

No Uncertain Terms

THE NEWSLETTER OF THE TERM LIMITS MOVEMENT • SEPTEMBER/OCTOBER 2008 • VOLUME 16 • No. 5

Shelby County Shysters Come Up Short

On August 7, a scheme by the commissioners of Shelby County, Tennessee to trick voters into extending county term limits from two four-year terms to three four-year terms failed by a vote of 49.7% to 50.3%.

Voters nixed a charter amendment, Ordinance 360, originally sought to reconstitute the five county offices of sheriff, county clerk, registrar, trustee, and assessor.

The amendment was deemed necessary after the Tennessee Supreme Court ruled in January 2007 that Knox County must redraft five similar offices in order to resolve a technical legal breach in how the offices were constituted. The Knox County charter is modeled

after that of Shelby County, so the court's decision applied to Shelby as well.

In Knox County, officials posted and voters passed a straightforward charter amendment to establish the offices on the proper legal footing. In Shelby County, however, commissioners saw a chance to extend their grip on power. The measure they posted would not only have capped the tenure of the reconstituted offices to three terms but also boosted the tenure of county commissioners and the mayor from two terms to three terms.

It is unlikely that in rejecting the measure, Shelby County voters were rebelling against the mere



*Shelby County
Commissioner J.W. Gibson*

existence of the offices of sheriff, county clerk, registrar, trustee, and assessor.

The measure did also remove the power of these officers to challenge their budget allocations in

(Continued on Page 7)

Nevada Supreme Court Unanimously Upholds Term Limits...but Gives Lawmakers Two-Year Reprieve

On July 28, the Nevada Supreme Court ruled that the state's term limits law, passed in 1994 and again in 1996 (albeit not including judges in the latter version of the measure), is indeed constitutional and must now take effect for all local officials who have been in office since 1996.

Many incumbents had fought implementation of the law on narrower grounds. But with the constitutional legitimacy of the law also



The Nevada Supreme Court, in Carson City.

being challenged—twelve years after the Nevada constitution was amended to impose term limits—the court decided to widen the scope of its decision.

Because of the unanimous ruling, some 21 local public officials are prevented from running for reelection.

But the high court also accepted the opinion of many incumbents that state lawmakers who have been in office since 1996 may serve yet another term, for 14 years total since passage of the law.

Why? Well, under Nevada law,

(Continued on Page 3)



President's Corner

BY PHILIP BLUMEL

The New York *Times* reported recently that New York City's term limits are creating a game of "musical chairs" among officeholders. The paper was good enough to publish my letter to the editor noting that "the prospect of several current officials jockeying for higher office is highly preferable to the stale status quo of protracted incumbency."

According to the Times, five city officials obliged to leave office because of term limits are now either running or considering runs for mayor, and many other ousted officeholders have been pondering runs for public advocate, comptroller, or borough president. I pointed out that "several of these career politicians will be left without a chair when the music stops."

Obviously, although the town may benefit from less office-hopping within city government, it also benefits from the greater electoral competition that fosters this office-hopping.

But politicians and other foes of term limits often work overtime to skirt the obvious.

For example: Mayor Bloomberg, whose recent waffling about the value of the city's term limits, combined with his covert campaign unravel them, only underscores the value of term limiting public officials who personal political ambition ahead of the public good (see page 3).

Even many self-described partisans of Change—a certain Democratic presidential candidate comes to mind—fail to appreciate the benefits for political life that would otherwise too often be stagnant. In Youngstown, Ohio, Senator Barack Obama told voters that he believes "in one form of term limits. They're called elections."

We have also been reminded in recent weeks that not all office-holders are so timid about challenging the status quo. Obama's colleague in the U.S. Senate, Senator Tom Coburn, voluntarily limited his tenure to three terms in the House and promises to serve no more than two in the Senate.

Liberated from the lure of a permanent career in Washington, Coburn had no problem going against congressional leadership to unilaterally block an array of bloated spending bills from being rushed into law.

Now that's change we can believe in.

September/October
2008

A publication of
US TERM LIMITS
FOUNDATION

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For the latest developments on term limits across America, visit our web site on the Internet at www.ustermimits.org

No Uncertain Terms is published bimonthly. Third class postage paid, Washington, D.C.

POSTMASTER: Send address changes to:
U.S. Term Limits Foundation, 73
Spring Street, Suite 408, New York,
NY 10012

"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*

A Third Term for Bloomberg Would Be a “Great Idea,” says Governor Paterson

Although a poll commissioned by his own office shows the public will not go for it, NYC Mayor Michael Bloomberg has been picking up support from various potentates for his semi-stealth campaign to win a third term in office. He is limited by law to two terms as mayor.

The governor of New York State, David Paterson, is the latest to cheer the notion of another term for the mayor who says that he still supports term limits and that he does not expect to run for a third term even if it were possible.

“Mayor Bloomberg, if he wants to run for mayor a third time, I think it’s a great idea,” Governor Paterson told reporters. “There was a time he wanted to run for president. That wouldn’t have been a bad idea, either.”

Former Mayor Ed Koch and real-estate mogul Donald Trump are also now on record supporting another term for Bloomberg.

The way Mayor Bloomberg is



Governor Paterson and Mayor Bloomberg march to the beat of the same drummer.

dancing around the notion makes it clear that he is indeed open to a third term if some politically feasible way around the current law can be found.

Most recently, he has said that he would consider signing a bill to alter term limits, should the council pass one—although in the past he has firmly rejected the idea of cooperating with any attempt to end-run voters when it comes to term limits.

“I don’t know what the City Council is going to do,” he told

reporters. “My job, if the City Council comes to us with a piece of legislation, we will look at it, we will consider it and we’ll make what I hope is an informed judgment into what is in the best interest of the city.”

Moreover, on August 22 the New York Times reported that Bloomberg has been approaching media moguls “to assess whether their publications would endorse a bid to overturn New York City’s term limits, which could clear a path for him to run for re-election next year.

“Over the last several weeks, Mr. Bloomberg has held confidential conversations with Rupert Murdoch, chairman of the News Corporation, which owns The New York Post; Mortimer B. Zuckerman, owner of The Daily News; and Arthur Sulzberger Jr., chairman of The New York Times Company, to gauge their views on the issue, according to people familiar with the talks.”

(Continued on Page 7)

Nevada Supreme Court (Cont’d from page 1)

newly elected state legislators, unlike local officials, take office the day after the election. The results of the initiative required a few weeks or so to ratify. It would, therefore, allegedly be wrong to “retroactively” apply the new law to a term part of which was served before official certification of the initiative results.

So the court ruled that the term-limit clock did not start ticking for legislative incumbents until 1998.

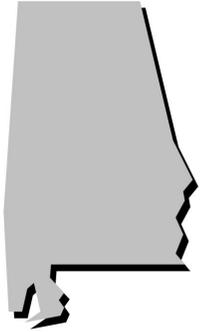
The rationalization is dubious even on its own terms. But the ballot initiative was in fact retroactive, referring explicitly to service in office to date, not just service from the date of the initiative’s passage. It should therefore have begun ejecting longtime incumbents long before 2008. Be that as it may, at least the court is not overthrowing the voters’ decision on term limits altogether.

Many incumbents now being

ousted are aggrieved. Ray Wilson, of the Minden, Nevada town board, believes that letting the term limits law take effect is evidence that “our state has turned into nothing but another little Washington, D.C.”

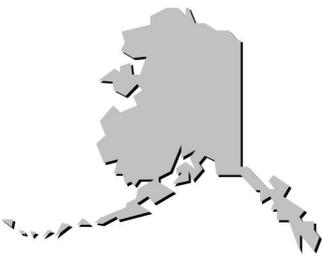
The analogy seems inexact at best. The nation’s chief executive is term-limited, but the Congress is not.

Term Limits



ALABAMA

Sonny Dobbins, the mayor of Bay Minette, Alabama, is keeping a term limit pledge he made in 2000 when first running for the office. “I am not running again, to honor term limits. I believe in it,” he said at a town council meeting. At the same meeting, council members unanimously passed a resolution to formally limit the mayor’s office to two terms.



ALASKA

Kenai Superior Court Judge Anna M. Moran threw out one term-limit measure passed by Kenai, Alaska voters and partially upheld another. Moran ruled that under state statutes, voters had no authority last November to limit the terms of school board members. Voters did have the authority to limit the terms of assembly members, and the measure doing so “does not unconstitutionally infringe upon the rights of voters or candidates running for office.” But the measure could not invalidate the reelection of any incumbent assemblymen who won a new term in the same election in which voters term-limited them.



CALIFORNIA

Former California Assembly Speaker Fabian Nunez lost his battle to weaken the Golden State’s legislative term limits last year, but he may try again. If so, he’ll already have money to do it. A campaign fund controlled by Nunez, the Committee to Protect California’s Future, recently received \$600,000 from a voter registration fund controlled by Assembly Speaker Karen Bass, Nunez’s successor. The fund’s current balance is \$1.5 million. The money could be used on either a personal election campaign or an initiative that he supports—like the new term limits extension measure that he has been talking about. It is too late to get such a measure posted to the November 2008 ballot, however.



CALIFORNIA

Los Gatos Councilman Steve Glickman, in office for eight years, announced that he won’t be seeking reelection. As he took his leave, he enjoined fellow councilman to place term limits on their agenda, saying: “We are one of the very few cities that doesn’t have term limits. Incumbency is toxic to democracy.”

in the News



CALIFORNIA

What are we to make of this report on a term limits effort from the North County Times? “Three weeks after a coalition of mobile-home-park residents launched a campaign to subject Escondido City Council members to term limits, city officials notified the residents they will no longer be able to use city meeting rooms for free.... Donna Martin, president of the mobile-home coalition, said she does not believe the move was based on any change in her group’s activities. ‘This was clearly retaliation’ for the term-limits campaign, she said.” The city denies the allegation.



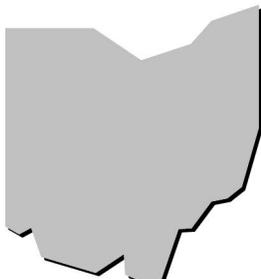
ILLINOIS

Des Plaines, Illinois councilmen thought it would be useful to hold a public meeting to “gauge interest” in watering down term limits. But it was a bust. One former resident, Said Vince Powers, who had led a successful term limits drive a decade earlier, said: “I don’t know why we’re here tonight. The vote on term limits was 3-to-1.” The comments touched a sore spot. One of the alderman, Patricia Beauvais, replied: “There is nothing self-serving about this. This job is a service.” Er, thanks for clearing that up.



MICHIGAN

Thanks to term limits—and the most recent failure of Michigan politicians to undo them—the state is anticipating a very competitive electoral season. Not, of course, when it comes to seats held by incumbents: “All but one of the 65 state House incumbents seeking re-election this year made it past voters in Tuesday’s primaries,” reports the Detroit News. On the other hand, “there’ll be at least 45 new faces among the 110 House members next January, because Rep. David Law, R-Commerce Township, decided to run for Oakland County prosecutor, and 44 incumbents were barred by term limits from running again: 16 Democrats and 28 Republicans.”



OHIO

From USTL President Phil Blumel’s reply to an attack on term limits by Columbus Dispatch columnist Thomas Suddes: “Thomas Suddes does not have much to say about the arguments made on behalf of term limits, or the evidence that it does in fact increase electoral competition or curb corruption. But he does make one strange admission about the beneficial impact of term limits.

“Term limits, Suddes writes, is a ‘GOP Frankenstein’ (didn’t the voters at large pass Ohio’s term limits law?) that has ‘turned on its creators.’ Term limits hurt the prospects for a juicy pension. ‘The longer you’re on a state payroll, the plumper your retirement. Term limits don’t help that.’

“Uh...okay...agreed. And the problem is....?”

(Continued on Page 6)

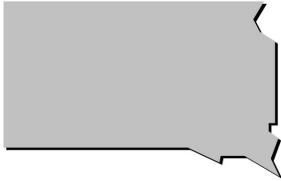
Term Limits in the News (continued from page 5)

PENNSYLVANIA



Under pressure from constituents, Pennsylvania lawmakers have been considering whether to hold a special session to enact ethics reform. The push for reform goes back to an ill-considered and badly received midnight pay raise of a 2005. Along with ballot initiatives and redistricting reform, term limits could also be on the agenda of such a session. One legislator, Rep. John Galloway, says that what the state really needs is constitutional convention.

SOUTH DAKOTA



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TEXAS



Foes of term limits in San Antonio are running a “positive” campaign for a measure to water down term limits on the city council—by deploying the negative approach of smearing defenders of robust term limits as “CAVE people.” (CAVE=Citizens Against Virtually Everything. Subtle as a mallet.) If it passes, the measure would double term limits on council members, from two two-year terms to four two-year terms. The “positive” part of the campaign comes in this non-sequitur-stacked slogan: “Vote yes, to extend term limits ‘on your terms.’” Bob Martin, president of the local Homeowner and Taxpayer Association, says that “asking San Antonio voters to lengthen the terms is like asking chickens to vote for Col. Sanders; it’s just not going to happen.”

UGANDA



Hey, politicians are not always tempted by bribes. According to the news site AllAfrica.com, “When telephone billionaire Mo Ibrahim offered \$5m (Shs8.7b) to African presidents who set a good example and retire from office, Yoweri Museveni [president of Uganda since 1986] responded that money is not an incentive for him to leave office.”

UNITED STATES



Congressman Randy Kuhl wants constituents to pick a bill for him to introduce in Congress. After soliciting suggestions, he settled on five legislative proposals for voters to weigh in on. Whichever one receives the most support will be submitted to the legislature. One proposal would impose a 12-year term limit on congressional tenure. It would be better than nothing, if it could pass.

If Miami-Dade Voters Want Reform, They Must Pass Term Limits

Nowhere is the axiom “you get what you pay for” more true than in Miami-Dade County.

The system is set up to tempt even our better angels to cheat and steal from taxpayers. I’m not saying commissioners can’t be trusted, but that’s too often the public’s perception—that crisis after crisis, scandal after scandal, nothing really changes for the better.

The Miami-Dade Commission had a chance to embrace good government last month. Instead it spit

on voters.

Commissioners refused to make petition drives easier or to have voters—instead of commissioners—dictate future petition rules. They snubbed term limits for themselves....

Oh, commissioners passed a few minor items recommended by the Charter Review Task Force dealing with petitions and—after eight failed tries at the ballot box—again approved asking voters to raise commissioners’ salaries to about

\$90,000. In exchange, they would not have outside employment.

But without term limits of eight years, a pay raise smells like a dead rat in a pothole. Without term limits, there’s no real reform because incumbents will have every motivation for a lifetime gig on the public’s dime.

Voters need to step up. They should start a petition drive to put term limits on the ballot as a condition for the pay raise.

—excerpted from “Bigger salary unwise without term limits,” by Miriam Marquez, published August 3, 2008, in the Miami Herald.

Bloomberg (continued from page 3)

The Times noted that any attempt to “ease or undo” term limits not ratified by voters would be “potentially politically explosive.” Months ago, Mayor Michael Bloomberg’s office firmly repudiated “rumors” (started by somebody in that very same office) that the mayor was contemplating the possibility of a third term in office.

Since then, Bloomberg has vaguely affirmed support for term limits of some kind or another,

while simultaneously a) hinting that although he is quite a fan of term limits, he would not necessarily oppose a weakening in the term limits law, and b) commissioning a survey to gauge voter support for weakening term limits.

The poll showed that although most voters think Bloomberg is doing a good job, most also oppose changing the term limits law. Apparently he is hoping that the media can be enlisted to sway voter

sentiment.

Former Bronx President Freddy Ferrer is one politician who does not support the mayor’s bid to unravel term limits. “I originally didn’t support term limits,” he says. “But the people have spoken on it—not once, but twice in two votes.... So, if you have a respect for the rule of law, for the will of the people, then you respect their will on term limits.”

Shelby (continued from page 1)

court, a provision that upset some activists. But term limits are as popular in Tennessee as they are everywhere else. The main reason for the muddled measure’s defeat was that voters realized it was a scam.

Although chastened by the rebuff, the commissioners were not done yet. They continued to wrangle over whether to separate the question of reestablishing the five county offices and term limits

on those offices, and whether to limit those offices to two terms or three terms.

Commissioner J.W. Gibson tried to provide some perspective, noting that “we’re trying to create some type of convoluted ordinance. All you’re going to do is confuse the issue some more. Do you really need to have three strikes you’re out to be convinced that the citizens don’t want [a three-term limit]?”

Finally, though, facing a September 5 deadline for submitting measures for the November ballot and accepting political reality, the commissioners settled on two charter amendments. One would reestablish the five offices. The other would limit the tenure of those offices to two consecutive terms.

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The Newsletter of the Term Limits Movement

A Publication of the U.S. Term Limits Foundation

73 Spring Street, Suite 408

New York, NY 10012

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Inside No Uncertain Terms...

SHELL GAME IN SHELBY...1

POLITICIANS LOSE NEVADA GAMBLE...1

REAL REFORM, REAL REFORMERS...2

PATERSON, BLOOMBERG...3

IN THE NEWS...4

MIAMI-DADE VICE...7



“There is nothing self-serving about this. This job is a service.”

—Des Plaines, Illinois Alderman Patricia Beauvais, in response to an accusation that trying to kill term limits on Des Plaines aldermen is self-serving

see p. 5