

Vox Limitatus **by Dan Jacoby**

Twelve years ago, New York City's voters decided to impose term limits on all local elected officials. Three years later, an attempt to get voters to change their minds failed, and in 2001 three-fourths of the City Council were kicked out of office. Now, as the people who got those City Council jobs are about to begin their lame-duck term, a movement is afoot to relax those term limits.

The arguments for and against term limits can easily take far longer to list, much less explain, than most people want to take, so let's focus instead on the methods available to those City Council representatives for overturning, or extending, term limits.

Basically, there are two. The City Council can pass legislation, or they can create a Charter Revision Commission to put another referendum on the ballot for next year. (There is a third possibility, which we'll return to later.)

The popular method among City Council members appears to be passing a new law to extend members' limits to twelve years from the current eight. This method will soon be introduced into the City Council, and is already stirring up a great deal of controversy.

Recently, six of the seven candidates for the Speaker's chair next year have expressed support for this bill, and the seventh has refused to state a specific position. One City Council member has sent a letter stating his firm opposition, a letter which has raised a bit of controversy as well.

The question here is whether the City Council has the moral authority to overrule, by legislative fiat, the twice-expressed "will of the people". So far, nobody has come up with a satisfactory answer, and chances are nobody ever will. The only argument made at all is that people voted for term limits only because of a multi-million dollar campaign financed by a very rich person. If that were the case, however, then the recent mayoral election should also be overturned, since the winner was also a very rich person who spent millions of dollars on his campaign. And nobody is suggesting that.

Furthermore, from a pragmatic viewpoint, if the City Council should pass such a law, the mayor would then be able to create a Charter Revision Commission to put a referendum on the ballot for next year to overturn the City Council's action. Such a referendum would almost certainly pass. The end result will be a weakened City Council and an even stronger mayor, something this City Council certainly doesn't want.

If extending term limits by legislation is doomed to failure, then, what about creating that Charter Revision Commission? There are a couple of problems. The first is that a referendum created this way will probably fail, as the mayor and his rich friends will spend millions to tell us that extending their terms is just the City Council's self-interest and not ours. The second problem is that the mayor could create his own commission, which would nullify the City Council's commission.

There is, however, that third possibility. Term limits could be extended through a referendum, but one created by petition. It takes 50,000 signatures to put a referendum on the ballot, which shouldn't be too difficult to achieve, and if a petition drive is successful, then those people who are looking to extend term limits could then claim substantial support from the people.

Incidentally, that's how the first term-limit referendum got on the ballot to begin with.

Will it happen? At this point, probably not. The City Council seems bent on choosing the legislative route, despite the obvious pitfalls. This means we're probably facing four years of highly partisan, highly contentious city government. With a looming economic slowdown and billions of dollars in projected budget shortfalls, it's the last thing we need.

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