

Understanding Legislative Term Limits at 30

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Introduction

My name is Dr. Dave Rausch. I am the Teel Bivins Professor of Political Science at West Texas A&M University in Canyon, Texas. The ideas and opinions expressed in this statement are mine alone and not those of West Texas A&M University or the Texas A&M University System.

I have been studying term limits for about 30 years. In August 1989, I started graduate study in Political Science at the University of Oklahoma. I was fortunate to be a graduate fellow at the Carl Albert Congressional Research and Studies Center. That fall Oklahoma businessman Lloyd Noble began the process that led to Oklahoma enacting the nation's first state legislative term limits in September 1990 (Copeland and Rausch 1993). I've studied term limits for so many years that a graduate colleague regularly tells others that there should be term limits on people who study term limits.

My dissertation looks at the first years of the state legislative term limitation phenomenon (Rausch 1995). I combined a careful review of the news media in the states that enacted term limits from 1990 through 1995 with interviews of term limits leaders. I also published a number of research articles looking at the effects of term limits on electoral competition in Oklahoma (Rausch and Farmer 1997). While attending a training session in 1991, I learned about the San Mateo County Board of Supervisors. Voters in San Mateo County,

California, enacted term limits on the Board of Supervisors, a legislative-executive body, in 1980. By 1992, the first Supervisor would be termed out of office. In Rausch (1993), I find that the most significant effect on term limits in San Mateo County was that the Supervisor soon to be termed out of office was seeking other offices.

In Farmer, Rausch, and Green (2003), I join two colleagues to edit a collection of essays that examine the effect of term limits at the turn of the 21st Century. The essays have been cited in many more recent research articles, the usual measure of the impact of research.

My research suggests that term limits have not had all of the positive effects predicted by supporters during the state-level initiative campaigns while also illustrating that legislatures have been able to avoid many of the negative consequences posited by term limits opponents. Others have documented similar results (see Schoenburg 2016). Since 2010, I have collected data, media reports, and published Political Science research on both Oklahoma and San Mateo County. By 2020, the San Mateo County Board of Supervisors will have conducted county business under term limits for 40 years while the Oklahoma Legislature will have experienced term limits for 30 years. Such research should provide insights into the positive and negative effects of term limits on legislative bodies.

Understanding Legislative Term Limits

The enactment of term limits has been a boon to research on state legislatures (Mooney 2009). Much of this new research examines any changes wrought by term limits by looking at the new relationships between legislatures and constituents, the dynamics of legislative leadership, and effects on legislative demographics. The most powerful research seeks to understand how term limits affect the work of legislatures with the other branches of state

government. Cain and Kousser (2004) assess the changes wrought by term limits in California. The research “paints a mixed picture” as the scholars find that political careerism continues in California. The increase in the number of female and minority representatives probably was speeded by term limits. They also document that the legislature was less likely to alter the Governor’s Budget (Cain and Kousser 2004, iii-iv).

Research has examined more specific questions. After specifying that the term limits approved by Oklahoma voters in 1990 did not result in termed legislators until 2004 (for House members and Senators elected in 1992) and in 2006 (for Senators elected in 1994), Blatt (2019) finds that Oklahoma legislators may be serving longer than before term limits were enacted. Pettey (2018) finds that more women are running for state legislative seats, but women are more likely to be successful in state with term limits.

Political science has considered questions that relate directly to the accountability of elected representatives. One of these questions is called the “last-term effect,” or how do legislators act in their last term? Herrick, Moore, and Hibbing (1994) find that legislators facing reelections are more legislatively active while those who are not running for reelection tend to have a more tightly focused legislative agenda. A more recent report on legislators’ experiences in Arkansas (Titiunik and Feher 2018) find that there are no significant differences between those legislators who run for reelection and those who know they are in their last terms.

The most consequential work to date is the assessment of the effects of term limits on the Michigan Legislature by Sarbaugh-Thompson and Thompson (2017). After studying term limits in that state for more than 13 years and conducting over 450 interviews, the researchers report that legislators have become less accessible to executive officials and that a gap has

emerged between state legislators and their constituents. Legislators consider votes in light of their campaigns for another office either up or down the political career ladder. The scholars point out that their findings in Michigan might not be found in other states, in part because different states have different term limits. Some states limit the members of their lower houses to 6 years or 8 years while the members of their upper chambers may serve 8 years or 12 years. Oklahoma's limits are the most unusual; legislators may serve a combined 12 years across both houses. For example, a legislator completing 8 years in the House of Representatives may only serve four years in the Senate. Some states apply lifetime bans on legislative service while others allow "breaks" in service.

One of my more immediate research goals is to read the arguments surrounding the adoption of presidential term limits. I recall that these arguments were more retrospective than prospective: President Franklin Roosevelt violated George Washington's two-term precedent and no future President should be able to do that. I may be surprised but I believe I'll find that there were few arguments presented suggesting that term limits on the President will make the federal government more efficient and effective.

Conclusions and Concerns

Political science needs to better understand how legislative term limits change the status and work of state legislatures. Does the length of the limits make a difference? I would like to be able to determine the term limit that best amplifies the positive effects of term limits while maintaining the delicate balance between the three branches of government. The Congress should not lose its importance and power under term limits while the executive and judicial branches should not gain with congressional term limits.

References

- Blatt, David. 2019. "Did Term Limits Really Change How Long Oklahoma Legislators Serve?" OK Policy Blog, May 2 update. <https://okpolicy.org/term-limits-legislative-experience/>
- Cain, Bruce E., and Thad Kousser. 2004. *Adapting to Term Limits: Recent Experiences and New Directions*. San Francisco: Public Policy Institute of California.
- Copeland, Gary W., and John David Rausch. 1993. "Sendin' 'Em Home Early: Oklahoma and Legislative Term Limitations." *Oklahoma Politics* 2:33-50.
- Farmer, Rick, John David Rausch, Jr., and John C. Green, eds. 2003. *The Test of Time: Coping with Legislative Term Limits*. Lanham, MD: Lexington Books.
- Herrick, Rebekah, Michael K. Moore, and John R. Hibbing. 1994. "Unfastening the Electoral Connection: The Behavior of U.S. Representatives when Reelection is No Longer a Factor." *The Journal of Politics* 56(1): 214-227.
- Mooney, Christopher Z. 2009. "Term Limits as a Boon to Legislative Scholarship: A Review." *State Politics & Policy Quarterly* 9(2): 204-228.
- Petty, Samantha. 2018. "Female Candidate Emergence and Term Limits: A State-Level Analysis." *Political Research Quarterly* 71(2): 318-329.
- Rausch, David, and Rick Farmer. 1997. "Term Limits in Oklahoma." *Oklahoma Politics* 6:37-41.
- Rausch, John David. 1993. "Testing Legislative Term Limitations: the San Mateo Board of County Supervisors as Laboratory." *National Civic Review* 82:149-156.
- Rausch, John David. 1995. "The Elite in the Term Limit Phenomenon." PhD diss. University of Oklahoma.

Sarbaugh-Thompson, Marjorie, and Lyke Thompson. 2017. *Implementing Term Limits: The Case of Michigan Legislature*. Ann Arbor: University of Michigan Press.

Schoenburg, Bernard. 2016. "Term Limits: Attractive, but Maybe Not As Advertised." *The State Journal-Register*, October 1. <https://www.sj-r.com/opinion/20161001/bernard-schoenburg-term-limits-attractive-but-maybe-not-as-advertised>

Titunik, Rocio, and Andrew Feher. 2018. "Legislative Behaviour Absent Re-election Incentives: Findings from a Natural Experiment in the Arkansas Senate." *Journal of the Royal Statistical Society A* 181(Part 2): 351-378.