

***Proposition B: Proposed Term Limits Amendment to San Diego County Charter***

March 2010

Board Recommendation:

**OPPOSE**

***Rationale:***

For the past decade, the San Diego County Taxpayers Association (SDCTA) has consistently opposed limits on terms of office for elected officials, upholding that it is up to voters to decide how long an individual stays in office. Proponent arguments reflect a frustration with the current governing body and incumbent fundraising advantages.

***Background***

The Board of Supervisors is the governing body of the County of San Diego. The five current Supervisors (Pam Slater-Price, Diane Jacob, Greg Cox, Ron Roberts, and Bill Horn) have held their respective offices since 1995.<sup>1</sup> Presently, voters in each of the County's five districts elect an individual from their district to serve on the Board for a four-year term, beginning at noon the first Monday in January following election, and to hold office until the qualification of a successor.<sup>2</sup>

**Title:** *Proposed Term Limits Amendment to San Diego County Charter*  
**Jurisdiction:** County of San Diego  
**Type:** Amends the County of San Diego Charter  
**Vote:** simple majority  
**Effective:** No later than July 6, 2010

SDCTA has a varied history regarding its position on term limits. In November 1990, SDCTA supported Proposition 140 which was approved by voters and imposes term limits on State Assemblymembers and Senators. Ten years later, in November 2000, SDCTA supported Proposition E, which would have eliminated term limits for the Mayor and City Council in the City of Chula Vista. A summary of SDCTA's prior positions can be found in Table 1.

<sup>1</sup> Supervisors Slater-Price and Jacob were first elected in 1992 and Supervisors Roberts, Horn and Cox were first elected in 1995. Information obtained on February 11, 2010 from each Supervisor's official website, which can be accessed through <http://www.sdcounty.ca.gov/general/bos.html>.

<sup>2</sup> According to schedule for when certified results are available after the official canvass is completed. San Diego County Registrar of Voters Calendar of events accessed on February 11, 2010 at: <http://www.sdcounty.ca.gov/voters/Eng/reports/PROPOSITIONS-PRIMARY-County%20Schools%20Districts.pdf>.

<sup>2</sup> Charter of the County of San Diego, Article IV, Section 401: Election and Appointment of Supervisors. Accessed February 11, 2010. Available: <http://www.sdcounty.ca.gov/cob/docs/charter.pdf>.

***Table 1: Summary of SDCTA Historical Positions on Term Limits***

Date	Prop	Description	SDCTA Rationale	SDCTA Position	Result
Nov. 1990	140	Limits on terms of office, legislators' retirement, legislative operating costs: Members of the State Assembly elected or appointed after November 5, 1990 limited to three two-year terms; Senate to two four-year terms. Lifelong ban against seeking the same office once the limits have been reached.	This measure will make the legislature more efficient and accountable. Also, Prop 131, which would allow a legislator to relinquish one term before returning to the same office for another tour of duty, would be nullified by this proposition.	Support	Passed
Nov. 1990	131	Limits elected statewide officials to eight successive years in office; state legislators, Board of Equalization members to 12 successive years. Limits gifts to elected state, local officials.	State funding was primary reason for opposition.	Oppose	Failed
Nov. 1992	164*	For seats in U.S. Congress, denies ballot access to persons who have already held such office for specified period. Does not count pre-1993 service.	First, do we favor change at the federal level? Are we willing to risk some loss of seniority in congress, at least for the short term? If we are, this warrants our support.	Support	Passed
Nov. 2000	E	Eliminate term limits in the City of Chula Vista for the Mayor and City Council.	Term limits prevent voters from reelecting elected officials for as many terms as they see fit. SDCTA is supportive of ending term limits.	Support	Failed
Nov. 2000	F	Extension of term limits in the City of Chula Vista, from two terms to three, as well as adding the requirement that candidates must wait three years prior to seeking reelection.	SDCTA supported Prop E that would have eliminated term limits.	Oppose	Failed
Mar. 2002	45	Allows local voters to petition the Secretary of State to permit their incumbent, termed-out Senator/Assembly Member to run for reelection to that same office, thereby allowing the legislator to serve up to an additional four years in office.	This proposition is a poor attempt to fix the term limit problem. It grants special interests more power to persuade voters through petition.	Oppose	Failed
Nov. 2004	T	Imposes term limits that prevent the Mayor from serving more than three consecutive terms in National City.	SDCTA opposes term limits. It is up to voters to decide how long an individual stays in office. They do so via the ballot box.	Oppose	Passed
Feb. 2008	93	Limits legislators' terms in the state legislature from 14 to 12 years.	Although this measure would reduce the total number of years lawmakers could serve from 14 years to 12, the addition of a grandfather clause allowing current members to serve additional terms beyond current law is disingenuous.	Oppose	Failed

\*Nullified by U.S. Supreme Court in *U.S. Term Limits, Inc. v. Thornton*, ruling that states are not allowed to limit the terms of their federal congressional delegations.

In addition to the measures summarized in Table 1, SDCTA also opted to take “No Position” on Proposition 225 in June 1998 which directed State of California elected officials to help enact an amendment to the U.S. Constitution limiting U.S. Senators to two terms and House of Representatives members to three terms. The reason cited for this position was that there would not be a significant impact to taxpayers. Similarly, SDCTA took “No Position” on Proposition 27 in June 2000 which would have permitted congressional candidates to voluntarily sign a non-binding declaration of intention to serve no more than three terms in the House of Representatives or two terms in the United States Senate. Again, SDCTA concluded that Prop 27 would not have significant taxpayer impact.

Most recently, SDCTA opposed Proposition 93, which would have limited State legislators terms from 14 to 12 years, regardless of whether they are members of the Assembly or of the Senate, or a combination of the two. The rationale for this opposition stated that, “With current term limits, it is difficult for legislators to develop policy and process expertise in such a short time frame.” Further, there was debate as to whether the measure would allow for previously termed out legislators to be eligible to return to office. Many past legislators stated their intention of seeking election to their previous positions upon passage of the measure, which could have resulted in litigation.

### ***Proposal***

The title and summary of the measure is as follows:

#### CHARTER AMENDMENT IMPOSING LIMIT OF TWO TERMS FOR PERSONS SERVING ON THE SAN DIEGO COUNTY BOARD OF SUPERVISORS

“This initiative measure, if adopted by a majority vote, would add a new Section 401.5, entitled “Term Limits,” to the San Diego County Charter. This “Term Limits” proposal provides that no person may serve more than two terms as a County Supervisor serving on the County Board of Supervisors. Each term of office for an elected County Supervisor is four years.

This proposed measure, if approved, would apply prospectively to any person elected or appointed to serve a new term after the Term Limit measure is approved. The proposed measure also provides that a person is deemed to have served a full term if that person serves more than one-half of a term as County Supervisor, regardless of whether the person was elected or appointed to fill a vacancy in office. This proposed two-term limit would be a lifetime limit. If this measure is approved, persons who commence serving a term as a County Supervisor after the measure goes into effect, and who serve two terms, would not be eligible to serve as a County Supervisor beyond those two terms.”<sup>3</sup>

If approved by voters on June 8, 2010, this measure would amend the County of San Diego Charter by adding section 401.5 to Article IV, as follows:<sup>4</sup>

- (a) No person may serve for more than two [four year] terms as a supervisor, regardless of district represented, after the effective date of this section.
- (b) Any person who is elected or appointed to an unexpired term as a Supervisor after the effective date of this section and who serves more than one-half of a full term of office shall be deemed, for purposes of this section to have served a full term.
- (c) Any Supervisor who resigns or is removed from office with less than one-half of a full term remaining until the expiration of the term shall be deemed, for the purpose of this section, to have served a full term.

<sup>3</sup> Prepared by the Office of the County Counsel. Included as Attachment A of Agenda Item 6 for the meeting of the Board of Supervisors on January 12, 2010.

<sup>4</sup> County Board of Supervisors Term Limits Charter Amendment Initiative. July 14, 2009. Obtained from the County Registrar of Voters via email attachment on 2/2/2010.

The “Charter Amendment Imposing a Limit of Two Terms for Persons Serving on the San Diego County Board of Supervisors” is an initiative led by the Service Employees International Union Local 227. The initiative was found to contain beyond a sufficient number of valid signatures that is required for qualification: 92,225 signatures were “projected” to be valid, whereas at least 77,837 valid signatures are required for qualification. The Registrar of Voters confirmed qualification of the proposed Charter amendment on December 4, 2010. The Board of Supervisors ultimately chose to submit the measure to voters for the June 8, 2010 Election.<sup>5</sup>

### ***Research***

In an analysis prepared by the Public Policy Institute of California (a nonprofit, nonpartisan think tank) on the effects of terms limits on the functions of the California State Legislature, the authors conclude that:

“Neither critics nor proponents of term limits perfectly predicted their consequences. Term limits resulted in more diversity among new members but no less careerism. The new members do not look like part-time legislators in other states; rather, they resemble the ambitious young professional politicians that California has produced for three decades. The new Legislature is highly partisan, very demanding in terms of what new members must learn, and thrusts responsibility upon them very early. They are mastering the process quickly with the help of staff and lobbyists, but their policy focus is more short-term and less expert in many instances.”<sup>6</sup>

### ***Incumbency***

According to a report from the County of San Diego Registrar of Voters, Districts 1 and 4 contain more registered Democrats than registered Republicans.<sup>7</sup> Crossover voting, or the act of a voter registered under one party voting in the primary for the candidate representing a different party, may help explain why the Republican Supervisors have continued to win elections in those Democratic Districts. In a Public Policy Institute of California report, the author finds that, “Many voters cross over to support the incumbent because the incumbent is familiar, and still more cross over in order to participate in a competitive contest.”<sup>8</sup> After being in elected office for at least fifteen years, it is clear that the Board of Supervisors have been able to attain respectable name recognition.

In the past 18 years, the current Supervisors have regularly won the primary election by more winning more than 50% of the public’s vote, making it unnecessary for them to launch a full campaign for reelection. In most cases, when the Supervisor runs for office, they win with a significant margin of victory, as summarized in Table 2 below.

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<sup>5</sup> County of San Diego Agenda Item. From Walt Ekard to the County of San Diego Board of Supervisors. January 12, 2010.

<sup>6</sup> Bruce E. Cain and Thad Kousser. “Adapting to Term Limits: Recent Experiences and New Directions”. 2004. Accessed February 22, 2010. Available: [http://www.ppic.org/content/pubs/report/R\\_1104BCR.pdf](http://www.ppic.org/content/pubs/report/R_1104BCR.pdf).

<sup>7</sup> Report of Registration – State Reporting Districts. January 31, 2010. Accessed on February 23, 2010. Available: [http://www.sdcounty.ca.gov/voters/Eng/reports/current\\_reg\\_report.pdf](http://www.sdcounty.ca.gov/voters/Eng/reports/current_reg_report.pdf).

<sup>8</sup> McGhee, Eric. “At Issue: Open Primaries”. Public Policy Institute of California. February 2010. Accessed February 23, 2010. Available: [http://www.ppic.org/content/pubs/atissue/AI\\_210EMAI.pdf](http://www.ppic.org/content/pubs/atissue/AI_210EMAI.pdf).

***Table 2: History of Margins of Victory<sup>9</sup>***

District 1, Supervisor Greg Cox		
Election Year	Margin of Victory	Won in Primary?
1992	n/a	n/a
1996	100% to 0%	Yes
2000	100% to 0%	Yes
2004	82% to 18%	Yes
2008	74% to 26%	Yes

District 4, Supervisor Ron Roberts		
Election Year	Margin of Victory	Won in Primary?
1990	n/a	n/a
1994	52% to 48%	No
1998	100% to 0%	Yes
2002	100% to 0%	Yes
2006	60% to 40%	Yes

District 2, Supervisor Dianne Jacob		
Election Year	Margin of Victory	Won in Primary?
1992	58% to 42%	No
1996	56% to 44%	Yes
2000	62% to 38%	Yes
2004	98% to 2%	Yes
2008	77% to 23%	Yes

District 5, Supervisor Bill Horn		
Election Year	Margin of Victory	Won in Primary?
1990	n/a	n/a
1994	60% to 40%	No
1998	56% to 44%	No
2002	53% to 47%	Yes
2006	53% to 47%	Yes

District 3, Supervisor Pam Slater-Price		
Election Year	Margin of Victory	Won in Primary?
1992	53% to 47%	No
1996	75% to 25%	Yes
2000	62% to 38%	Yes
2004	99% to 1%	Yes
2008	70% to 30%	Yes

### ***Proponents***

The campaign, “It’s Time for Term Limits,” is the main proponent. A County employee, and member of the Service Employees International Union (SEIU) Local 221 (the union that represents San Diego County employees), was responsible for filing the initiative. “It’s Time for Term Limits” states on its official website the following reasons for supporting term limits for the San Diego County Board of Supervisors:<sup>10</sup>

- The same politicians have run San Diego County for years, but have failed to address the most pressing issues facing our county.
- The current system makes it hard for qualified candidates to get elected because it is easier for incumbent Supervisors to get endorsements and to raise the funds necessary to get elected.
- Supervisors have the power to dole out millions in tax payer dollars for “pet projects” in their districts, which often go to supporters, who give them an unfair advantage at the polls.
- No incumbent Supervisor in San Diego County has lost a re-election bid in more than two decades.

<sup>9</sup> Obtained from County of San Diego Registrar of Voters Official Results for election years 1992 – 2008. Accessed February 23, 2010. Available: <http://www.sdcounty.ca.gov/voters/Eng/E2006.shtml>.

<sup>10</sup> Accessed February 20, 2010. Available: [http://www.seiu221.org/It\\_s\\_Time\\_for\\_Term\\_Limits\\_.aspx](http://www.seiu221.org/It_s_Time_for_Term_Limits_.aspx).

- Term limits will end the reign of career politicians and promote the opportunity for new leaders, new ideas to serve the best interests of our community and not special interests.

Other proponents include the San Diego County Democratic Party and the San Diego and Imperial Counties Labor Council.

### ***Opponents***

Opponents of the measure include Supervisor Dianne Jacob, who states that, “Term limits reflect the philosophy that voters are too stupid to decide for themselves when to turn an underperforming elected official out of office. The hapless and ineffective California Legislature is a prime example of the terrible consequences of term limits.”<sup>11</sup>

As of February 24, 2010, no official ballot arguments have been submitted in opposition to this measure.<sup>12</sup> On January 26, 2010, the Board of Supervisors rejected a recommendation which would have authorized the Board to write ballot arguments either in favor or opposition to the ballot measure.<sup>13</sup>

### ***Analysis:***

- If the measure were to pass, Supervisors Horn and Roberts would have a maximum of eight years allowed to serve on the Board. Supervisors Jacob, Slater-Price and Cox would have ten years, because they each have two years remaining of their current term and the Charter amendment would not apply to current terms.
- Each of the Supervisors would be in their 70’s, and Supervisor Jacob in her 80’s, if term limits are imposed and they seek reelection for an additional two, four-year terms. It is increasingly probable that, while they would still be perfectly capable of performing the responsibilities the position requires, they may retire.
- The County of San Diego estimates that this measure will have a fiscal impact of approximately \$300,000 related to the costs of placing it on the ballot.

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<sup>11</sup> “Group Seeks Limits for County Board of Supervisors”. *San Diego* 6. July 14, 2009. Accessed February 20, 2010. Available: <http://www.sandiego6.com/news/local/story/Group-Seeks-Term-Limits-for-County-Board-of/pl5WYbVsRUiCOl7g9VYoPw.cspX>.

<sup>12</sup> Per conversation with Cathy Glaser of the County of San Diego Registrar of Voters’ office. Ballot arguments are not due until March 24, 2010 for the June 8, 2010 election.

<sup>13</sup> Minutes of January 26, 2010 Meeting of the Board of Supervisors.