

# The Effects of Legislative Term Limits

By Jennifer Drage Bowser

*Until recently, literature about the effects of term limits was by necessity speculative in nature. However, a recent multistate study undertaken by three legislative organizations and a team of political scientists has begun to outline the changes taking place in term-limited state legislatures.*

Much has been written about term limits over the last decade, both in the popular media and by the academic community. However, until recently, we could only speculate about the effects term limits might have on state legislatures, because term limits have only taken hold and begun to effect change in recent years. Most term-limits laws were passed in the early 1990s, and the first to take effect were California's and Maine's, in 1996. Presently, 11 state legislatures are operating under term limits, and limits will kick in over the next seven years in an additional five legislatures.

Term limits undoubtedly are the most significant change to take place in state legislatures in recent history. They dramatically accelerate the rate of turnover in the legislature in their first year of impact. Often, over half the legislature is ineligible to run for reelection in the year that term limits first take effect. Over time, the turnover rates under term limits will likely level out, but the immediate effect has been

to increase turnover in the term-limited states by an average of 10.7 percent in the decade of 1992-2000 compared to 1982-1990. In the 2002 elections, nine of the 10 highest turnover states had term limits.

Term limits pose a dual problem, however: it is not only high turnover that is problematic; it is turnover in combination with a dearth of long-serving members. Even in states that had relatively high turnover prior to term limits, such as Colorado, Montana and South Dakota, there was generally a handful of experienced members whose leadership and policy expertise were vital to the continuing efficiency of the legislature. Term limits have removed these members, and the effects are proving to be profound.

Because legislatures play such an important role in our democracy, it is critical that citizens and policymakers understand the effects of term limits and make adjustments to ensure that legislatures remain effective institutions of representative democracy.

In view of the issue's importance, a unique coal-

**Table A: States with 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
Wyoming .....	1992	12	2006	12	2006	Consecutive

*Source:* National Conference of State Legislatures.  
*Notes:*  
 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.

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**Table B: Turnover in House Chambers in Select Term-Limit States  
(percent)**

State	Average		Election years						
	1982-1990	1992-2000	1990	1992	1994	1996	1998	2000	2002
Arizona .....	23	35	17	43	32	33	23	<b>45</b>	55
Arkansas .....	14	31	17	18	29	20	<b>56</b>	31	35
California .....	15	37	15	34	34	<b>44</b>	33	40	40
Colorado .....	28	31	22	29	23	31	<b>37</b>	35	28
Florida .....	21	30	16	39	24	12	23	<b>53</b>	24
Maine .....	25	37	25	33	47	<b>42</b>	32	30	45
Michigan .....	20	28	22	25	17	21	<b>58</b>	19	50
Montana .....	30	35	33	31	39	17	37	<b>49</b>	28
Ohio .....	16	23	10	20	15	15	21	<b>45</b>	21
South Dakota .....	26	38	24	41	27	39	30	<b>53</b>	36

Source: National Conference of State Legislatures.

Note: Year of term limits' first impact is marked in bold.

tion of organizations and academics has formed to study term limits. The National Conference of State Legislatures, The Council of State Governments and the State Legislative Leaders Foundation have joined forces with a group of distinguished political scientists to form the Joint Project on Term Limits. The JPTL is conducting a three-year study that seeks to identify both the positive and negative effects of term limits on state legislatures. It also intends to help legislatures remain effective and vital institutions by identifying the changes limits bring and the actions legislatures can take to deal with those effects.

The project just completed its first year of in-depth case studies in five states with term limits: Arkansas, California, Colorado, Maine and Ohio. During the second year, at least one additional state with term limits — Arizona — will be added to the project, as well as three that do not have term limits: Kansas, Illinois and Indiana. These non-term-limited states will form a control group, enabling researchers to identify which changes in legislatures may be attributable to term limits and which may reflect broader social change.

### Initial Results

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 California, 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 chamber. What follows is a round up of the results of the JPTL to date and other recent research into the effects of term limits.

### Who Gets Elected

One trend that seems to be emerging in nearly all term-limits states is a decrease in the number of women in the legislature. The percentage of state house seats held by women in 11 states under term limits decreased from 25.5 percent before the 2000 election to 23.6 percent after.<sup>1</sup> This is in sharp contrast to predictions by term-limits proponents, who cited an increase in the number of women and minorities in office as one of the likely benefits.

Term-limited legislatures are also younger than non-term-limited legislatures. In eight of the 11 states with term limits currently in effect, the average age of legislators is 51.3, three years younger than the national average of 54.2 years. The average age of legislators in all 11 states currently experiencing term limits is 52.5 years. The two youngest state legislatures have term limits — the average age in Florida is 48.7, and it is 48.9 in Ohio.

Proponents claim that term limits bring more ethnic diversity to the legislature. However, much of the increase in minority representation has come in states like California and Florida that have booming minority populations. It has been argued that the increase in minority representation began as a result of the increasing minority population, well before term limits were implemented in these states.

### The Legislative Institution

Scholars and legislators alike often bemoan the loss of “institutional memory” that term limits inflict. Institutional memory provides the history, context and informal behavior cues that are so critical to the legislative process. Losing institutional memory means that there is no longer anyone around to say, “We dealt with that 10 years ago. Here’s what we learned, and why we chose to act in the way that we did.” The current difficult economic times provide a good example of when institutional memory is most valuable — there is no doubt that the legislators currently serving would appreciate the advice of members who have lived through the experience of balancing a budget in the face of declining revenues.

To a certain extent, improved record-keeping and technological advances can help to make up for this loss, and in many states, long-serving staff are filling this role. However, there are indications that the staff turnover rate is higher under term limits too. In states like California and Michigan, where members have personal staff, the staff often leave the legislature when the member they serve leaves. Even states like Colorado, where the staff structure is largely centralized and nonpartisan, are experiencing turnover in senior staff. This may not be due to term limits at all, but instead to the fact that many of these staff were hired in the 1970s and 1980s as legislatures were going through a period of rapid professionalization, and the staff members hired during that period are reaching retirement age. Nonetheless, the fact remains that experienced staff play an important role in the term-limited legislature, and term-limited legislatures appear to be losing their staff at an accelerated rate.

### Balance of Power

Term limits have affected the power structure of state government in a number of ways. It is clear that term limits create an imbalance within the legislature. When they reach the time limit in the lower chamber, many members run for the senate, thus concentrating knowledge and experience in the upper chamber.

There is also early evidence that a power imbalance between the legislative and executive branches of government is beginning to develop in the states with term limits. Even in states where the governor is term-limited too, the term-limited legislatures appear to be losing ground to the executive branch. A governor often has a skilled and knowledgeable staff of civil servants and a capable and experienced team of executive branch agency directors who are not subject to term limits. This experience gap between

the executive and legislative branches is causing the shift in power.

Investigators working on the Joint Project on Term Limits report widespread perceptions in their states that governors and executive branch agency heads have gained power at the expense of the legislature, particularly in the budget process, and that legislatures are less interested in oversight activity. Preliminary evidence of such changes is found in declines in the number of audits performed and entities audited. Joint Project investigators in California found that the mean number of audits performed by the Bureau of State Audit Reports at legislative request has dropped 14 percent since 1990. However, in most states, there is at this point little evidence beyond the anecdotal to support this view. Seeking data on legislative-executive power balances will be a major focus of the Joint Project in its second year.

Many opponents feared that term limits would increase the power of lobbyists in the legislature for the simple reason that they hold valuable knowledge on policy issues and past actions, a premium in an inexperienced legislature. Results are mixed, however, when it comes to the question of lobbyists’ power under term limits. In many states, lobbyists report that their job has actually gotten more difficult. They spend more time getting to know legislators and building relationships than they did in the past, and have to battle an initial general mistrust of lobbyists that new legislators often hold. In a recent survey of lobbyists in three term-limits states, 80 percent of those surveyed said they spend more time getting their jobs done. However, a majority also said that the interest groups they represented had gained influence due to lawmakers’ lack of expertise.<sup>2</sup>

Finally, there is some evidence that legislative staff have gained influence as a result of term limits. Once again, knowledge and experience are the keys. Members no longer have long-serving mentors to turn to for advice, and often turn to long-serving staff instead. It should be noted that while staff interviewed as part of the Joint Project on Term Limits agreed with this proposition, they uniformly reported that they neither sought nor appreciated their increased influence in the legislative process.

### Legislative Leaders

Term limits have clearly created new opportunities for legislators to serve as leaders. At the same time, leadership positions in most of the term-limited states have begun to fall into a predictable cycle of change. In most states, leaders serve for no more than a single two-year term. In the California As-

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sembly, the average is even shorter. Short leadership tenure is by no means an entirely new phenomenon in some of these states — Arkansas and Florida have long-standing leadership rotation systems, and Colorado's adaptation to two-year leadership terms is a return to an historical pattern that was interrupted by several long-serving leaders in the immediate pre-term-limits era. In many of the other term-limits states, however, the move to two-year leadership tenure is a dramatic change.

While the tenure of leaders may not have changed in all states, one factor certainly has: the level of legislative experience of incoming leaders. In Colorado, it has declined for House speakers from 8.9 years in 1997 to 3.8 years in 2003. For the Senate president, it declined from 12.13 years in 1997 to 7.78 years in 2003. In Arkansas, the average experience of legislative leaders prior to term limits was 21.3 years. Under term limits, it will never be more than 12 years at the beginning of a leader's term, and that is presuming an individual served the full time permitted under the limits in the other chamber.

In interviews conducted by the Joint Project on Term Limits, the "lame duck" factor comes up often in discussions of legislative leadership. With the evolution of the maximum two-year leadership tenure, leaders become lame ducks the moment they are elected to their position. Members know they can outwait the leaders, and many do. As a result, members are reported to be more critical of the leaders and more willing to challenge them. They show less allegiance to the leaders and are less reliant on them than in the past.

## Norms

An unanticipated result of term limits that has come to light through the Joint Project is a change in behavior that is significant enough to impact the legislative process. Observers report declines in civility, respect for the process, and willingness to give colleagues advance notice of coming amendments or arguments. They also cite lack of knowledge of and adherence to unwritten rules and norms and less predictable behavior. In many states, there are reports of heightened partisanship and an inclination to view the other party as the "enemy."

In all of the case study states, investigators report that new members seem more mission-oriented. They come into the legislature with an agenda they hope to accomplish and the knowledge that their time there is limited, and this has effected dramatic changes in how legislative business gets done. For newcomers it is often party first, legislative institution second.

There is some question as to whether this decline

in civility and concurrent increase in partisanship might be true in non-term-limited states as well. Perhaps it is simply a change in the general political climate in statehouses nationwide. This is a question that the Joint Project hopes to address through its addition of three non-term-limited control states in the second year of the study.

## The Positive Impacts of Term Limits

While term limits have affected the legislative institution in ways that many observers might consider detrimental, not all of the effects have been negative. The most obvious positive effect of term limits has been to sweep out ineffective, long-serving incumbent legislators, and open the doors for fresh faces and new ideas. Under the circumstances, these new members have to learn faster and work harder than their predecessors did in order to accomplish their legislative agenda in limited time. Freshmen legislators in term-limited legislatures are more involved in the process — introducing bills, serving on or even chairing key committees, and getting involved in the budget process. Some people feel that the legislative process is more open under term limits, and that the cozy relationship between legislators and lobbyists has diminished. And of course, there is the simple fact that the term-limited legislatures have not fallen apart; they have discharged their responsibilities and continued to flourish, even under the institutional constraints imposed by term limits.

## Adapting to Term Limits

The institutional impacts of term limits have forced legislatures to make adaptations to mitigate the more negative effects. Indeed, the improved training, clarification of rules, and streamlined processes being developed in many term-limited legislatures may be the most positive result of term limits to date. These adaptations can be of value to all legislatures, term-limited or not.

Legislatures are inherently dynamic and flexible institutions, and have already begun to make the changes called for under term limits in order to remain efficient and effective.

The most common first step legislatures take in their effort to mitigate the negative effects of term limits is to beef up training programs. Particular attention is paid to new member orientation programs. While under term limits an increasing percentage of new members come in with local government experience, many freshmen have no government experience and their learning curve is steep. Learning the process and the rules, mastering dozens of complex issues, and acquiring skills such as debate and coalition-

building is a daunting task, and new legislators have little time between Election Day and the start of the legislative session during which to learn.

The California Assembly's new member orientation program, the California Assembly Program for Innovative Training and Orientation for the Legislature (CAPITOL) Institute, is a 10-day comprehensive training program for new legislators. It covers current issues, procedural topics, committee processes, technology issues and more. Rather than simply lecturing new members, the institute combines a number of teaching methods, including case studies and mock committee hearings and floor sessions. It relies on current and former legislators as faculty, in addition to university faculty, legislative staff and consultants.<sup>3</sup> Legislative staff attend ongoing training at the institute as well.

Training programs in many states are beginning to extend far beyond a new member orientation. For instance, information and training on state programs and departments is critical if the legislature is to continue to perform its oversight role. With many committees chaired by legislators with no committee chair experience, sometimes even chaired by freshmen, leaders have begun training programs on how to be an effective committee chair. Many leaders also hold weekly meetings of committee chairs throughout the legislative session, providing a forum for questions and discussion. And a few term-limited states have experimented with mentoring programs, pairing a new member with a more experienced member in an informal spin on training.

In some states, the staff has assembled handbooks that put together the vast array of written rules, constitutional and statutory provisions, and unwritten customs and norms that guide legislative life. Similar handbooks to assist leaders with procedures, deadlines and other requirements have been created. Others conduct continuing education programs, providing an overview and history of policy issues.

### Changing the Limits

When efforts such as these are not enough to stem term limits' negative effects, some legislatures begin to think about changing the limits, or doing away with them entirely. Recently, a number of states with term limits have considered relaxing or repealing them. In most states, this would require a constitutional amendment, which must be approved by a majority of voters. Since 1999, 16 of the term-limited states have seen legislation to alter their term limits, comprising a total of more than 100 bills.<sup>4</sup> While the vast majority of these bills failed, many have gained significant support, and the debate over

amending term limits continues to grow.

In 2002, the Idaho Legislature repealed their term limits law, and Utah followed suit in 2003. (Idaho and Utah were two of the few states with statutory, rather than constitutional, term limits, so the Legislature was able to do this without a popular vote.) Term limits proponents retaliated. In Idaho, they submitted a popular referendum that attempted to reinstate term limits, but it ultimately failed, as Idaho voters in November 2002 voted in favor of the Legislature's move to repeal term limits.<sup>5</sup> Proponents in Utah are hoping to place a new term limits initiative on the November 2004 ballot.

California has come close to altering its limits. In March 2002, Proposition 45 appeared on the ballot. This initiative would have allowed legislators who had reached their term limit to gather the signatures of 20 percent of the voters in their district, allowing them to run for up to four additional years. Prop. 45 ultimately failed at the polls, but many believe that its failure was due more to its awkward drafting and a smart campaign by opponents than to Californians' love of their strict term-limits law.<sup>6</sup>

In 2003, legislatures will likely continue to think about repealing or amending their limits, as pressure to mitigate the negative institutional impacts of term limits grows.

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### Notes

<sup>1</sup> Susan J. Carroll, "The Impact of Term Limits on Women," *Spectrum* (The Council of State Governments) 74, No. 4 (Fall 2001): 19-21.

<sup>2</sup> Joel Thompson and Gary Moncrief, "Lobbying Under Limits: Interest Group Perspectives on the Effects of Term Limits in State Legislatures," *The Test of Time: Coping with Legislative Term Limits*. (Lanham, MD: Lexington Books, 2003), 211-224.

<sup>3</sup> National Conference of State Legislatures, *New Member Orientation*, February 2002, <http://www.ncsl.org/programs/legman/orientation.htm>.

<sup>4</sup> National Conference of State Legislatures, *Term Limits Legislation*, October 2002, <http://www.ncsl.org/programs/legman/about/legislation.htm>.

<sup>5</sup> Wayne Hoffman, "Idaho Voters May Repeal the Repeal," *State Legislatures* (National Conference of State Legislatures) 28, No. 7 (July/August 2002): 35.

<sup>6</sup> Daniel M. Weintraub, "The Trouble with Term Limits," *State Legislatures* (National Conference of State Legislatures) 28, No. 7 (July/August 2002): 40-43.

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### About the Author

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State-level term limits have a variety of predicted effects on the legislatures themselves, ranging from the economic to motivational, and there is significant literature in term limit theory that deals with those issues. Some of the more subtle aspects of legislative term limits, however, have been relatively neglected by scholarship. Because state legislators are, by definition, "equality candidates", state legislative term limits have the potential to impact the competitiveness of congressional elections. State level legislative term limits may therefore allow citizens to affect the makeup of 21 states approved legislative term limits. However, studies, data collection and survey work. Between. 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.