FOR WHOM THE BELL TOLLS: 
TERM LIMITS AND STATE LEGISLATURES*

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One of the trends of the 1990s is the movement to limit terms of office for public officials. The movement varies from state-to-state, but no level of government or office seems to be immune. Various proposals are aimed at city councils, statewide executive officials, or Congress. But at this point the office which appears to be most often targeted is that of the state legislator. At least forty-one states considered state legislative term limitations in 1991.1

The specifics of the term limit proposals vary. In September of 1990, Oklahoma voters approved a plan limiting state representatives and senators to twelve years of service; Colorado approved eight-year limits for consecutive service while California voters enacted six-year limits for assembly members and eight-year limits for state senators. This latter plan appears to be the most common in recent proposals.

At this point there is very little research on the effect of term limitations on state legislators. Jewell (1969) mentions rotation agreements as they applied to southern state legislatures during much of this century, and there is a small body of work on rotation in office as it applied to Congress in the nineteenth century (Kernell, 1977; Struble, 1979/1980). The term limitations set forth today, however, are somewhat different than the rotation agreements of previous years. Rotation agreements were rarely (if ever) codified, and they did not preclude a previous office-holder from running for election again when his/her “turn” came up again.

The literature on turnover in state legislatures is obviously relevant to a discussion of term limitations. The reduction in state legislative turnover (documented especially by Shin and Jackson, 1979; and Niemi and Winsky, 1987) is quite likely related to the move to limit terms. We know, for example, that turnover rates have dropped substantially in virtually all states in the last few decades. If turnover drops, the average tenure of legislators will almost certainly increase. If the length of that tenure is perceived by the public as excessive, then term limitations might be perceived as a solution.2

Discussions of the possible effects of term limits (Katz, 1991; Copeland and Rausch, 1991) tend to be speculative. This is understandable, since the term limits are just now going into effect. Copeland and Rausch suggest (correctly, we
believe) a host of potential unintended consequences of term limitations, which include fewer effectively contested elections, increased influence of staff, interest groups, and the executive branch, and the amateurization of state legislatures.

We will not truly know the consequences until the term limits have been in place for a decade or more (i.e., until the “treatment” has had time to have an effect). We don’t even know, for example, how many legislators will be affected by term limits, since many legislators leave office after only a few years. Given the strength of this term limit movement, we might assume that state legislators cling to office for decades, invoking all the reelection advantages of incumbency generally associated with Congress. But is this the case, or are the “terminators” attacking a chimera? In an attempt to inform the debate on term limits, we track a particular cohort of freshmen state legislators through time, and provide data on the retention of this cohort at specific time points.

DATA AND METHODS

In order to develop the data for this analysis, we had to make several operational decisions. First, we decided to use a twelve-year term limit as the focus of the study. As mentioned above, several different term limitation laws are in effect. The twelve-year variant was the first proposal passed (Oklahoma), and we decided to use it as the base. We also calculate six-year intervals, since they have become common in the more recent initiatives. The 6- and 12-year intervals “generally represent the minimum and maximum parameters of the limits now in effect or being considered” (Thompson and Moncrief, 1993:302).

Second, we assumed that time served in one chamber would not count against time served in the other chamber. In other words, if a state legislator in the House served six years and then moved to the Senate, the term limitation “clock” would begin anew (i.e., the six years in the House would not count against the twelve years permissible in the Senate). Third, we assumed that the term limitation applied only to consecutive service. In other words, if a legislator served eight years, sat out for several years, and then returned, he/she would return under a “fresh clock.” There are variations on each of these principles in the initiatives, proposals and propositions currently under consideration in different states; we invite others to replicate our procedure using a different set of stipulations.

The research question we pose is, “How many of the state legislators presently serving would be affected by the imposition of a term limitation, if such a limit had been imposed twelve years ago?”

To answer this question, we must first determine the cohort of state legislators who began service in a specific session, and trace that cohort over time. We chose the 1979-80 cohort, since this group would have been required to leave office after the 1989-90 sessions (i.e., they would have served twelve consecutive years at that