

No Uncertain Terms

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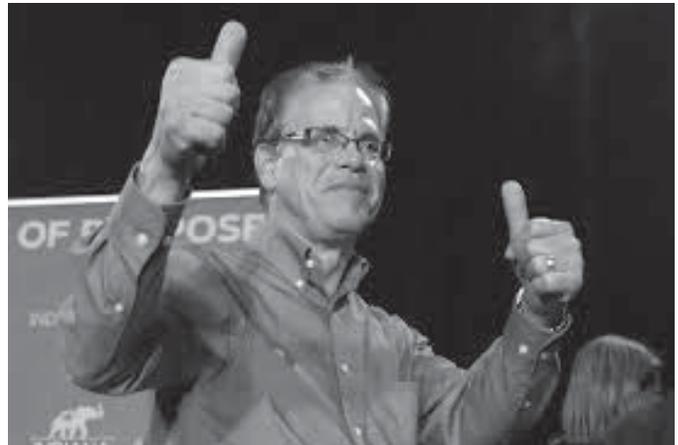
55 Pledge Signers Win Congressional Elections; 130 Pledge Signers Win State Legislative Races

“It’s a big, exciting year and that’s a big, exciting number,” says USTL National Field Director Scott Tillman, referring to the number of Pledge signers, 55, who will be in Congress next year.

During the 2018 election cycle, 379 congressional candidates signed the U.S. Term Limits Congressional Pledge, and 136 of those signers made it to the general-election ballot. On November 6, 51 Pledge signers won election to the U.S. House. Four Pledge signers won election to the U.S. Senate, making for a total of 14 Pledge signers serving in the next session of that body. (The four Pledge signers who won U.S. Senate races on November 6 join ten incumbent U.S. Senators who have signed a Pledge but were not up for reelection this year.)

The version of the Pledge signed by congressional candidates reads: “I pledge that as a member of Congress I will co-sponsor and vote for the U.S. Term Limits amendment of three House terms and two Senate terms and no longer limit.”

Business owner and former Indiana state representative Mike Braun, a Republican who defeated the incumbent Democrat, U.S. Senator Joe Donnelly, is typical of many signers in his enthusiasm for term limits. “Drain the



Senator-elect Mike Braun of Indiana.

Swamp” is a top issue (or injunction) on Braun’s campaign web site, where he argues that we must enact term limits on politicians to “crack down on corruption and bring fresh perspectives to Washington.”

Senator-elect Braun has not only pledged his support for the congressional term limits amendment but also said during the campaign that he would run for “no more than

(Continued on Page 3)

No Uncertain Terms Podcast, Episode 14: Incumbents Win in Landslide; Zack Maxwell Gets a Tip on How to Stop the Bad Guys

“We told you so,” said Phil Blumel, president of U.S. Term Limits, during a recent installment of USTL’s new wide-ranging podcast (archived at termlimits.com/podcast).

Before the election, the USTL team had “made the bold prediction that incumbents would win the November 6 elections in a landslide.” But perhaps that’s not so bold a prediction after all, Phil allowed, considering the average 94% reelection rates

that incumbents have enjoyed since 1970. Executive Director Nick Tomboulides added that this year, 97% of U.S. House incumbents running for reelection won a new term. In the U.S. Senate, 93% of incumbents did so.

Too often there is not even any major-party candidate to oppose the incumbent; or if there is, his presence is almost irrelevant. “It’s basically someone who has just filed the paperwork,” said Nick, “isn’t running a serious campaign, isn’t raising big money, and doesn’t have a chance.”

The overwhelming advantages of incumbency scare off many potential challengers and often hobble those who do throw their hat in the ring. Hence the need for term limits. USTL invites congressional candidates and state legislative to formally pledge support for a congressional term limits amend-

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Results for ballot questions on term limits: Good (most); Bad/Ugly (a few). And what the heck happened in Arkansas? New USTL Podcast p. 4-7



President's Corner

BY PHILIP BLUMEL

Hundreds of signers of our Pledge to support congressional term limits — whether through Congress or through state legislatures calling for an Article V Term Limits Convention — were on the ballot this year.

As we report on page 1, a good number of these Pledge signers went on to win their elections. We are making exciting progress on both fronts of our strategy to achieve congressional term limits, and we expect to expand these results in coming election seasons.

We also saw dozens of term limits questions on local ballots around the country this November. Voters rejected many attempts to weaken term limits, and endorsed many attempts to strengthen term limits. But in some cases, they were tricked into passing referendums that were deceptively worded.

We may have a solution to this familiar problem.

In 2016, the citizens of Kettering, Ohio didn't just vote No on yet another anti-term-limits measure in 2016. They took the initiative, so to speak, to prevent future attacks on term limits. They successfully petitioned for a ballot question that recognized the conflict of interest involved in politicians forcing citizens to defend their term limits law over and over and over and over again.

Specifically, the Kettering measure prohibited the city council from proposing amendments to alter any charter provision concerning term limits, their own compensation, or the initiative process. Proposals to change these things would have to come from the citizens themselves. The measure passed with 64% of the vote — a higher percentage than that attained by the original term limits question.

Arkansans incorporated a similar provision in Issue 3. This is the ballot question to toughen state legislative term limits that courts in the state, deferring to incumbents, declared invalid despite overwhelming support from Arkansas voters (see page 4). I'm sure that the ban on legislatively sabotaging voter-enacted term limits is one of the provisions that terrified Arkansas's career politicians.

So here's an idea: let's pass citizen initiatives *everywhere* to prohibit lawmakers from messing with their term limits. Maybe in your town, county or state too.



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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*

Signers Win (Cont'd from page 1)

two terms, and if I can't see an impact after being there six years, I will trot back to southern Indiana.”

What about Pledge signers running for state legislatures? These are candidates committed to supporting an Article V Term Limits Convention, which would enable passage of a congressional term limits amendment without the cooperation of the U.S. Congress. The Term Limits Convention Pledge reads: “I pledge that as a member of the state legislature, I will co-sponsor and vote for the resolution applying for an Article Five convention for the sole purpose of enacting term limits on Congress.”

During the 2018 campaigns for state legislatures, 350 candidates signed the Article V Pledge, of which 241 made it to the general-election ballot. Of these, 130 were elected.

This is the first year that U.S. Term Limits has asked candidates — in 19 states — to sign this particular pledge. Now that we've gotten the program off the ground, we expect to reach many more candidates and obtain many more signatures from state legislators and candidates for state legislatures during future election cycles.



Alabama State Sen. Shay Shelnett signed Convention Pledge.

No Uncertain Terms Podcast (Cont'd from page 1)

ment or, in the case of state legislatures, support for an Article V Term Limits Convention. National Field Director Scott Tillman was on hand to review how Pledge signers fared in this year's elections (see our other front-page article for details).

The episode also includes an interview with Zack Maxwell, publisher of a local Arlington, Texas news site who led a petition drive to impose six-year term limits on Arlington's city council. (Zack was also interviewed in Episode 6.) Before and after the question reached Arlington's ballot, city council members threw everything but the kitchen sink at Zack and his team to try to thwart the ballot question. But on November 6, a 63% majority made it law.

Zack was enthusiastic when Phil told him about how term limits activists in Kettering, Ohio managed to post a ballot question in 2016 prohibiting the council from sending new questions to the ballot in hopes of weakening or repealing term limits.

“I love it,” Zack said. “I'm glad we had this conversation because that may be something that we approach in two years. We may actually, as citizens, bring forward an amendment like that to our charter. That's a good solution.”

Others who have been featured in various episodes the podcast include:

Paul Jacob, president of Citizens in Charge, an organization that fights for citizen initiative rights (Episode 13);

Jim Coxworth, the Illinois business who walked from Chicago to Springfield to promote legislative term limits (he has appeared on several episodes, but see especially Episode 9);

David Jolly, who won a special election to Congress in

March 2014, interviewed by “60 Minutes” in 2016 about how continually preoccupied incumbents are with getting reelected (Episode 11);

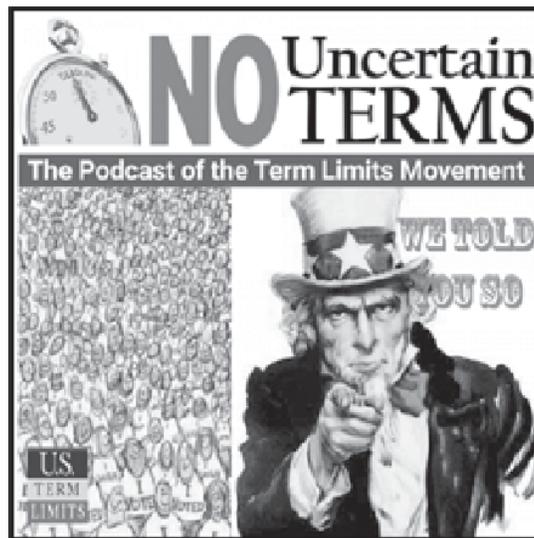
Erika Daniels, the school board member behind a popular but judicially blocked referendum to impose school board term limits across Florida (Episode 2);

Shawn Frost, a fellow proponent of term-limiting Florida school boards (Episode 3);

Tim Jacob of Arkansas Term Limits, which led the popular but judicially blocked citizen initiative to restore tough term limits to the Arkansas state legislature (Episode 4);

Scott Murphy, author of *The Term Limits Revolution* (Episode 5).

All weekly episodes of the No Uncertain Terms Podcast are archived at termlimits.com/podcast. You can subscribe through iTunes, Stitcher, or GooglePlay. The No Uncertain Terms Podcast is now the fastest regular way to stay up to date on the latest news about the term limits movement and the activities of U.S. Term Limits.



Issue 3 to Restore Arkansas's Legislative Term Limits Sweeps to Non-Victory With 75%+ Support



Despite being declared invalid by the Arkansas Supreme Court, a citizen-initiated measure to restore and tighten state legislative term limits nevertheless appeared on the ballot on November 6. By the time all the legal back-and-forth was over, it was too late to pull it. So the Arkansas Supreme Court instructed election officials to abstain from counting the votes.

A “special master” appointed by the court had contended that thousands of signatures approved by the secretary of state must be tossed, rendering the signature total too low now to qualify the measure for ballot. The Arkansas Supreme Court agreed and ruled that Issue 3 was disqualified, even though Arkansas’s secretary of state had already approved it for the ballot. The signatures were fine; they were being tossed, obnoxiously, on the basis of a procedural technicality.

If Issue 3 had been allowed to stand, the voters’ approval would have undone the consequences of a deliberately deceptive ballot question passed in 2014 that greatly weakened Arkansas’s state legislative term limits. The current measure would have imposed term limits of six years on the Arkansas house, eight years on the senate, with a maximum total service in the legislature of ten years. It also would have banned further assaults by the legislature on term limits through unilaterally referred ballot questions.

Although votes cast on Issue 3 weren’t supposed to be formally tallied, Max Brantley of the *Arkansas Times* was able to look at results reported for at least a few different Arkansas counties — Pulaski, Washington, Pope — and found that in each, the Yes vote exceeded 75%.

“I think the term limits crowd should try again,” Brantley concludes, “if the state motto is to be Regnat Populus rather than Regnat Lobbyist” (bit.ly/2Png4P0). Yes. Let the people rule.

Voters Pass and Protect Term Limits Around the Country

Below are election results for local term limits questions decided mostly on November 6. Except for very close contests, we have rounded to the nearest percentage point. In two cases, that of Arkansas (discussed above) and Chicago, voters were able to vote on term limits questions that had been declared null and void. The 2018 Arkansas question cannot be resurrected at this point, but an appeal regarding the validity of the Chicago ballot question is still pending. Out of 42 ballot questions — and, additionally, two votes by local legislatures — listed below, we count 35 wins for term limits and nine losses. A vote is a win when term limits are thereby newly imposed, strengthened, or preserved against assault; it is a loss when term limits thereby fail to pass or are weakened or repealed. A plus or minus symbol after each report highlights whether an electoral result for a question (or the net result for two questions on tenure of the same office) is a win [+] or a loss [-].

CALIFORNIA

Camarillo, CA. A citizen-initiated measure, Measure M, would have limited council members to a lifetime limit of two four-year terms. Council members countered with Measure E to limit themselves to three consecutive four-year terms. Both measures were approved on November 6; but Measure E, with the weaker limit, won 64.7% of the vote, Measure M just 57.23%. The measure with the higher vote total is the one that gets enacted. Because there were no council term limits before this election, the net result counts as a win for term limits even though the weaker term limit edged out the tougher term limit. [+]

Chico, CA. By 69% to 31%, voters approved a council-referred charter amendment, Measure S, to limit the tenure of council members to three consecutive terms. [+]

Desert Hot Springs, CA. Two ballot questions, Measures U and V, pertained to mayoral term limits. Measure V changes the length of an individual mayoral term from two years to four years and imposes a mayoral term limit of two four-year terms; voters approved it by 53% to 47%. Measure U, defeated 65% to 35%, would have converted the mayoral term to one year and inaugurated a system of rotation of mayoral power. [+]

El Dorado County, CA. By 76% to 24%, voters rejected Measure U, the Board of Supervisors Term Limits Amendment sent to the ballot by that very board. Measure U would have lengthened the maximum tenure of supervisors from two consecutive terms to three consecutive terms. [+]

Folsom, CA. By 79% to 21%, voters approved council-referred Measure C, which limits Folsom council members to four consecutive four-year terms. [+]

Lake Forest, CA. By 83% to 17%, voters approved Measure S to limit city council members to two four-year terms. [+]

Long Beach, CA. By 56% to 44%, voters approved the council-referred Measure BBB, which lengthens term limits from two terms to three terms while eliminating the possibility of winning additional terms through write-in votes (which had only rarely enabled Long Beach candidates to serve beyond two terms). The wording of the ballot question obscured the fact that city officials have already been effectively limited to two terms. [-]

The assault on Long Beach term limits may be even worse than many had thought. Opponents noted a sentence in the city attorney's "impartial analysis": "Under state law, term limits measures may only apply prospectively." According to Gerrie Schipske, a former council member, "Government Code section 36502(b) requires that any term limits provision may only apply to terms served after the effective date of the measure. This means that should Measure BBB pass, this current Mayor and City Council will be allowed to seek 12 more years in office. No wonder they are pushing so hard for its passage!" Before the election, Schipske's interpretation was disputed by pro-BBB city officials. Let's see whether incumbents are as eager to disagree now that the measure has passed.

Menifee, CA. By 71% to 29%, voters killed council-referred Measure J to repeal term limits on the town council and mayor, currently limited to two consecutive four-year terms. [+]

Newport-Mesa Unified School District, CA. By 84% to 16%, voters approved Measure H to limit the terms of school board members to three consecutive four-year terms. [+]

Palo Alto Unified School District, CA. By 72% to 28%, voters approved Measure Y to limit the tenure of school board members to two consecutive four-year terms. [+]

Perris, CA. By 77% to 23%, voters approved Measure H to impose a lifetime limit of three terms on council members, the mayor, and the city clerk. [+]

San Diego, CA. Two measures related to term limits were on the ballot. By 78% to 22%, voters approved Measure H to impose a lifetime limit of three four-year term on members of the San Diego school board. By 87% to 13%, voters also approved Measure K, which closes a loophole that enabled members to serve more than two terms when redistricting changed which district they served in — or when they simply moved to another district. The measure also changed what had been a consecutive two-term limit on council service to a lifetime limit. [+][+]

Santa Monica, CA. By 74% to 26%, voters approved citizen-initiated Measure TL to limit council members to maximum lifetime tenure of three four-year terms. [+]

Southwest Community College District, CA. By 89% to 11%, voters approved Measure CC to impose lifetime limits of three terms for members of the government board. [+]

COLORADO

Montezuma County, CO. By 64% to 36%, voters rejected Measure 7A to lengthen term limits for the district attorney from two consecutive terms to three consecutive terms. [+]

FLORIDA

Margate, FL. By 68% to 32%, voters rejected Charter Amendment 3 to repeal term limits on members of the city commission. Margate commissioners are currently limited to three consecutive four-year terms. [+]

Clay County, FL. By 69% to 31%, voters rejected a Charter Amendment Revising Commissioner Term Limit Provisions that would have lengthened term limits on commissioners from two to three consecutive four-year terms — while also, confusingly, "imposing a lifetime limit of three four-year terms" on those same commissioners.

A term limit cannot be both a consecutive limit and, simultaneously, a lifetime limit. We suspect that Clay County voters would have been happy

(Continued on Page 6)

Election Results (Cont'd from page 5)

to endorse a ballot proposal unambiguously changing the consecutive two-term limit on commissioners to a lifetime two-term limit. [+]

By 56% to 44%, Clay county voters also approved an amendment to impose limits of three four-year terms on constitutional officers, listed by the county as Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector. [+]

Polk County, FL. By 74% to 26%, voters passed Amendment 2 to lengthen the maximum tenure of county commissioners from two four-year terms to three four-year terms. Citizens are rarely so eager to weaken term limits. So it is no surprise that the ballot question failed to indicate that commissioners are already limited to two terms in Polk County, thus lying by omission. [-]

Here is the text of the question voters saw (see Polk County's sample ballot at bit.ly/2PsRpSc): "Amends the County Charter to prohibit an incumbent from appearing on the ballot for re-election to the office of County Commissioner if, by the end of the current term, the incumbent will have served (or, but for resignation would have served) as a Commissioner for twelve (12) consecutive years. Service as a Commissioner before November 20, 2018 shall be counted against the term limitation. Shall the above described amendment be adopted?"

HAWAII

Kauai County, HI. By 82% to 18%, voters rejected a council-referred measure to repeal term limits of four consecutive two-year terms on council members approved by voters in 2006. [+]

ILLINOIS

Chicago, IL. Although a question on mayoral term limits appeared on Chicago's November 6 ballot, the vote total has not been reported. Two initiative questions for which former Governor Pat Quinn led the petition drive, including one limiting Chicago's mayor to two consecutive four-year terms "with all prior consecutive elected terms of the current officeholder counted in determining the term limit for that officeholder," have been ruled invalid by a circuit court. Because the ruling may yet be overturned on appeal, the questions were posted anyway.

McHenry County, IL. By 92% to 8%, voters approved a council-referred measure to limit the county board chairman to a lifetime limit of two five-year terms (ten years). By the same lopsided percentage, they also approved a separate measure to impose a lifetime limit of three four-year terms (12 years) on county board members. [+][+]

Dolton, IL. By 64% to 36%, voters approved a ballot question that had been proposed by Mayor Riley Rogers to limit village trustees to two consecutive four-year terms. [+]

LOUISIANA

Livingston Parish, LA. By a 74% majority, voters approved a parish-referred measure to limit council members and the parish president to three consecutive four-year terms. [+]

MISSOURI

Jackson County, MO. Voters narrowly rejected two questions on term limits and approved two others. By 50.5% to 49.5%, voters rejected Question 1 to limit county legislators to two consecutive four-year terms. By 50.9% to 49.1%, they also rejected Question 2 to limit the county executive to two consecutive four-year terms. By 62% to 38%, they approved Question 3 to limit the county sheriff to three consecutive terms. And by 56% to 44%, they approved Question 4 to limit the county prosecutor to three consecutive four-year terms. Each ballot question also requires or would have required substantial pay raises. [-][-][+][+]

NEBRASKA

Lincoln, NE. By 53% to 47%, voters passed a citizen-initiated measure to retroactively term-limit the mayor of Lincoln to three consecutive terms, ousting the current mayor, Chris Beutler, whose third term ends in 2019. (The next mayoral election will be held in May 2019.) [+]

NEW YORK

Brookhaven, NY. By 58% to 42%, voters approved a board-referred measure to increase the individual terms of board members from two years to four years and to limit the maximum tenure of board members and other town officials to three four-year terms. [+]

New York, NY. By 72% to 28%, voters approved a measure proposed by NYC's Charter Review Commission that will limit members of community boards to four consecutive two-year terms. Previous service on a board will not count toward the term limit. [+]

Ulster County, NY. By a 14-8 vote in September, Ulster County legislators passed a referendum to limit county legislators, the county executive, and the county comptroller to 12 years in office. But in late October the legislation was vetoed by County Executive Michael Hein, and lawmakers lacked the votes to override. [-]

Yonkers, NY. On October 30, the Yonkers city council voted 5-2 to lengthen their maximum tenure from two terms to three terms. On November 6, the weakened term limit was signed into law by Mayor Mike Spano. Some Yonkers residents attending an hours-long city council meeting said that the question should have been up to voters. "We voted twice for term limits and now term limits are out the door," said one resident, Barbara Smith, who heads a local community association. "It is a sad day." [-]

OHIO

Canfield, OH. By 50.45% to 49.55%, town voters approved a council-referred measures to change the length of an individual council term from two years to four years. By 62% to 38%, they also approved lengthening maximum council tenure from three consecutive terms to four consecutive terms. Passage of both measures means a double-weakening of term limits, with maximum council tenure being increased from six years (three two-year terms) to 16 years (four four-year terms). [-]

The deed is another instance of sleight of ballot by incumbents desperate to derail term limits. The question about lengthening maximum terms neglects to mention that a four-term limit would replace an existing three-term limit...or that when combined with doubling the length of an individual term, a councilman's maximum tenure would jump from six years to 16 years.

Seven Hills, OH. By 83% to 17%, voters approved Issue 83, a council-referred measure to prevent incumbents from eluding consecutive term limits of four consecutive two-year terms by switching from a ward council seat to an at-large council seat. [+]

Youngstown, OH. By 50.86% to 49.14%, voters approved a council-referred measure to repeal council limits of two consecutive four-year terms, and by 51.73% to 48.27% a measure to repeal term limits on the council president. [-][-]

Whitehall, OH. By 53% to 47%, voters passed a council-referred measure to lengthen maximum tenure for council members, the mayor and other local officials from two terms to three terms. [+]

TENNESSEE

Memphis, TN. By 60% to 40%, voters rejected a council-referred measure that would have lengthened mayoral and city council tenure from two four-year terms to three four-year terms. The ballot question did not make clear to voters that term limits were already in place. As Steven Mulroy observed in the Memphis Flyer, the measure was "written in such a way to make voters think that if they want term limits, they should vote Yes, when, in truth, those who favor term-limits would likely want to vote No and keep the shorter term limit in place." Didn't work, perhaps because the ploy was well-publicized. A measure to scrap Instant Runoff Voting in Memphis also failed. [+]

Nashville, TN. By 54% to 46%, voters rejected a council-referred measure, Amendment 5, to lengthen tenure of council members from two four-year terms to three four-year terms. Of five charter amendments considered by Nashville voters, Amendment 5 was the only one that failed. [+]

TEXAS

Arlington, TX. By 63% to 37%, voters passed a citizen-initiated measure to limit council members and the mayor to a lifetime limit of three two-year terms. The retroactive measure counts prior service toward the term limit. Mayor Jeff Williams, saying "We did hear loud and clear that our residents want term limits," also promised to fight to lengthen them via a "citizens" commission. "This is just round one," he said. [+]

Edinburg, TX. By 64% to 36%, voters passed a council-referred measure, Proposition B, to limit city leaders to two terms in office, a lifetime term limit that does not apply retroactively. A charter amendment passed in 2011 had imposed limits of three "successive" terms. [+]

WISCONSIN

Green Bay, WI. By 87% to 13%, voters approved a council-referred measure to limit the mayor to three consecutive four-year terms, city councilmen to six consecutive two-year terms, and municipal judges to three consecutive four-year terms. [+]

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“I’m glad we had this conversation.... We may actually, as citizens, bring forward an amendment like that to [the Arlington, TX] charter. That’s a good solution.”

**— Zack Maxwell, during a recent No Uncertain Terms Podcast
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