

The Effects of Legislative Term Limits

By Jennifer Drage Bowser

The following is a summary of the research conducted over the past three years by Joint Project on Term Limits. The project is a cooperative effort by the National Conference of State Legislatures, the Council of State Governments, the State Legislative Leaders Foundation and a group of legislative scholars.

The term limits movement of the 1990s may have run out of steam on the ballot, but the limits enacted between 1990 and 2000 certainly continue to have an impact in legislatures around the country. The first states to vote on implementing term limits were California, Colorado and Oklahoma in 1990, and the most recent state was Nebraska in 2000. In all, voters in 21 states approved legislative term limits. However, the limits have either been repealed by legislatures (in Idaho and Utah) or thrown out by state courts (in Massachusetts, Oregon, Washington and Wyoming) in six states, leaving 15 with term limits currently on the books. Twelve state legislatures presently operate under term limits, and limits in the remaining three will kick in between 2006 and 2010.

The Joint Project on Term Limits

The Joint Project on Term Limits (JPTL) was formed in 2000 in recognition of the fundamental changes term limits were expected to produce in state legislatures. Legislatures play a critical role in shaping and delivering state budgets and policies, and therefore an understanding of how term limits would reshape the legislative landscape is critical in maintaining the effectiveness the institution. The JPTL is a unique coalition of organizations and academics, comprised of the National Conference of State Legislatures, The Council of State Governments, the State Legislative Leaders Foundation, and a group of distin-

guished legislative scholars from various universities around the country.

The goal of the JPTL has been to identify the effects, both positive and negative, that term limits have on state legislatures, and to share ideas for adapting to the changes limits bring. It has sought to achieve this goal through a variety of methods, including case studies, data collection and survey work. Between 2001 and 2003, in-depth case studies were conducted in six states with term limits: Arizona, Arkansas, California, Colorado, Maine and Ohio. These states represent a range of types of legislatures, including part-time citizen legislatures, full-time professionalized legislatures and hybrid bodies. In 2003, case studies of three legislatures without term limits—Kansas, Illinois and Indiana—were conducted to form a control group, enabling researchers to iden-

Table A
STATES WITH LEGISLATIVE TERM LIMITS

State	Year enacted	House		Senate		Lifetime or consecutive
		Limit	First impact	Limit	First impact	
Arizona	1992	8	2000	8	2000	Consecutive
Arkansas	1992	6	1998	8	2000	Lifetime
California	1990	6	1996	8	1998	Lifetime
Colorado	1990	8	1998	8	1998	Consecutive
Florida	1992	8	2000	8	2000	Consecutive
Louisiana	1995	12	2007	12	2007	Consecutive
Maine	1993	8	1996	8	1996	Consecutive
Michigan	1992	6	1998	8	2002	Lifetime
Missouri (a)	1992	8	2002	8	2002	Lifetime
Montana	1992	8	2000	8	2000	Consecutive
Nebraska	2000	N.A.	N.A.	8	2006	Consecutive
Nevada	1996	12	2010	12	2010	Lifetime
Ohio	1992	8	2000	8	2000	Consecutive
Oklahoma (b)	1990	12	2004	12	2004	Lifetime
South Dakota	1992	8	2000	8	2000	Consecutive

Source: National Conference of State Legislatures.

Key:

N.A.—Not applicable

(a) Because of special elections in Missouri, eight House members were termed out in 2000 and one senator was termed out in 1998.

(b) Oklahoma's limits are not chamber-specific. Members are limited to a total of 12 years in the Legislature, which may be served in either chamber.

Table B
TURNOVER IN HOUSE CHAMBERS IN SELECT TERM LIMIT STATES (percent)

State	Average 1981–1990	Election years							
		1990	1992	1994	1996	1998	2000	2002	2004
Arizona	25%	25%	48%	35%	32%	25%	45% (a)	58%	33%
Arkansas	14	17	19	31	20	57 (a)	34	32	39
California	16	20	40	41	46 (a)	35	39	43	30
Colorado	30	22	35	28	34	35 (a)	37	29	28
Maine	25	25	34	48	42	30	31	48	38
Ohio	17	14	21	21	14	20	55 (a)	29	16

Sources: Data for 1981–2002: Gary Moncrief, Richard G. Niemi and Lynda W. Powell, “Time, Term Limits, and Turnover,” *Legislative Studies Quarterly* XXIX (August 2004): 357–81. Data for 2004: National Conference of State Legislatures.

Key:

(a) Year of term limits’ first impact.

tify which changes may be attributable to term limits and which may reflect broader institutional changes. In each case study, numerous interviews were conducted with legislators, legislative leaders, legislative staff, lobbyists, journalists and other observers of the legislature, and a wide array of data was collected.

In addition to the case studies, the JPTL has conducted two surveys. The first was a national survey of all legislators, conducted in 2002. It questioned legislators on their background, including occupations and prior elected offices held, and their attitudes and approaches to legislative work. The second survey was conducted in the nine case study states in 2003. It was sent to selected legislative observers, including senior legislative staff, experienced lobbyists and journalists, executive branch officials, and other individuals who had spent at least 10 years involved in or observing the legislature in one way or another. It asked questions about how the legislature had or had not changed in the past 10 years.

In all, the JPTL has collected the largest body of data ever gathered about the effects of term limits in multiple states.

The First Lesson: Results Vary

The first lesson to heed when studying term limits is that it is very difficult to generalize across states about their effects. What happens in Arkansas, a smaller population state with a citizen legislature, does not necessarily happen in Ohio, a large population state with a highly professionalized legislature. Results vary according to the type of limits too—states with shorter limits, such as Michigan’s lifetime limit of six years in the House and eight in the Senate, are likely to see more dramatic effects than states with more generous limits, like Arizona’s limit of no more than eight consecutive years per cham-

ber. What follows is a round-up of results of the JPTL to date.

Turnover

The most obvious effect of term limits is an increase in turnover. The increase is particularly dramatic in the first year of term limits’ impact, when it is not uncommon for over half of a chamber to be ineligible to run for reelection. Over time, the turnover rates under term limits will likely level out. The immediate effect has been to increase turnover in the 10 house chambers where term limits had taken effect by 2000 by an average of 11.5 percent in the decade of 1991–2000 compared to 1981–1990.¹ In the 2004 elections, eight of the 10 highest turnover house chambers had term limits. The average turnover for all house chambers in 2004 was 20.6 percent, compared to 37.1 percent in term-limited house chambers.

High turnover is not necessarily a problem; in fact, many of the term limits states historically have high levels of turnover in their legislatures. The difference is that before term limits took hold, these legislatures generally had a handful of members who served for many years, and their leadership and expertise were a valuable resource to the institution. Term limits have removed these long-serving members, and the effects of that are proving to be profound.

Who Gets Elected

One of the term limits proponents’ promises that was most appealing to voters was that term limits would bring more diversity to state legislatures. By and large, that has not happened. With a few exceptions, the numbers of female and minority legislators have not changed. Latinos have made gains in Arizona and California, but this is more likely attributable to the changing demographics of these states’ populations than to term limits. The number

Table C
FEMALE LEGISLATORS IN SELECT TERM LIMIT STATES
(percent of total membership)

State	1993–1994	1995–1996	1997–1998	1999–2000	2001–2002	2003–2004	2005
Arizona	36%	30%	37%	36%	34%	27%	33%
Arkansas	10	13	17	15	13	16	16
California	24	20	22	26	28	30	31
Colorado	34	31	35	34	34	33	34
Maine	32	26	26	28	30	27	24
Ohio	22	24	22	21	22	20	20

Sources: 2005 election results and all data for California and Maine are from the Center for Women and Politics, Rutgers University. All other data from the Joint Project on Term Limits.

of women in the California legislature has grown dramatically, but JPTL analysts attribute this to factors other than term limits. For instance, the national women's group EMILY's List became more active in California during the 1990s, and Democrats made big gains during that period, leading to increases in both female and minority representation. The only state among the six JPTL case studies where an increase in female membership in the legislature may be attributable to term limits is Arkansas.

In most states, the average age of legislators has changed little. It has decreased by two years in Ohio, and in Arizona the Senate is becoming older in relation to the House, due to the house-to-senate migration that is becoming so common in term-limited legislatures.

One change that is certainly a result of term limits is that the legislature has become a rung on the career ladder for many elected officials. An increasing number of new legislators come to office with local or county legislative experience, and more choose to seek other elective office when their terms expire, rather than retiring from politics.

While one hears and reads much about the inexperience of new members in term limited legislatures, it is certainly not true that today's new members are less experienced or knowledgeable than the new members of the pre-term limits era. The problem is instead that there are so many more new members each session under term limits, and they have less time to learn.

Adaptations

States have responded to the huge influxes of new members with a remarkable array of new training programs. Dramatic improvements in new member orientations are universal in term limited legislatures. These sessions are often conducted in cooperation

with a university, include faculty pulled from legislative staff, state agencies, universities, think tanks and former legislators, and rely on a variety of training methods such as mock committee hearings and floor sessions. Curriculum includes instruction on legislative rules and procedures, policy issues, the budget process, computer systems, the roles of legislative staff, and in some legislatures, even bus tours of the state to make members familiar with the issues facing various regions. Other ideas include assigning veteran members to serve as mentors for new members, with a goal of providing continuous on-the-job training by helping the new members understand legislative procedures, conveying norms of legislative behavior, and passing on historical information about past legislative actions. Staff has reached out to new members with more summary documents, and an increased reliance on the web and electronic communications with members.

Legislative Leaders

Perhaps the most noticeable changes in many term limited legislatures have to do with leadership. Leaders rise to the top more quickly than before, but stay for a briefer period and wield less influence than in the past. Before term limits, leadership positions were often held by long-serving members whose tenure in leadership lasted for many years. Under term limits, the tenure of most presiding officers does not exceed two years, and they enter leadership with less legislative experience than in the past.

The path to leadership is evolving in many states. A near universal sentiment among those interviewed for the JPTL was that new members have to begin jockeying for leadership during their first term. In many states, a ladder has evolved, with presiding officers first serving as whip then majority leader before be-

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coming speaker or president. The criteria for selecting leaders has changed in many states too—whereas leaders used to come to power through committee chairmanships or seniority, now many members look for leaders with campaign and fundraising skills.

The “lame duck” factor plays a critical role in the declining influence of party leaders in term limited legislatures. Since most leaders assume their leadership position during the last legislative session before they are termed out, members know their time is limited. They see less value in cooperating with a leader whose days are numbered, and leaders are less able to sanction members who challenge them. In short, members know that they can outwait a leader, and they do. What all of this adds up to is less procedural orderliness and diminished party discipline.

The role of leaders has changed under term limits too. They now have more responsibility than ever to educate inexperienced new members about basic procedures, processes and policies, and to explain the role of the legislature and pass on the norms of behavior for their chamber. This task becomes more difficult as leaders take on their position with limited legislative experience themselves. Leaders are also playing a greater role in fundraising and campaigns in many term limited states. This is particularly true in Ohio, where leadership has developed a highly organized system for aiding candidates in fundraising and campaigning through the caucuses. This has strengthened the leadership’s role in the caucus in Ohio to the extent that the Ohio Legislature has not experienced the decline in leadership influence that other term-limited legislatures have.

A positive aspect of term limits is that it affords more members the opportunity to serve in leadership positions.

Adaptations

The Arkansas House increased their number of speakers pro tem from one to four, one from each congressional district, thus widening the speaker’s leadership circle. They also established formal floor leader positions to help maintain party unity. In Colorado, staff has prepared leadership notebooks with calendar deadlines, procedural rules, and sketches of common floor situations, problems and reactions.

Committees

Most interviewees reported that committees are weaker and less collegial and courteous under term limits, due to the high turnover in committee chairs and the reduced legislative and policy experience of

members. Research in California indicates that committee gatekeeping has declined significantly. It is difficult for inexperienced legislators to identify problematic legislation, so fewer bills are killed in committee. The situation in Colorado is similar, where bills are less well-crafted when passed to the floor. In Maine, interviewees report that members give less deference to the work of committees, and committee reports are more likely to be challenged on the floor than in the past, even if they were adopted unanimously or with large majorities.

Adaptations

Arizona reduced the number of committees to make up for the shortage of qualified chairs. In Arizona and Colorado, new members serve as vice-chair on committees, and this is viewed as a training position for an eventual move to chair. In Arkansas, each of the 10 House standing committees now has three permanent subcommittees, each with a chair and a vice-chair, giving many people committee responsibility and experience. In Maine, committee staff maintains files including bills considered, testimony received and amendments offered for several sessions before they are transferred to state archives.

Staff

The importance, and in some cases, the influence of legislative staff has grown under term limits. Legislators rely more than ever on nonpartisan staff for roles they have traditionally filled—providing procedural advice, policy history, and revenue and budgetary analysis. Interviewees in all case studies states, however, reported that non-partisan staff organizations have made significant efforts to remain nonpartisan and avoid providing policy advice. As a result, partisan staff has increased in both number and influence in many term limited states.

In all of the case studies states, staff report an increased workload under term limits. In addition to their traditional roles, they are called upon now to provide historical information on how past legislatures dealt with issues and to explain basic principles about issues. They explain legislative rules and procedures, and script the phrases used to make motions and move legislative actions. In many ways, legislative staff now represent the key repository of institutional memory in the legislature.

Adaptations

In many term limited legislatures, the number of staff, particularly partisan staff, has increased as workloads have increased. Many legislatures also of-

fer more training opportunities to staff. Non-partisan staff organizations have carefully sought to maintain their non-partisan reputations.

Balance of Power

The JPTL has yielded mixed results on the questions of whether and how power has shifted under term limits. In half the states, interviewees felt that the legislature had lost power to the governor and executive branch. In the other half, however, there is little evidence to indicate that this has happened.

In California, Colorado and to a lesser extent Maine, the executive branch appears to have gained influence due to term limits. The governor and agency heads have greater expertise on issues, maintain institutional knowledge of issues, and can wait out the legislature as needed. Legislators may lack the policy-specific experience to effectively question departmental heads in committee hearings. Legislators may also avoid conflict with a governor who have influence over their futures—hoping for an executive appointment or help in running for another office.

In Arkansas and Ohio, it appears that the legislature may have gained influence due to term limits. Term limited legislators in Arkansas may feel that they have nothing to lose in not supporting the governor. Whereas they may have been more cooperative in the past as they looked toward a long legislative career, now they feel free to assert their independence, particularly in their last term. In Ohio, a particularly strong House speaker has consolidated the power of his caucus and the House leadership.

The results on the influence of lobbyists under term limits are mixed. On the one hand, they are a valuable resource for policy information and history. On the other, lobbyists face a challenge in forming relationships with a constantly changing membership, and new members are often suspicious of lobbyists. It does appear that the playing field has leveled for lobbyists—newer lobbyists can compete more evenly with veterans for influence, because the veterans have lost their old cultivated relationships. While it is clear that lobbyists' role has changed under term limits, it is not clear that they have gained or lost power as a result.

Adaptations

In Maine, a new oversight agency was established within the legislature. The Office of Program Evaluation and Governmental Accountability was modeled after similar agencies in other states. It has a professional, nonpartisan staff, and represents Maine's most ambitious attempt to address the effects of term limits. Colorado formed a joint task force to review ethics rules for lobbyists and make recommendations for changes.

Looking to the Future

It is clear that term limits have brought many changes to the legislatures where they are in effect. Term limited legislatures report more general chaos, a decline in civility, reduced influence of legislative leaders and committees, and in some states, a shift in power relationships. However, the bottom line is that legislatures are resilient and highly adaptive institutions, and they continue to function efficiently under term limits. Many of the problems experienced by term limited legislatures are the same problems faced by all legislatures; term limits simply tend to amplify and accelerate them. As term limits continue to tighten their hold, and as veteran members continue to cycle out, the term limited legislatures will continue to evolve. As they do, they will provide valuable ideas that all legislatures, term limited or not, can adopt to improve their institutions.

Notes

¹ Gary Moncrief, Richard G. Niemi and Lynda W. Powell, "Time, Term Limits, and Turnover," *Legislative Studies Quarterly* XXIX (August 2004): 357-81.

About the Author

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