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INTRODUCTION

No American legislative reform attracted more attention during the last years of the twentieth century than term limits. Unlike most legislative changes, which come from within the government, term limits were the result of pressures from outside government. The desire to restrict the length of time incumbent legislators could serve in office was so widespread that it generated a popular political movement that conducted petition drives to put the measure on state ballots all across the country. Once on the ballot, term limits proved to be very popular with voters and with only a few exceptions, passed, often by large margins.

The effort to have term limits placed on legislators is a fascinating example of state-level grassroots politics. It illustrates how a small number of political activists can dramatically alter government operations. It also shows how direct democracy provisions found in many states' constitutions can be used to impose significant restrictions on elected officials. The establishment of term limits also demonstrates how a seemingly minor alteration to the electoral system can have profound consequences on the legislative process.

WHY STUDY TERM LIMITS?

On the surface term limits may seem like only a small change in the way legislators gain and retain office. Term limits,

technically, only restrict the number of times an incumbent can be reelected and place no further regulations on how legislators seek office. However, while term limits appear to affect only a limited number of incumbent politicians, their impact on the political system has been far-reaching. Restricting incumbent legislator tenure has completely reshaped governmental power in the states that have adopted term limits. Term limits, by changing election rules, have altered the selection of the people who make laws, and thus they have had a major influence on public policy. They have dramatically changed the composition of legislative bodies and impacted the authority of the individuals who lead them. They have altered the way legislatures function, and even, in some cases, changed the balance of power between the legislative chambers and the executive branch. Term limits, therefore, need to be studied because their impact has been so significant.

Additionally, in a more academic sense, studying term limits helps further an understanding of the role of popular political movements in the governmental process. Examining term limits and the politics that surround them helps answer the question of why a seemingly innocuous electoral modification provided the impetus for so much grassroots activism. It also helps explain why they generated such contentious debate between advocates and opponents. Several questions with major ramifications that need to be examined include: Why did restricting the years that elected lawmakers can serve in office become such a major concern for so many political activists? Why did term limits prove to be so popular with the voting public? How could this seemingly minor electoral technicality generate so much passion both inside and outside government? The answers to these questions are far from simple, and are themselves a subject for debate.

The final most important goal of a study of term limits is to discover their real impact on American government so that scholars and citizens in the future can render judgment on their effectiveness and desirability. This book discusses the early predictions about term limits and explores the evidence to see which ones turned out to be true. Only after a compre-

hensive examination will it become clearer whether the claims of term limit supporters were more valid than the rival contentions of their opponents.

HOW TERM LIMITS HAVE BEEN STUDIED

In the decade and a half since the beginning of their adoption, the methods used to examine term limits and their consequences have gone through a complete evolution. The original debate surrounding term limits contained more political rhetoric than academic study. Term limit advocates and opponents could only conjecture about the ramifications of changing the rules of legislative elections because of the absence of any systematic scholarly inquiry. To compensate for the lack of credible scholarship on the impact of term limits, some preliminary academic studies conducted in the early 1990s attempted to project the impact of term limits by using data from non-term-limited legislative bodies. These early projections, however, were limited by a lack of substantive evidence necessary for valid analysis. The type of evidence needed could only be collected after term limits were fully implemented and their impact felt. Such data only started becoming available in 1996, when the first forced retirements began to occur. From this point on academic interest in the subject expanded rapidly, and numerous studies that used a variety of approaches were conducted. Definitive conclusions about the consequences of term limits, however, remain elusive because their full impact has not been completely realized even after nearly two decades, especially in states that have more generous limits (Kousser 2005).

THE EARLY DEBATE

Term limits emerged as a public issue in the late 1980s and was on the ballot in three states in the 1990 election. Virtually the entire early term limit debate lacked any real evidence to substantiate the claims made by supporters and detractors.

Since no empirical studies existed, logic and reason mixed with some vague historical references were the only tools available to support the arguments both for and against term limits. With a lack of hard evidence to confirm the often conflicting claims surrounding the issue, most voters based their opinion of term limits on faith alone.

There was an abundance of rhetoric, however, despite the absence of valid evidence. Term limit supporters relied primarily on theoretical arguments to bolster their notion that restricting tenure in office makes legislators more compliant with constituent demands and thus more reflective of public opinion (Jacob 1994). Historical references also were used instead of empirical evidence by term limit proponents to suggest that limited incumbent time in office makes legislative bodies more deliberative (Will 1992). Term limit opponents utilized similar unsubstantiated methods to contend that limited tenure in office handicaps effective governing (Cain 1994) and decreases needed policymaking expertise (Eastland 1993; Kesler 1994).

It is not surprising that the opinionated authors who engaged in the early term limit polemic could not base their arguments on reliable data. The lack of scholarly empirical analysis of term limits precluded any other possibility. Despite early public interest in term limits, scholarly examinations of the impact of term limits on legislator behavior were slow to develop. Even the early attempts at rigorous scholarship were purely theoretical and based only on speculation.

EARLY SCHOLARSHIP

Even though term limits began being placed on state legislatures after the 1990 election, by the mid-1990s, the duration of time since their first enactment was still insufficient for their impact to fully manifest and be recorded. Some limited preliminary studies, however, using data from non-term-limited legislatures began to appear. These pioneer works of legislative term limits used a variety of methodologies.

TABLE 1. STATUS OF TERM LIMITS IN THE FIFTY STATES

<i>States with Legislative Term Limits</i>	<i>States That Never Enacted Legislative Term Limits</i>	<i>States That Once Had Term Limits, but Repealed Them</i>
Arizona	Alabama	Idaho
Arkansas	Alaska	Massachusetts
California	Connecticut	Oregon
Colorado	Delaware	Utah
Florida	Georgia	Washington
Louisiana	Hawaii	Wyoming
Maine	Illinois	
Michigan	Indiana	
Missouri	Iowa	
Montana	Kansas	
Nebraska	Kentucky	
Nevada	Maryland	
Ohio	Minnesota	
Oklahoma	Mississippi	
South Dakota	New Hampshire	
	New Jersey	
	New Mexico	
	New York	
	North Carolina	
	North Dakota	
	Pennsylvania	
	Rhode Island	
	South Carolina	
	Tennessee	
	Texas	
	Vermont	
	Virginia	
	West Virginia	
	Wisconsin	

One of the first studies to project term limits' potential influence on legislator effectiveness utilized a longitudinal approach to illustrate that increasing time in office increases legislative efficiency, but has the reverse effect on attention to district affairs (Hibbing 1991). While this study did not directly examine term limits, its findings were relevant to the term limit debate and were often cited. By 1992, a number of scholars began using credible methodological techniques to project the potential ramifications of term limits. These techniques included the gathering of empirical data and the construction of mathematical models that could project possible consequences. The research conducted by these scholars gave shape to a number of important questions, but unfortunately produced conflicting findings that did little to resolve the debate on term limit desirability. Some of the first questions scholars attempted to answer were: What would be the influence of term limits on the electoral success of minority and female candidates? How would they affect the authority of legislative leaders? Would term limits increase the number of minorities and females who obtained leadership positions? Additional research tried to determine if term limits would change legislators' career patterns and create a tendency for incumbents to leave office before the end of their tenure.

Thompson and Moncrief (1993) conducted one of the first examinations of the impact of term limits on female and minority candidates. They collected data on past legislator behavior that enabled them to assert that term limits would facilitate the election of women to legislative bodies. They reasoned that the ascendance of women to public office was blocked by the tendency of incumbents to remain in office for long periods of time. They believed that since legislative incumbents had major advantages over challengers, open seats provided the best opportunities for women to be elected. Thompson and Moncrief concluded that term limits routinely would create open seats and therefore help women get elected to legislative bodies in greater numbers.

Thompson and Moncrief also examined the retention rates of minority and non-minority state legislators and made the first effort to directly consider the impact of term limits on the

racial/ethnic composition of a legislative body. Their logical interpretation of past state legislative patterns suggested that term limits could increase the electoral opportunities for minority candidates. Their study contended that a major impediment to the electoral success of minority candidates was also incumbency. Thompson and Moncrief believed that even if the number of minority candidates increased, their ascendancy to office would be constrained by the large number of incumbents who run for reelection. They posited that minorities' best opportunity for success would be to run for vacant seats. Term limits, by forcing incumbents out of office who would otherwise win reelection, would increase the number of open legislative seats and thus would improve the election opportunities for minorities. The conclusion that term limits would benefit minority candidates, however, assumed that legislator behavior patterns established before term limits would remain constant after they were in effect.

Gilmour and Rothstein (1994) conducted a similar study that focused on the potential impact of term limits at the national level. They utilized a dynamic algebraic model to project the influence of term limits on the replacement of incumbents by each party in Congress. Their conclusion was that the constant removal of incumbents required by term limits would result in each party frequently finding replacements that were less likely to hold the seat. They reasoned that new incumbents would not have time to develop the same base of support as their predecessors and thus would be more vulnerable to challengers. They posited that even a minority party might suffer a net loss of seats if it could not find good replacements. Consequently, even though their projections tended to suggest that the party out of power would pick up a net gain in strength, they believed that the use of term limits by a minority party would be a risky strategy. Gilmour and Rothstein's algebraic model, however, assumed that officeholders would not depart from their seat before the end of the term of office, thus they did not consider the possibility that term limits might impact attrition.

Another early scholarly analysis on a different term limit-related topic focused on the reasons for the public's

enthusiasm for restricting officeholder tenure (Boeckelman 1994). This study provided fundamental information on why term limit propositions were passing at such a high rate. An additional study attempted to demonstrate that repeated reelections tend to improve the quality of legislators (Mondak 1995). The implication of this study was that term limits, by reducing the number of times an incumbent could be reelected, would tend to reduce the overall effectiveness of legislative bodies.

Reed and Schansberg (1995) created an intricate mathematical simulation model to predict the makeup of the House of Representatives under either three- or six-term limitations. Their model produced results on the election of female and minority candidates that contradicted Thompson and Moncrief's findings. The model asserted that if incumbent continuation rates of service based on previous House patterns remained intact, the average length of congressmen's service in office would decrease dramatically under term limits. They also suggested that this would increase leadership vacancies and create a massive wave of incoming freshmen every six years or every twelve years (depending on the number of allowable terms). Reed and Schansberg then used these findings to draw conclusions about term limits' impact on minority candidates' electoral success. Their model projected that opportunity for minority candidates, under either a maximum of three or six terms in office, would significantly decrease. Their calculations indicated that term limits benefit groups that exit Congress the quickest. Since minority incumbents stay in office longer than their non-minority colleagues (17.8 compared to 13.3 years), minorities would be adversely affected by term limits. Reed and Schansberg were cautious about this finding, however, and suggested that their model might overstate the disadvantages term limits would produce for minority candidates. Since minority incumbents tend to represent minority districts, and thus are replaced by other minority candidates, the disadvantages could be neutralized. Consequently, they believed that term limits could be expected to have only a slightly negative influence on the total number of minorities.

Reed and Shansberg's model concluded, however, that term limits could help female candidates. Their model indicated that female congressional incumbents stay in office for shorter periods of time than their male colleagues; thus, term limits would give them an advantage. The issue of congressional incumbent attrition rates was also considered by Reed and Schansberg, who conjectured that term limits would create a massive wave of incumbents leaving office when the maximum allowable terms in office had expired. They concluded that this change would occur regardless of the number of allowable terms in office because incumbents would attempt to stay in office as long as possible.

The question of term limits' effect on leadership attainment was addressed by Hodson et al. (1995), who conducted a study that logically forecasted the impact of term limits on minorities and women obtaining legislative leadership positions. This study suggested the rapid turnover created by term limits would produce new opportunities for minority and female incumbents, and undoubtedly produce an increase in the number of members of both groups who would become legislative leaders. This conclusion was based primarily on logical inferences from empirical evidence.

METHODOLOGICAL WEAKNESSES OF EARLY PRE-IMPLEMENTATION STUDIES

Despite these early studies that attempted to document the effects of term limits, the body of valid data necessary for reliable analysis only developed later. After the 1996 election, sufficient time had finally elapsed that enough credible data could be gathered for at least preliminary comprehensive analysis. The conclusions of most of the studies conducted before this time must, therefore, be considered speculative because they lack data from completely rotated term-limited legislatures. The authors of these early studies generally accept this limitation in their methodology and typically bemoan the paucity of reliable empirical data on which to base their model construction. The studies conducted by

Thompson and Moncrief, Gilmour and Rothstein, Reed and Schansberg, Mondak, and Hodson et al. were all designed to logically forecast the ramifications of term limits on Congress and other legislative bodies. Thompson and Moncrief's projections, however, are based exclusively on examining data from legislatures without term limits. This was the case in virtually all the early studies. This methodology, while intellectually supportable, is limited due to its reliance on data taken only from the past behavior of non-term-limited legislative bodies. The imposition of term limits on a legislature is clearly an intrusive factor that can modify previous behavioral tendencies (Petraicca 1995). Data derived from a non-term-limited legislature, therefore, cannot be properly utilized to predict the future actions of a term-limited body.

Additionally, to correct for some of the weaknesses of the early works, studies by Francis and Kenny (1997) and Carey, Niemi, and Powell (1998) used data from states "with" term limits to draw a wide range of conclusions. Both of these studies, however, were forced to draw their conclusions before term limits had been fully implemented. This meant that these researchers were investigating the effect of term limits before they had created their first forced retirement of incumbents. Consequently, their conclusions must also be considered speculative.

METHODS USED IN LATER STUDIES

After the full implementation of term limits began in some states, empirical data started becoming available, and new, more valid academic study became increasingly possible. Studies that relied on empirical evidence usually took one of several forms. Some simply compared demographic and election information from term-limited states with non-term-limited states and subjected the results to statistical testing. Other investigations used surveys to measure the opinions of political participants impacted by term limits (i.e. legislatures and lobbyists). After term limit implementation there was also an increase in case studies and anecdotal observation of

political insiders. This type of study relied primarily on descriptive narratives from legislative leaders and others. Since they were based on actual observations of real legislatures functioning under term limits, they were more credible than the early speculative rhetoric and statistical projections. However, because they were based on individual subjective observations, they still had personal biases. Regardless of the methods used, this type of research began providing the first valid depiction of the impact of term limits on the electoral system of the states that had adopted them.

Empirical Studies

Research using data from California, the first state to have a legislative chamber with a complete term-limit-induced rotation of incumbents, revealed that term limits produced some completely unanticipated results (Caress 1996). The transition period in California (the time from term limit enactment until the time of total rotation of incumbents) was characterized by a significant increase in voluntary early retirements creating a commensurate increase in the number of special elections to fill the vacancies.

Francis and Kenny (1997) examined additional states with term limits and observed that limiting the careers of incumbents made them far more likely to leave office before the end of their allowable time in order to seek other career opportunities. Francis and Kenny utilized a dynamic equilibrium model to project the impact of term limits on tenure and institutional turnover. They predicted that term limits would increase legislator attrition rates as the incentive for remaining in office decreased. They anticipated that an eight-year-term cap at the state level would lead to a turnover rate of 36 percent and could exceed 50 percent if a chamber-hopping pattern emerged. Their study suggested that incumbents would constantly seek promising positions while still in office and would resign when a better opportunity presented itself. They concluded that the number of lame duck members serving their last term would be rather small because of

an increase in voluntary early retirement. They therefore concluded that the massive wave of incoming freshmen would not appear as predicted by Reed and Shansberg because of the continuous replacement of exiting incumbents.

Additional studies using data from state legislatures both with and without term limits indicated that, while there was an overall increase in the number of females elected to state legislatures, the impact of term limits was neutral (Caress 1999).

Surveys of Legislators

A large-scale survey of legislators in states both with and without term limits indicated that restrictions on tenure had little significant influence on the demographic characteristics of incumbents (Carey, Niemi, and Powell 1998). While this study investigated the background of incumbents first elected both before and after term limit enactment, it was conducted prior to the complete mandatory retirement required by term limits in most states, and thus provides only an incomplete illustration of the influence of term limits on the election prospects of minority candidates.

Moncrief and Thompson (2001) followed their earlier work with a survey of state lobbyists. This survey of the perceptions of 245 lobbyists in five term-limited states revealed that they believe that term limits have made their job more difficult because legislators under term limits are far less knowledgeable and attentive to statewide issues and have more difficulty following parliamentary procedures. This survey also showed that lobbyists feel that governors, administrative agencies, and central staffs also gained influence because of term limits.

All of these studies provided useful insights but had limitations that soon became apparent. In empirical research there is a tendency to only examine what can be statistically measured. Scholars of term limits frequently examined the demographic characteristics or party affiliation of successful candidates for term-limited legislatures. Assessing the quality

of legislation or the influence of lobbyists, however, could not be quantified and was avoided in this type of research. Survey research also has limitations because the results are self-reported. People filling out questionnaires can be motivated to give less than truthful answers.

Additional Post-Implementation Studies

In the first decade of the twenty-first century there has been a great expansion of comprehensive studies of term limits. An extensive review of the term-limited state legislature in Michigan found that term limits had numerous consequences, some predicted and some unanticipated (Sarbaugh-Thompson et al. 2004). The elaborate findings of this comprehensive work will be frequently cited in this book. A later study of term limits in California found an increase in the election of female state legislators with most of the new female legislators replacing term-limited incumbents (Cain and Kousser 2004). This work will also be cited in a later chapter. Along with the California case study by Cain and Kousser, the Joint Project on Term Limits (a project of the National Conference of State Legislatures, the Council of State Governments, and the State Legislative Leaders' Foundation) also did state-specific studies of term limits in Arkansas (English and Weberg 2005), Colorado (Straayer and Bowser 2005), Maine (Powell and Jones 2005), and Ohio (Farmer and Little 2005). The findings of these studies are extensive and are also referred to later in this text.

Additionally, several rational choice scholars began constructing models that were designed to explain aspects of voter behavior that brought about term limits (Lopez and Jewell 2007; Friedman and Wittman 1995). These models, which borrowed extensively from econometrics, used mathematical calculation to explain under what circumstances voters would support limits on incumbent tenure. Despite their elegant formulas, these models had limited usefulness. While they were logically appealing, they were seldom based on empirical evidence and therefore are not used in this text.

THIS BOOK

This book provides a comprehensive overview of both the political and functional aspects of term limits. In order to provide a more complete picture of the consequences of term limits, the book uses a broad range of methodological approaches. It attempts to be more than just a summary of current research findings on the effects of term limits, even though this is an important part of the text. It provides a historical context and a discussion of the political factors that contributed to the development of a term limit political movement. It provides a framework for understanding why term limits emerged as a major issue and why they proved to be so popular with the American electorate. It discusses different ideas about why term limit initiatives virtually always passed when placed on the ballot. It looks at the consequences of term limits on the improved electoral opportunities for minority and female candidates and at the way they have weakened the power of legislative leaders. To put a personal face on term limits, interviews with selected legislators who felt the full force of term limits are also included. Summaries of their careers and how term limits impacted them are examined in detail. Additionally, interviews with legislative staffers who personally witnessed the changes brought by term limits are also provided. The predictions of early advocates and opponents are then revisited to see which were realized and which never happened. The focus is on many of the questions raised, but not always satisfactorily answered, by the early studies. And finally, the future of the term limit movement and the consequences of its actions are discussed.

California, the first state to have all incumbents in a legislative chamber forced out of office because of term limits, will be the major focus of this book. This book, however, is more than a text on California state politics. Besides being the first state to feel the full impact of term limits, California is fertile ground for research on term limits for several other significant reasons. It has a full-time, bipartisan state legislature that in many respects resembles the U.S. Congress in

both its operations and electoral politics. The California State Legislature had very extreme limits (three two-year terms in the lower chamber and two four-year terms in the upper chamber) placed on it that tend to exaggerate and make more visible the effects of term limits. California has a dynamic political environment that in some ways is a microcosm of the nation, but with its own unique qualities. While California's experience with term limits may not be universal, it nonetheless can function as a valuable indicator of the conditions that may accompany term limit adoption in other states and at the congressional level. It also can facilitate future paradigm construction of legislator behavior under the stress of changing terms of office. Other states are also used to provide additional perspectives. Michigan's experience with term limits is frequently examined in this book. Michigan, which enacted its term limits two years after California, gave its incumbents the exact same limitations as California (three two-year terms in the lower house and two four-year terms in the upper house) and can act as a valuable source of comparison. Georgia's state legislature, which has no term limits, is also sometimes examined in the text because it offers an interesting contrast to the term-limited legislatures of California and Michigan.

The structure of this book is divided into three separate but related sections. The first section, containing chapters 2 and 3, examines the political circumstances surrounding the effort to establish term limits. It provides both a historical overview and critical analysis. The second section investigates the actual influence of term limits on both the electoral system and the legislative process. This section includes chapters 4, 5, 6, and 7 and relies more on empirical data and direct observations. The last section, which contains chapters 8, 9, and 10, uses interviews and a variety of other sources of information to evaluate the consequences of term limits and to discuss their potential future.

After this introductory chapter, chapter 2 traces the development of the political movement that arose to support term limits. It describes how this term limit movement was a grassroots, direct democracy movement, which differs from

traditional mass political movements. Chapter 3 scrutinizes available data on why term limits were consistently approved at the polls by the voting public. Chapter 4 examines in detail electoral information to determine how term limits facilitated the election of women to legislatures, which was one of the major claims of early term limit advocates. Chapter 5 does the same for the election of ethnic and racial minority candidates. In both cases these chapters show that dramatic increases in legislative diversity may have been accelerated by term limits but are the actual result of other demographic and political forces. Chapter 6 looks at alterations to legislator career paths that are linked to term limit imposition, while chapter 7, using evidence from the California Assembly, traces the destabilizing effect of term limits on legislative leaders and how more orderly transition patterns have emerged. Chapter 8 contains personal interviews with California legislators, staffers, and others who have been personally affected by term limits. The experiences of the two legislators illustrate both how traditional career patterns are no longer possible and how current legislators have adapted to the realities of the new term-limited political environment. Chapter 9 revisits some of the early predictions and looks into the future of term limits both at the state and national levels. Finally, the conclusion in chapter 10 summarizes the book's findings.