

Life with Term Limits

Who wins, who loses and who cares

By Mary Lou Cooper

Here's how state Sen. Shane Broadway, former speaker of the Arkansas House, tells the story: A new legislator encounters a veteran staff member in the men's room at the statehouse. "How's it going?" asks the staff member. "Let's put it this way," the legislator says. "This is the only room in the Capitol where I know what I'm doing."

Versions of this story are told in term-limited states across the nation. Since they first took effect in 1996, term limits have forced out nearly a thousand legislators. As these lawmakers walked out the door, they took with them institutional memory, policy expertise and hundreds of years of collective experience, shifting the balance of power away from the legislature.

Did Term Limits Accomplish What They Set Out to Do?

First and foremost, term limits accomplished what former Michigan Speaker and term limits supporter Chuck Perricone calls the movement's "dirty little secret." The push for term limits, he says, was led by people who wanted to change the parties then controlling the legislatures. He thinks term limits succeeded in his state and believes that extending term lengths will iron out any wrinkles in the current system.

When it comes to throwing out incumbents and increasing turnover in the legislature, term limits are an unqualified success. Researchers report that House turnover in term-limited states increased on average about 10 percent after they were implemented in the 1990s. California went from an average House turnover of only 16 percent in the 1980s to a whopping 40 percent the following decade.

While replacing incumbents with newcomers may have brought a fresh perspective, new research indicates that term limits also led to serious and perhaps unintended consequences along the way, especially loss of power by legislative leadership and committee chairs.

In April 2004, leading academics and legislative practitioners joined forces to tackle questions about the impacts of term limits. At a conference at the University of Akron hosted by the Bliss Institute of Applied Politics, academics reported on the latest findings from a 50-state survey and from in-depth case



**The Churning Power of Term Limits
Percent Turnover in the House, 1981-2000
(in states that enacted term limits)**

	1981-1990	1991-2000
States where term limits are in effect:		
Arizona	25	37
Arkansas	14	32
California	16	40
Colorado	30	34
Florida	22	32
Maine	25	37
Michigan	20	30
Missouri	20	22
Montana	30	35
Ohio	17	26
South Dakota	28	39
AVERAGE	22	33
States where term limits were enacted, but not yet in effect		
Louisiana	29	29
Nevada	35	29
Oklahoma	28	17
Average turnover in all 50 state Houses	24	25

Source: Time, Term Limits and Turnover: Trends in Membership Turnover in U.S. State Legislatures, 2003, excerpt from Table 1, Moncrief, Niemi and Powell.

studies in selected states. Seasoned legislative leaders added practical insights from their perch as the ultimate insiders. Here's what they found.

A New Breed of Legislator?

- The people who run for and win state legislative seats after term limits look very much like they did before in terms of gender, ethnicity, ideology, age, religion, professional background and socioeconomic status.
- Term limits didn't discourage "professional politicians." Newcomers in term-limited states were more likely than any other group to have held public office prior to their election to the legislature.

Do Term-Limited Legislators Behave Differently?

- Lawmakers in term-limited and non-term-limited states "self report" that they spend about the same amount of time studying and developing proposed legislation, specializing in policy, campaigning and fundraising.
- Legislators in term-limited chambers say they spend less time keeping in touch with constituents than those in non-

term limited states, and this is especially true in states where the limits are fully implemented, not just enacted.

- Legislators in states with term limits in effect also say that when they must choose between following their own conscience or the needs of the state versus the views of their district, they are more likely to choose state and conscience above district needs.
- Term-limited lawmakers say they spend less time securing government spending or projects for their districts.

Has Power Shifted Away from Term-Limited Legislatures?

- The national legislative survey reveals no measurable change in the power of lobbyists after term limits. Some things get better for them and some get worse. On the one hand, lobbyists may have more information than neophytes. On the other hand, long-term lobbyist relationships with incumbents have been disrupted.
- Limited evidence suggests that if staff influence has increased, the boost applies only to personal and partisan staff, not nonpartisan staff.
- The big winners in the post-term-limits power struggle appear to be members of the executive branch—the governor and administrative agencies.
- The big losers in most cases are party leaders and committee chairs. Party leaders lose influence from the moment term limits hit the books. Committee chairs retain power by virtue of their issue expertise until they are forced from office.

Are Term Limits Here to Stay?

Since the movement's heyday in the 1990s when 21 states adopted term limits, the number of states with state legislative term limits has dropped to 15. However, in none of these states did voters initiate the overthrow of term limits.

State supreme courts in Massachusetts, Oregon, Washington and Wyoming overturned term limits, while state legislatures did so in Idaho and Utah. Legislative term limits remain in place in Arizona, Arkansas, California, Colorado, Florida, Louisiana, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma and South Dakota.

Whether or not term limits are here to stay, voters still love them. According to the advocacy group U.S. Term Limits, the average "yes" vote for term limits adopted at the ballot box was 66 percent.

Recent surveys of Michigan and Florida voters show that support for term limits is still strong and widespread among voters regardless of party, race, gender or socioeconomic status. In Michigan, 71 percent of voters still support term limits, and in Florida 72 percent approve of them.

A mere 13 percent to 14 percent of Florida and Michigan voters would like to extend the length of legislative terms. Only in two states did voters say "no" to term limits when confronted with a clear ballot choice—Mississippi (55 percent voted

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offenses of convicted offenders by 40 percent to 95 percent when part of a comprehensive monitoring program.

Many state judicial and corrections systems permit or mandate the use of the ignition interlock systems for offenders as a condition of release or within terms of their probation or parole sentence.

In 1986, California became the first state to pass a law allowing a pilot ignition interlock system. Today, approximately 40 states have statutory provisions for the use of ignition interlock devices for convicted drunk drivers.

What makes the Saab prototype unique is its size and functionality. Traditional devices are built into existing vehicles, using bulky and expensive components to include the actual breathalyzer, wiring devices and ignition-locking mechanism.

The Saab prototype is installed in the vehicle at the factory. Furthermore, the breathalyzer is wireless, small and built into the key fob. The system can be adjusted to accept different lev-

els or traces of alcohol, making it easily adapted to any state's alcohol laws. Saab estimates the cost for the systems at around \$300 per unit, much lower than traditional systems that cost between \$4 and \$10 per day to lease or more than \$1,000 to purchase.

Despite these advancements, many challenges continue to plague the industry. Reducing the chance of false-positive results is one ongoing problem. Another is the matching of the system with the actual driver to prevent circumvention of the system by way of a third party. In fact, some companies today are experimenting with voice recognition technology to match the system with the driver.

Nonetheless, advances with ignition locking systems today show great promise for sober and safer drivers tomorrow.

—Chad Foster is CSG's chief public safety and justice policy analyst

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against) and North Dakota (53 percent). Idaho voters supported the Legislature's action to overturn term limits on a referendum. Some experts, however, believe a confusing ballot question affected the outcome.

Despite overwhelming public support for term limits, many of the term-limited lawmakers interviewed said they should be repealed entirely or at the very least extended. Once in office these legislators find that it takes more than a few terms to master the job. Limited time in office forces legislators to focus on short-term issues rather than long-term, complicated matters like transportation, budgets and water. Term limits, said one termed-out leader, don't encourage a body of work from legislators, but rather produce a series of hit-or-miss issues.

Perhaps the biggest impact of term limits is the revolving door pattern for legislative leaders. Said one former speaker, "The minute I was selected, the race began to succeed me."

All of that makes running a term-limited legislature a very tough job. One former Senate president summed it up this way: "Managing the Legislature under term limits is like fielding a baseball team of free agents."

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Gary Moncrief of Boise State University, Dick Niemi and Lynda Powell of the University of Rochester and John Carey of Dartmouth College conducted the 2003 and 1995 national surveys discussed in this article. Final results from surveys and in-depth case studies will be available in 2005 from the Joint Project on Term Limits, a partnership of The National Conference of State Legislatures, The Council of State Governments and the State Legislative Leaders Foundation. Carol Weissert and Karen Halperin at Florida State University researched voter opinions in Michigan and Florida.