the November ballot just days away, the setback should have killed the last-minute gambit. But tone-deaf council members declared an “emergency” in order to suspend normal procedures and meet again, including on a Sunday, to pass a form of their ballot question in a way that might satisfy the court.

Zack Maxwell showed up at the Sunday council meeting with 80 term limits supporters and a bullhorn.

The council backed down. No tepid alternative would be referred to ballot. Score so far: Arlington Citizens 1, Frenetic Incumbents 0.

We’ll see what happens in November, but we’re predicting a big victory for Proposition F. This guy gets the job done.



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“I expect term limits to scrub our council of its complacency and arrogance, and restore citizen-focused representation to our city”

**— Zack Maxwell, Arlington, Texas
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