

# No Uncertain Terms

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## 76%-24%, South Dakota Voters Rebuff Repeal of Legislative Term Limits

“The people of our great state set these limits in the State Constitution by a wide margin in 1992,” observed Rick Skorupski, chairman of the Don’t Touch Term Limits committee. “They had good reasons then and those reasons are still valid today. Nobody wants career politicians like Ted Kennedy in South Dakota.”

A career-politician-backed referendum, Amendment J, would have chucked South Dakota’s 8-year term limit on legislative service, which passed with 64% of the vote in 1992 and took effect in 2000. The law caps maximum tenure in the South Dakota senate at two four-year terms, in the house at



Eliminate South Dakota’s Term Limits Law?  
**NO WAY! No on “J”**

*NoOnAmendmentJ.com gets the message across.*

four two-year terms.

On November 4, 76% of the electorate shot down the repeal effort.

During the campaign, Skorupski had concluded that because voters needed to reject Amendment J to keep term limits, polls were showing some confusion about the measure among supporters of term limits. Don’t Touch Term Limits was formed to help clarify matters.

The group’s campaign slogan was **NO WAY! VOTE NO ON J!**

Lee Breard, executive director of the South Dakota Conservative Action Council which also opposed Amendment J, noted that if the measure had passed, it would have been a first. In several states, legislative term limits have been thrown out by either legislatures or

*(Continued on Page 5)*

## Ignoring Voters, Bloomberg and City Council Conspire to Trash NYC Term Limits; U.S. Term Limits Joins Lawsuit to Undo the Coup

On November 3, 2008, with an easy stroke of the pen and a hard slap across the face of every New Yorker who believes in democracy, the rule of law, and the right of citizen initiative, Mayor Michael Bloomberg concluded a months-long campaign to weaken the city’s term limits by signing legislation to enable himself and 51 city council members to run for a third term in office.

The mayor’s signature followed a controversial 29-22 city council

vote on October 23 to lengthen the term limits law. The vote in turn was the culmination of weeks of public hand-wringing by city council members—and private arm-twisting by a mayor who had been plotting the coup d’electorate at least since April of 2008.

Supporters of citizen initiative rights are suing to overturn the politicians’ unilateral revision of the city’s term limits law, which blatantly ignores the decision of voters in two city-wide referen-

dums to limit the tenure of city officials to two terms in office. Voters first passed the two-term limit in 1993. A few years later, when politicians asked voters to change their minds, New Yorkers affirmed their support of the law in a second referendum.

Those joining the lawsuit include council members Bill de Blasio, Letitia James, and Charles Barron; former Congressman Guy Molinari; Public Advocate Betsy

*(Continued on Page 3)*



# President's Corner

BY PHILIP BLUMEL

No matter which candidate you wanted to win America's top job in the recent election, if you are a friend of term limits, you have much cheer about—most notably, the resounding defeat of an attempt to repeal state legislative term limits in South Dakota. But there are also victories to report in California, Colorado, Florida, Pennsylvania, Louisiana, and Pennsylvania (see page 4).

Term limits have suffered a setback in New York City, but not because of any action of the electorate there. We can thank the shameless willingness of the "indispensable" incumbent mayor, Michael Bloomberg, in collusion with a supinely obliging city council, to undercut the city's term limits unilaterally.

As shown by our front-page story and the many impassioned statements anthologized on pages 6 and 7, however, New Yorkers have been far from supine in response to this brazen assault on their democracy. Many critics of term limits recognize that the right of citizen initiative is a fundamental bulwark of representative democracy, not to be destroyed to suit the convenience of politicians. If politicians may dispense at will with the valid results of initiatives, voters do not in fact enjoy the right of citizen initiative.

Every election season confirms anew the continuing popularity of term limits with the public, as well as the continuing hostility toward term limits of career politicians. A recent Pulse Opinion Research poll finds that 83 percent of likely voters believe that elected officials should have their terms of office limited.

It is not surprising. Voters believe that the reason government does not work is that career politicians maintain their clutches on power by catering to special interests.

Americans are fed up with corruption, earmarks, kickbacks, favor-trading, and increasingly mammoth bailouts of failing enterprises. They think term limits can help. They are right. Term limits aren't the only reform we need to shake things up—but where they are lacking, we sure could use them.

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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*

# Term Limits Champion Poizner to Run for CA Governor

California Insurance Commissioner Steve Poizner has formed an exploratory committee for a potential run for governor in 2010.

Poizner's well-known support for an enduringly popular reform, term limits, can only be a plus in such a campaign. Unlike other well-known (but now former) advocates of term limits—for example, on the west coast, current California Governor Arnold Schwarzenegger (barred by term limits from seeking reelection); and on the east coast, New York City Mayor Michael Bloomberg—Poizner has actively campaigned for term limits.

In 2007-2008, the former Silicon Valley entrepreneur helped

fund a successful campaign against Proposition 93, a deceptive ballot measure to weaken California's state legislative term limits. On February 5, 2008, the measure was defeated 54% to 46%.

Both Schwarzenegger and Bloomberg voiced vigorous support for term limits early on in their political careers, but that support wilted when political push came to political shove.

If Poizner does throw his hat in the ring, he may get a chance to reaffirm his principled support of term limits in the 2009 election season. Accountant Paul McCauley has obtained the approval of California's secretary of state to circulate a petition to post a ballot



initiative that, if passed, would allow state legislators to serve an additional term in office if they agree to give up campaign contributions and junkets.

Politicians have resorted to every sort of plausible and implausible gimmick in their efforts to weaken term limits—and they generally don't take the voters' "No!" for an answer, certainly not in the Golden State. So the McCauley anti-term-limits gambit, or some other, may well gain traction next year with the state's political establishment. If it does, Poizner should be clear and firm in his opposition.

## Bloomberg (Cont'd from page 1)

Gotbaum; Comptroller William C. Thompson Jr.; New York Public Interest Research Group Inc.; and U.S. Term Limits.

The suit contends that by unilaterally acting to increase their maximum tenure from eight years to 12 years, the mayor and city council "brush[ed] aside the sizeable investments of personal, political and financial capital that the voters expended in connection with referenda ratifying a two-term limit...thereby rendering meaningless the votes cast by City voters in connection with those referenda."

If Mayor Bloomberg expected to slip this assault on citizen initiative rights under the radar, he was rapidly disabused by the widespread and continuing public outcry against his self-serving move. (See page six for a sample.)

New York State Assemblymen Hakeem Jeffries and Jose Peralta have announced that they will seek to amend the state election law to require a referendum in New York City before the change in the city's term limits law becomes effective.

Meanwhile, voter Andre Calvert has established a Facebook Group, King Bloomberg III, as a meeting place for New Yorkers who want to electorally defeat Bloomberg and the 29 city councilmen who voted to ignore the voters.

Early in 2008, Mayor Bloomberg, who had often repudiated the idea of any unilateral legislative jiggering with the term limits law, began sending signals that he wanted to stand for a third term. Back then, a new referendum to give Bloomberg a third term could easily have been scheduled

for the ballot in time for the recent election.

Even after it had become too late to post a term limits question on the November 2008 ballot, there was still plenty of time to hold a special election about term limits before November 2009. But Bloomberg and his allies knew that they would lose such a vote.

Opinion polls on the question, including one conducted by the mayor's own office, repeatedly indicate that despite Bloomberg's popularity most voters prefer to keep term limits as they are. Moreover, according to a recent Quinnipiac University survey, 89% of voters believe that any revision of the term limits law should be decided by them in a referendum, not by politicians doing a backroom deal.

# Voters Around the Country Affirm Support for Term Limits

*Although the media focused mostly on the dramatic presidential election this November 4, many Americans also decided a number of term limits questions. In most cases, efforts to weaken or repeal term limits failed, and efforts to pass term limits succeeded.*

## **Lynwood, California.**

Measure C, which limits city council members to two consecutive terms in office, won with 75% of the vote.

## **Pinole, California.**

Measure N, which limits city council members to three consecutive terms in office, won with 73% of the vote.

## **Ventura County, California.**

Measure T, which limits county supervisors to 12 consecutive years in office, won with 77% of the vote.

## **Garden Grove, California.**

Measure Q, which would have allowed city council members termed out of office to run again after two years instead of the current four-year mandatory hiatus, was defeated by slightly more than 50% of the vote.

## **Tracy, California.**

Measure T to limit city council members and the mayor to two terms in office won with 67% of the vote. Staycee Hall, co-author of the measure, observed in the ballot argument for it that term limits “will help end the cycle of entrenched politicians. By encouraging more residents to run for elected office, we’ll actually increase voters’ choices.”

## **Leadville, Colorado.**

Referendum 1B to eliminate term limits on county commissioners failed by a vote of 70%.

## **Daytona Beach, Florida.**

Two measures to revise the city charter passed in Daytona Beach; but a third, to scrap term limits on city council members, was defeated with 64% of the vote. Members are currently limited to two consecutive four-year terms. “Three times we said yes to term limits,” said local citizen activist Molly Zurheid. “People want term limits. You get involved, you vote, and you think your vote counts, then the council finds another way to put it back on the ballot. I felt our vote didn’t count so we formed a little committee to keep term limits.”

## **San Antonio, Texas.**

Fifty-two percent (52%) of San Antonio voters approved a measure to lengthen term limits on the mayor and city council from four years (the shortest maximum tenure imposed on incumbents in the country) to eight years. The measure, promoted by incumbent San Antonio Mayor Phil Hardberger, does not benefit either Mayor Hardberger or incumbent city council members.

## **Louisiana.**

Amendment 1, which limits members of various statewide public boards and commissions to three terms, won with 69% of the vote. House and senate members of the state legislature are already limited to three terms or 12 years in office, thanks to a ballot measure that voters passed in 1995 and which took effect in 2007.

## **State College, Pennsylvania.**

A referendum to eliminate a two-term limit on borough council members was defeated by 54% of the vote. Although career politicians have always connived to repeal term limits, Council President Elizabeth Goreham heralded the politicians’ effort to get rid of State College term limits as symbolic of an allegedly new “nationwide trend.”

## **Ferguson Township, Pennsylvania.**

A referendum to scrap a two-term limit on the service of township supervisors was defeated by 62% of the voters.

## **South Dakota.**

Amendment J to repeal state legislative term limits was spurned by 76% of voters. (See our front-page story.)



# Americans Favor Term Limits

## by Howard Rich

A friend of mine once compared politicians' persistent efforts to undermine term limits to the frustration of an intoxicated person trying in vain to unlock a car door.

They keep fumbling through key after key, trying time and again—to no avail.

“Eventually it dawns on them,” my friend said. “They’re trying to force their way into a car that doesn’t belong to them.”

Such is the fundamental disconnect between career politicians and the people they represent, although sadly it hasn’t dawned on many of our elected officials that citizens belong behind the wheel—no matter how badly the ruling elite wishes to remain in the driver’s seat.

This is why voters across Amer-

ica continue to overwhelmingly support term limits, expressing that allegiance in compelling bipartisan majorities every time term limits are threatened by politicians who see change as an impediment to their own ambitions.

Put simply, citizens value fresh ideas, new perspectives and more competitive elections more than the so-called institutional knowledge of the political ruling class.

They also instinctively see through the transparent attempts of power-hungry politicians wanting to weaken or eliminate term limits, appeals that invariably revolve around distortions and abstract concepts completely at odds with political reality.

For example, politicians like to argue that term limits unfairly enhance the influence of special interests, yet in states where term limits are challenged, special interests are always the first to try to eliminate them.

Politicians also like to argue that

term limits create “weak legislatures,” a point governors in California, Michigan and Ohio would most likely be inclined to disagree with.

In fact, the only anti-term limits campaign to come close to succeeding recently was in California—and its primary selling point was the misleading premise that it would actually strengthen term limits.

Once again, though, voters saw through the charade and reaffirmed their support for citizen legislators. No matter what excuses might come, term limits will remain a force for positive change in our democracy for the simple reason that voters want it that way.

## South Dakota (continued from page 1)

courts acting unilaterally, but never yet by voters themselves.

A supporter of the amendment, State Senator Ed Olson, said of the term limits law, “I just don’t think it’s panned out. It’s simple. Why would anyone give up their freedom of choice? That’s what

you’re doing if you have imposed term limits.”

Although Olson claimed to be baffled by the persistent popularity of term limits, he could have discovered with a little inquiry that term limits generally increase, not decrease, electoral choices, and

lead to more diverse representation.

According to State Senator Bill Napoli, who also supported Amendment J, if voters declined to go along with the repeal, “the Legislature should drop the subject and live with it.”

# Something Rotten in the Big Apple

*Pro-democracy New Yorkers explain that overthrowing democracy to sabotage New York City's term limits law is a bad thing.*

“Allowing a self-interested mayor and city council to dismiss the results of two recent referenda undermines the integrity of the voting process, effectively nullifies the constitutionally protected right to vote and perniciously chills political speech by sending the unavoidable message that the democratic exercises of initiatives and referenda can be disregarded by public officials.”

—*from the text of a lawsuit filed to challenge the constitutionality of new law to undermine NYC term limits, November 11, 2008*

“You have exploited the power of your office to overturn the express will of the people.”

—*Judi Polson, former Wall Street executive, testifying at Bloomberg bill-signing to bloat term limits law, November 3, 2008*

“Please don't make me and countless other parents explain to our children that good men craving power pushed aside the people's voice.”

—*Michael Rosen, voter, testifying at Bloomberg bill-signing to bloat term limits law, November 3, 2008*

“Please, Mr. Mayor, do not subvert the will, and the good will, of eight million New Yorkers. Do not lift that pen and do not sign this disgraceful term-limits extender bill.”

—*Patty Hagan, voter, testifying at Bloomberg bill-signing to bloat term limits law, November 3, 2008*

“I suggest you step aside and let term limits do their job. Your time is up and you must go.”

—*Jimmy McMillan, Vietnam veteran, testifying at Bloomberg bill-signing to bloat term limits law, November 3, 2008*

“The fix was in at City Hall and democracy did not stand a chance. The vote to legislatively change term limits was one of the biggest shams ever perpetrated on New Yorkers. With breathtaking arrogance and reckless disregard for the public sentiment, a few self-interested politicians conspired to undermine the will of the people.”

—*Assemblyman Hakeem S. Jeffries, sponsor of a bill to require a public referendum about the term limits change before it becomes effective, October 30, 2008*

“The people of the city will long remember what we have done here today, and the people will be unforgiving. We are stealing like a thief in the night their right to shape our democracy.”

—*Councilman Bill de Blasio, October 23, 2008*

“The only serious objection I have heard to a referendum is that it might lose.”

—*Councilman David Yassky, October 23, 2008*

“If Bill Clinton in 2000 and his supporters, I was one, said, ‘this guy is a great president he should stay because he's provably better than George W. Bush,’ we would have been laughed out of the room. Frankly, I don't believe the mayor's proposal, and all due respect to the [city council] members that support it, passes the laugh test, or the smell test.”

—*former Public Advocate Mark Green, October 18, 2008*

“The mayor has a messiah complex. He dares to disregard my fellow voters who have spoken twice on this matter.”

—*Gary Canns, retired, October 17, 2008*

“I'm for the term limits. This is a scam and a charade.”

—*Annette Keehner, broker's assistant, October 17, 2008*

“What matters is that New Yorkers have, through the democratic process, established and reaffirmed their support for a two-term limit. To undermine that decision because he—Michael Bloomberg—believes he is the only person for the job, would do profound damage to our most fundamental principles.”

—*Bill Squadron, Ses Americom, October 11, 2008*

“If City Hall and the City Council seek to repeal or modify terms limits, anything other than a voter referendum smacks of illegitimacy. Legitimacy and confidence in government depend on politicians recognizing the public will. Any failure to recognize two public referendums would reduce the city government to...a junta.”

—*Corey Bearak, Queens Civic Congress, October 14, 2008*

“I remember when people talked to him at the beginning of his administration about changing term limits, and he said it was ‘disgusting’...It is disgusting that he try to undermine the people’s will expressed not once, but twice, in a referendum.”

—*Brooklyn Congresswoman Nydia Velazquez, October 10, 2008*

“We believe that Mayor Bloomberg has used his position in a prohibited manner to obtain personal advantage in a quid pro quo deal with Ronald Lauder.”

—*Common Cause, letter to NYC Conflicts of Interest Board, October 9, 2008*

“It is wrong as a matter of fundamental principle that people who will have their pensions enhanced and their jobs extended are voting on their own longevity.”

—*Richard Emery, founding partner of Emery Celli Brinckerhoff & Abady, October 8, 2008*

“This is a power grab, plain and simple.... This is not about where you stand on term limits or even whether or not you think Mayor Bloomberg has been a good mayor. This is about the rules of the game.”

—*Dan Cantor, executive director of Working Families Party, October 7, 2008*

“This is really undemocratic in a fundamental sense. It smacks of a coup by the legislative and executive [branches].”

—*Doug Muzzio, professor of public affairs at Baruch College, October 2, 2008*

“I am opposed to any extension of term limits by legislative fiat. The voters have spoken twice, and an attempt to disregard their voice sends a message that democracy has taken a back seat.”

—*Comptroller William Thompson, September 30, 2008*

“I cannot support extending term limits by anything other than a public vote. It’s up to the people of New York to decide how long they want their elected officials in office, and they’ve already told us twice. It’s an insult to the democratic process and a slap in the face to New Yorkers to now render those votes meaningless.... This is a decision for the people; not for incumbents, not for editorial boards and not for a few wealthy and powerful individuals.”

—*Pubic Advocate Betsy Gotbaum, September 30, 2008*

“Even after September 11, 2001, when then-mayor Rudy Giuliani proposed extending his own term, the people of this city overwhelmingly opposed changing our election system and schedule. There is little doubt that that was the gravest crisis this city has ever faced, and yet the citizens of New York City believed in the strength of our institutions and knew that new leadership would emerge. As has often been noted, American democracy is based on the idea that ours is a government of laws, not of men or women. This issue must be brought to the people.”

—*Councilman Bill de Blasio, September 30, 2008*

“I think it would be an absolute disgrace to go around the public will.”

—*Mayor Michael Bloomberg, August 30, 2005*

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