

Assessing the Term Limits Experiment California and Beyond

by Patrick Basham

Executive Summary

The term limits movement is one of the most successful grassroots political efforts in U.S. history. From 1990 to 1995 legislative term limits passed in 18 states with an average of 68 percent voter support. By the end of 2000 those term limits had affected more than 700 legislative seats.

Term limits were intended to end careerism among state legislators. Academic and other research on the effects of term limits suggests that they have substantially attained that goal. Current research supports the following conclusions:

- Term limits remain popular with state electorates long after their introduction.
- Term limits stimulate electoral competition in state legislative elections.
- Term limits enable nontraditional candidates to run for seats in state legislatures. Female, Hispanic-American, and Asian-American candidates find it easier to enter term-limited legislatures than non-term-limited bodies. The record is more mixed for African Americans.
- Term limits weaken seniority systems in state legislatures.
- Term limits tend to weaken the leadership of a state legislature.
- Term limits have not strengthened interest groups, state bureaucracies, or legislative staffs as predicted by critics of term limits.
- Some evidence suggests that term limits foster public policies compatible with limited government.

Despite a steady onslaught of negative commentary emanating from the political and media establishments, public opinion remains solidly in favor of term limits.

Introduction

Term limits are perhaps the most far-reaching change in state legislatures in recent decades. If we find that they hurt the quality of representation, states may want to rethink them. But if we find that term limits, on balance, are beneficial, it might persuade some additional states to enact them.¹

Richard Niemi
University of Rochester

The term limits² movement is one of the most successful grassroots political efforts in U.S. history. From 1990 to 1995 legislative term limits passed in 18 states with an average of 68 percent voter support.³ In November 2000 Nebraska became the 19th state to limit the terms of state legislators.⁴ By the end of 2000 term limits had affected more than 700 legislative seats. However, only 11 states (California, Maine, Colorado, Arkansas, Michigan, Oregon, Arizona, Montana, South Dakota, Ohio, and Florida) have actually put term limits into practice during the past five years. The last five of those states did not come on board until last year. A further seven states (Missouri, Idaho, Oklahoma, Utah, Wyoming, Louisiana, and Nevada) will put term limits into effect by 2008. Term limits in the states have had a broad but unknown impact. For that reason, this paper seeks to assess the measurable effects of state term limits in light of the intentions of their proponents.

Term limits continue to be opposed by a majority of politicians⁵ and by a majority of the legislative staff, bureaucrats, journalists, and interest groups that depend on politicians for employment, patronage, sources, and votes. Interest groups (especially large, heavily regulated corporations as well as unions that rely on government intervention in the labor market) view term limits as anathema to their interests.⁶ A 1990 survey of 302 state legislators found only 41 percent in

favor of term limits.⁷ Inside the Beltway, the *Washington Post* regularly editorializes to the effect that "term limits are a terrible idea."⁸ On the West Coast, the *San Francisco Chronicle* concluded that "term limits at the legislative level have ill-served California."⁹ Yet, despite a steady onslaught of negative commentary emanating from the political and media establishments, public opinion remains solidly in favor of term limits.¹⁰ During last year's elections, local term limits passed in California, Florida, Maryland, and New Mexico, adding to the total of nearly 3,000 municipal offices and more than 17,000 local politicians already subject to term limits.

On March 23, 1998, the U.S. Supreme Court let stand term limits for California's state legislators, ensuring the survival of comparable term limit provisions in other states.¹¹ That decision permitted ongoing testing of the hypothesis that "there are systemic explanations . . . for our collective woes."¹² Almost 11 years after the passage of the first term limit provisions, researchers are now able to move, albeit cautiously, from speculation to analysis. Caution is warranted, given the well-documented difficulty in tracking the effects of term limits. After all, "even in states like Maine and California that have been under term limits for a few years, they're in . . . a transition period right now."¹³ Research and analysis are complicated by the different influences of term limits on the respective state legislatures and by a variety of compounding factors, including the vagaries of term limit legislation and the differences between so-called citizen and professional legislatures. Therefore, it is apparent that term limits will produce different outputs in different states.¹⁴ Bruce E. Cain and Marc A. Levin note that "term limits vary in features that may have causal significance." They summarize:

Most important, there are variations in the length of the limits imposed, ranging from 6 to 12 years. Shorter terms . . . should have more pronounced effects than longer ones.

Twelve states limit by consecutive years of service, whereas the others do not. Some states, like California, include a lifetime ban, but others merely require that the office holder rotate out for a period of time. In most states, limits apply to service in a given chamber of the legislature, but in Oklahoma, limits apply to legislative service in either or both chambers.¹⁵

“Citizen legislatures” (e.g., those of Maine, Montana, and South Dakota) feature politicians with relatively short tenure. They possess small staffs, are paid relatively low salaries, largely act as part-time legislators, and attend short legislative sessions. In contrast, “professional legislatures” (e.g., those of California, Colorado, and Michigan) feature politicians who enjoy relatively lengthy tenure, are usually full-time legislators, are paid middle-class salaries, employ full-time staff, and attend yearlong legislative sessions. The professionalization of state legislatures began to gather momentum in the 1960s.¹⁶ That development has significant implications for both the politics and the analysis of term limits. For example, as economists Stephanie Owings and Rainald Borck note, “It seems clear that the incentives for professional legislatures to legislate to the benefit of special interest groups and to strike logrolling deals differ from the incentives faced by citizen legislators.”¹⁷ Hence, the prediction of Rader, Elder, and Elling:

The full impact of term limits will probably not be realized until they have been in place for a number of years. The coercive or expulsion effects of term limits come into play only as the first cohort of legislators exhaust their allowable terms. Such effects are yet to be experienced in some states or have only recently been experienced in others.¹⁸

This paper is both a review of existing and

forthcoming studies of term limits in state legislatures and an original analysis of existing or obtainable data about both term-limited and non-term-limited state legislatures. I attempt to provide preliminary answers to several research questions directly related to the influence of term limits on representative democracy and contemporary legislative politics. Those questions include the following:

- Do term limits make campaigns more competitive?
- Are campaigns more costly under term limits?
- Have term limits changed who runs for state legislatures?
- Do term limits increase the occupational and demographic diversity of officeholders and, if so, how?
- Have term limits changed the way state legislatures work?
- Have term limits made legislators more willing to act independently in defense of either their states’ or constituents’ interests?
- Have term limits weakened the political class at the state level or have they simply shifted power to bureaucrats, legislative staff, or interest groups?
- What quality of legislation is produced by term-limited legislatures?

Throughout, I emphasize California’s term limits experience. California is described by Michael Barone as “the great laboratory of America.”¹⁹ Moreover, the state is the largest term-limited jurisdiction, has one of the oldest term-limited legislatures, epitomizes the professional legislature model, and therefore provides the most extensive source of relevant research material.

A Historical Overview of Term Limits

In free governments, the rulers are the servants, and the people their superiors. . . . For the former to

The historical roots of term limits are grounded in traditional republican and classical liberal models of limited, democratic government.

return among the latter does not degrade, but promote them.²⁰

Benjamin Franklin

As Steven Millman reminds us, "The concept of term limits is by no means new."²¹ The historical roots of term limits go as far back as Athenian democracy in the fifth century B.C.²² and are grounded in traditional republican and classical liberal models of limited, democratic government.²³ In Colonial America term limits were referred to as the "rotary system," or the principle of "rotation in office."²⁴ The New England Colony's charter provided for the rotation of public officials and a limit on years of office-holding. By 1777, 7 (of the 10) new state constitutions provided for rotation in office.²⁵ Convened in 1777, the Continental Congress approved the Articles of Confederation that became the nation's first constitution in 1781. The articles included rotation of offices and limited federal legislators to a maximum of three years in Congress.²⁶

In 1787 the Constitutional Convention in Philadelphia revised the Articles of Confederation, thereby producing the nation's second constitution. Clearly, the Framers intended the country to be governed by successive citizen congresses. After all:

The Framers . . . lived in a different time. Congress as they envisioned it did not need term limits, because Congressional service as they envisioned it was always going to be a part-time job. . . . That assumption, understandable in its day, allowed the Framers to believe that Congress would just naturally remain a citizen legislature, without any Constitutional requirement that those serving in Congress not spend their entire lives there.²⁷

The Framers debated the idea of mandatory rotation but, confident that sufficient safeguards (such as short terms in office and

voluntary retirements) were in place to forestall careerism, and concerned that its inclusion meant "entering into too much detail" for a short document,²⁸ they set aside the arguments of the anti-Federalists and chose not to include a term limits provision in the new Constitution. Moreover, President George Washington's voluntary retirement after his second term in office established a precedent that held among occupants of the White House until the mid-20th century administration of Franklin D. Roosevelt.²⁹

As Mark P. Petracca establishes, "A general aversion to making a career of legislative service also characterized state and local politicians."³⁰ At the state level, gubernatorial term limits have been commonplace throughout our nation's history.³¹ Municipal term limits have been in place since 1851 when the Indiana Constitution prescribed county-level limits.³² At the federal level, a tradition of voluntary retirement after only one or two terms in the U.S. House of Representatives lasted until nearly the end of the 19th century.³³ From 1830 to 1850, turnover in the House averaged 51.5 percent. After the Civil War, legislative tenure gained new importance when the introduction of the seniority principle for congressional committee membership changed the dynamics of obtaining leadership positions. Consequently, between 1860 and 1920 House members' average tenure increased from four to eight years, and it has continued to rise ever since.³⁴

In the 1960s and 1970s the average state legislature experienced the turnover of one-third of its members every two years. During the 1980s, however, turnover declined considerably, and by 1988 average turnover had fallen to only 16 percent of state legislators.³⁵ Overall, during the 1980s 99.3 percent of unindicted congressional and state legislative incumbents won reelection.³⁶ In California the tenure of Assembly members averaged 2.5 terms in the 1940s and rose steadily to reach 4.5 terms by the 1980s.³⁷ During the California elections of 1984, 1986, and 1988, 267 of 270 incumbents suc-

Once in office, careerist legislators pay less attention to the needs and wishes of their constituents.

cessfully sought reelection. In 1988 incumbent state senators had a 100 percent reelection rate, and incumbent members of the state Assembly had a 96 percent reelection rate.³⁸ Unsurprisingly, then, the state Assembly's turnover rate fell by more than 50 percent during the 1980s.³⁹

On the East Coast, Maine's incumbent reelection rate varied from 88 to 94 percent in the modern pre-term limits period.⁴⁰ To the south, in North Carolina 81 percent of state Assembly incumbents were reelected in 1994. Further west, during the pre-term limits period of 1982 to 1988, no incumbent Colorado state senator lost his or her legislative seat. During that period only 8.4 percent of Colorado's state legislative elections resulted in changes of party representation.⁴¹ In 1994 only 3 of 65 Colorado state House seats up for election had contested primaries, and 83 percent of incumbents were reelected by more than 55 percent of the vote.⁴²

As a political movement, term limits first achieved statewide success in September 1990 when Oklahoma limited the terms of its state legislators. Later that year, California did the same—an influential move, given the state's size. In 1994 Utah's legislature earned the distinction of being the only state legislature in the country to pass term limits, preempting passage by voter initiative. Term limits were first put into practice in 1996 in California's professional legislature and Maine's part-time legislature; Maine was the first state to term limit both legislative chambers.

Between 1990 and 1996, 21 states adopted term limits (the state supreme courts of Massachusetts, Nebraska, and Washington nullified term limits). Those term limits ranged from 6 to 12 years for lower houses and from 8 to 12 years for upper houses; the more stringent limits were enacted in Arkansas, California, Michigan, and Ohio. The term limits in each state differ in important ways. Some laws involve ballot access restrictions, some are lifetime limits, and others place limits on consecutive terms. During the next four years, term limits went into effect in six states; five more states put term

limits into practice in 2000. Seven more states will be subjected to term limits by 2008. In November 1999 Mississippi voters rejected term limits, becoming the first statewide electorate to oppose this reform measure. Term limits also currently affect 40 governors. The appeal of limiting the terms of elected officials is also evident in the passage of term limits for hundreds of cities across the country, including Los Angeles, New York City, and the District of Columbia.

Goals and Projected Benefits of Term Limits

When politicians know they must return to civil society and live under the laws passed while they were in office, they will think more carefully about the long-term effects of the programs they support.⁴³

Lawrence W. Reed

Term limits seek to improve American democracy by addressing the problem of careerism. Skepticism about and distaste for long-term political careerism are central to the American experience. As state legislatures have become more professional, they have attracted candidates who can and do spend their entire careers in the state capital. Careerism flourishes because incumbents are virtually certain to be reelected, largely because of the inherent advantages of holding office.⁴⁴ In the opinion of proponents of term limits, careerism poses several problems for our system of representative democracy. Once in office, careerist legislators pay less attention to the needs and wishes of their constituents. As Petracca observes:

Representative democracy requires electoral competition and the dependence of legislators on the people. But electoral competition is no longer possible in a system where the benefits and power of incumbency

By mandating frequent turnover, term limits may bring new perspectives to state legislatures.

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virtually guarantee a lifelong career as a legislator. The problem is not individual incumbents, but rather, chronic incumbency.⁴⁵

Moreover, careerist elected officials became a political class attentive to their own interests. As term limits activist Eric O'Keefe views it:

The problem, quite simply, is that our representatives are not representative. They are a separate class, identifying their interests with those of the government, not the people. When the interests of the government in which they serve and the people they putatively serve conflict . . . they invariably side with the government.⁴⁶

Substantial and continuing public support for term limits suggests widespread distaste for careerism in politics, as well as a conviction that the continual infusion of fresh blood into state legislatures will improve American government. By mandating frequent legislative turnover, term limits may bring new perspectives to state legislatures, reduce the concentration on reelection, and thereby diminish the incentive for wasteful election-related pork-barrel spending that flourishes in a careerist legislative culture.

Proponents of term limits expect them to deal with the problem of careerism in two ways. First, the prospect of shorter political careers should change the characteristics of people who choose to seek public office, encouraging political participation by non-professional politicians. Potential candidates may view a few terms in the legislature more as a civic obligation than as an outlet for private ambition. Second, legislators would be closer to the world outside politics, the world where most people live their lives. Making the legislature closer to the private sector would also familiarize legislators with the complex consequences of laws and regulations. Overall, a legislature composed of average citizens would be a legislature that looked more like America and less like a

political class of arrogant and ambitious politicians intent on self-aggrandizement.

Advocates of term limits have advanced two arguably incompatible reasons why increasing competition will improve our political system. Some advocates argue that increasing competition in the political marketplace, as in the economic marketplace, leads to greater consumer choice and satisfaction. In politics, greater competition might force candidates to adhere more closely to the will of the people regarding the composition of laws and regulations.⁴⁷ Other advocates argue that opening the political system to more competition will attract candidates who are not career minded and hence are willing to exercise independent judgment or take an independent stand for the good of their state, nation, or society.⁴⁸

Other arguments for term limits focus on how they might change the outputs of legislatures. Studies show that the longer an individual stays in office, the greater his support for increased government spending.⁴⁹ Limiting terms may lead to limited government, or at least a smaller government than would have existed in their absence. It is possible, of course, that term limits may simply reduce pork-barrel spending without affecting the overall expenditures of government. Consequently, the long-term budgetary effects of term limits merit close examination.

Political Competition and Term Limits

The problem is . . . chronic incumbency.⁵⁰

Hendrik Hertzberg

Opponents of term limits are technically correct when they assert that "we already have term limits—they're called elections." Unfortunately, American politics has fewer and fewer competitive elections.⁵¹ Simply put, our electoral system is unfair; it has been described as "a stacked deck that needed a

corrective.⁵² Term limits constitute, in large measure, an attempt to overcome the problem of the costs of the so-called incumbency advantage. In federal politics, for example, incumbency is worth an 11 percent increase in expected vote share to the average officeholder.⁵³ Cox and Morgenstern found a comparable advantage accruing to incumbents at the state level.⁵⁴ The advantages of incumbency include access to the media, franked constituent mailings, name recognition, subsidized staff and travel, pork-barrel spending, and lawmaking power. Those advantages are further fueled by the fact that incumbent politicians raise, on average, more than twice the amount of campaign contributions that their challengers do.⁵⁵ For example, political action committees contribute nearly eight times more money to incumbents than to challengers.⁵⁶ The incumbency advantage is not only important; its importance has risen over time.⁵⁷

A decade ago, conservative author and commentator George F. Will referred to “a perpetual incumbency machine” that “has become today’s swollen government operating with no limits on the incontinent spending and regulating that is undertaken to perpetuate in office the spenders and regulators.” Hence, in Will’s view, “term limits are needed as an auxiliary precaution against the perennial lust for power,”⁵⁸ as “careerism is the shared creed of Democrats and Republicans.”⁵⁹ Clearly, by the 1990s Americans had “grown increasingly weary and distrustful of the permanent government . . . in state capitals around the nation.”⁶⁰ Therefore, the argument was successfully made that “the only effective way to level the political playing field is to limit terms.”⁶¹

As the long odds against ousting an incumbent may deter better qualified potential candidates from running for office, it was forecast that term limits would attract a different kind of candidate and, consequently, would provide “fresh faces more attuned to the people’s needs, more responsive, less career-oriented,”⁶² that is, citizen legisla-

tors.⁶³ In late 1990, before the passage of California’s term limits initiative, journalist John H. Fund wrote:

Term limitation would create a climate in which talented men and women from businesses and professions would want to run . . . since they would know they would reach a position of significant influence in a few short years instead of having to make a career of politics if they wanted to play a major role. . . . Citizen-legislators would come to government briefly, then many would return to private life and live with the consequences of the laws they had passed.⁶⁴

The distinction between professional and citizen legislators is an important one as “the movement for imposed term limits in part rests on the belief that term limits would make legislatures more like citizen legislatures,”⁶⁵ and differences in the types of state legislatures affect turnover rates. Turnover is much higher in citizen legislatures than in professional legislatures.⁶⁶ For example, in citizen legislatures the turnover rate in lower houses after 6 years was 15 percent higher, and after 12 years 21 percent higher, than in professional legislatures; meanwhile, in upper houses, citizen legislatures had a turnover rate that was 14.5 percent higher after 6 years, and 14 percent higher after 12 years, than did professional legislatures.⁶⁷

Term limits were expected to reduce barriers to entry to politics. That is, term limits were expected to produce more open seats. It was reasonable to forecast that more candidates for office and the increased turnover of state legislatures would produce better choices for voters.⁶⁸

Term Limits in Practice

What happened? According to John Hood, president of the John Locke Foundation, “One undeniable fact is that they [term limits] have made state and local elections more competitive.”⁶⁹ As expected,

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Term limits have made state and local elections more competitive.

turnover rates increased. In 1996, 52 state legislators left office because of term limits; in 1998, more than 200 state legislators were forced to step down. In 2000, 369 state legislators were forced out by term limits. On average, term-limited legislatures have lost a third of their pre-term limits incumbents.⁷⁰ The number of special elections increased as term-limited incumbents left office early to take private-sector positions or to begin campaigning for other, usually higher, offices.

Since 1996 California has experienced crowded, competitive state primaries and general elections. The prospective imposition of term limits on the California state legislature more than doubled voluntary turnover (from 11 to 25 percent) in two years.⁷¹ In this manner, according to Rader, Elder, and Elling, "the effects of term limits . . . arise not only as a direct consequence of members being forced from office but also indirectly as a consequence of the anticipation of that eventuality on the part of both current office holders and would-be office holders."⁷² It appears that term limits "contributed to increased levels of turnover in the states that adopted such limits even before they took effect."⁷³ The projected tendency of lame-duck, term-limited legislators to shirk their duties appears to be mitigated by the fact that term limits may "merely focus the reelection goals of legislators on other offices. Legislators might attempt to move up to statewide office, run for congressional seats, or even drop down from a legislature's upper house to its lower chamber."⁷⁴ As economists John R. Lott Jr. and Kermit Daniel explain:

Making the date that incumbents leave office more certain encourages the entry by challengers even before the seat becomes vacant, if only to be better positioned once the incumbent does leave. Incumbents may also more frequently be pitted against politicians who hold other offices but who do not want to wait for the incumbents to retire, as these

challengers may be facing the end of their terms. Reducing the importance of seniority may also lower the returns to running for reelection. Term limits may thus make elections more competitive even before politicians find them binding.⁷⁵

In California the average turnover rate between 1972 and 1992 was 20 percent in the state Assembly and 12 percent in the state Senate. Since 1990 the Assembly's turnover rate has grown to 36 percent and the Senate's has risen to 17 percent.⁷⁶ Stanley M. Caress found a 20 percent increase in the number of voluntary retirements and an increase in the number of special elections from an average of 1 per year between 1980 and 1989 to an average of 10 per year between 1990 and 1993.⁷⁷ Research by Lott and Daniel on California's state Assembly and Senate races between 1976 and 1994 addressed the effect of term limits on four areas: campaign expenditures, the closeness of races, the number of candidates running for office, and whether candidates run unopposed. Lott and Daniel concluded:

California's legislative term limits have dramatically reduced campaign expenditures. Real expenditures during the three general elections after the term limits initiative passed in 1990 were lower than in even 1976. This drop has occurred at the same time that races have become closer contests and more candidates are running for office. By any measure, term limits have coincided with large changes in the level of political competition, even before term limits have forcibly removed a single politician from office. The changes are so large that more incumbents are being defeated, races are closer, more candidates are running, and fewer single candidate races occur than at any other time during our sample period.⁷⁸

Further evidence that California has experienced lower campaign expenditures in the term limits era is the fact that, after 1992, state Assembly and Senate campaign spending dropped 44 percent compared with the period from 1984 to 1988.⁷⁹

Traditionally, incumbents have been able to insulate themselves from serious competition. However, experience at the state level suggests that voter choice is increased by term limits. In California, for example, the imposition of state-level term limits in 1990 led to a 1992 increase of more than 25 percent in candidate filings for the state Senate and more than 50 percent for the state Assembly; Senate candidate filings for 1994 reflected yet another increase, and, although Assembly candidate filings dropped from 1992, they remained 15 percent higher than in 1990.⁸⁰

Maine's term limits also came into effect in 1996 and caused a 40 percent turnover of the state legislature. In Colorado, in the nine term-limited state Senate elections, the number of candidates per seat was 35 percent higher than in the non-term-limited state Senate races.⁸¹ In Michigan 67 of 110 House legislators ended their final terms in 1998; 64 new legislators entered the House after the 1998 elections.⁸² In the South half of the 100-seat Arkansas House opened up in 1998 as a result of the 1992 term limits law.⁸³ Meanwhile, in Florida last year 55 of 120 House members and 11 of 40 state senators were term limited out of office. During the 1992–2000 electoral cycle, Floridians observed an unusually high num-

ber of long-time incumbents either retire or run for higher office. On November 7, 2000, Florida's voters elected first-time legislators to 63 of 120 House seats.⁸⁴

Ohio's term limits also did not come into effect until 2000. Last year 43 of 99 House members and 6 of 33 state senators were term limited out of office. That resulted in one-third of term-limited representatives leaving for either private- or public-sector positions. Earlier last year Ohio experienced what was described as the state's "Big Bang"⁸⁵ primary season. Four safe Republican seats in Ohio's Hamilton County drew 50 candidates. Such enthusiasm helped to ensure that Ohio's March 2000 primary slate was the most crowded in 20 years with an uncharacteristically high number of nominations (56 House and 16 Senate) unresolved until primary day.⁸⁶

The Maine 2000 Results

As part of a larger, forthcoming Cato Institute study of public financing of state elections, I analyzed the results of both the Maine state House and the Maine state Senate races in the 1998 and 2000 elections. For the purposes of this paper, I attempted to assess the influence of term limits on the competitiveness of Maine's recent election. The data suggest that, overall, term limits were relatively effective at opening up the state's electoral process.

I compared the number of incumbents who ran unopposed in the two elections. As shown in Table 1, in 1998 five state Senators

California's legislative term limits have dramatically reduced campaign expenditures.

Table 1
Unopposed Incumbents

Chamber	Unopposed Incumbents	
	2000	1998
Senate	1	5
House	32	34

Source: Author's calculations.

Term limits were relatively effective at opening up Maine's electoral process to greater competition.

**Table 2
Term Limits and Unopposed Incumbents**

Chamber	Newly Competitive Seats as a Result of Term Limits, 2000
Senate	2
House	4

Source: Author's calculations.

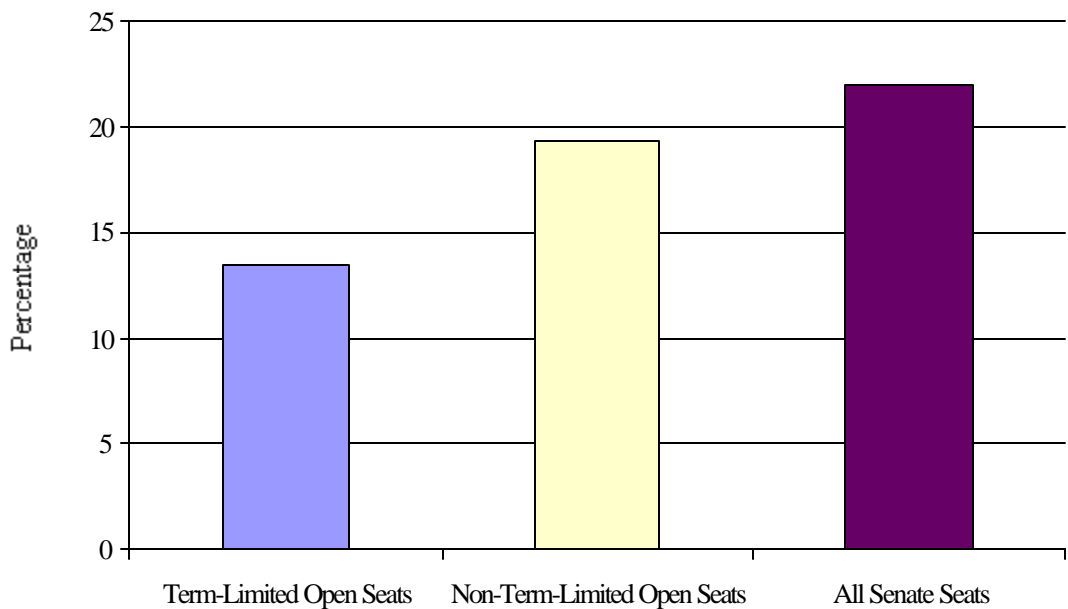
ran unopposed, four more than in 2000, indicating a more competitive electoral environment last year. Table 2 reveals that two of the four newly competitive Senate seats resulted from term limits coming into effect last year. In the state House 34 representatives ran unopposed in 1998; in 2000 the number fell by 2 to 32—and 4 of the seats were term limited.

In the 2000 election 7 of 13 open Senate seats were the result of term limits. Four of those seven open seats switched to the other

party (two went Democratic, two went Republican). Also interesting is the fact that just one of the six remaining non-term-limited open seats switched to the other party.

In the state House 15 of 34 open seats were the result of term limits. Five (33.3 percent) of those 15 seats switched to the other party (4 went Democratic, 1 went Republican). Six (31.6 percent) of the 19 non-term-limited seats switched to the other party (5 went Democratic, 1 went Republican). The statistical proximity of term-limited and non-term-

**Figure 1
Average Winning Margin: Term-Limited and Non-Term-Limited Open Senate Seats, 2000**



limited seats with regard to partisan gains should not overshadow the fundamental contribution of term limits to producing an additional 15 open seats.

Furthermore, as shown in Figure 1, the average winning margin for the term-limited open seats was only 13.5 percent, compared with a statewide average of 22 percent. The average winning margin for the non-term-limited open seats was 19.4 percent, a differential much closer to the statewide average. Term limits seemed to have produced more competitive elections in specific contests.

Less favorable for term limits, the average winning margin for the term-limited open House seats was 24.9 percent, compared with a statewide average of 22.4 percent. The average winning margin for the non-term-limited open House seats was 17.3 percent, 5 percent lower than the statewide average. Those results may be a function of the particular seats that were open in 2000.

Overall, term limits were relatively effective at opening up Maine's electoral process to greater competition. Moreover, as my forthcoming study details, it appears that electoral competitiveness in Maine's 2000 races benefited more from the introduction of term limits than from the introduction of public funding.

Diversity and Representation under Term Limits

How successful were the efforts to bring about more representative legislatures through term limits? The preliminary indications are that legislatures are becoming more representative of the electorate, with a more realistic attitude toward legislative affairs.⁸⁷ The California legislature, for example, now "looks more like California, both demographically and ideologically."⁸⁸ In 1992 one-third of California's first term-limited state Assembly was freshmen legislators, the largest share since 1946. Petracca investigated the new state legislators' occupational

backgrounds. Interestingly, in 1995 there were only 3.4 percent self-described full-time legislators, down from 36 percent in 1986. However, there was an increase in the number of local government officials holding state-level positions, confirming a trend discussed in the preceding section.

In California three times more legislators are now businesspeople than were previously.⁸⁹ Furthermore, former legislative staffers—a principal source of new legislators in the pre-term limits era—are a small proportion of new legislators.⁹⁰ Petracca's findings are confirmed elsewhere.⁹¹ For example, a *Los Angeles Times* survey of the 1992 state legislature found a plethora of different occupations represented.⁹² Throughout California there has been an increase in the number of candidates from outside the political establishment.⁹³ However, Jean-Philippe Faletta and colleagues found that the backgrounds of pre- and post-term limits Michigan state legislators were comparable.⁹⁴

As predicted by proponents of term limits, the number of successful female and minority candidates has risen. That has significant implications for the distribution of power within state legislatures. Studying Michigan (where term limits went into effect for the state House in 1998), Jovan Trpovski et al. found that term limits also "might increase the electoral opportunities for men of different races and ethnicities."⁹⁵ Apparently, that increase has occurred. A recent survey of the term-limited Michigan legislature documents a 42 percent increase in female state House members and a 65 percent increase in African-American state House members.⁹⁶ In California the regular availability of open seats has increased the electoral successes of both women and minorities,⁹⁷ and "even critics concede that term limits have been a major factor in the growth of Hispanic representation—which is up from only 6 percent of the legislature in 1990 to about 23 percent in 2001."⁹⁸

The 1992 California state legislature contained one-third more female legislators than the pre-term limits legislature as well as the first elected Asian American in 12 years.⁹⁹

There has been an increase in the number of candidates from outside the political establishment.

The number of successful female and minority candidates has risen.

Between 1990 and 1996, 4 more females, 10 more Hispanics, and 2 Asian Americans were elected to the California state Assembly.¹⁰⁰ Females now constitute 25 percent of California legislators, up from 17 percent in 1990.¹⁰¹ According to Katches and Weintraub, female legislators have ascended to several leadership positions in the Assembly for the first time as a result of term limits—fostered turnover.¹⁰² Caress asks: “How much of this movement is the direct product of term limits? . . . California’s experience does suggest a potential link.”¹⁰³ Although in California females and Hispanics made major gains in power, the influence of African Americans declined as fewer were elected (down from seven in 1990 to four in 1996).¹⁰⁴

The relative success of female candidates appears to be more than a Californian phenomenon. After surveying nearly 3,000 legislators in 50 states and interviewing 22 legislative leaders in four term-limited states, Carey, Niemi, and Powell concluded that “term limits might help a few more women win office.”¹⁰⁵ Bernstein and Chadha’s study of six state legislatures also found that term limits improved advancement opportunities for female legislators.¹⁰⁶ Kathleen Bratton and Kerry Haynie’s research suggests that “term limits may well bring about an increase in the number of women and minorities in the leadership.”¹⁰⁷ Other research confirms that females are more likely to gain leadership positions in high-turnover legislatures.¹⁰⁸

Clearly, it is now easier for women to be elected as seats open up at regular intervals. The 1996 implementation of term limits in Maine allowed for the election of the state House’s first female speaker. After two elections under full term limits, 50 percent of the legislature’s leadership is female. According to Susan J. Carroll and Krista Jenkins, “The gains made by women in term-limited state senate seats [in California, Colorado, and Maine] demonstrate that term limits can lead to increased numbers of women in office if women candidates . . . come forward to take advantage of the opportunities which term limits provide.”¹⁰⁹

The Institutional Impact of Term Limits

The legislative process is remarkably adaptable and resilient.¹¹⁰

Douglas G. Brown, director,
Colorado’s Office of
Legislative Legal Services

Proponents of term limits saw their potential institutional effects as highly important. The primary goal was to change the political culture within the legislative environment. Term limits, it was believed, would change the face of state legislatures, break up the political class, and inject new ideas into the political mainstream. Furthermore, the faster turnover of legislators would weaken the relationship between careerist politicians and the lobbyists employed by special-interest groups. Overall, it was felt that “a regular infusion of new leadership . . . would be a spur to brisk accomplishment.”¹¹¹

The contrary forecasts of opponents of term limits emphasized the benefits of seniority and experience. Critics lamented the projected loss of experienced legislators. In short, “some critics . . . believe that the important transmission of institutional norms would cease, causing institutional memory to be lost.”¹¹² It was predicted that this could lead to less effective legislatures, with some suggestion that “public policy is likely to suffer from a lack of careful deliberation and compromise.”¹¹³ Critics predicted a significant rise in the influence of the remaining tenured actors—bureaucrats, lobbyists, and legislative staffers—who would run institutional rings around the rookie legislators.

The Loss of Knowledge and Experience

In Missouri, the impact of term limits is only just now being felt. So far, the state doesn’t seem any the worse for wear and new legislators aren’t spending most of their time walking

around the hallowed halls of Jefferson City looking for restrooms, as critics had warned.¹¹⁴

Joplin Globe

Critics of term limits maintain that extended legislative service is essential to understanding the highly complex legislative process. According to *Sacramento Bee* political columnist Peter Schrag, term limits “take some of government’s toughest decisions out of the hands of legislators with long experience and deliver them into the hands of amateurs.” Schrag informs us that “no one who has been there [California’s state Assembly] four years or less has learned enough about California’s complicated system of government. . . . Term limits themselves send the message that experience is not as important as ideological purity and faithful representation of the voters of one’s district.”¹¹⁵ In much the same vein, the *San Francisco Chronicle* bemoaned the fact that “institutional memory has disappeared”¹¹⁶ in Sacramento.

Has the alleged loss of knowledge and experience dealt a devastating blow to the term-limited state legislatures? Here, normative issues raise their head in the term limits debate. My reading of such criticism is influenced by my preference for limited, constitutional government. As Cain and Levin point out:

To the populists and libertarians, these developments, if true, are not normatively problematic. Populists would say that being responsive to what the people want is more important than recalling what was done in the past, and libertarians would say that the less legislators know about the past, the better. This trend—less institutional memory and expertise—is a problem only for deliberationists and professionalists, who want the legislature to be transformative.¹¹⁷

And they note:

Agreeing about likely effects is hard enough, but people often do not agree on the many values and goals implicit in the debate—e.g. what representatives should do in office, how expert they need to be about policies, and the role of new faces in the legislature. . . . To someone who thinks that less government is better governance, diminished legislative expertise (if that is the effect of term limits) may be a good fact.¹¹⁸

Viewed through that prism, the evidence accumulated to date suggests that the fears of critics are unwarranted. The critics’ claim that the legislative process takes many years to master is less an indictment of inexperienced legislators than of the legislative process. The workings of America’s state legislatures are far more complex than is necessary. Arguably, many of the states are better off without some of this vaunted experience. After all, state legislatures are not the only place to gain useful experience. The private-sector experience that many newcomers are bringing to the term-limited legislatures may prove more valuable for the general welfare. Clearly, political experience is no guarantor of staff-free effective legislating. In non-term-limited professional legislatures, federal and state, most legislation is in fact written by staff members, not by the politicians themselves.¹¹⁹ In practice, the more senior the legislator, the more dependent he or she is likely to be on staff.¹²⁰

It is important not to underestimate the counter-argument that term-limited legislators are more likely to have a fresh outlook. There is a growing body of evidence that term-limited legislatures perform the state’s business more efficiently than do non-term-limited legislatures. It is worth recalling that, prior to term limits, California’s state Senate was referred to as “the geriatric ward of California.”¹²¹ Now California’s legislature works more quickly than before term limits

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The introduction of an arguably higher quality, more richly experienced, and more diverse pool of candidates and legislators has led to an infusion of new blood and ideas.

were put into practice, even going so far as to pass state budgets on time. According to the *Sacramento Bee's* Dan Walters, "One would have to go back a long way, perhaps decades, to find a legislative session that produced as much"¹²² as the 1997 session. Also in 1997, Maine's new term-limited legislature passed the state budget in record time.

There also appears to be less rubber-stamping of legislation in a term limits environment. For example, before term limits nearly all bills reported out of Maine's legislative committees had unanimous support; under term limits, however, the proportion of unanimous reports fell to 70 percent. The actual number of bills enacted into law has steadily fallen since the introduction of term limits.¹²³

The introduction of an arguably higher quality, more richly experienced, and more diverse pool of candidates and legislators has led to an infusion of new blood and ideas. Michigan House Speaker Chuck Perricone says that, "while critics of term limits may portray a scenario of experienced, knowledgeable people being pushed out of office, only to be replaced by inexperienced newcomers[,] I believe those naysayers fail to appreciate the benefits resulting from a new infusion of capable leaders."¹²⁴ The research of Trpovski et al. on Michigan's term-limited legislature indicates that the new legislators exhibit more energy and enthusiasm than did their predecessors.¹²⁵ According to the *Detroit News's* B. G. Gregg, in Michigan "the volume of measures enacted into law already this year [June 1999] surprised many observers who feared a House with so many newcomers would be slow to act as rookies took their time getting up to speed."¹²⁶ Most recently, Florida's newly term-limited legislature handled a constitutional crisis, passed election reform legislation, and generally performed without serious error or mistake.¹²⁷

There are also indications that a new relationship may be developing between inexperienced legislators and their constituents. Rader, Elder, and Elling found that legislators elected after the passage of term limits spent more time communicating with their

constituents and attending meetings in their districts than did their veteran peers during the course of the same legislative session.¹²⁸

Seniority and the Committee System

With relentless efficiency, the seniority system empowers the country's most politically sluggish precincts at the expense of its politically more lively ones. That is perverse.¹²⁹

Hendrik Hertzberg

In state legislatures, as on Capitol Hill, "the chairs of important committees are elevated by a decades-long, quasi-feudal process of favor-trading, personal-alliance-building, ladder-climbing and seat-warming."¹³⁰ Because legislators know that their professional advancement is dependent in large part on repeated election to the same office, they tend to succumb to "static ambition."¹³¹ Traditionally, the selection of state legislative leaders was based on seniority.¹³² Hence, in 1993 the average tenure of lower house leaders was 12 years; it was 11 years for state senate leaders.¹³³ As a consequence of term limits, changes are occurring on the traditional leadership career path.

However, term limit laws strike directly at the entrenched power of seniority, unquestionably reducing its importance.¹³⁴ Term limits eliminate the possibility of entrenched legislative leaders dominating a legislative chamber.¹³⁵ As Caresse reminds us, in the California state Assembly of the 1980s, dominated as it was by Speaker Willie Brown, it was "an accepted fact that it was virtually impossible to pass a bill unless the Speaker approved it, and any legislation the Speaker favored was likely to be enacted."¹³⁶ Unfortunately, before term limits, "the tendency for state legislative leaders to maintain their grip on power for prolonged periods of time . . . is certainly not unique to California."¹³⁷ In Georgia, for example, Speaker Tom Murphy tightly controlled the legislative agenda for more than two decades.¹³⁸ As a result of

California's term limits, "the potential for long term domination by a single individual no longer exists in either chamber."¹³⁹ Even critic Peter Schrag acknowledges:

It will become much harder for Assembly speakers or Senate presidents, none of whom is likely to serve more than two years, to accumulate either the power that their predecessors had or the dispensable political campaign funds on which much of that power was based. The personal arrogance and indifference of some long-term members may become a thing of the past.¹⁴⁰

According to a 1997 national survey of state legislators conducted by the Council of State Governments, term limits have provided greater access to leadership positions for freshman legislators.¹⁴¹ Today there is an accelerated career path for legislators. Generally speaking, freshman legislators are more assertive, more vocal, and more powerful than in the past. In addition, they tend to ask tougher questions of bureaucrats and demand a higher level of performance from government agencies than did their predecessors. Carey, Niemi, and Powell's 50-state survey found that party leaders and committee chairs lost some influence in term-limited legislatures.¹⁴² Thompson and Moncrief replicate this finding.¹⁴³ In fact, "the explanatory power of seniority . . . is more than twice as great for state legislatures without term limits."¹⁴⁴ In term-limited legislatures, advancement is now far more frequently based on merit.¹⁴⁵

Term-limited legislators have almost instant influence, unlike their predecessors who frequently waited decades to climb the seniority ladder. Raymond La Raja and Dorie Apollonio found that, in the term-limited California legislature, "power is decentralized in the Assembly and the influence of caucus leaders has diminished . . . [in the Senate] the power of committee chairs is waning."¹⁴⁶ In Michigan, "today, active participation by new

legislators is the rule, not the exception."¹⁴⁷ The term-limited Arkansas legislature was bolder than most and simply abolished the seniority system for selecting committee chairs. Committee chairs are now selected from the floor. Under a more merit-based approach to committee assignments, political philosophy is now as important as personal loyalty.¹⁴⁸

Therefore, it is becoming increasingly clear that term limits weaken the power of party leaders.¹⁴⁹ While political scientists who adhere to the "party government" model may argue that strong partisan leadership is a prerequisite of legislative accomplishment, the contemporary experience of states as diverse as California and Maine highlights the potential of term-limited legislatures to overcome such alleged handicaps. Weakened legislative leaderships are opening up the budget process. Such is the finding of the 1999–2000 National Conference of State Legislatures' study of five term-limited states.¹⁵⁰ Weaker party leaders make possible stronger, more independent legislators. Independent term-limited legislators are operating in a far more secure environment than their predecessors could ever have envisioned. The reason: "There is no punishment the leadership can inflict. . . . And the leadership knows it, too."¹⁵¹

The Bureaucracy

Pessimistic forecasters cautioned that, under term limits, the bureaucracy would gain influence. Simply put, unelected civil servants would run state government. Unfortunately, in practice, in far too many state legislatures the bureaucrats already run the day-to-day government. As Rader, Elder, and Elling found in Michigan, "The post term limit cohort is no more likely to rely upon state agencies."¹⁵² Hence, the downward slope into unaccountable governance as envisioned by critics was nonexistent—most states were already in that undesirable position. Critics who stress the specter of bureaucratic influence inadvertently address a symptom of a poor system while ignoring

Freshman legislators tend to ask tougher questions of bureaucrats and demand a higher level of performance from government agencies than did their predecessors.

**Term limits
appear to act as a
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campaign finance
reform.**

the disease afflicting the body politic. The source of the bureaucratic problem is not term limits; rather, the source of the problem is the growth of government programs and regulations that create thickets of red tape, through which the average taxpayer, businessperson, *and* legislator find it all but impossible to wade successfully. As legal scholar James Bond reminds us,

If the . . . government were truly one of delegated, enumerated, and thus limited powers, citizen representatives who served a maximum of three two-year terms would be wholly adequate to the task of deciding the general public policy questions that are appropriately within the purview of the national government.¹⁵³

It remains true that “legislators control the purse and the power to govern the bureaucrats any time they want to.”¹⁵⁴ Over the past generation, however, there has been a lack of legislative appetite for exercising such power. Irresponsible legislatures permitted the bureaucracy to grow; therefore, it can only be hoped that more responsible term-limited legislatures will act swiftly to prune back the bureaucracy.

**The Influence of Lobbyists and
Legislative Staff**

In 1991 Nelson Polsby predicted that term limits would transfer power from legislators to interest groups.¹⁵⁵ Five years later Schrag intoned that “the winners from term limits will be . . . the lobbyists, who are never termed out.”¹⁵⁶ One is tempted to respond with “the more things change . . .,” especially when one considers that, as Fund wrote at the onset of term limits, “it is . . . difficult to see how the special interests will readily gain more access and influence than they have now.”¹⁵⁷ Referring to the California state Assembly in the weeks before the 1990 term limits initiative, former state assemblyman Peter Schabarum pointed out to term limits critics that “special interests already run this

legislature.”¹⁵⁸ At that time interest groups spent \$3.3 million in an unsuccessful attempt to prevent passage of California’s 1990 term limits initiative.¹⁵⁹ It is difficult to comprehend why such self-interested actors would so aggressively object to a political development so clearly favorable to their professional well-being.

Fortunately, we are now able to move beyond mere speculation and assess certain developments within the available sample of term-limited states. In practice, term limits appear to act as a rather natural campaign finance reform. Term limits diminish the value of a legislative seat to lobbyists and the special interests they represent in state capitals. According to economist Alexander Tabarrok, “Term limits increase the cost of lobbying through individual politicians.”¹⁶⁰ That reduces the incentive for lobbyists to raise and to distribute the large “soft money” contributions so disliked by the political establishment. As economist Stephen Moore points out: “This result is quite predictable. Lobbyists are not likely to invest tens of thousands of dollars in candidates if the citizen legislator is likely to be in [office] for only a short while.”¹⁶¹ Furthermore, term-limited politicians are far more likely to have nonpolitical sources of income. Therefore, they are less likely to succumb to the enticements of lobbyists.¹⁶² Hood succinctly describes the alteration to the incumbent-lobbyist dynamic:

Lobbyists . . . frequently gain power by developing longtime, symbiotic relationships with key legislative leaders or committee heads . . . those who view legislative service as an interruption in their lives . . . simply have less to gain by ingratiating themselves with lobbyists, reporters, and other governmental insiders.¹⁶³

Schrag forecast that, under term limits, “the flow of money . . . will be less subject to the control of a powerful speaker like [Willie] Brown. There simply isn’t time for anyone to develop the long-term relationships that

Brown, for better or worse, managed with trial lawyers, public employee unions, land developers, and other major lobbies.”¹⁶⁴ It is unsurprising, then, that there is now evidence that lobbyists are unsettled by the term limits–induced need to build new relationships from scratch.¹⁶⁵ Moncrief and Thompson’s recent survey of lobbyists in Arkansas, California, Colorado, Maine, and Michigan found that “lobbyists . . . feel that term limits has changed the nature of the lobbying task itself; they consistently report more of their time is devoted to communication, coalition building, and just generally getting their job done.”¹⁶⁶

In Maine term limits have made it more difficult to lobby legislators. According to Maine state Senator Jane Amero, “Lobbyists are having to work harder because of the changing faces in leadership.”¹⁶⁷ In the Midwest, Ohio lobbyist Dennis Wojtanowski commented that “the future belongs to those who deal in substance, as opposed to those who deal in relationships.”¹⁶⁸ Ohio’s term limits “opponents feared lobbyists would gain even more influence”; however, in practice, “lobbyists struggled as their long-term relationships with veteran pols became meaningless.”¹⁶⁹ In Michigan Rader, Elder, and Elling found term-limited legislators “less likely to rely on lobbyists for information and guidance.”¹⁷⁰

It was predicted by proponents of term limits that, as the priority of the average legislator shifted from short-term electioneering to long-term public policy, staff would spend less time on constituent work in order to focus more on issue research. The truth of that prediction is supported by much of the available evidence.¹⁷¹ However, Rader, Elder, and Elling found that, in Michigan, “the post term limit cohort tend to be more reliant on staff”¹⁷² generally than were their pre-term limit predecessors. That finding may reflect state-specific factors, given that Timothy Hodson found that the turnover rate for California state legislative committee staff more than doubled under term limits.¹⁷³ In post-term limits California, 73 percent of

legislative staff remain in their positions for three years or less,¹⁷⁴ thereby reducing the staff’s value to legislators as purveyors of institutional knowledge.

A decade later it remains true that “the most zealous opponents (of term limits) are . . . staffers, career bureaucrats and corporate lobbyists.”¹⁷⁵ Seventy-eight percent of state legislative staffers, for example, continue to oppose term limits.¹⁷⁶ As legal scholar Einer Elhauge suggests, it seems unlikely that those nonpolitical institutional actors would oppose term limits if they thought term limits strongly increased their own influence.¹⁷⁷

Term Limits and Limited Government

It’s going to bring about better government.¹⁷⁸

Jeb Bush,
Governor of Florida

May it be argued from a limited-government perspective that term limits benefit the policymaking process? In support of the term limits concept, Nobel laureate economist Friedrich Hayek,¹⁷⁹ and later Amihai Glazer and Martin P. Wattenberg,¹⁸⁰ predicted that more policy-oriented legislators would produce more general interest legislation and, consequently, less pork-barrel spending targeted at specific electoral districts. It was surmised that a decline in political parochialism would halt, or at least reduce, the growth in the size and scope of government. George Will, espousing a preference for a Burkean representative legislature composed of trustees rather than delegates, similarly forecast that term limits would produce less parochially oriented legislators.¹⁸¹ According to Will, term limits “would change the motives and behavior of legislators.”¹⁸² Pre-term limits, “careerism is the dominant motive of most legislators. By removing that motive, term limits would make [politicians] less subservient to public opinion and more

Lobbyists are unsettled by the term limits–induced need to build new relationships from scratch.

Senior state legislators are more likely to vote for higher taxes and higher spending than are their junior colleagues.

deliberative.”¹⁸³ Although insufficient time has passed to judge fully the consequences of term limits, there is now some evidence that this is what is happening in term-limited state legislatures.¹⁸⁴

For a decade we have known that there is a positive relationship between the length of an elected official’s legislative service and his or her votes in favor of higher government spending.¹⁸⁵ Long-term occupants of elected office become socialized to favor the higher spending advocated by special-interest lobbyists. In part, that results from the fact that witnesses before congressional and legislative committees, along with lobbyists and constituents, almost always favor higher levels of spending.¹⁸⁶ In terms of the political culture, “experience in government tends to produce legislators who are . . . interested in defending government.”¹⁸⁷ Furthermore, as Owings and Borck explain: “Professional legislators . . . invest more time and money in pork barrel spending to secure support from their home district. This too would tend to increase the tendency of professional legislatures to have higher spending.”¹⁸⁸ In addition, the legislative logrolling so cannily practiced by veteran politicians results in higher government spending.¹⁸⁹ Hence, it is reasonable to conclude that “any . . . structure which shortens tenure should result in decreased government spending.”¹⁹⁰

During the decade of the term limits experiment, numerous empirical studies confirmed earlier work correlating tenure with spending. The Cato Institute’s Stephen Moore and Aaron Steelman studied congressional voting records and concluded “that the longer members serve in Congress, the more pro-tax-and-spend they become.”¹⁹¹ That study’s findings are comparable to those of the National Taxpayers Union and the Competitive Enterprise Institute.¹⁹² Aaron Steelman’s analysis of the voting behavior of members of Congress on the most significant budget, tax, and regulatory issues before the 104th and 105th Congresses found that, among Republicans, tenure in office is positively associated with a

member’s propensity to tax and spend.¹⁹³ In 27 of the 31 documented votes, those Republicans with three or fewer terms in the House and two or fewer terms in the Senate voted far more fiscally conservatively than did senior Republicans. While Republicans tax and spend more the longer they are in elected office, Democrats (who generally arrive in Congress already favoring more spending and higher taxes) tend not to tax and spend more as they remain in office. According to Steelman, “If the public wants . . . to reduce the size and scope of government, term limits may be imperative.”¹⁹⁴ It is reasonable to assume, therefore, that senior state legislators are more likely to vote for higher taxes and higher spending than are their junior colleagues.

That assertion about the relationship between term limits and limited government is strengthened by research provided for this paper by the Cato Institute’s Michael J. New. An analysis of the changes in state taxes during fiscal year 2000 provides some enlightening data. Looking first at “old” term limit states (Maine, California, Colorado, and Oregon), New found that all four cut taxes. Maine’s legislature reduced taxes by 3.8 percent, the largest tax cut among the New England states. In California state taxes fell by 1.9 percent, which in nominal terms constituted the largest tax cut in the 50 states. There was a 3.4 percent reduction in taxes in Colorado, the largest tax cut in the Rocky Mountain states. During 2000 the Oregon state legislature passed a tax cut that will be effective in fiscal year 2002.

Next, analyzing the changes in state taxes in the five “new” (i.e., states with term limit laws that took effect in 2000) term limit states (Florida, Ohio, South Dakota, Montana, and Arizona), New found that in two of the states, South Dakota and Montana, taxes remained at 1999 levels. However, in Florida taxes fell by 1.7 percent, in Arizona they dropped by 1.3 percent, and the Ohio legislature reduced state taxes by 3.1 percent. It is also noteworthy that, although Montana did not reduce taxes for

fiscal year 2000, in 2001 the state legislature passed a tax and expenditure limitation that, if it becomes law, will be one of the three most stringent such limitations in the country (along with Washington's and Colorado's). Montana's is the *only* legislature to enact so stringent a tax and expenditure limitation; it provides a preliminary indication that term-limited legislatures may be willing to constrain their own behavior.¹⁹⁵

In the fall of 1991 author and columnist David S. Broder stated that "no one knows whether term limits would induce tighter budgets."¹⁹⁶ Five years later, Broder reminded his readers that "the proposition that the term-limits advocates ask us to accept is that by shortening the tenure of people in office, we will lengthen their perspective. Those who serve briefly, they say, will give greater weight to the long-term needs of the nation."¹⁹⁷ Carey, Niemi, and Powell found that, indeed, "term limits are associated with less-district-oriented electioneering activities"¹⁹⁸ and tend to make legislators more interested in statewide concerns. More specifically, term limits lead to less pork-barrel spending. The national survey of the effects of term limits on state legislators conducted by Carey, Niemi, and Powell found that "term limits decrease the time legislators spend on activities for which they are roundly criticized—most notably the time they devote to securing pork for their districts."¹⁹⁹ The researchers conclude, "If the goal is to discourage district parochialism . . . the reform shows signs of success."²⁰⁰ That supports Moore's conclusion that "there's mounting evidence that term limits lead to smaller government and better legislating."²⁰¹

For example, term limits help to achieve limited government through the tendency to deprofessionalize state legislatures. During the past four decades the professionalization of state legislatures has had a stimulating effect on state government spending. Owings and Borck found that "professionalism is a significant determinant of government spending . . . legislatures tend to spend more the more professional their members."²⁰²

Unsurprisingly, therefore, Owings and Borck also noted that "our findings indicate that government spending in states with citizen legislatures is significantly lower than in states with professional legislatures. By reducing the professionalism of their legislators, citizens, if they so wish, can effectively constrain the size of government."²⁰³ Hence numerous proponents of limited government aim "to restore and preserve part-time citizen decision making at the state"²⁰⁴ level.

There is a pattern developing across the country in term-limited states. In California, "with the ranks of career politicians dwindling and the legislature dominated by members with strong(er) ties to their constituents . . . than to the special interests . . . the amateur politicians . . . managed to pass the largest state tax cut in a generation."²⁰⁵ In neighboring Arizona, term limited in 2000, even before term limits took effect the composition of the legislature changed from higher spending professional legislators to more fiscally conservative citizen legislators.²⁰⁶ In Michigan the term-limited state House cut the state income tax, is phasing out the state Single Business Tax, and created a reform board to take over Detroit's failing public school system.²⁰⁷ Earlier this year, after the Ohio Supreme Court ruled that the state's public school funding system was inequitable and ordered increased spending on education, the state's media and political elites pushed for a tax increase to fill the revenue void. However, term-limited freshmen conservatives in the state House successfully fought for offsetting cuts in higher education and welfare programs. Former Ohio House speaker Jo Ann Davidson revealingly commented about the freshmen legislators that, "if they had more experience, they probably would have been less eager to cut."²⁰⁸ Indeed.

Conclusion

Eleven years after the passage of the first initiative, what preliminary conclusions may

Term limits help to achieve limited government through the tendency to deprofessionalize state legislatures.

Term limits foster more energetic, more ideological, and more effective deliberative bodies.

be drawn about the term limits experiment? From the vantage point of those opposed to term limits, lawyer and columnist Bruce Fein recently offered a reasonable barometer of opposition sentiment when he observed,

Where term limits persist, proponents have assembled no evidence of an increase in public welfare or a lessening of disgruntlement . . . the approximately two dozen states sporting legislative term limits have witnessed no climb in public confidence or satisfaction with state laws or legislative oversight relative to non-term-limit jurisdictions.²⁰⁹

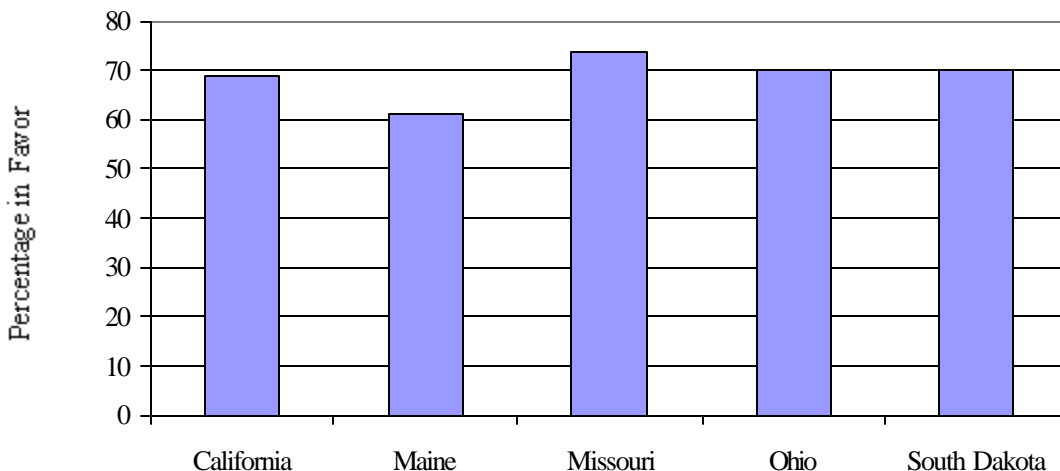
Fein and his fellow critics either ignore or dismiss the public's approval of term limits in practice. For example, when Missouri voters were asked last year whether they would vote for the same term limits initiative that passed in 1992, 74 percent answered yes.²¹⁰ In a June 1999 poll 73 percent of Californians agreed that term limits had been good for

their state;²¹¹ in a June 2000 poll 69 percent of Californians said they still approved of the original (1990) term limits initiative.²¹² Therefore, it should not surprise anyone that the California legislature's public approval ratings are higher than before the introduction of term limits.²¹³ As Figure 2 illustrates, term limits on state legislators remain popular nationwide.

The evidence offered in this paper suggests that critics also underestimate the positive developments that to date accompany term limits. First, it is increasingly clear that term limits stimulate political competition. That is accomplished in a variety of ways, from increasing the number of open seats and special elections to lowering the reelection rates of incumbents. There is also evidence to suggest that campaigns may be less costly in a term-limited electoral environment. Many former incumbents return to private life, and a significant number run for other offices thereby stimulating political competition at other levels.

Second, term limits provide incentives

Figure 2
Public Support for Term Limits at the State Level



Sources: California, Diversified Research, Inc., poll, June 6, 2000; Maine, U.S. Term Limits poll, cited in Kerry A. Flatley, "First Rumbblings of a Backlash to Term Limits," *Christian Science Monitor*, April 12, 1999; Missouri, Diversified Research, Inc., poll, April 27, 2000; Ohio, Ohio poll, Institute for Policy Research, University of Cincinnati, May 11-23, 1999; and South Dakota, Rasmussen Research poll, January 31, 2000.

(e.g., open seats and limited tenure) for non-traditional candidates to run for seats in state legislatures. The occupational makeup of state legislatures is gradually moving away from the traditional preponderance of ex-lawyers and ex-political aides. Greater occupational diversity is paralleled by greater gender and racial diversity. Female candidates seem to find it easier to gain entry to term-limited legislatures than to non-term-limited legislatures. The same is true for Hispanic and Asian Americans; the record to date is more mixed for African Americans.

Third, term-limited state legislatures undergo significant changes, many of which are positive in nature. As institutions, they become more merit based and less governed by an outdated seniority system. Leadership positions (especially that of Speaker) become less powerful as a more decentralized power structure evolves in response to the growing independence of newer legislative entrants. Term-limited legislatures certainly appear to be no less efficient than their predecessors. In many instances, the loss of institutional memory, legislative knowledge, and political experience has fostered a more energetic, more ideological, and more effective deliberative body. There is little evidence to suggest that (contrary to the predictions of critics of term limits) the bureaucracy, the interest group lobbyists, or the legislative staffs have filled the "experience void" to the detriment of state-level democracy or public policy. Overall, the term limits experiment shows sign of weakening the careerism that characterized postwar legislative life and suffocated nearly all attempts at significant policy innovation. There are clear indications that term limits foster institutional settings that are favorable to the advancement of public policies compatible with the idea of limited government.

In 1990 Oklahoma became the first state in the nation to term limit its legislators. Eleven years later a majority of term-limited states are experiencing campaigns to modify or repeal those laws.²¹⁴ That is regrettable, as the balance of the available evidence strongly

endorses extending, rather than ending, the term limits experiment.

Notes

1. University of Rochester, Press release, May 19, 1995.
2. Term limits are statutory limitations placed on the number of terms officeholders may serve.
3. U.S. Term Limits, Washington, http://www.termlimits.org/Current_Info/State_TL/index.html.
4. Nebraskans had previously supported term limits, but the legislation was successfully challenged in the courts.
5. A survey by the Council of State Governments found 76 percent of politicians opposed to term limits. Cited in Paul Jacob, "A Stake through the Heart," U.S. Term Limits weekly radio commentary no. 23, April 5, 1999, http://www.termlimits.org/Press/Common_Sense/cs23.html.
6. Paul Jacob, "From the Voters with Care," in *The Politics and Law of Term Limits*, ed. Edward H. Crane and Roger Pilon (Washington: Cato Institute, 1994), pp. 38–39. See also Norman Leahy, *Corporate Interests: Why Big Business Hates Term Limits*, U.S. Term Limits Foundation, Term Limits Outlook 2, no. 1 (Washington: U.S. Term Limits Foundation, March 1993).
7. Gallup Poll, Gallup Organization, Princeton, N.J., January 1990.
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