

# No Uncertain Terms

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## South Dakota, Montana, Michigan: One Down, Two to Go

State Senate Majority leader Mike Bishop wants a trade. He'll give Michigan voters a part-time legislature (Michigan is currently one of only 11 states with a full-time lawmaking body), so long as he gets one little thing in return...a repeal of legislative term limits.

Among the touted benefits of shortening the legislative session to 90 days would be less money spent on legislative salary and benefits.

Michigan lawmakers are currently limited to a maximum tenure of eight years. A recent Rasmussen Reports/Fox Television poll found that 63% of Michigan voters want these term limits to be left alone.

Lawmakers would be dealing at least somewhat fairly with voters



*Michigan's Mike Bishop prays for an end to term limits.*

if the two proposals were posted separately on the Michigan ballot, thereby allowing voters to judge and vote on the merits of each ballot measure independently. But this

is not what Bishop wants.

The Livingston (MI) Daily reports: "Michigan's voters overwhelmingly approved term limits when they appeared on the ballot in 1992, so they might not want to totally remove them. But including a repeal of term limits as part of a larger bill that includes establishing a part-time Legislature and slashing legislative pay might win approval."

If shortening the legislative session makes sense, it can and should be proposed to voters without requiring them to simultaneously kill another sensible reform, i.e., term limits. But such poison-

(Continued on Page 3 )

## More Term Limits in Missouri—or Less?

Even as Missouri lawmakers struggle to undercut legislative term limits, Secretary of State Robin Carnahan has approved an initiative petition to impose term limits on all statewide elected officials.

The official ballot title for the proposed amendment reads: "Shall the Missouri Constitution be amended to limit the number of terms a person may serve as lieutenant governor, secretary of state, attorney general, or state auditor to two terms, including service of any partial terms of more than two

years, but excluding terms in those offices resulting from an election prior to December 4, 2008?"

The petition was submitted by Ed Martin, founder of Term Limits for Missouri. Currently, the governor and treasurer are the only statewide elected officials limited to two terms or eight years in tenure. In 1992, state lawmakers were limited to two four-year terms in the senate and four two-year terms in the house, a measure that passed with 75% of the vote.

"Missourians recognize that too much time in office leads to



*Ed Martin, Term Limits for Missouri*

complacency and, too often, to

(Continued on Page 3)



## President's Corner

BY PHILIP BLUMEL

Career politicians will go to any length to hang on to their perks and power.

Consider South Dakota. In 1992, 64% of South Dakotans voted to limit the terms of their legislators to eight years in office. Politicians tried to unshackle themselves last year, putting a term limits repeal on the ballot in November 2008. This time, 76% of voters embraced eight-year term limits and rejected the repeal.

Ah, but that was months ago. Come February, the South Dakota Senate had approved 21-14 a bill that would lengthen the South Dakota term limit to 12 years. Maybe the voters changed their mind over the holidays? Nope. Post-election polling showed that 68% opposed the proposed longer terms and even exposed citizen anger that the issue was being raised yet again.

What to do, what to do...

Ever since term limits were imposed on state legislatures in the 1990s, professional politicians have been searching for the right way to package a term limits repeal. No luck so far. Every attempt to sell a repeal to voters has failed at the ballot box, including two times (California and South Dakota) in the last year alone. The politicians have had the best success, relatively speaking, when they can craft an anti-term limits bill that they can market as being somehow pro-term limits.

Such was the ploy South Dakota. Politicians sought to increase the length of senate terms to four years from the current two, a change which—under the current four-term limit—would actually stretch the term limit out to 16 years. So, SJR3 would also “strengthen” South Dakota’s term limits by reducing the maximum tenure from four terms to three. Get it? Voting for SJR3 would make South Dakota’s term limits law *tougher!* Uh...

Experience in other states (California tried a trick like this last February) shows that their scheme might well have polled well at first, backed by a hunk of special interest money. But by election time the trick would have been clear to all. Maybe that’s why the bill failed so lopsidedly in South Dakota house, 17-49, sparing voters the trouble of shooting down this particular turkey themselves.

Sometimes, even career politicians have limits.

Visit Phil Blumel’s blog at [pblumel.blogspot.com](http://pblumel.blogspot.com).

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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*

## One Down, Two to Go (Cont'd from page 1)

ous package-dealing has become *de rigueur* among career politicians eager to rid themselves of term limits any which way they can.

Meanwhile, over in Montana, Representative Ray Hawk has introduced a bill to ask voters to water down Montana's state legislative term limits. House Bill 174 would put a measure on the 2010 ballot to amend the state constitution to let lawmakers serve up to 16 years in either the senate or the house.

"Sixteen years should be enough time to learn the process and effectively serve as a legislator," says Hawk. (Try that line at your next job interview.)

Travis Butcher, who helped get the 1992 term limit initiative on the Montana ballot and who heads up a new organization called Citizens for Eight-Year Term Limits, says



*In South Dakota, state legislators blocked an effort to gut term limits. Efforts to undermine term limits continue in Montana and Michigan, however.*

voters see "a breach of trust with elected officials when [even after] they put it in the Constitution, then have to go back to defend it a second time."

At least in South Dakota, where voters just shot down a repeal effort by 76% to 21%, yet another

brazen push by lawmakers to gut term limits has died on the vine. A bill to weaken the term limits law passed the state senate 21-14 but failed 17-49 in the house. (For more on South Dakota, see p. 2.)

## Missouri (Cont'd from page 1)

corruption," says Martin. "Term limits guarantee that new citizens will serve in every elected position of state government at least every eight years. It's better for democracy to have citizen elected officials, not bureaucrats who stay in office for decades."

In order to post a question to the November 2010 ballot, circulators of the petition must follow a complicated formula, with signatures obtained from eight percent of registered voters in each of six of the state's nine congressional districts. The signatures must be submitted to the Secretary of State's office by 5 p.m. on May 2, 2010.

Martin has asked the legislature to act to post the measure limiting tenure of statewide officials themselves, which would make a

petition drive unnecessary. But he is prepared to follow through with an initiative campaign in the likely event that they fail to oblige.

It is safe to say that Representa-

of the committee care more about keeping power than answering to their constituents," U.S. Term Limits President Phil Blumel told the Springfield News-Leader.

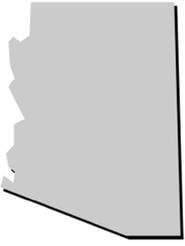
*"It is obvious that the members of the committee care more about keeping power than answering to their constituents."*

tive Gayle Kingery is not on board. He has submitted a bill for a constitutional amendment to allow Missouri lawmakers to serve up to 16 years in a single chamber. Early in March, the House Elections Committee voted 9-1 in favor of the bill.

"It is obvious that the members

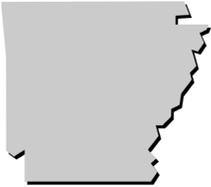
If lawmakers ignore voter annoyance with yet another attempt to weaken the state's term limits, Missourians could see two term limits measures on the ballot: one to strengthen term limits, another to gut them.

# Term Limits



## ARIZONA

Phoenix Mayor Phil Gordon has dropped his campaign for a ballot measure to lengthen his tenure and that of other council members until 2014 (under current law he may not serve past 2012). The mayor asked supporters of the measure to stop gathering signatures after critics blasted the effort as self-serving. According to former mayor Skip Rimsza, “Every elected official tends to want to stay in office forever, but term limits were put in place to make sure you don’t develop cronyism amongst elected officials and the people they are doing business with.”



## ARKANSAS

A term limits proposal filed by state Senator Bill Pritchard, Joint Resolution 4, would allow a state lawmaker to serve up to 14 years in a single chamber—instead of three two-year terms (six years) in the house, and two four-year terms (eight years) in the senate. USTL president Phil Blumel’s op-ed criticizing the proposal for betraying the trust of Arkansas voters is reprinted at the Arkansas web site nwanews.com (visit [tinyurl.com/d4asrw](http://tinyurl.com/d4asrw)).



## CALIFORNIA

The Indian Wells city council voted 4-1 to let voters decide whether to term-limit council seats in the 2010 general election. But they haven’t yet decided what the term limit will be that voters will be saying yea or nay to. Officials do know, however, that the limit would not count years already served. In January, the council passed term limits on commission and board members, but council term limits are more controversial. “The fact that the question keeps coming up at all shows that there is interest,” says resident Andy Elchuck. “So why not give voters a choice? ... They’ll tell you if they want it or not.”



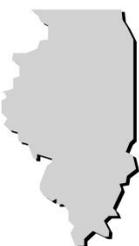
## FLORIDA

If an April ballot measure passes, the tenure of Coral Gables city commissioners would be limited to 12 years, the tenure of the mayor to eight years. A separate ballot measure would restore a two-year length to individual mayoral terms. (In 2005 it has been switched to four years.) The ballot measure applies to time already served, but a political compromise gives commissioners a chance to run at least one more time.



## FLORIDA

Term limits activist James Frevert of North Palm Beach, Florida, has died at the age of 86. In 2001 he worked with Phil Blumel to pass a referendum limited the terms of county commissioners to eight years. Phil recalls that Mr. Frevert’s role was so pivotal that without his participation, “the effort would never have got off the ground.”



## ILLINOIS

Democratic State Representative Mike Boland is traveling Illinois to ask voters for their support of a measure to limit the governor’s office to two terms. “If ever we are going to make the change, now is the time to do it,” he says. One hopes that it will not be too hard to enlist the support of the state’s new governor. Pat Quinn, who succeeds the ousted Rod Blagojevich, is on record as a strong advocate of term limits (see p. 7).

# in the News



## LOUISIANA

A home rule charter commission in the city of Zachary received a response to its recent survey of voters ten times greater than it expected. Among the changes voters massively support is term limits for council members, which 83% of voters who responded to the survey support. The charter commission must give its recommendations to the council by December, which then is legally required to post the recommendations on the ballot for voters to consider.



## MASSACHUSETTS

Eight years (and two speakers, two criminal investigations, and two resignations) after term limits were lifted on the job of house speaker (they had first been imposed in 1985), current Massachusetts House Speaker Robert DeLeo will ask the house to re-term-limit his office. The proposed eight-year limit would match the current term limit on the state senate president (imposed in 1993).



## MISSOURI

State Representative Brian Yates wants to term-limit the Kansas City school board, provoking a spokesman for the school board association to proclaim, “We already have a system for term limits in place. Elections.” Board President Marilyn Simmons, however, says she could accept a statewide ballot question on whether to limit board terms. “If it were the will of the people, I could live with that.”



## NEW YORK

Having lost a federal lawsuit seeking to overturn the city council’s unilateral rewrite of the city’s term limits law to permit Mayor Bloomberg and themselves to serve longer in office (a decision which is, however, being appealed), friends of term limits are now asking the Justice Department to consider whether the council’s action violates the Voting Rights Act. Meanwhile, in the state legislature, the Election Law Committee has voted 11-5 to advance a bill that would force the city to let the voters decide whether the city’s term limits law may be revised.

Mayor Bloomberg’s once-invincible popularity has taken a beating since his power grab. A Marist poll released in late February shows 52% of voters think Bloomberg is doing a good or excellent job as mayor. In October, 68% thought he was doing a good job.



## NEW YORK

Yonkers city council members thinking about lengthening their two-term limit so they can run again. One of the opposed councilman, John Murtagh, who supported term limits both times they have come before the voters, says, “I still have three more years and frankly after eight years on the council, if I haven’t provided a service and delivered, I should get out of the way and let someone else do the job.”

Continued on Page 6

# Term Limits In the News (cont'd from page 5)

## OKLAHOMA



Friends of term limits in Oklahoma are supporting a bill to limit statewide office-holders to two terms in office. According to State Representative Jason Murphy, writing in support of the state's legislative term limits, "Gone are many of the 'old guard' power bosses who tightly maintained the status quo.... They have been replaced by a group of energetic professionals, many of whom wish to enact pro-growth policies in order to change Oklahoma for the better. And should some succumb to the temptation to become part of the status quo, they will inevitably be replaced because of term limits."

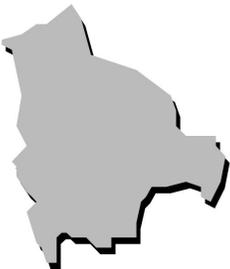
We are also pleased to report that Oklahoma Attorney General Drew Edmondson has dropped his outrageous prosecution of former USTL president Paul Jacob and two other activists for their participation in an Oklahoma citizen initiative. The ambiguous regulation under which the trio were indicted in late 2007 has been ruled unconstitutional.

## SOUTH DAKOTA



As we note in our lead story (see p. 1), a new push to lengthen South Dakota's term limits, from 8 years to 12 years, has petered out. The Daily Republic notes that voters had just defeated an effort to repeal term limits in the November election. "So if we read this right, many of our elected leaders plan to simply keep trying until they get what they want, despite rather sound defeats at the hands of the voters over the past decade and a half." The editorial says it is "poor taste" to try gutting term limits so soon after voters nixed the last attempt.

## BOLIVIA



President Evo Morales is the latest Latin American strongman to successfully weaken presidential term limits. Other Latin American heads of state (like Venezuela's Chavez) have either succeeded in loosening presidential term limits, or are pressing for it, including Nicaragua, Columbia, and the Dominican Republic.

## UNITED STATES



Congressman Jose Serrano, a New York Democrat, has introduced a bill to chuck the 22nd Amendment to the U.S. Constitution, which limits our country's presidents to two terms in office. We doubt Serrano will succeed. Nor should he, notwithstanding frequent comparisons of the current New-Dealer-in-chief to Franklin Delano Roosevelt, who broke precedent by winning four terms in office.

## VENEZUELA



Thanks to nonstop state-funded propaganda by the Chavez-controlled media, and use of the Venezuelan government to get out the vote, and dubious tactics against opponents, and the avid support of most other officeholders in Venezuela, socialist despot Hugo Chavez's second effort to kill term limits on his presidency passed on February 15 by a vote of 55%-45%. This time, the term limits question was not bundled with other central-power-enhancing constitutional changes, and the referendum sought to scuttle not only Chavez's term limits but also those on of all other officeholders.

# Term Limits in Illinois

## by Pat Quinn

*The following is excerpted from an article originally published in the November 1994 issue of Chronicles: A Magazine of American Culture. This year, the author succeeded Rod Blagojevich as the governor of Illinois. Visit [tinyurl.com/andys7](http://tinyurl.com/andys7) to read the complete article.*



Illinois voters are fed up with the callous unresponsiveness of entrenched political insiders.

At a time when the state has monumental budget problems and is in serious need of meaningful tax reform, most Illinois General Assembly members are more concerned with giving themselves a pay raise. Illinois Senate President James “Pate” Philip, a 28-year incumbent earning \$55,420, was quoted by the Associated Press as saying, “We are so grossly underpaid it’s unbelievable.” With Philip’s support, most lawmakers voted to award themselves a 9 percent pay raise, in addition to cost-of-living allowances. This is the kind of political-insider government we can do without in Illinois, and voters who support limiting elected officials to no more than eight years in the same office do so as a rational means to get new people with fresh ideas in government.

In a statewide opinion poll published recently by the Chicago Tribune, nearly 70 percent of voters said they would vote in support of the term limit amendment if it appeared on the ballot in November.

But in the midst of all this support for change, the Chicago Bar Association (CBA)—a registered lobby group of 21,000 lawyers—rushed forward to protect the political status quo. The CBA filed a lawsuit to block the Eight is Enough term limit referendum from appearing on the November 1994 ballot statewide.

Interestingly, the CBA also lobbied the General Assembly in support of a pay raise for judges. On the same day that the legislators approved the judicial pay raise, the Illinois Supreme Court agreed to hear the CBA challenge to the term limit referendum. Six weeks later, on August 10, in a 4-3 split decision, the Illinois Supreme Court denied voters the chance to vote on the term limit referendum this November. In a cowardly action, the court refused to explain why it will not allow Illinois voters the chance to participate fully in the democratic process.

Illinois is the first state in the nation to reject term limits before the people have had a chance to vote on the issue. The Illinois Supreme Court’s ruling against the Eight is Enough referendum is a slap in the faces of more than six million voters and is an insult to the highest

ideals of democracy. The court’s majority ruling ignores the fact that the Illinois Constitution clearly gives voters the right to reform their legislature. The constitution provides citizens with the power of initiative and referendum. The authors of our state constitution wanted voters to be able to propose changes to the legislature in cases where, through self-interest, the General Assembly opposed them.

Accordingly, the dissenting judges soundly refused the Chicago Bar Association’s claim that the Eight is Enough proposal was not a suitable subject for a citizen-initiated referendum. Justice Moses Harrison, with Justices James Heiple and Benjamin Miller joining him in dissenting from the majority opinion, writes, “Section 3 of article XIV reserved to the people of this State the right to advance this amendment and to vote on it.... Democracy should be permitted to take its course, as the drafters of our constitution intended. To hold that the law mandates a contrary result is a fiction that venerates the power of our incumbent legislators and demeans the intelligence of their constituents.”

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**Visit [www.TermLimits.org](http://www.TermLimits.org) and Sign the Congressional Term Limits Petition!**