

STATEMENT OF MONTGOMERY COUNTY COUNCIL

VICE PRESIDENT ROGER BERLINER

BEFORE THE CHARTER REVIEW COMMISSION ON THE QUESTION OF
TERM LIMITS

Chair Bessel asked me to come this morning in response to our Council's request of the Chair for the Commission to carefully assess whether term limits would benefit our county.

You assume this role in part to serve as guardians of our charter. It is an important responsibility. And the proposal for term limits is important as well. Our community looks to you for guidance on such matters.

The President of the Council is out of the country, so I come before you this morning in my role as Vice President.

As President Floreen noted publicly, all nine members of the Council share one perspective: term limits would not be in the best interest of our county.

I think all of us recognize that our county is closely divided on this question. When this issue was voted upon in the past, it received considerable support. And it is likely to receive considerable support again.

Speaking for myself, I think term limits gain a lot of support, and have been adopted elsewhere, because it combines the surface appeal of “good government” with the increasing dissatisfaction with government.

My own experience, dating back to when I served as legislative staff to the California State Legislature as a young man, is that the “good government” surface appeal of term limits doesn’t hold up under scrutiny. In California, it is generally recognized that the result of term limits there was to shift power from elected officials to lobbyists and staff. That is not a good thing. More broadly, I am not aware of any credible analysis that shows that the quality of decision making has been enhanced by virtue of term limits.

In the blogs and commentary one reads about this proposal in our county, I have seen that people are drawn to it in part because of their anger over tax increases. Yet the Charter already has strong protections against increasing taxes, requiring all nine members of the Council to support doing so. And while there may be nine democrats on the Council, a fact that is unlikely to be affected by terms limits, there has always been a wide range of views on taxes, ensuring that if taxes are increased, it is because of a broad consensus on a compelling need to do so.

I have also read that term limits will limit the advantages of incumbency. That is true. But it comes at the high price of limiting voters right to re-elect someone they believe is serving our community well. My own experience is that I was a better councilmember in my second term than I was in my first, and that I hope I am a better councilmember in my third than I was in my second. This is serious work where experience really does matter.

And it is a blunt tool to reduce the benefits of incumbency in an election, a tool that isn't needed. I am an example of someone who defeated an incumbent councilmember. Moreover, it ignores the unprecedented step our Council has taken to level the playing field in elections by providing for the option of public financing. We should at least wait and see how that changes the electoral dynamic before embracing term limits for that purpose.

I have also read that it must be good because other counties in Maryland have adopted them. In my judgment, those jurisdictions succumbed to the same combination of surface good government appeal and dissatisfaction with government. As I noted before, I have seen no credible evidence that the quality of their government has been enhanced as a result. What I have seen is that power shifts from elected to unelecteds, and I don't think that is a good thing.

This raises the broader issue of accountability. Those of us who run for election are held accountable for our actions. I see emails that remind me of that almost every day. But accountability is lessened, not enhanced, by term limits. Those elected for four years for a third term if this proposal passes would not be accountable for a day of those four years. I don't see the lessening of accountability to our voters as benefiting our county or good government.

Bottom line: I believe the benefits of term limits are illusory, but the costs are real and harmful to good government.

Commission members, these are my own views. You will hear from many members of our community with a very different point of view. While I do not share their views, I do respect the fact that there is a diversity of view points on this important question.

Your job, as guardians of our charter, is to make sure that our charter survives the turmoils of the times and takes the long view of good governance. We have enjoyed good governance in our county for many many years. It is indeed one of the hallmarks of our county. And our charter is one of the bulwarks of Montgomery County's good government. Please do your best to protect it.

Testimony for Term Limits before the Charter Review Commission August 24, 2016.

Richard L. Jurgena

Recent polls show two-thirds of people believe that America is on the wrong track. Even more alarming is that approximately three-quarters of Americans believe that the people in power, the so called establishment, don't care about them or what they think.

In Illinois, not a particularly Republican state, a statewide poll taken by the Paul Simon Public Policy Institute at Southern Illinois University Carbondale in Feb. 2014 found that 8 of 10 voters were in favor of Term Limits.

These are pre-revolutionary numbers and as John F. Kennedy said, "Those who make peaceful revolution impossible will make violent revolution inevitable."

86 - Address on the first Anniversary of the Alliance for Progress.

March 13, 1962

While it is true the major push for getting Term Limits on the ballot was by Mr. Ficker and his Republican friends the response by Democrats and Unaffiliated has been revealing. Comparing signers with the Dec. 2015 version of the MC Board Of Elections registered voters results in 5815 Democrats, 5116 Republicans 2397, Unaffiliated 158, and 796 unknown.

You ask, "Why do we think we'll get a different result by sending in new batches of elected representatives every few terms?". It is true, in Montgomery County, it is unlikely a Republican will be elected; however, we can hope that at least a Kennedy Democrat will step up to the plate and bring some fiscal responsibility to our county leadership. Taking away the incumbency advantage in the Primary may help in that hope.

A writer said he did not believe our fore-fathers envisioned term limits. As I recall George Washington is considered one of our fore-fathers and he decided two terms was enough

We are asking for three terms, including partial terms. Most people who signed the petitions I submitted asked why we were making it three terms and indicated two was enough like the President and Governor.

Much made of hundreds of signatures out of thousands.

Testimony for the Montgomery County Charter Review Commission Regarding Term Limits Presented by Paul Geller Wednesday, August 24, 2016

Dear Commission Members,

Holy smokes!

America is the land of freedom and opportunity. And choice! We have choices in everything: cars, food, homes, writing implements, schools, airlines,... You name it and we can choose it.

Yet this debilitating albatross of arbitrary term limits is being hung around our necks like a swimmer with an anvil tied to their legs.

Who is the rocket scientist who thought this concept up?

In a day and age in which so much time can be spent on infinitely better pursuits, we are talking about shutting down one of the greatest features of democracy – choice. My parents, grandparents and great grandparents worked hard to ensure me and my children would have choices. And now someone is trying to limit those very freedoms my family, and probably yours too, worked so hard to give us. It is my turn to come before you and defend my rights, my children's rights and the rights of every single citizen in Montgomery County and say enough. This legislation is ill conceived, ill advised and diametrically opposed to what the founders of this nation had in mind back in the late eighteenth century.

In short, this is the most inane piece of legislation ever to come before the voters of this county bar none!

Who can tell me where the following is from? "Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes."

Anyone?

That is from the Preamble of our Declaration of Independence.

And if this isn't the most light and transient cause of all time, please show me where Pet Rock legislation is in our County Charter.

I, along with every other voter in Montgomery County, have the right to vote for any candidate I so desire. Whether they are a newcomer or seasoned veteran, we have the right to choose. "Frankly my dear, I don't give a damn" about the bitterness a few people have in their hearts for incumbents. To go to such lengths to gather support for such a ballot measure shows us we all could use a refresher lesson on how elections work.

What if I told you, right now, today, at this very minute, we have a cure-all salve for this very ill? What if I told you this panacea has been around for centuries and has proven 100% effective? What if I told you it rids us of evils and charlatans and crooks and all other sources of scourge we want to eliminate from government?

Does this sound too good to be true?

Au contraire, mon frère!

How about adding to this list that it would be effortless to implement and won't even cost us a single penny?

Interesting, yes?

Well here it is: it is called voting!!! Yes, voting! The same process that gave us winners of American Idol, flavors of potato chips and numerous U.S. Postal Service stamps works here too. We VOTE. Let me spell that out: V-O-T-E.

Like someone running for office? Vote for them!

Can't stand someone? Vote for their opponent!

What could be easier?

This ridiculously inane measure being proposed over the last several months is beyond cray cray, it is full on baying at the Moon, nuts. Why limit our choice arbitrarily? This makes no sense. This is taking away the rights and choices we as Americans enjoy making.

Don't let bitterness at our experienced politicians by a handful of folks cloud the truth. We already have term limits in place...every four years! It is called an election. You don't like someone, vote them out. However I will not sit quietly by and watch this term limit proposal impinge on my right and the right of every other person in Montgomery County to choose who our elected officials will be due to an arbitrary measure of time. This is ludicrous, very dangerous stuff.

So I say place this proposal squarely where it belongs...in the recycle bin! Long live choice! Long live democracy! Long live the rights of voters to decide who they want in office!

Long live incumbents and newbies alike who seek office! May neither be constrained by such folly!

Democratically yours,

A handwritten signature in black ink, appearing to read 'Paul Geller', written in a cursive style.

Paul Geller
Ultra Proud Voter

Charter Review Commission

TO: Paul Bessel, **Chair**

Sharon Freeman, **Vice Chair**

CRC members: Wendy Cohen, Jennifer Hunt, A. Lawrence Lauer, Timothy Lighter, Joshua Lipsky, Randy McDonald, Angela Rey, Aryeh Shudofsky, Edward Wisneski

My name is Judith Vandegriff

Thank you very much for placing the issue of **Term Limits** for elected County Council members and the County Chief Executive Officer on the Agenda for the August 24, 2016, meeting of the Montgomery County Charter Review Commission.

This is an important issue in the ONGOING effort to encourage citizen participation in County Governance.

In the words of a minister asked to give an Invocation:

“Blessed be the Brief for they shall be asked back”

As an independent citizen, I am asking for a review of Section 101-104, Legislative Branch section, and Section 201-203 of the County Charter.

I recommend that the County Charter be amended to allow elected officials on the County Council and the Chief Executive Officer, no more than 3 successive 4-year terms (12 year total for each elected official).

The current system of NO term limits has allowed for the nurturing and development of elected and, and once effective people's representatives, into career politicians. This scheme of NO LIMITS produces a tendency among elected officials to become entrenched in county government, both legislative and executive. This can and has produced a stagnation of legislation and implementation of policies and low voter turnout and participation in county governance. What is not working is citizen input on community issues from the individuals who are not represented by community organizations or Civic interest groups. They Feel disenfranchised.

This stagnation has produced, not apathy, it is surrender of voter rights.

A brief look at the numbers in voter turn out from a July 25, 2015 Washington Post article, Bill Turque.

By the numbers: In Primary elections for County Executive and County Council in 2010 and 2014, voter turnout in Montgomery County, was 18% in 2010, and 16.2 % in 2014 – down from 2010. But the low turnout allowed Montgomery CO to hold its spot as LAST Place in voter turnout by County among the Maryland counties.

Judith Vandegriff

Former CRC 2009-11

Sources;

Montgomery County Code

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<retrieved, 8/22/2016>

Statement Regarding 2016 Term Limits Ballot Question
By Sharon L. Cohen
Before the August 24, 2016 Meeting of the
Montgomery County Charter Review Commission

Good morning. I am Sharon Cohen and am speaking this morning in support of term limits for members of the County Council and the County Executive. My comments are solely mine as a private individual and are not representative of or on behalf of any organization. I appreciate the Charter Review Commission's (CRC) opportunity to speak this morning.

There are two pathways in Montgomery County whereby Charter changes may be put on the ballot. One is by recommendation of this body – the CRC -- and second is through the citizen petition process. These pathways are mutually exclusive and while individual members of the CRC may have their own personal views on the term limits question -- for or against -- the public has spoken loud and clear. Reportedly, 18,000 registered voters in Montgomery County signed the petition. It's my understanding just yesterday, the Board of Elections has certified a sufficient number of those signatures (only 10,000 validated signatures was required) that the term limit question – to limit the County Council members and the County Executive to no more than three terms – or 12 years office – will be put to the voters this November.

The only opinion that matters now is that of the voters. So what should voters know about term limits.

- **Term Limits are Very Common**
 - The President of the US is limited to two terms.
 - Maryland's Governor is limited to two terms. And 35 other states (a majority of US states) have term limits for their Governors.
 - Major cities across the US, including — Houston, Dallas, New York, Los Angeles -- just to name a few — have term limits for elected city officials.
 - All jurisdictions around Montgomery County — Prince Georges, Howard, Frederick —as well as Anne Arundel, St. Mary's, Harford and Baltimore Counties, all have some form of term limits for their local elected officials.
 - "The ancient Greeks and Romans were the first societies to implement term limits. They believed that a change of leadership periodically was good for government." *National Association of Counties, 2011 publication.*

- **Term Limits Will Drive Participation of Citizen Legislators**
 - Abraham Lincoln in his famous Gettysburg Address said that our country following the Civil war would have "a new birth of freedom" and that "the government of the people, by the people, for the people, shall not perish from the earth." It's the people-- that is citizens and not career politicians -- who need to come first by participating as citizen legislators.
 - Term limits promotes opportunity for average citizens to run for office and actually

- win because open seats will become routine.
 - Voter participation is at an all time low in the county, “just 16.2 percent of Montgomery County's 630,000 voters cast ballots,” the lowest county turnout in the entire state. *AP June 26, 2014.*
 - Perhaps when career politicians run and win each election, citizens feel the current political system without term limits is a stacked deck, so why bother voting.
- **Term Limits are an Important Check on the Power of Incumbency**
 - The power of incumbency is an overriding and powerful force in politics. Incumbents have the bully pulpit, they have easy access to the press, special interests try to curry favor with them, and they have an overwhelming advantage when it comes to fundraising.
 - This privilege of incumbency must be checked; otherwise an entrenched and elitist political class is created.
 - Term limits helps create a level-playing field where average citizens can run for office and the advantages of incumbency are removed.
 - And it's good for politicians to return to average citizen status from time to time, as “Surely, the ‘experience’ of living as a private citizen under the rules and taxes one voted for as a legislator is just as valuable and instructive; if not more so, than the experience of cooking up those rules and taxes in the first place.” *Lawrence Reed 2001, Why Term Limits, President of the Foundation for Economic Education*
- **Term Limits Have Bipartisan Support**
 - Of the 18,000 petition signatures in Montgomery County, over 60 percent were registered Democrats, Independents and/or unaffiliated voters.
 - The proof of that bipartisan support will come post election, when registered voters in Montgomery County regardless of party affiliation vote to limit the terms of the County Council and Executive.

Thank you for the opportunity to speak to you regarding the issue of term limits for the Montgomery County Council and County Executive. My name is Sandy Tuttle, and I am a taxpaying citizen and a Social Worker residing in Montgomery County.

First, I would like to commend the CRC for developing a 75 page paper opposing term limits and the two page document, in support of term limits. I will note that while the articles of confederation did contain restrictions on service in Congress. Term limits were not included in the constitution, but they were recognized by many of our Founding Fathers, including Benjamin Franklin, as a way of curbing the use and abuse of governmental power at the time it was written.

But that was a long time ago...

Most currently, University of California, Irvine professor, Mark P Pettaca, noted: "the rotation of citizen-representatives is central to a republic." The oft-touted expertise of professional politicians as representatives stands in stark contradiction to the essential function of political representation in a democratic republic, namely to connect the people to the government through representatives who share their values and stay in touch with the "REALITY" of their day to day lives."

To that particular point, at the end of May, we heard from County Council Member Nancy Floreen on a radio station, trying to explain why the 8.7% property tax increase was needed. Indeed, most of the money would be directed towards schools, many bursting at the seams with students. One need only at newly renovated elementary schools that look like middle schools or smaller versions of high schools, or at the trailers adorning the grounds of schools renovated during the past several years. Yes, indeed, we need relief. While there are likely multiple reasons for this huge increase, our county council and Executive have made it clear that we are "a welcoming community," and a sanctuary county. So, the need for more money for even bigger or more schools is not a big surprise. **In other words – this county council and Executive created the problem, and now are asking for money solve the problem.**

While an 8.7 % property tax **was totally minimized to just a dollar a day increase by Ms. Floreen**, the fact of the matter is that it is not – at least for some of us – my taxes will go up by more than a dollar a day! A dollar here, a dollar there, starts to add up! The state of Maryland also just increased the sales tax on gas in July. Moreover, when the host on the radio show quiered about the wealth leaving the county, perhaps because of the tax policies, concerns were immediately minimized by Ms. Floreen by her, and I'm paraphrasing: "oh, people are certainly filling those empty spots (a reference to homes), if people are leaving! . That statement was a 'slap in the face,' to taxpayers and many of us who have been long time residents. I may be forced to leave due to the spending and the taxing and the various restrictions imposed by micromanagers .

And, while I do not mean to single out Ms. Floreen, I would daresay her mindset is the same as the rest of the county Council and the Executive Office.

While there are those who argue that we need the expertise of a 'professional politician,' I would ask why? Our 'professional politicians' currently in office and many of whom are coming up on at least 10 years of service, whose policies have been terrible for this county. I would cite the unprecedented rise

in gang violence in Montgomery County – when you are a welcoming sanctuary county, where questions are not asked and existing laws are not enforced, it should be no great surprise to taxpayers.

Term limits is not a Republican or Democrat issue, nor is it a black or white issue (which some have recently tried to suggest), nor is it a male or female issue (just in case that redherring surfaces next).

Thank you for your time.

Testimony of Tom Moore
Before the Montgomery County Charter Review Commission
August 24, 2016

Greetings! My name is Tom Moore. I have come to you this morning to tell you why I oppose term limits and why you should, too.

I have some experience with this sort of thing. Rockville's voters granted me two terms on the Rockville City Council starting in 2011. I am the president-elect of the Common Cause Maryland board and serve as senior counsel to Commissioner Ellen L. Weintraub of the Federal Election Commission. I was a silver medalist in my 2014 campaign against Sidney Katz for the Montgomery County Council's 3rd District seat.

I will note at the outset that term limits would be great for me personally. They're absolutely my best chance to get Sidney Katz out of the District 3 seat and me in it. Sidney served 36 years in Gaithersburg City Hall; voters could well keep him on the County Council for another 36.

So, why am I here this morning arguing against my personal interest and leading the effort to defeat this charter amendment? Because term limits are bad public policy, and I hate bad public policy. And I believe most of you do as well.

Of the multitude of reasons to oppose term limits, I'll give you three today:

First, Term limits do not work as advertised. I encourage you to study very closely the excellent research that Paul Bessel and Barbara Braswell have assembled. Every claim term-limit proponents make falls apart in the real world. Term limits do not lead to lower spending and taxes. Term limits do not bring fresh blood into the political system. Term limits do not get women and people of color elected. Term limits do not lead to higher voter turnout.

Second, term limits are unnecessary. One out of every three Montgomery County Council seats that have come up for election in the past 20 years has gotten a new Councilmember in it.

Third, term limits are *really* unnecessary, because Montgomery County already has a groundbreaking new public financing system that actually *will* help political newcomers win office. It's one of the best things our County Council has done in a long time. I'll note that public financing was passed by Councilmember Phil Andrews in his fourth County Council term after years of hard work on the issue.

If you listen to the arguments term-limits proponents are making, many of them center on votes the current County Council has taken. This is an argument for running a candidate for County Council who can win a seat in 2018. This is not an argument for changing the underlying structure of Montgomery County's elections forever.

Thank you. I look forward to your questions.

I understand that the Charter Review Commission will not be taking any votes on a term limit position until its September 14 meeting. In the meantime, I welcome each of you to reach out to me to discuss the issue. Thank you for your time this morning.

Tom Moore

Testimony to the Montgomery Charter Review Commission
Wednesday, August 24, 2016
Holly Taggart Joseph

Thank you for scheduling this time to speak about term limits for Montgomery County Councilmembers and County Executive.

Sadly, often we don't adequately value something until it is threatened to be taken away from us. A challenge to voters being able to select councilmembers and a county executive without restriction makes me aware how fortunate I feel to be able to choose the councilmembers and executive I want to support for as long as I choose to support them. This is a feature of democracy that I value and urge others to support. As issues confronting us become increasingly complex, it behooves us to place a high value on knowledge and experience and the supposition that those come with length of service.

As anyone dealing with the County government knows, there is a steep learning curve for local issues. We disadvantage ourselves by prohibiting those who know the issues from being able to serve. Our county's Incinerator serves as an example: there is no one on the County Council who made a decision on our county's incinerator that began operation in 1995.

We currently have term limits on all offices – they are called elections. To those who cite prior term limits on our presidency or on our governor (or others), I'd reply that they have been in place for years. The 22ND Amendment, passed in 1952 to limit the presidency to two terms, essentially legislated a practice that had been the tradition since our first President.

As much as that, this was before *Citizens United* and the increasing influence of money in politics which adversely affects elections and public service. We would be unwise to institute a practice that puts a double brake on democracy – not only for those who hold office but for all of us who vote for officeholders.

Thank you again for your consideration of this important issue.