

# No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • JANUARY/FEBRUARY • VOLUME 28 • No. 1

## With 20-10 Vote, West Virginia Senate Passes Resolution to Call Term Limits Convention

On January 22, the West Virginia Senate passed Senate Concurrent Resolution 4 (SCR4) calling for an Article V term limits convention.

The vote was 20 to 10 with 4 abstentions. (You can see the roll call at [bit.ly/2RDeR5H](http://bit.ly/2RDeR5H).)

“Today’s vote was the right thing to do,” said Senator Randy Smith, lead sponsor of the resolution. It had 14 cosponsors. “Congress is a mess. If what’s happening now doesn’t concern you, then nothing will. This is all about giving power back to the people.”

U.S. Term Limits Executive Director Nick Tomboulides has hailed the efforts of various state senators, including Senator Patricia Rucker, who countered ill-informed fears in the judiciary committee about a “runaway convention” by simply reading Article V of the U.S. Constitution to her colleagues.

An Article V amendment convention devoted to the single subject of congressional term limits would produce an amendment that can be ratified by the states even if Congress never proposes such an amendment. As stipulated in Article V, if 34 states pass resolutions calling for such a convention, Congress must convene it. If 38 states ratify an amendment proposed by the convention, it becomes part of the U.S. Constitution.

A companion bill introduced in the West Virginia house by Delegate Jeff Pack (HCR 22) has 43 cosponsors.

In 2019, West Virginia senators were prevented from voting on the resolution. A floor vote was delayed until late in the session. Then, as midnight approached on the very last day of that session, an opponent of term limits filibustered to run out the clock. The 2019 session adjourned before the vote could be held.

Since then, USTL team members Aaron Dukette and Shanna Chamblee have been working to expand our already strong bipartisan support in West Virginia. Almost 60 West Virginia lawmakers have signed the U.S. Term Limits Convention Pledge to back the resolution. All we needed was a vote.

In 2020, U.S. Term Limits is devoting our energy to ten

**Hog works to save Michigan from scheme to trash term limits. See page 3.**

state legislatures where we see a good chance

that lawmakers will pass a call for a Term Limits Convention: Arizona, Georgia, Kentucky, Louisiana, Mississippi, Pennsylvania, South Carolina, Utah, West Virginia (thank you, WV Senate), and Wisconsin. These are states where a resolution has been introduced in the 2020 session or where we expect that one will be filed shortly.

Of these ten, Nick Tomboulides has named the legislatures of five states as our top targets this year: West Virginia, Arizona, Utah, Georgia, and Louisiana.

The resolution has yet to pass either chamber in Louisiana. But we have seen strong support for it there, including 16 signatories so far of our Term Limits Convention Pledge.

In Utah, the resolution passed in the Utah house in a previous session, but not yet in the senate.

A resolution calling for a Term Limits Convention has twice passed the Arizona house and also enjoys strong support in the senate. Twenty-seven Arizona lawmakers have signed the Term Limits Convention Pledge, but Senate President Karen Fann has yet to bring the resolution to a vote. Yet Fann is a pledge signer herself, so she understands the importance and appeal of congressional term limits. To help us get over the finish line in Arizona, we invite readers who live there to politely urge Senate President Fann to schedule a floor vote.

In Georgia, the resolution passed in the Georgia senate in the last session, but not in the house. Fortunately, proponents of the Term Limits Convention do not need to win another senate vote this year. Since Georgia has, in effect, a two-year legislative session, the 2019 senate vote carries over into 2020. But we do need a house victory this year to match the senate victory, or we’ll have to start over in both chambers.



**West Virginia State Senator Randy Smith makes a case.**



## President's Corner

BY PHILIP BLUMEL

Our page 3 story about the battle for term limits in Michigan quotes Scott Tillman saying that lobbyists hate term limits.

Which is pretty confusing, isn't it? I always hear that lobbyists love term limits! It's because of all the extra power they supposedly get because of term limits. The former Michigan lawmakers who are currently suing to overturn state legislative term limits claim in their legal filing that term limits have "increased the influence of lobbyists and special interest groups."

We are supposed to believe that lobbyists love term limits even more than they love entrenched incumbents whom they can count on for decades at a time.

Of course, no large, broadly defined group is monolithic in the traits and perspectives of its members. We here at U.S. Term Limits are lobbyists too, after all. We "conduct activities aimed at influencing public officials and especially members of a legislative body on legislation" (*Merriam-Webster*). When we lobby lawmakers, we are asking them to enact or protect term limits. So, yes, we are lobbyists who love term limits. Found them!

Nor are we alone. Many surveys indicate that not all lobbyists oppose term limits. Just most of them. I believe that at least some lobbyists who benefit from long-term incumbency also do recognize the democratic value of term limits, even if they don't wave placards about it when their boss is in the room.

But the point is that most lobbyists do in fact *oppose* term limits. They really don't appreciate having periodic new opportunities to tutor newcomers. They find the constant changing of the guard to be terribly inconvenient. Yet critics of term limits say, repeatedly, that term limits are dangerous because they "empower" lobbyists, who supposedly can treat freshman lawmakers like putty in their hands. It ain't so.

U.S. Term Limits has been around since 1991, and we have participated in many election battles and courtroom battles. Lobbying firms and special interests with business before the legislature have always provided the money to try to defeat, weaken, or abolish term limits. There are no exceptions. Can we agree that when lobbyists fight term limits, which they do at every opportunity, their goal is not to *reduce* their own influence on the political system?

**Listen to Phil Blumel and Nick Tomboulides every week on the No Uncertain Terms podcast, archived at [termlimits.com/podcast](http://termlimits.com/podcast). Visit our Facebook page at [on.fb.me/U0blkG](https://on.fb.me/U0blkG). Visit [termlimits.com/petition](http://termlimits.com/petition) to sign up for email updates about U.S. Term Limits.**



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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*

# Perfect Symbol of Power-Hungry Foes of Term Limits Tours Michigan to Alert “Positive and Supportive” Citizens Michigan Hog

“Nothing makes lobbyists squeal like losing legislators to term limits,” says Scott Tillman, state coordinator of the Michigan organization Don’t Touch Term Limits! “We want politicians to know that the people of Michigan love our term limits. Term limits were introduced by citizens, not politicians. It is a conflict of interest for our politicians to meddle with the people’s term limits.”

Under the aegis of Don’t Touch Term Limits!, Michigan residents Scott Tillman, national field director for USTL, and his father Jeff Tillman, deputy field director for USTL, have been alerting fellow Michiganders to the threat to term limits posed by current and former Lansing incumbents.

Their ally in this endeavor is an 18-foot-high hog that Jeff has been hauling around the state since November. The hog represents the power lust of state lawmakers loathe to accept the law that voters enacted in 1992 limiting legislative tenure to three two-year terms in the house and two four-year terms in the senate.

The assault on Michigan term limits has been occurring on two fronts, legislative and judicial. On the legislative front, Senate Majority Leader Mike Shirkey and others have been scheming to send a measure to ballot that would allow lawmakers to remain up to 14 years in a single legislative seat, almost doubling the term limit in the senate (currently eight years) and more than doubling it in the house (currently six years).

Because of the overwhelming popularity of term limits, incumbents hoping to trash term limits often seek to confuse voters with a misleading ballot question and/or bury the attack on term limits in a welter of unrelated provisions. It looks like this is what may happen in Michigan if a term limits question makes it to ballot this year. The gut-term-limits provision

would be cobbled together with various plausible reforms in the hope that voters will either miss or forgive the fact that one of the “reforms” in the measure is just not like the others.

Meanwhile, a group of disgruntled lobbyists who formerly served as Michigan

lawmakers have sued to overturn term limits, claiming that state legislative term limits are unconstitutional with respect to both the state constitution and the U.S. Constitution. The former accusation is especially bizarre, since Michigan voters passed term limits in the form of an amendment to the state constitution. Duly enacted amendments to the state constitution are part of the state constitution.

Jeff Tillman’s tireless tour of the state, giant hog in tow, has done a lot to get the word out about the latest assault on state legisla-



**Jeff Tillman with an 18-foot hog representing the gluttony for unlimited tenure of many Michigan lawmakers.**

tive term limits. Local newspapers reports typically include a dramatic photo, strong statements by Jeff or Scott in defense of Michigan’s term limits, and a list of towns where the hog is headed next. Newspapers that have reported the story include the *Iron Mountain Daily News*, *Your Daily Globe*, *The News-Herald*, *Hillsdale Daily News*, *Huron Daily Tribune*, *The Mining Journal*, *Macomb Daily*, the *Escanaba Daily Press*, *White Lake Beacon*, *The Munising News*, and many others.

The trek is also being covered by local news stations, for example, by the ABC television station 13 On Your Side in Grand Rapids (see video at [bit.ly/38CNXAr](http://bit.ly/38CNXAr)).

“I get a lot of horn honks, and a lot of thumbs-ups, and a lot of good conversations when I pull into gas stations or restaurants,” Jeff Tillman told the *Hillsdale Daily News*. “People are very interested and interactive, and 99 percent of the time it’s positive and supportive.”

## CALL TO ACTION

**Want to get involved?** Visit [termlimits.com](http://termlimits.com) and click into our TAKE ACTION and CURRENT ACTIONS menu choices at the top of the page. Under TAKE ACTION you can learn about volunteering, collecting petitions, becoming an intern, joining our weekly live chat on Facebook, and participating in upcoming events like Term Limits Day (every February 27). The options under CURRENT ACTIONS invite you to contact your state legislator or congressman and ask for help with current efforts to enact or protect term limits. Visit [termlimits.com/donate](http://termlimits.com/donate) to help fund the fight for term limits.

# Term Limits

## CALIFORNIA

*Indian Wells, CA.* Citizens of Indian Wells may soon be able to impose stricter term limits on city council members. Maximum tenure is currently two consecutive four-year terms. The March 3, 2020 ballot measure—referred by a 3-1 council vote in response to an initiative petition — would impose lifetime limits of two four-year terms. The dissenter is Mayor Ty Peabody, who calls the term limits measure a “vendetta.”

*Oceanside City Council, CA.* In early January, city council members approved a November ballot measure limiting their tenure and that of the mayor to three terms ([bit.ly/2QNHw8](https://bit.ly/2QNHw8)). Voters will decide the question in the November 2020 election. It states: “No person shall serve more than three terms as the mayor [or as a member of the city council] whether consecutive or not.” The measure would not be retroactive.

*Oxnard, CA.* In January, the city council placed a term limits question on the March 3, 2020 primary ballot. The term limits provisions are bundled with unrelated provisions. If Measure B passes, the mayor and council members would be limited to three consecutive terms in office (PDF at [bit.ly/37Ek42M](https://bit.ly/37Ek42M)).

Aaron Starr and his wife Alicia Percell of Moving Oxnard Forward object to the city council’s referendum. They argue that the council adopted the tougher term limit measure of their own successful citizen initiative, which limits tenure to two consecutive four-year terms, only in order to place weaker a term limit on the ballot that they expected to replace the initiative-proposed term limits. The council’s (perhaps very temporary) acceptance of the two-term limit prevents it from heading to the ballot and competing with Measure B. “All the literature out there in the voter handbooks says there are no term limits, and if you vote for this, you will put in term limits,” Starr said during a January council meeting. “What the city council just did was they adopted our measure knowing that people are going to be voting for what they think are term limits. But what they are really going to be doing is voting to loosen term limits.... It was a really underhanded move, and something we thought was impossible.”

Alicia Percell agreed. “They didn’t adopt this [the citizen initiative term limit] because they want it to be policy; they want to kill this. Because they want their measure [Measure B] to override it.”

## FLORIDA

In December, State Senator Joe Gruters filed a proposal to impose 12-year term limits on school board members throughout Florida. In early January, however, State Senator Lauren Book proposed an amendment (SJR 1480) that limits board members to eight years.

“The President of the United States has an eight-year term limit,” said USTL Executive Director Nick Tom-boulides, as quoted at the WFSU News site ([fla.st/2t3qycl](https://fla.st/2t3qycl)). “So it just makes sense that no school board member needs to stay in office longer than the leader of the free world, and it’s great to see Senator Book understands this as well. We’re encouraged by her sponsoring this.”

On the house side, Representative Anthony Sabitini has filed a companion proposal (HJR 157) for a constitutional amendment to impose eight-year term limits on board members. On January 29, this bill cleared its second subcommittee hurdle, with 10-5 approval by the Oversight, Transparency, and Public Management Subcommittee. It has one more committee to go before it can get a floor vote.

## ILLINOIS

*Elk Grove, IL.* Interviewed in the January 20 installment of the No Uncertain Terms Podcast (Episode 75) is Tim Burns, who chairs Concerned Citizens of Elk Grove Village. The group has been working to retroactively term-limit the mayor and board of trustees to two consecutive four-year terms. Burns reports that it took only four or five days to collect 2,500 signatures for a petition to place the term limits question on the March 17, 2020 primary ballot. “We had some individuals that collected 75 signatures in 90 minutes. This was something that people were willing to sign.” Although officeholders sued in court to block the measure, on January 15 Cook County Judge Maureen Hannon ordered the question to be restored to the ballot, ruling that the new state-wide law prohibiting retroactive municipal term limits is “unconstitutional on its face.” The Elk Grove Village Electoral Board had used the state law to rationalize kicking the term limits question from the ballot. The fight over both the state law and the local measure isn’t over. Local opponents of the term limits question are still trying to keep it off the ballot. If the measure does appear and voters pass it on March 17, it could be ruled invalid by later court decisions.

## KANSAS

*Wichita, KS.* Wichita council members have been thinking about unilaterally lengthening their maximum tenure from two four-year terms to three four-year terms. But they have deferred a decision until February and

# In The News

now seem to be leaning toward placing the question on the ballot if they do proceed with an effort to weaken term limits. According to Vice Mayor Jeff Blubaugh, “The public’s provided a lot of feedback on the term limits, and the message is pretty clear that no decision should be made without a public vote.”

## MICHIGAN

So far, no action beyond referral to committee has yet been taken on HJR H ([bit.ly/2RgUolP](http://bit.ly/2RgUolP)), a resolution to send a constitutional amendment to ballot that would let makers serve up to 14 years in a single seat, thereby almost doubling or more than doubling a lawmaker’s possible tenure in that seat. Currently, representatives are limited to three two-year terms, senators to two four-year terms. See our front-page story in this issue about efforts to inform Michigan voters of the threat to state legislative term limits.

## NEW YORK

*Westchester County, NY.* The county executive, George Latimer, has proposed reducing the maximum tenure of his job from three four-year terms to two four-year terms. The change would apply to himself as well as to future county executives. The proposal does not also encompass the county board of legislators, who are limited to six two-year terms. Latimer says: “All of our local governments follow that Revolutionary Era philosophy: restricting the reach of government.... Now, as I complete my second year as county executive, I see the authority granted this position, and I strongly believe it should be further limited to ensure a balance of interests are better served.”

## PENNSYLVANIA

*Reading, PA.* On January 13, Reading’s city council approved five referendums for the April 28 primary election ballot. One pertains to term limits: “Shall Section 104 of the Reading City Charter be amended to provide term limits prohibiting City Council members, City Council President, the Mayor, and the Auditor from serving more than two consecutive four-year terms?”

## SOUTH DAKOTA

Ten senators and nine representatives are sponsors of SJR 1 ([bit.ly/2TlfgL6](http://bit.ly/2TlfgL6)), which would change legislative term limits from four two-year terms to two four-year terms. The proposal has been blasted by *Dakota Free Press* writer Cory Heidelberger (“SJR 1: Four-Year Terms for Legislators an Exceptionally Bad Idea,” [bit.ly/2Tjcw0Q](http://bit.ly/2Tjcw0Q)). Fewer elections “means less participation in democracy.” The bill contradicts the alleged purpose of a recent pay raise of making it “possible for more South Dakotans to run for office.” Its enactment would force voters to wait longer before having their say about gubernatorial appointments to fill legislative vacancies and would make it easier for lawmakers to ignore voters. “Most legislators do their part-time winter gig in Pierre, hit the cracker-barrels, and then disappear from the public radar. If it weren’t for the biennial elections, we might not ever hear from some of our legislators.... If legislators do put this foul power grab on the ballot, we should vote it down hard.”

## WASHINGTON

State Senator Phil Fortunato, Republican, and State Senator Tim Sheldon, Democrat, have proposed a constitutional amendment to limit the governor to two four-year terms. It would have to win the support of two thirds of each chamber before reaching the ballot. The change would not apply to the current governor, Jay Inslee, currently serving his second term.

## WEST VIRGINIA

*Clarksburg, WV.* Clarksburg’s city council has passed three ordinances to amend the city charter, one of which term-limits the council to a maximum of two consecutive terms and four total terms in the lawmaker’s lifetime. If no Clarksburg resident formally objects to the amendments at a February 6 public meeting, they will go into effect. Otherwise, they will be placed on the next ballot.

## UNITED STATES

The second annual Term Limits Day is February 27, 2020. According to U.S. Term Limits President Philip Blumel, the Twenty-second Amendment to the U.S. Constitution limiting the United States president to two terms in office, passed by Congress in 1947 and ratified by the states on February 27, 1951, “has worked out

(Continued on next page.)

# More Term Limits In The News

well and has remained enormously popular. We're all still asking the question, 'Why didn't Congress include themselves?' Of course, we know the answer to that: they want to stay in office forever." Visit [termlimits.com/termlimitsday](http://termlimits.com/termlimitsday) for ideas on how to promote term limits on Term Limits Day. If you happen to be reading these words after February 27, no problem. Promoting term limits helps the cause on other days of the year as well.

\* \* \*

Three opponents of U.S. Senator Susan Collins, Republican of Maine, are using her violation of her self-limit pledge against her in the current election campaign. ("I have pledged that if I'm elected, I will serve only two terms," she said in 1996.) One Democrat, 32-year-old lawyer Bre Kidman, says that she will abide by a two-term pledge "like the one Susan Collins made when I was in elementary school." Another Democrat, Betsy Sweet, says she would both sign and "actually keep" such a pledge. An independent candidate, Danielle Van-Helsing, is also on board. But the frontrunner for the Democratic nomination, House Speaker Sara Gideon, opposes term limits.

## RUSSIA

The current tenure of Russian President Vladimir Putin, head of state since 1999 — in fact if not always in name — ends in 2024, and there has been talk in the duma and elsewhere of circumventing even Russia's weak consecutive presidential term limits so that Putin may retain power beyond that year. Various theories have been floated about how this may be done without seeming too dictatorial about it. Putin has said that he would never tamper with the Russian constitution, and he often claims to support presidential term limits. But he has also recently reshuffled his cabinet, suggested constitutional changes that would empower the parliament at the expense of the presidency (perhaps with the idea of weakening future presidents to protect his own post-presidential position), and stated that he wishes to fill an alternative government role after leaving the presidency in 2024. Speculation about Putin's motives and intentions will continue until we see what he does in four years.

In 2008, in apparent deference to consecutive limits of two four-year terms on the presidency, Putin formally "stepped down" from the presidency to become prime minister while an underling, Dmitri Medvedev, took over as president. Kremlin watchers knew that Putin was still calling the shots. And, indeed, after only a single four-year term as placeholder-president, in 2012 Medvedev meekly stepped aside to let Putin clumsily resume the presidency, inciting protests by tens of thousands of Russians who liked the idea of meaningful elections. But Putin was now term-limited (if he is) to two consecutive six-year terms rather than four-year terms (a term-lengthening ostensibly initiated by Medvedev). This is why Vladimir Putin has until 2024 to figure out how best to hold onto power.

## VATICAN CITY

The pope has imposed limits of two five-year terms on the dean of the College of Cardinals, who until now has been able to serve indefinitely. The recent incumbent, Angelo Sodano, resigned in December 2019 at the age of 92, after having occupied the post since 2005.

## ZIMBABWE

Although Emmerson Mnangagwa is little more than a year into his first term, this successor to Robert Mugabe is already saying that he may try to undo the two-term constitutional limit on presidential tenure despite the assurances he made when coming to power in 2017 after the coup that deposed Mugabe. Obert Mpofu, a secretary of the ruling party Zanu PF, recently suggested at a party convention: "Mr. President, you can go beyond 2028 if you wish, because the issue of law can be taken care of in parliament." At the same forum, Mnangagwa said, "We can change the laws.... There is nothing that we want that cannot be done, because we command a two-thirds majority in parliament." Mnangagwa is in his late 70s.



**Listen to the weekly No Uncertain Terms Podcast, hosted by Phil Blumel and Nick Tomboulides and featuring an array of movers and shakers in the term limits movement as their guests.**

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# Term Limits Is What's Next

## by Howard Rich

Last November, U.S. Term Limits Chairman Howard Rich joined Lawrence Lessig, Daniel Epps, and Jeffrey Rosen at the Constitution Center in Philadelphia to discuss “What’s Next for American Democracy?” Howie made his remarks (slightly edited here) in response to a question about why he supports using an Article V amendment convention to achieve term limits on the U.S. Congress.

Initially, in the early 90s, we had a strategy in which voters could vote for a term limits amendment to their own state constitution that included term limits on their congressional delegation. We got 23 states to do it. Tough campaigns, all the rest of it, and a U.S. Supreme Court case. We lost our case, *U.S. Term Limits versus Thornton*, in a five-to-four Supreme Court decision in 1995. The court said that only a constitutional amendment could impose term limits on Congress.

Our new strategy is to use Article V, the second method for achieving an amendment to the Constitution that George Mason suggested, which involves using a convention called by the states.

We have term limits on 15 state legislatures, and what we’ve seen in these legislatures is more women, competitive elections, money is more equalized. Ballotpedia did a study on how many competitive elections there were in 2016. Of 435 elections for U.S. House seats, 23 were competitive. That means 6% of elections for House seats were competitive; incumbents win all the rest of them.

Come 2018, where we had a “wave election,” 82 seats were considered competitive by Ballotpedia. Twenty percent. What about the others? In forty districts, nobody challenges the incumbent. So what you get is a political class and a seniority system.

The main reason that I favor term limits — and the term limit I favor is a real congressional term limit, three House terms, six years, and two Senate terms, 12 years — it’s what we call “adverse pre-selection.”

There are a lot of people in this room who would qualify for Congress. And if you think about it and say, “Oh, somebody asked me to run for Congress, great, let me take a look at it”...the reelection rate in the U.S. House of Representatives is 95%. So if you are foolish enough to run for Congress against an incumbent, not much of a chance. Unless in such-and-such particular district, you have a chance because the incumbent was indicted, or it was an open seat. He left, he retired, it’s open for whatever reason. So you say, “Great, I think I’ll run.”

But then you think about it some more.

Now suppose I’m a doctor, I’m an accountant, I’m an engineer or a business person, I’m an educator. If I run, I go

through all the scrutiny and I win, how does it work?

Well, there’s a seniority system. It’s a top-down system. I’m a successful engineer, or whatever I am in life, I’m now going to be subservient to seniority. The average committee chair has been in Congress for 23 years. So if any successful person in life is going to run, he has to ask: Why would



I run? I’m going to be subservient. It’s going to take me a decade or two decades to get anything accomplished. Why would I do that? We call this adverse pre-selection because the result is that the best people, on average, don’t run.

But then there’s this idea of term limits on Congress. If you had three House terms, the seniority system is out the window; it’s now based on merit. You’re going to attract more people, you’re going to have competitive elections, money will be equalized. Right now it’s something like the incumbent raises and spends a million and a half, the challenger, \$250,000; so it’s a six-to-one advantage for the incumbent. And of course the incumbent has all the name recognition to start with. It’s a rigged system. In competition for open seats, you generally don’t have the disparity that you do between the challenger and incumbent.

What term limits does — real term limits — it equalizes the system. The Article V approach is the only way to do it. You’re going to get two thirds of both houses of Congress to term-limit themselves without enormous pressure? Give me a break.

*Howard S. Rich is an effective entrepreneur in both business and politics.*

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**“We want politicians to know that the people of Michigan love our term limits. Term limits were introduced by citizens, not politicians. It is a conflict of interest for our politicians to meddle with the people’s term limits.”**

**— Scott Tillman  
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