RECONCILING VOTERS’ BEHAVIOR WITH LEGISLATIVE TERM LIMITS

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A puzzle exists over why voters continually re-elect their congressional and state representatives although these same voters often support initiatives to limit the number of terms that their legislators may serve. Residents of California, Colorado and Oklahoma voted in 1990 to limit the terms of their state legislators to tenures ranging from six to twelve years. In California these same voters, however, re-elected 87 of 91 (or 96 percent) of all incumbent state representatives and senators whose terms they sought to limit. Among re-elected incumbents, 67 (or 77 percent) had served as long as or longer than the maximum term prescribed under their state’s term limit initiative. Voters defeated only two incumbents who would have been removed under the terms of California’s tenure restrictions had they been in effect. Similar voter behavior characterized recent state elections in Colorado and Oklahoma. More generally, these seemingly contradictory voter preferences also are apparent in public opinion polls. At the Federal level, while 62 percent of voters immediately prior to the 1990 general elections indicated their intentions to reelect their congressman, that same poll showed that only 24 percent said they “approve of the way Congress is handling its job” (Gallup and Newport, 1990, pp. 36-37). Support for term limit initiatives and the low public esteem of legislators as a group both appear to be inconsistent with voters’ strong preferences for their own representative and the regular reelection of incumbents.

Given the 70 percent of the voters who supported the proposals in Colorado and Oklahoma, it seems difficult to view term limits as simply a ploy by one political party to hurt the other. Some contemporary observers have attributed this seemingly contradictory behavior to voters’ desire to impose an external constraint that “protects themselves” from their own irrational voting behavior. Instead, this paper offers a rational explanation for why voters may simultaneously support term limits and re-elect the representatives whose terms they seek to restrict. Our explanation focuses upon a free-riding problem that voters face in choosing their political representatives. Term limits can offer voters a solution to this free-rider problem.

Political representatives make sunk, non-transferable investments in learning how to create government wealth transfers to politically favored groups. One
plausible measure of the past investments made by an incumbent politician is his tenure in office. The longer a politician is in office, the more familiar he becomes with the legislature’s rules and procedures, the more adept he becomes at logrolling, the more seniority he gains on legislative committees, and the more likely he is to rise to leadership positions in the legislature. An incumbent’s skill in supplying wealth transfers is thus expected to increase with his experience in office. However, a representative’s success in generating transfers depends not only on his stock of past investments but also negatively on the stock held by other legislators. At the most general level, the distribution of this stock of knowledge across other politicians should also play an important role. For example, a district’s third term representative may have more of an advantage when all other politicians have two terms of tenure compared to when the average is two terms, but some politicians have been in office for many terms while the rest are freshmen. For simplicity, however, our model focuses on the average tenure of other incumbents as the relevant factor. Thus, we take a representative’s success in supplying transfers to be an increasing function of his relative stock of legislative experience or, equivalently, his relative tenure.

Our assumption implies that, everything else equal, the longer an incumbent has served in office, the more difficult it is for voters to remove him. The greater the relative experience of their legislator, the larger the reduction in benefits that voters sacrifice by removing him. Working against this tendency, however, is an incumbent’s reduced incentive to represent the interests of his constituents as he acquires additional legislative experience. The same mechanism that makes an experienced incumbent a more efficient supplier of wealth transfers also insulates him from electoral challenges that will arise if the incumbent fails to keep up with changes over time in voter preferences.

In choosing whether to re-elect their current representative, therefore, voters must weigh the resulting increased productivity in directing wealth transfers to their district against the incumbent’s increased insulation from future changes in voter preferences. In this situation, voters may be faced with a dilemma. Should they replace their incumbent, voters may place in office challengers who more accurately represent the voters’ preferences. However, they will accomplish this at the cost of a lower total level of transfers because of the reduction in their representative’s legislative experience.

Faced with this problem, voters in one district may re-elect their own representative because they cannot be sure that voters from other districts will remove their incumbents. Should other districts’ voters not remove their incumbents, those voters will enjoy a potential increase in their level of transfers made possible by the increase in their representative’s relative stock of political experience. In this manner, districts that retain their incumbent free-ride off voters who replace their representative. If all voters could agree simultaneously to limit the tenure of incumbents, however, they might choose a different set of politicians. Collective behavior by voters imposing tenure limits can lower the cost incurred