



Legislative Term Limits: Background Briefing

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Limiting Government

- *The United States has a long history of limitations on government*
- *One kind of limitation is on the service of public officials*
- *These limitations have been manifested in norms and laws*



Limitations on Official Service

- *Direct election of officials*
- *Length of terms for officials*
- *Rotation of offices*
- *Number of terms for officials*

Changes Overtime

- Federal constitution: *mixed of limitations but no limit on number of terms*
- 19th and early 20th centuries: *more officials elected; strong rotation of offices norm*
- Mid-20th century: *length of terms increased; rotation of offices norm weakens; limits on number of terms enacted for executive offices*
- Late 20th century: *rotation of offices norm weaker; limits on numbers terms enacted for state legislators (and members of Congress but found unconstitutional)*

Major Reason for Changes

- Major cause: *expansion of executive branch and professionalization of public service*
- Major consequence: *increased prominence of incumbent officials*
- Major responses: *replaced weakened norm with laws*

State Legislative Term Limits

- 1990-1996: 20 states enacted term limits
- 1997-2012: One state enacted term limits; six states repealed or struck down term limits
- 2014: 15 states with legislative term limits
(In 2014, 36 states with gubernatorial term limits)

Types of Legislative Term Limits

- COMMON MODEL(a): Nine states; eight-year consecutive limits in each chamber (AZ, CO, FL, ME, MO, MT, OH, SD; NE)
- COMMON MODEL(b): Two states; six-year consecutive limit in House and eight-year consecutive limit in Senate (AR, MI)
- RESTRICTED MODEL: Two states; twelve-year lifetime limit in both chambers combined (CA, OK)
- EXPANDED MODEL: Two states; twelve-year consecutive limits in each chamber (LA, NV)

The main impact of term limits is the mandated turnover in legislators

- *Largest impact occurs when term limits first take effect; diminishes as legislators adapt to term limits*
- *Larger impact in professionalized legislatures*
- *Impact may be larger in the Restricted Model states and smaller in Expanded Model states; the Common Model states appear to fall in-between*

Term limits have changed the role of legislative leaders

- *Limited the development of new legislative leaders*
- *Created uncertainty in the selection of legislative leaders*
- *Reduced agenda setting, gatekeeping, and coalition building capacities of legislative leaders*

Term limits have diminished the role of legislatures in the policy process

- *Reduced institutional memory in legislative bodies*
- *Limited development of policy expertise among new legislators*
- *Increased influence of governors, administrative agencies, nonpartisan staff, and lobbyists in the policy process*

Term limits changed the characteristics of legislators in some ways and not others

- *Reduced the time horizon of legislators; increase in partisanship and decrease in civility*
- *No increase in “citizen legislators,” but the career paths of politicians altered*
- *No systematic increase in the gender, racial or ethnic diversity among legislators*

Terms limits have modest impact on the electoral process

- *No increase in overall competitiveness of elections*
- *No decrease in level of campaign spending*
- *Increased role of party caucuses in legislative campaigns*

Summary

Term Limits Have:

- *Changed the legislative process, but legislators have adjusted to the change*
- *Larger impact on legislative leadership and the role the legislature in the policy process*
- *Smaller impact on the characteristics of legislators and the electoral process*
- *Larger impact in more professionalized states, and probably in state with more restrictive limits*

Prescriptive Implications

- *Term limits will remain a major limitation on official service and may become more common*
- *There has been strong public support for term limits, reflecting historic rotation of offices norm and developments in government institutions*
- *Increasing term limits may enhance the role of legislative leadership and role in the policy process. In this regard, a twelve-year limit appears to be preferable to an eight-year limit*
- *Allowing former legislators to return to office mitigates some of the impact of term limits*



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