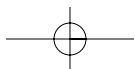
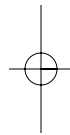
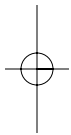


PART III

Promoting Responsiveness



8

THAD KOUSSER

Term Limits and State Legislatures

For as long as democracies have existed, legislative term limits have been a topic of debate. These limits are an attempt to ensure that leaders are citizens who take temporary turns in government rather than experts who serve as long as they satisfy voters. Aristotle argued explicitly for term limits, which would set “All over each and each in turn over all,” and members of the Athenian *boule* could serve for only a single term.¹ Representatives in the first American Congress set up by the Articles of Confederation were allowed to serve for only three of every six years (Article V), but this measure was eliminated by the Constitution’s framers, who sought to create a more muscular Congress.²

American states renewed the experimentation with legislative term limits beginning in 1990. Limits have gone into effect in fourteen states and have been in place in some cases for a decade or more. Over this time, a scholarly consensus has emerged on many of their effects (and noneffects). Overall, term limits have fundamentally altered the operation of state legislatures without much changing the type of lawmakers who serve in them or the competitiveness of state elections. That is, the new members voted in because of limits on their predecessors’ terms are remarkably similar to their predecessors both in demographics and in an ambition for careers in government. Term limits have not turned political animals into citizen politicians. Term limits have also had little effect on competition in state legislative elections: the average margin of victory in these races has remained constant, and the rate of party turnover in districts is about the same with term limits and without them.³

Table 8-1. *Term Limit Laws, by State*^a

State	Year of impact	Year adopted	Lifetime or consecutive	Limit on years	
				Upper house	Lower house
California	1996	1990	Lifetime	6	8
Maine	1996	1993	Consecutive	8	8
Arkansas	1998	1992	Lifetime	6	8
Colorado	1998	1990	Consecutive	8	8
Michigan	1998	1992	Lifetime	6	8
Arizona	2000	1992	Consecutive	8	8
Florida	2000	1992	Consecutive	8	8
Missouri	2000	1992	Lifetime	8	8
Montana	2000	1992	Consecutive	8	8
Ohio	2000	1992	Consecutive	8	8
South Dakota	2000	1992	Consecutive	8	8
Oklahoma	2004	1990	Lifetime	12 (total)	12 (total)
Nebraska	2006	2000	Consecutive	...	8
Louisiana	2007	1995	Consecutive	12	12

Source: National Conference of State Legislatures, "Term Limits," 2007 (www.ncsl.org/programs/legismgt/ABOUT/termlimit.htm [March 2008]).

a. Term limit legislation was passed in another six states but was overturned by courts in four (Massachusetts, Oregon, Washington, and Wyoming) and repealed in two (Idaho and Utah). Only in Oregon, from 1998 through 2001, did limits go into effect by removing veteran members before the limits were overturned. Term limits are due to go into effect in Louisiana in the 2007 elections and in Nevada in 2010.

In this chapter, I review the results of studies analyzing the effects of term limits in the American states. Their findings are organized as answers to three key questions: Who goes to state capitols? What goes on in state capitols? What policies come out of state capitols? Scholars have sought answers to these questions either by comparing behavior in similar sessions held before and after term limits, by comparing states with term limits to states without them, or by combining both methods. Most work is based on observations from many states with slightly different term limit laws. Table 8-1 reports the term limit laws now in effect in the United States.

Who Goes to State Capitols?

In what is perhaps the most surprising finding from the literature on term limits, a host of studies find that the implementation of term limits has not

changed either the characteristics of the politicians who inhabit state legislatures or the process that brings them there. Though term limits have opened up more seats, they have not made state elections any more competitive.⁴ They have also not removed ambition from politicians.⁵ State legislators today appear to be just as careerist as their predecessors before term limits, with the limits simply channeling their electoral ambitions in other directions. Term limits have also failed to open up more opportunities to female or minority candidates, with a few notable exceptions.⁶ For better or worse, the politicians who come to state capitols today look much like the term-limited veterans they replaced. As one study reports, “The notion that term limits will sweep out the old politicians is true (almost by definition), but the idea that term limits will sweep in a new breed is not.”⁷

Because term limits by definition create more open seats, it is reasonable to have expected that they would lead to more competitive elections. Yet term limits have not increased electoral competition nationally because the increase in the number of open seats has been outweighed by the decrease in the competitiveness of both open seats and races with incumbents.⁸ Before term limits, seats often became open in competitive districts; after term limits these openings occurred more randomly. Because one party often dominates these districts, margins of victory in open seats grew significantly. In districts held by an incumbent who is still eligible to run, qualified challengers (at least in the one state, California, where their qualifications can be measured) are reluctant to challenge incumbents until they are termed out, making these races less competitive.⁹

Table 8-2 shows that, all told, elections held under term limits have been no closer than elections held in other states or in other years absent this reform. The average margin of victory in legislative contests in term limits states is 26.80 percent, compared to an average margin of 26.84 percent in previous years in these states and in states unaffected by term limits. The rate at which seats change parties is similarly unaffected, registering 7.57 percent under term limits and 7.74 percent in their absence.

The national pattern is also apparent in individual states. One sophisticated analysis of California Assembly elections from 1976 to 2004 finds that, “in terms of electoral competitiveness, it appears that incumbents are no more in danger of losing their seats today than they were in the late 1980s.”¹⁰ Studies of Michigan elections held before and after term limits also find that term limits did not lead to closer races.¹¹ An analysis of competition in legislative elections held in Oregon before term limits, after their enactment, and then after their judicial repeal again shows that they failed to bring closer margins

Table 8-2. *Term Limits and Electoral Competition, 1991–2002*

	Number of seats	Contested, Republican vs. Democrat (%)	Number of contested seats	Average margin for contested seats (%)
<i>Legislatures with term limits</i>				
Open seat, due to term limits	698	82.09**	573	24.58**
Open seat, not due to term limits	435	79.54**	346	23.81**
Incumbent	1,399	68.98**	964	29.20
Total	2,532	74.41**	1,883	26.80
<i>Legislatures without term limits</i>				
Open seat	4,754	74.25**	3,528	22.51**
Incumbent	17,131	55.54**	9,485	28.45
Total	21,885	59.60**	13,013	26.84

Source: Cain, Hanley, and Kousser (2006).

**Indicates that the difference between competition levels in the legislatures with and without term limits is statistically significant at the 99 percent confidence level in a two sample t-test.

of victory or higher levels of party turnover.¹² Finally, an investigation of competition in primary elections shows that term limits appear to bring slight increases in the number of contested primaries and the average number of candidates per primary in Colorado but not in California.¹³

A comprehensive analysis of California elections held from 1976 through 2004 provides evidence that another promise of term limits has gone unfulfilled, at least in that state. Rather than lead to an increase in turnout, the implementation of term limits has been followed by a decline in electoral participation.¹⁴ While this may be due to long-term turnout trends—and deserves further investigation in other states—it provides yet more evidence that term limits have not changed the fundamental parameters of state legislative elections.

Another hope of some term limits proponents was that this reform would usher a return to the days of citizen legislators. The corresponding fear of its opponents was that legislators stripped of their career ambitions would serve less energetically and faithfully. Neither this hope nor this fear has materialized. Term limits have merely refocused the career ambitions of legislators. A national survey of legislators, conducted under the auspices of the Joint Project on Term Limits (a project organized by the National Conference of State Legislatures, the Council of State Governments, and the State Legislative

Leaders Foundation), shows that very few term-limited legislators plan to retire to private life when their time is up. Only 18 percent of those in lower houses and 28 percent in senates contemplate retirement, while the overwhelming majority plan to run for another elected office, to lobby, or to take an appointive office.¹⁵ Another study shows that 54 percent of the legislators termed out of six state legislatures in 1998 ran for another office and that many others took positions in state agencies or as lobbyists.¹⁶ These itinerant careerists do not always succeed in their political ambitions: term-limited members run for Congress more than state legislators without term limits, but they are also more likely to lose these races.¹⁷

Many supporters of term limits predicted that they would change the face of state legislatures by creating new opportunities for minority and female representation, but in fact minority representation has increased in only a few cases, and women have not been helped by term limits anywhere. A national study finds “no systematic difference between legislators from term limited and non-term-limited states” in minority representation.¹⁸ Focusing more closely on individual states, others find that Latinos in California benefited from term limits while African American representation actually declined.¹⁹ The percentage of Latinos in California’s population was growing at this time, while the black percentage declined, and the new seats opened up by term limits help to accelerate Latino gains in representation. In states with more stable demographics, term limits led to either minimal (in Michigan) or nonexistent (in Colorado) gains in representation.²⁰

Although the percentage of seats held by women rose in term-limited states over the prior decade, so did the number of women elected in states without term limits. Reviewing the national data, one study concludes that “there is no evidence that term limits have actually led to an increase in the number of women serving.”²¹ There are some signs, in fact, that term limits may place some of the gains in female representation that were won in 1992 (Year of the Woman) at risk. One analysis of the 1998 elections reveals that in the 215 open-seat contests held in states with term limits, the number of districts won by women dropped from fifty-eight to fifty-three.²²

What Goes on in State Capitols?

While the outward characteristics of legislators have changed little, the experience that they bring to state capitols and the incentive structures that they face have transformed legislative operations dramatically. New members have less institutional knowledge and, according to surveys, less expertise in policy

and process. With shorter time horizons in office, their views of their role as representatives have changed in important and arguably positive ways. As committee chairs and leaders have become less powerful, the traditional legislative process has begun to break down. Further, it appears that partisan conflict—which was already strong in most states—has sharpened as term limits have erased legislators’ common pasts and shared futures.

Increasing the amount of turnover in state legislatures was the primary intended effect of term limits laws, and these increases have indeed occurred, especially immediately following their passage. Limits opened up 58 percent of the seats in the Michigan House and removed 49 percent of the members of the Arkansas House in 1998. Legislative membership typically stabilizes over the next few sessions but then spikes again when members of the initial class brought in by term limits reach the end of their tenure. Overall, term limit laws across the nation have led to an average rise of 14 percent in turnover rates.²³

What impact has this increase in churn had on the knowledge, behavior, and attitudes of legislators? There are two ways in which it can affect them: by shortening their time horizons and by not allowing them to become experienced legislators. A survey of “knowledgeable observers”—that is, legislative staff, former legislators, executive agency staff, lobbyists, and reporters—conducted by the Joint Project on Term Limits probed the first effect by asking capitol insiders about how much legislators know about statewide issues, the legislative process, and the issues before their committees, compared with legislators ten years earlier. As table 8-3 shows, those in term limited states are much more likely to note a decline in expertise, an effect that is substantively strong and statistically significant.

Evidence from other surveys indicates that the turnover brought by term limits has eroded the link between legislators and their constituents. A survey of over 19,000 respondents in all fifty states finds that respondents in states with term limits are less likely to be able to name their state legislators and contact these representatives less often than respondents in states without term limits.²⁴ The Joint Project on Term Limits survey uncovered a similar pattern by asking members how much time they spend “keeping in touch with constituents” and “helping constituents with problems with government.” Legislators in term-limited states report spending less time on both activities.²⁵ California data show that term-limited legislators spend less money on “constituency outreach” (through mail and by phone) in their last terms.²⁶ A final piece of evidence on this point comes from the “knowledgeable observers” survey. Capitol insiders in term-limited states report that legislators spend less

Table 8-3. *Changes in Legislative Expertise, States with and without Term Limits^a*

<i>Type of expertise</i>	<i>States with term limits^b</i>	<i>States without term limits^c</i>
Legislator knowledge about statewide issues	1.94*	2.82
Legislator knowledge about how the legislature operates	1.80*	2.70
Committee member knowledge about issues before the committee	1.96*	2.71

Source: Kousser and Straayer (2007).

*significant at the 0.05 level.

a. Average change in legislators' levels of expertise over ten years, on a five-point scale. An average score of 2 indicates that legislators have "somewhat less" knowledge than legislators ten years before; an average score of 3 indicates that legislators have "about the same" level of knowledge as ten years before.

b. Arizona, Arkansas, California, Colorado, Maine, Ohio.

c. Illinois, Indiana, Kansas.

time talking to or helping constituents than they did a decade earlier, whereas insiders in the three surveyed states without term limits notice an increase in both activities.²⁷

Shortening legislators time horizons makes them less likely to "support the institution of the legislature."²⁸ It could also affect whether they view themselves as delegates of their constituents or trustees of the public good, the dichotomy famously set forth by Edmund Burke.²⁹ To discover whether term limits cause any shift in what representatives view as their proper role, the national survey of legislators posed two questions. The first asked, "When there is a conflict between what you feel is best and what you think the people in your district want, do you think you should follow your own conscience or follow what the people in your district want?" Researchers find that legislators in states with term limits are more likely to say that they follow their consciences, particularly members closest to being termed out.³⁰

The second question asked legislators whether they are more concerned with the needs of their district or with those of the state as a whole. Again, those in term limited states are more likely to answer as trustees, placing a greater emphasis on state concerns, whereas legislators serving in bodies without limits respond as delegates who are more concerned with their districts.³¹ Looking at these questions and other measures, another study concludes that term limits brought on a Burkean shift away from the delegate view of district representation and toward a trustee role.³² Whether this is a positive or negative trend depends upon one's perspective. Early proponents of term limits

predicted and celebrated this shift to a more deliberative trustee role, while early opponents argued that the focus on constituency interests created by the electoral connection was a good thing.³³

Another mathematical certainty that comes with the imposition of term limits is that the tenure of legislative leaders and committee chairs, who sometimes served for decades, declines. This has led to a decentralization of power in legislatures as well as to changes in the process. National studies show that leaders of term limited houses serve for shorter periods and begin their tenures with less legislative experience, compared with their predecessors before term limits and with the leaders of houses unaffected by limits.³⁴ A more detailed qualitative study of leaders around the country shows that the nature of leadership has changed as well. Since their peers do not have as much time to evaluate the legislative skills of candidates for leadership posts, there is an “increased emphasis placed on fundraising skills.”³⁵ There is more competition for leadership positions, and the jockeying to be next in line for a leadership post often starts the day after someone else is elected to it.³⁶ A study of the distribution of contribution patterns in eight states finds that the concentration of money in the hands of legislative leaders (a mark of their power) diminishes after term limits.³⁷ Finally, a survey of legislative leaders finds that those presiding over term-limited bodies are more likely than those running bodies without limits to say that leaders in their houses lost power over the prior five years, though this difference falls short of statistical significance.³⁸

Case studies of states with term limits show that, as the tenure of committee chairs declines, committees become less specialized and know less about policy; in addition, their members are less likely to be collegial and courteous.³⁹ None of these changes are apparent in states without term limits. Figures from the knowledgeable observers survey reveal that term limits cause committee members to be less likely (than those in states without limits) to seek public input on legislation, to behave courteously, or to be informed about the issues. Term limits also affect the rate at which committees pass and amend bills, although these effects vary by state.⁴⁰

These changes in leadership and committees have brought about a decline both in levels of knowledge and in adherence to the norms of the legislative process. Insiders in states with term limits see a decline in the number of legislators who “specialize on issues” and who are “knowledgeable about how the legislature operates.”⁴¹ Responses to survey questions show that term limits also lead to fewer members who are “concerned about clarity and precision in legislation” and “likely to follow parliamentary procedure on the floor.”⁴²

Term limits have little systematic impact, however, on the role of staff assistants and the influence of lobbyists. Some opponents of term limits warned that they would shift influence from legislators to unelected, unaccountable staffers.⁴³ This fear has not been realized, because staff often leave along with longtime legislators. According to the national survey of legislators, there was “no shift toward greater staff influence in term-limited chambers.”⁴⁴ A fifty-state survey of staff directors asked how staff influence changed over time; the survey finds no differences between states with term limits and those without.⁴⁵

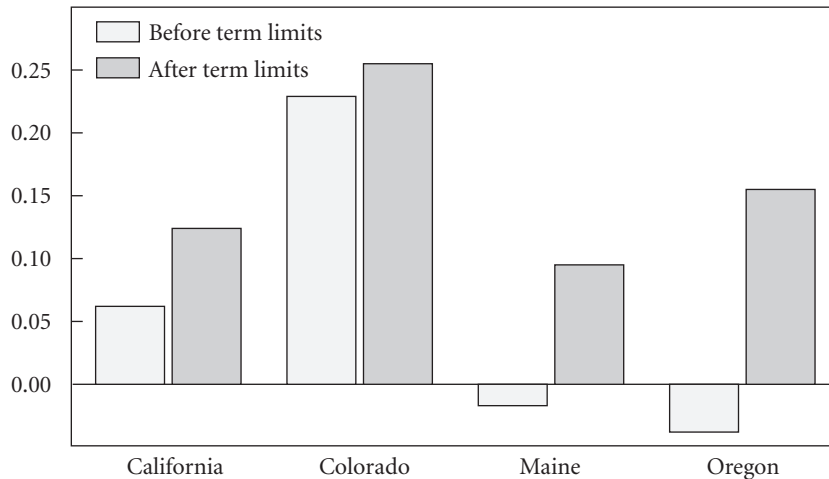
There has also been no broad, consistent change in the role played by interest groups and lobbyists. Analyzing the national survey of legislators, a study finds that term limits have no effect on the perceived power of interest groups, a finding consistent with a prospective survey of term limits conducted in 1995.⁴⁶ One analysis finds that states implementing term limits do not experience a sharper rise in the overall impact of interest groups.⁴⁷ The survey of knowledgeable observers reveals that term limits do not make legislators significantly more likely to sponsor interest group legislation, although they also lead to a modest rise in the perceived influence of lobbyists relative to the legislature.⁴⁸ On this point, one researcher concludes that “there is little evidence of any impact one way or the other of term limits on the broader, macro-level influence of interest groups in state policymaking in general.”⁴⁹

By contrast, there is clear evidence that the divisions created by party lines grew more salient after term limits. In state legislatures just as in Congress, party caucuses have grown further apart on the ideological spectrum over the last generation, as liberal voters have become more loyal Democrats and conservatives more reliably Republican.⁵⁰ This increase in partisan polarization preceded the term limits movement and cannot be blamed on it. Studies of state legislators in California and Colorado confirm that term limits did not lead to the election of more polarized politicians, a finding consistent with the national evidence.⁵¹

Yet term limits do change how legislators treat members of the other party. According to one legislator, “The single biggest effect of term limits is increased partisanship. You don’t know your colleagues well, and you don’t treat them as part of your future.”⁵² Indeed, an analysis of legislator interactions in Michigan finds that there has been a sharp drop-off in communication and policy consultation across party lines since term limits came into force.⁵³ Clear evidence that this has changed party dynamics comes from measuring the portion of the bills that each member introduces that becomes law. Without long-term ties across party lines, majority members have been

Figure 8-1. *Gap between Majority and Minority Parties in the Proportion of Legislation Passed, by Term Limit Restrictions, Four States^a*

Majority party batting average minus minority party batting average



Source: Kousser (2005).

a. Bars represent differences between the mean averages for majority party and minority party legislators in each state. I compiled these means by using legislative records to calculate each legislator's success rate.

free to kill more and more minority-authored bills while passing their own. The legislative climate has grown nastier as terms have become shorter.

Figure 8-1 displays the gap between majority and minority party legislative success before and after term limits. It shows that the gap grew after term limits in all four states that I examined: California, Colorado, Oregon and Maine. It is of course possible that this trend has occurred in all states, even those without term limits, but the fact that it is so consistent, strong, and present no matter which party is in the majority increases my confidence that this trend reflects a term limits effect.

Further evidence of the growing importance of partisan affiliation comes from an examination of contribution patterns by corporate political action committees (PACs). PAC contributions in California from 1987 to 1998 were tracked to see which legislators possessed enough power to attract it.⁵⁴ The study finds that corporate interests increasingly targeted their money on legislative Democrats after the passage of the state's term limit law, indicating that power is increasingly concentrated in majority party hands.

What Policies Come out of State Capitols?

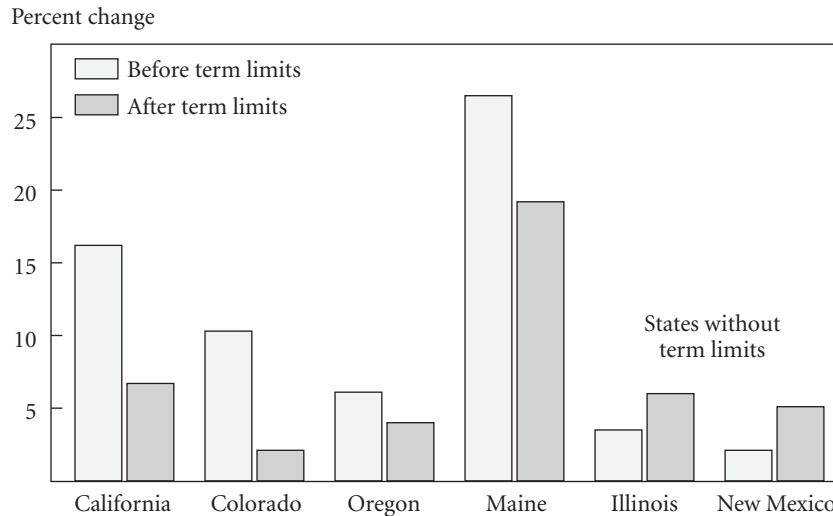
As internal conflict has risen in legislatures since the enactment of term limits, legislators have been less involved with the executive branch and the bureaucracy. Because of this, the policies coming out of state capitols increasingly bear the imprint of governors, and the bureaucracy implements these policies without much oversight. In addition, these policies are less innovative than before term limits.

The clearest objective evidence that term limits shifts power away from the legislative branch and toward the executive is the dramatic decrease in the extent to which legislators scrutinize and amend the governor's budget proposal. This effect is sharp and consistent across states. To measure this effect, I compared the outcomes of budget negotiations in pairs of sessions, one held before the passage of a term limit law and the other after its implementation. The sessions were similar in most other important political features.⁵⁵ I matched up sessions by party representation in the legislature, by the legislative-gubernatorial party split, and by growth in state spending. I looked at four states with term limits. Two states without them serve as a baseline.

To measure the influence that each branch exerted over the budget in a given session, I conducted a line-by-line comparison of the state spending plan that the governor proposed in January with the final budget passed in the summer. I added up the dollar value of all changes that the legislature made to the budget—counting the absolute magnitude of both reductions and increases—and compared them with the size of the governor's proposals for every budget line to compute the total percentage change that the legislature made to the governor's budget. Figure 8-2 reports these changes in two sets of parallel sessions, held before and after term limits.

In all four states with term limits—California, Colorado, Maine, and Oregon—comparisons reveal a decline in the legislature's use of the power of the purse to check the executive branch. Term limits led to a dramatic drop in the percentage of the governor's budget that was altered by the legislatures in these four states. In contrast, in New Mexico and Illinois, two states without term limits, legislators became more actively engaged in crafting budgets over the period measured. These findings match up with qualitative and survey evidence about the relative powers of the legislative and executive branches. In a national survey, legislators in all fifty states were asked "What do you think is the relative power of the following actors in determining legislative outcomes in your chamber?" They were then given a list of nine actors, including "Governor" and "Bureaucrats/Civil Servants." On average, legislators in

Figure 8-2. *Changes Made by Legislatures to Governors' Budget Proposal, by Term Limit Restrictions, Six States*



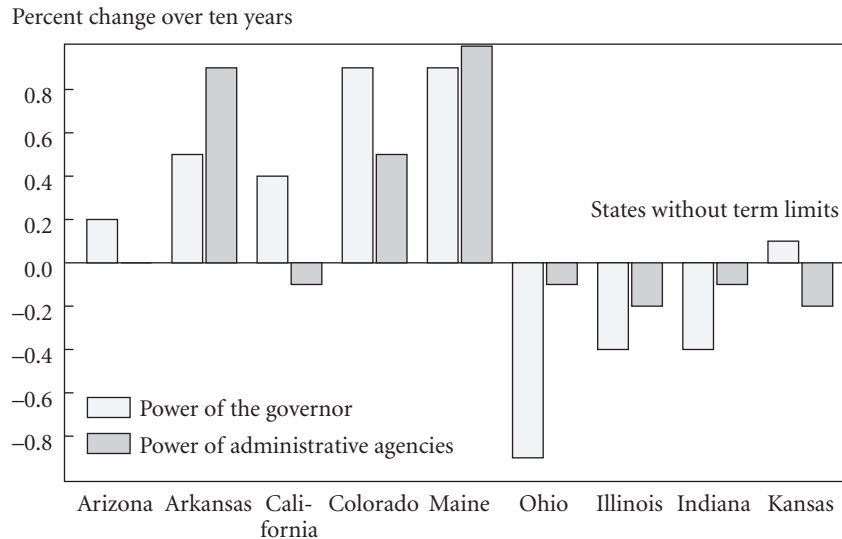
Source: Kousser (2005).

states with term limits rated both the governor and bureaucrats as more powerful than did legislators in states without limits. This difference is statistically significant at the 0.05 level and remains significant even under a multivariate analysis that holds constant the characteristics of legislators and states.⁵⁶

The survey of knowledgeable observers also asked whether power had shifted to governors and agencies over the prior ten years. The power shifts reported in figure 8-3 demonstrate that insiders see the executive branch as being more powerful in five of the six states that implemented term limits over the period. The exception was Ohio, where Speaker Larry Householder was enormously influential after term limits were instituted.⁵⁷ But no leader in any other state with term limits has harnessed as much power over state government. The conclusion that term limits are responsible for this power shift is further strengthened by the fact that knowledgeable observers in the three states without term limits—Illinois, Indiana, and Kansas—report that the legislative branch actually grew more powerful over the same period.

Another study finds qualitative evidence of a shift in power to the executive branch.⁵⁸ Reviewing case studies containing interviews from term limited states that attribute the decline in legislative power to the inexperience of new legislators, the short-term futures that they face, and the declining power and

Figure 8-3. *Power Shifts, 1995–2005, in Governorships and State Administrative Agencies, by Term Limit Restrictions, Nine States^a*



Source: Kousser and Straayer (2007).

a. Control states without term limits are Illinois, Indiana, and Kansas.

expertise of legislative leaders as well as committee chairs, the study finds no reports of such a decline in the states without term limits. Summarizing the survey and case study evidence, the study concludes that “one of the clearest effects of term limits has been to weaken legislatures at the expense of executives. This shift in institutional power represents a significant restructuring of the representative nature of government.”⁵⁹

A 2003 study also identifies a strong shift in power toward the executive branch based on a survey of top legislative leaders in both houses in all fifty states.⁶⁰ Only 35.2 percent of leaders in houses without term limits say that the governor has grown more powerful in the past five years, compared with 47.6 percent of leaders in states with term limits soon to come and 56.1 percent of leaders in states where limits were going into effect. Similarly, a 1999 survey of lobbyists in California, Colorado, and Maine reveals a strong consensus that term limits shifts power to the executive branch.⁶¹

In addition to strengthening the executive branch’s role in the legislative process, term limits appear to weaken legislative oversight of the implementation of laws. Looking only at the California legislature, two researchers find

that, after the passage of term limits, legislators make fewer requests to see how state funds are actually spent and order fewer audits of the bureaucracy.⁶² A review of case studies shows that this trend is not limited to one state. “Under term limits oversight functions have suffered greatly. As time passes and institutional memory declines, the danger is that legislatures will no longer appreciate what has been lost.”⁶³

Finally, there is evidence that term limits alter the nature of the laws passed by state governments. Following the passage of term limits, the legislation that emerges from statehouses tends to be less complex and less innovative. In Colorado, Oregon, and Maine the median number of lines per bill—a common measure of the complexity of legislation—declined after the implementation of term limits.⁶⁴ As interviews with legislators and veteran staff assistants suggest, bills became shorter and simpler (a potentially positive trend) after term limits, except in California, where experience levels in the legislature initially remained high.⁶⁵

States with term limits are also significantly less innovative in their reactions to federal welfare reform and in setting up new State Children’s Health Insurance Programs. Although they are free to diverge from federal guidelines, state legislatures diverged less if term limits had removed their most experienced members. Similarly, states with term limits (compared to states without them) won fewer Council of State Governments’ “innovation awards” than their history or their state characteristics would predict.⁶⁶

Implications for Reform

Viewed purely as electoral reforms, term limit laws have not fulfilled their promise. Legislative contests are no more competitive under term limits than they are without them, districts are no more likely to change parties, and there is no evidence that proportionally more voters participate in elections. But term limits have brought major and often unexpected changes to state legislatures. What may have looked like mere tinkering with the qualifications of office at the time has had a profound impact on the operation of government. A recurring theme in the term limits literature is that many of the predictions made both by supporters and by opponents have been flawed, with some of the most consequential changes brought by term limits being the least intended.⁶⁷

The prospects for radical changes in the use of term limits in American politics appear slim. The movement to impose term limits on Congress by passing state laws limiting federal representatives ran into a legal obstacle. In its

1995 *U.S. Term Limits, Inc. v. Thornton* decision, the U.S. Supreme Court invalidated such laws. Likewise, attempts by legislators to remove or ease the term limits that voters placed upon them have run into a political obstacle: voters have so far been unwilling to rescind limits. Ballot measures to extend term limits lost in both Arkansas and Montana in 2004.⁶⁸ In February 2008, a California ballot proposition that would have allowed legislators to serve up to twelve years in a single house, rather than six years in the Assembly and eight in the Senate, failed narrowly. It appears that the current wave of experimentation with term limits in the states will last at least a generation, giving scholars more opportunities to study their effects.

Notes

1. See Petracca (1992) for Aristotle's views on term limits and for a history of the debate over limits; and see Thorley (1996, pp. 27–31) for a discussion of term limits in the Athenian *boule*.

2. Kesler (1990); Erickson (1993).

3. See Moncrief, Powell, and Storey (2007) for evidence on the characteristics of legislators before and after term limits; and Cain, Hanley, and Kousser (2006) for findings on electoral competition.

4. Cain, Hanley, and Kousser (2006); Masket and Lewis (2007); Allebaugh and Pinney (2003); Pinney, Serra, and Sprick (2004); Sarbaugh-Thompson and others (2004).

5. Powell (2003); Lazarus (2006); Steen (2006); Moncrief, Powell, and Storey (2007).

6. Bernstein and Chadha (2003); Caress and others (2003); Cain and Kousser (2004); Carey and others (2006); Moncrief, Powell, and Storey (2007); John A. Straayer, "Colorado's Legislative Term Limits: Final Report for the Joint Project on Term Limits," 2004 (www.ncsl.org/jptl/casestudies/CaseContents.htm).

7. Moncrief, Powell, and Storey (2007; quotation from unpublished manuscript).

8. Cain, Hanley, and Kousser (2006).

9. Cain, Hanley, and Kousser (2006).

10. Masket and Lewis (2007, p. 20). Analyses conducted in the immediate wake of the implementation of California's term limits initiative find that it ushered in closer legislative contests (Clucas 2003; Petracca 1998). However, the apparent term limits effects observed in these studies came from the 1994 through 1998 elections, a time of heightened party competition brought by the national Republican surge in 1994, coupled with the Democratic resurgence in 1996. The more comprehensive analysis in Masket and Lewis (2007) shows that, since this rise in competition abated, there has been no term limits effect.

11. Allebaugh and Pinney (2003); Pinney, Serra, and Sprick (2004); Sarbaugh-Thompson and others (2004).

12. Cain, Hanley, and Kousser (2006).
13. Cain, Hanley, and Kousser (2006).
14. Nalder (2007).
15. Moncrief, Powell, and Story (2007).
16. Powell (2003).
17. Steen (2006); Lazarus (2006).
18. Carey and others (2006, p. 115).
19. Caress and others (2003); Cain and Kousser (2004).
20. Caress and others (2003); John A. Straayer, "Colorado's Legislative Term Limits: Final Report for the Joint Project on Term Limits, 2004 (www.ncsl.org/jptl/case_studies/CaseContents.htm).
21. Moncrief, Powell, and Storey (2007; quotation from unpublished manuscript).
22. Bernstein and Chadha (2003).
23. Moncrief, Powell, and Storey (2007).
24. Niemi and Powell (2003).
25. Powell, Niemi, and Smith (2007).
26. Van Vechten (2003).
27. Powell, Niemi, and Smith (2007).
28. Berman (2007, p. 274).
29. Burke (1774).
30. Powell, Niemi, and Smith (2007).
31. Powell, Niemi, and Smith (2007).
32. Carey and others (2006).
33. Mark P. Petracca, "Pro: It's Time to Return to 'Citizen-Legislators,'" *San Francisco Chronicle*, March 26, 1991, p. A21; also see Will (1992); Glazer and Wattenberg (1996); Polsby (1997).
34. Little and Farmer (2007); Bowser and others (2003).
35. Bowser and others (2003, p. 119).
36. Little and Farmer (2007).
37. Apollonio and LaRaja (2006).
38. Peery and Little (2003).
39. Cain and Wright (2007).
40. Kousser (2005, chap. 4).
41. Berman (2007; quotation from unpublished manuscript).
42. Berman (2007; quotation from unpublished manuscript).
43. Rosenthal (1974).
44. Carey and others (2006, p. 124).
45. Weberg and Kurtz (2007).
46. Carey and others (2006); Carey, Niemi, and Powell (2000).
47. Mooney (2007); this finding is according to a standard measure produced by Thomas and Hrebenar (2003).
48. Berman (2007); Mooney (2007).

49. Mooney (2007; quotation from unpublished manuscript). Although the overall level of power exerted by interest groups has not changed, their behavior and the distribution of influence across lobbyists do seem to have shifted. Mooney (2007) shows that interest groups hired lobbyists at a faster rate after term limits came into effect in their states. Quotations from legislative insiders reported in Kousser (2005, chap. 2) and Mooney (2007) indicate that lobbyists who relied on their connections to individual legislators became less powerful as term limits removed these legislators; groups that could afford to hire new lobbyists grew in influence. Finally, both Mooney (2007) and Thompson and Moncrief (2003) report that lobbyists say that they have had to work much harder at their jobs after term limits were instituted.

50. McCarty, Poole, and Rosenthal (2006); Jacobson (2007).

51. Cain and Kousser (2004); Straayer (2004); Carey, Niemi, and Powell (2000).

52. Cain and Kousser (2004, p. 61).

53. Sarbaugh-Thompson and others (2006).

54. Gordon and Unmack (2003).

55. Kousser (2005, chap. 6).

56. Carey and others (2006).

57. Kousser and Straayer (2007).

58. Powell (2007).

59. Powell (2007; quotation from unpublished manuscript).

60. Peery and Little (2003).

61. Thompson and Moncrief (2003).

62. Cain and Kousser (2004).

63. Powell (2007; quotation from unpublished manuscript).

64. Kousser (2006).

65. Kousser (2006).

66. Kousser (2005).

67. Kurtz, Niemi, and Cain (2007); Kousser (2005, chap. 8); Sarbaugh-Thompson and others (2004, chap. 11); Cain and Kousser (2004, chap. 6).

68. Bowser and Moncrief (2007).