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Before the

COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON THE CONSTITUTION

On

“Keeping Congress Accountable: Term Limits in the United States”

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Chairman Cruz, Ranking Member Hirano and distinguished members of the subcommittee,

Thank you for the opportunity to testify on the findings of my academic research on term limits, which I began to study in 1995. My relevant publications, co-authors, sources of funding and methodology are detailed in my written comments, and in my CV.

Between 1990 and 1995, 21 states adopted legislative term limits (TL) and 15 still have them today. The large number of states that adopted TL in this short period of time presented political scientists with a rare opportunity to study the effects of a major institutional change. My findings are based on interviews with legislators, two national surveys of legislators and hard data on their elections, constituencies and so forth. The surveys allowed us to compare four categories of legislators, newcomers and old timers each in term-limited and in non-term-limited legislatures. The primary studies were conducted at two time periods—one after the adoption of TL but before implementation, that is before any legislators were termed out and the other after implementation.

The legislative careerism that is curtailed by term limits was widely expected to alter the types of individuals who sought and won office. Notably, there is no support for TL significantly increasing the proportion of “citizen-legislators” rather than career-oriented politicians—TL newcomers in the study after implementation were *more* likely to have held other prior elective office than were non-TL newcomers. Legislators in states with term limits professed equally strong career ambitions, but to continue their political careers they needed to run for other office. For example, members in TL lower chambers much more often said they were likely to run for the state senate than were members in non-TL chambers. I’d be glad to expand on this in the Q&A.

TL were similarly expected by many to bring in new faces with fresh ideas. Yet there were no differences in demographic composition between TL newcomers and other newcomers. We examined member education, income, age, race, gender, occupation, ideology and ideological extremism¹.

The adoption of TL did have an immediate effect on legislator behavior. For example, it was argued that term limits would reduce the incentive to spend time building constituency support for reelection. We expected and found that members in TL chambers spent less time on keeping in touch with their constituents, on casework and on pork. These differences were most pronounced for legislators in chambers in the implementation stage of term limits where members were actually being termed out of office. There was no difference between TL and non-TL chambers in time spent on campaigning and fundraising.

The strongest findings involved institutional effects. When TL are implemented in legislatures, governors, as well as bureaucrats and civil servants, gain considerable influence at the expense of legislatures. The fact that the effect is delayed until limits actually kick in suggests that the effect is a product of the removal of long-term incumbents rather than of changing incentives that arise from putting term limits on the books.

Within chambers, most of the decline in the power of majority party leaders occurs immediately after the adoption of TLs, with only a modest further decline after implementation. In contrast, the influence of committee chairs begins to decline when TL are adopted but declines much more later when they are implemented. These results would be consistent with the notion that the authority of Speakers and Majority Leaders is based on control over rewards and sanctions to rank-and-file legislators, whereas the influence of committee chairs is based on deference to their policy expertise. Thus, TL immediately undercut the chamber leader's authority by voiding expectations about future ability to reward and sanction. The committee chair's authority declines when the chair, the expert, leaves office.

Much of my recent research has focused on TL as explanatory factors in projects on other topics. One project on the legislative influence of campaign contributions found that contributions in TL legislatures have the same or perhaps slightly less influence than in non-TL legislatures. Another recent project has sought to understand how legislators come to agreements on difficult issues. In the interviews that I conducted, legislators mentioned TL as reducing the time that they had to build the personal relationships with other legislators that facilitate reaching agreements.

The effects of institutional changes, such as TL, are complex and hard to fully anticipate in advance. Although we are still unraveling the nuances of TL, I think we have a very good understanding of the main effects. Here I have just outlined our findings—I'd be glad to discuss any of them in more detail.

¹Even a very slight increase in the fraction of newly elected women legislators in TL states shown in the first study was not evident in the second study.

APPENDIX
TERM LIMITS PROJECTS, PUBLICATIONS, CO-AUTHORS, FUNDING AND METHODS

STUDY ON THE INITIAL EFFECTS OF TURNOVER AFTER THE ADOPTION OF TERM LIMITS

[1] "The Effects of Term Limits on State Legislatures." Co-authors John Carey and Richard Niemi. *Legislative Studies Quarterly*, May, 1998:271-300.

[2] *Term Limits in the State Legislatures*. Co-authors John Carey and Richard Niemi. Ann Arbor: University of Michigan Press, 2000.

This study was funded by the National Science Foundation. In 1995, we surveyed every member of the upper houses in all fifty states and to roughly three-quarters of the members of the lower houses plus former members (using addresses from the National Conference of State Legislatures) who had served in 1993 and 1994. We had a 47% response rate for a total of close to 3000 respondents and over 2000 current legislators. In 1997 we conducted interviews with legislators in four states—two where TL were adopted but not yet implemented and two in which legislators had already proscribed reelection. In the TL states we chose one very highly professionalized legislature along with one on the other end of the professionalization scale. In addition we collected a variety of data on the legislators, their constituencies and their chambers. These constituted control variables in much of the analysis, and, in a few instances served as independent variables in their own right. For example, we statistically modeled which legislators actually ran for the US House.

Methodology: We estimated statistical models for each of the dependent variables (DV) we studied:

$$\begin{aligned} \text{DV} = & a(\text{constant}) \\ & + b_1(\text{OTTL}) \\ & + b_2(\text{NCNTL}) \\ & + b_3(\text{NCTL}) \\ & + b_4 \dots b_i(\text{various controls, reported with models}). \end{aligned}$$

DV could be, for example, each legislator's response to the survey item asking legislators how much time he or she spent on 'making sure your district gets its fair share of government money and projects'. Respondents were provide 5-point scales with 1 labeled 'A Great Deal' and 5 'Hardly Any'. A respondent who coded the box next to 'A Great Deal' would be coded 2. For interval variables, as above, we estimated linear regression models; for dichotomous variables we estimated logit models. The coefficient b_1 indicates the magnitude of effect of old timers in TL states, that is, those elected before the adoption of TL. The coefficient b_3 is the magnitude of effect for legislators elected after TL were adopted in TL states. The coefficient b_2 represents the effect for newcomers in non-TL states—we used the modal year that defined the cut point in TL states between old timers and newcomers as the cut point for the non-TL states. The residual or baseline category consists of the old timers in non-TL states. The coefficients b_4 through b_i are the coefficients for a lengthy list of control variables to be sure that the

differences we observe on the TL coefficients are not due to differences between TL and non-TL states or to differences in the constituencies of legislators or of their chambers. (The control variables include constituency demographics, chamber (upper or lower), legislator party, size of district and so forth.) In the example above, with the DV (often termed) pork, the coefficients on the three variables of interest are:

.25 OTTL
-.17 NCNTL
.31 NCTL

The baseline category, OTNTL always has the value of 0.

Since lower scale values always mean more time spent, newcomers in non-TL states (-.17) spend the most time securing pork, followed by old timers in NTL states (0). Old timers (.25) and newcomers (.31) spend significantly less time securing pork than legislators in non-TL states, and the difference between the old timers and the newcomers in TL states is too small to be statistically significant (significance not shown here). These sorts of equations allow us to tease out the relationships among the four categories of legislators and isolate the effects of TL from other possible confounding variables by controlling for (holding constant statistically) a long list of other variables (usually constituency demographics plus another 8-12 variables).

Although my testimony was too short to include examples from our interviews with legislators, they served two important purposes. They confirmed much of what we found in our statistical models—there were no glaring inconsistencies. They also added to the richness and complexity of our understanding in ways that the statistical models could not. Having two quite different types of consistent evidence gives us greater confidence in our results.

STUDY ON THE MIDSTREAM EFFECTS OF TURNOVER AFTER TERM LIMITS HAD TERMED SOME LEGISLATORS OUT IN THE MAJORITY OF STATES THAT HAD ADOPTED TERM LIMITS

[3] “The Effects of Term Limits on State Legislatures,” Co-authors John Carey, Richard Niemi, and Gary Moncrief. *Legislative Studies Quarterly*, February, 2006:105-134.

[4] “Term Limits and the Composition of Legislatures” Co-authors Gary Moncrief and Tim Storey in Bruce Cain, Karl Kurtz and Richard Niemi, eds. *Institutional Change in American Politics: The Case of Term Limits*, Ann Arbor, MI: University of Michigan Press, 2006.

[5] “Constituent Attention and Interest Representation” Co-authors Richard Niemi and Michael Smith Chapter 3 in Bruce Cain, Karl Kurtz and Richard Niemi, eds. *Institutional Change in American Politics: The Case of Term Limits*, Ann Arbor, MI: University of Michigan Press, 2006.

The National Conference of State Legislatures obtained funding from a private foundation to study term limits. They invited my co-author, Dick Niemi, and I to work on the survey portion of the study along with Gary Moncrief. NCSL also asked a large number of scholars to write case studies of TL in their own state legislatures. Our survey retained much of what we had asked in the earlier survey, giving us opportunities to make comparisons over time, and added a variety of new questions. We surveyed all state legislators with a response rate of 40% yielding approximately 3000 respondents.

Publication [3] This publication used the data from the legislator survey. For a portion of the analysis we retained the same model as in the first study and added another statistical model to study chamber effects. Instead of the OTTL, NCNTL NCTL variables used above which distinguish individual legislators we similarly distinguished chambers by their term limit status: those that had adopted but not yet implemented TL, implemented TL and a small control category for those that had adopted TL and struck them down. The baseline category was the non-TL chambers. Our findings did not differ from those in our earlier book, but instead expanded on them with the differentiation between adopted and implemented chambers.

Publications [4] and [5] summarized and integrated the survey and interview data thematically.

TERM LIMITS AND TURNOVER

[6] “Time, Term Limits, and Turnover: Trends in Membership Turnover in U.S. State Legislatures” Co-authors Gary Moncrief and Richard Niemi. *Legislative Studies Quarterly*, 2004, 3:357-381.

This was a stand-alone paper based on election results in the 50 states over time. No funding.

RECENT AND CURRENT WORK ON TERM LIMITS AS EXPLANATORY VARIABLES

The effects of term limits are well enough understood that they are increasingly examined as explanatory variables in studies focused on other phenomena.

[7] *The Influence of Campaign Contributions in State Legislatures: The Effects of Institutions and Politics*. Ann Arbor: University of Michigan Press. 2012. No funding.

Bayesian hierarchical models were used to disentangle the causal effects of a variety of features of institutional design (including term limits), along with other variables at the chamber, constituency and member levels on the influence of campaign contributions in the legislative process. This analysis reused the 2002 survey of state legislators, along with an extensive collection of campaign finance data, and additional variables on the members, their constituencies and chambers.

Current unpublished work. The Congress portion is funded by the Dirksen Congressional Center, the National Conference of State Legislatures (NCSL) provided some resources for the state legislature portion and the Edmund J. Safra Foundation and the Social Science Research Council provided support for the project as a whole.

I worked with NCSL on a grant from Hewlett where our research interests overlapped. We interviewed legislators in 10 states in 2015 to understand the factors that facilitated and impeded legislators from coming to agreement on difficult issues. TL were mentioned in the interviews I conducted as one of the factors that made it difficult to get to know other legislations on a personal basis and consequently impeded negotiating. The report that went to Hewlett presented a very broad overview of our findings and did not itself focus on TL.

[8] “Polarization, Partisanship and Policymaking in State Legislatures” Project Report to the William and Flora Hewlett Foundation. National Conference of State Legislatures. 2017. Available online.