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We Need Term Limits in Erie County

by Paul Wolf, Esq.

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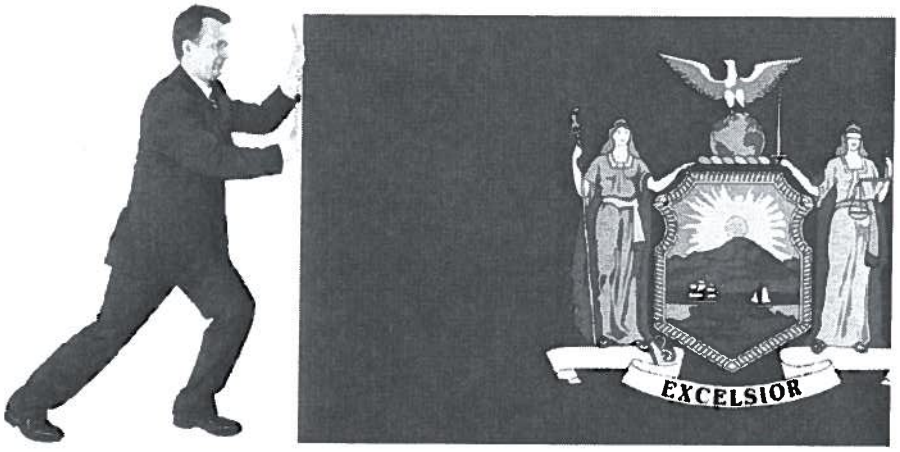

The History of Term Limits

In ancient Greece, beginning in the 6th century B.C. many officials were elected by random lottery and permitted to serve only a year. Some of their Roman counterparts were also limited to serving just a single term.

In Colonial America, term limits were referred to as the "rotary system," or "rotation in office." The New England Colony's charter provided for the rotation of public officials and a limit on years of office-holding. By 1777, seven (of the 10) new state constitutions provided for rotation in office. The Articles of Confederation that became the nation's first constitution in 1781, included rotation of offices and limited federal legislators to a maximum of three years in Congress. The limit of three years in office for Congress came from Thomas Jefferson who argued that such a limit was important "to prevent every danger which might arise to American freedom by continuing too long in office the members of the Continental Congress." Jefferson expressed concern that without term limits every elected official will be in office for life. Unfortunately this language did not make it into the U.S. Constitution which was drafted several years later.

Several of our key country founders were supporters of term limits including Benjamin Franklin, John Adams and Thomas Jefferson. Starting with our first President George Washington it was an unwritten rule that the President should not serve longer than eight years. This tradition was followed for 150 years until Franklin Roosevelt ran for four terms. In 1951 the U.S. Constitution was amended to limit the President to serving eight years.

Today, fifteen state legislatures, and eight of the ten largest cities in America have adopted term limits for their city councils and or mayor. Thirty six states limit the terms of governors or other elected officials. Locally, the town of Tonawanda limits elected officials to 12 years. The town of Amherst, town of Evans and the city of Lackawanna limit elected officials to 8 years.

Buffalo Mayors Not Long Ago Were Limited to One Term

In 1928 the citizens of Buffalo approved a City Charter that limited the term of Mayor to one four-year term. As a result of the one term restriction, Mayor Charles Roesch (1930-33) returned to his meat business; Mayor Thomas Holling (1938-41) went back to his printing company; and Mayor Joseph Mruk (1946-49) went back to his jewelry store. From the adoption of the charter, nine men served as mayor between 1930 and 1965.

Frank Sedita served as Mayor of Buffalo from 1958 to 1961. Sedita did not like the one term limit for Mayor and often complained about it. Sedita ran again for Mayor and was elected in 1966. After being elected Mayor a second time, Sedita successfully lobbied the Common Council to remove the one term limit and won re-election to a second term as Mayor in 1969. Interestingly, while the one term limit for Mayor was approved by voters, the question of whether term limits should be removed was never put before voters. The Council simply acted and with a simple vote, the term limit for Mayor was

removed. With the one term limit gone, Jimmy Griffin served 16 years as Mayor, Anthony Masiello served 12 years and Byron Brown if he completes his current term will have served 12 years.

In 1994, 9,900 petition signatures were filed by citizens seeking a public vote to reinstate term limits in the City of Buffalo. The Erie County Board of Elections rendered a ruling that less than 7,500 signatures were valid registered voters as required by state law. Based on the Board of Elections ruling and a subsequent court decision, the issue of term limits was not placed on the ballot. In March 2004, a resolution sponsored by Buffalo Councilmember Joseph Golombek, Jr. to place term limits on all city elected officials was defeated 7-2. In 2006 Erie County legislator Michelle Iannello proposed limiting legislators to 12 years in office, but that effort was not successful either.

Should Erie County Legislator Terms Be Limited?

Erie County legislator Kevin Hardwick has introduced legislation seeking to place a ten year consecutive limit on legislators. In a *Buffalo News* article Hardwick stated the following:

"I think it would be providing for new blood, some turnover is good. The thing is, you don't want a term limit of only one term or two terms, because you want some experience. It does take time to learn how to get things done".

Legislator Betty Jean Grant expressed opposition to the idea of term limits stating she intends to vote against the legislation because she feels the voters in each legislative district ought to be the final arbiters of how long their representatives serve. Grant stated the following:

"Why deny the people good representation just because he has served a certain number of years?"

The *Buffalo News* weighed in on the issue with an editorial titled "Rather than term limits, we should do more to empower voters to get rid of ineffective legislators".

Reluctantly, I support term limits and hope that the legislature puts a limit on all county elected positions and not just the legislature. Personally I prefer an eight year limit, not the ten years which Hardwick has introduced. The County Executive, Comptroller, District Attorney and County Clerk are all elected to four year terms. An eight year limit gives them all two terms to serve and move on. Being an elected official should not be a career.

Running For Elected Office Is Rigged

The public knows that running for elected office is a game that is rigged. While there are always a few rare exceptions, for the most part incumbents win 98% of the time. Incumbents and political parties make sure that district lines are drawn in a way that lessens competition between parties. Political parties back incumbents 98% of the time as well. Incumbents typically have a huge money advantage. Mayor Brown had a campaign war chest of over $1 million dollars. Meanwhile his challengers Bernie Tolbert raised $174,000 and Sergio Rodriguez raised $26,000. In the 2011 City of Buffalo Common Council raises the average incumbent had a campaign fund of $26,000 while the average challenger had $1,100. For the most part races with that big of a difference in money are over before they start.

Incumbents have the advantage of paid staff working for them doing government work and campaign work. Incumbents have patronage employees who they helped get jobs to obtain petition signatures, man phone banks, pass out literature attend fundraisers etc. Incumbents can get free publicity by writing columns in community newspapers, issuing press releases, sending out taxpayer paid mailings.

Bottom line it is virtually impossible for an independent candidate to win a primary election or a general election because of the way elections are rigged in favor of incumbents and political party chairs who pull the behind-the-scene strings.

The *Buffalo News* expresses concern that term limits will force out of office ineffective elected officials along with good elected officials. Having studied the Buffalo Common Council and the Erie County Legislature I don't share that concern. While there are some good elected officials, sadly from my review and experience there aren't many. Our elected leaders have an open floor every two weeks when they meet to take the initiative and propose any thing they want for discussion or debate. It is an opportunity that very few take advantage of. There is not a whole lot of substance taking place at your typical County Legislature or Buffalo Common Council meeting.

For the most part we have elected leaders who have learned to go with the flow and not make waves. Before becoming an elected official most of them served as a party committeemember and in a politically connected patronage job of some sort. They have been trained that they way to get into elected office and they way to work your way up the ladder to higher elected office is not make waves.

How Do We Level The Playing Field?

In an effort to break the stranglehold that party chairs and incumbents have on elected positions I support:

- reducing the number of petition signatures needed to run for office
- public financing of elections
- term limits
- non-partisan elections (we need to move beyond party labels at the local level)

Term limits will not change the world but at least every few years there will be an open seat that a challenger will have odds better than 2% at winning. It will also force elected officials who are all about ego and power (which is most of them) to move along.

Paul Wolf is an attorney and the founder of the Center For Reinventing Government, Inc. (www.reinventinggov.org)

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