

# Coping with Term Limits

## A Practical Guide

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**NATIONAL CONFERENCE OF STATE LEGISLATURES**



**THE COUNCIL OF STATE GOVERNMENTS**



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# PREFACE AND ACKNOWLEDGMENTS

Term limits have presented challenges to legislatures that wish to remain strong and effective institutions. However, legislatures are flexible and dynamic bodies, and they have made many adaptations to cope with these challenges. The effects of term limits and legislatures' efforts to respond are collected and summarized in this guide to provide term-limited legislatures with a comprehensive set of suggestions for dealing with the effects of term limits. Although the changes made in one state may not be practical or politically feasible in another, they are offered here in accordance with the participating organizations' mission of ensuring the quality and effectiveness of the legislative institution.

The contents of this publication are drawn largely from the results of the Joint Project on Term Limits (JPTL). To complete this project, the National Conference of State Legislatures, the Council of State Governments, the State Legislative Leaders Foundation and a group of distinguished political scientists from universities around the country worked together for three years, conducting an in-depth study of the effects of legislative term limits. The findings of the study are based on the results of two major surveys; a collection of data on the individual characteristics of all state legislators; interviews with hundreds of legislators, legislative staff and other observers of the legislative process; and a large body of data on the legislative process compiled from nine states. The complete results of the JPTL study will be published in Karl T. Kurtz, Bruce Cain and Richard G. Niemi, eds., *Institutional Change in American Politics: The Case of Term Limits* (Ann Arbor: University of Michigan Press, forthcoming). Background information on term limits is detailed in appendix A, and more information about the JPTL is included in appendix B.



# 1. THE EFFECTS OF TERM LIMITS

Although new term limits proposals may no longer be appearing on the ballot, the term limits enacted between 1990 and 2000 continue to have a major effect on legislatures around the country. This section examines just what the effects of term limits really are. Before their implementation in 1996, there was speculation by both proponents and opponents about how legislatures might change under term limits. Since then, many studies have been conducted that have examined one or two states under term limits. This project, however, is the first to conduct a comprehensive, multi-state examination of the effects of term limits. The findings are summarized below.

## **Composition: Who's Being Elected under Term Limits?**

The most publicly visible facet of the legislature is its members. One of the more popular promises of term limits proponents was that they would change the composition of legislatures to make them more representative of the populations they served—weeding out ineffective members and bringing in fresh faces, including more women and minorities.

Term limits have not led to the new breed of diverse, citizen legislators proponents expected to see, however. In general, there are not more women or minorities in state legislatures, and there is no substantial difference in legislators' age and occupational backgrounds. Between 1995 and 2004, the only term-limited legislatures that showed an increase in the number of women were California and South Dakota. In a majority of term-limited states, the number of women legislators has actually decreased since term limits took effect.

Isolated examples can be found of gains in the number of minorities elected to several term-limited legislatures, including an increase in the number of Latinos in the California and Florida legislatures, and, to a lesser extent, in Arizona. An increase in the number of African Americans occurred in Michigan and, to a lesser extent, in Arkansas. JPTL researchers concluded that term limits accelerated demographic trends that already were at work in the state population, leading to these increases. In California, for example, as incumbents (often Anglos) were unable to run for reelection, the increasing number of Latinos in the state could be reflected in the Legislature, thanks to open seat elections. Overall, however, no systematic differences exist in the number of racial and ethnic minorities in term-limited legislatures versus non-term limited legislatures.

Finally, political careerism does not seem to end with term limits. Rather than returning to their previous careers or private sector jobs, long-serving members in term-limited states are likely to run for other elective office, particularly for the upper chamber or a local office.

## Turnover

Term limits tend to produce their biggest shake-up in the legislature during the first legislative session or two after their implementation. The initial effect of term limits usually produces historically high turnover—for instance, a full 57 percent of the Michigan House was termed out when term limits first took effect with the 1998 elections. Turnover rates in the 10 house chambers where term limits were in effect in 2004 increased by an average of 11.5 percent in the decade of 1991 to 2000, compared to 1981 to 1990.

High turnover itself is not necessarily a problem. In fact, high turnover historically is common in some of the term-limited legislatures. The difference under term limits is that these legislatures no longer have a small group of long-serving members whose leadership and expertise can guide a largely inexperienced legislature. This collective lack of legislative experience is the root of many of the other effects of term limits discussed below.

## The Structure of the Legislature: Leaders, Committees and Staff

Among the most dramatic and fundamental changes term limits have brought to state legislatures are those that have occurred in the internal workings of legislatures, where they are largely invisible to the public. These changes center on the lack of experience of those elected to term-limited legislatures.

### *Leaders*

No legislative leader in a term-limited state has served more than four years in a leadership post, and the vast majority have been limited to two years. Furthermore, leaders have much less legislative experience at the time they are elected to serve as leaders. Before term limits, it was common in many states for legislators to serve one or two decades in the legislature before ascending to the upper levels of leadership. Under term limits, it is common to see members begin their campaign for leadership in their freshman year. The decrease in legislative experience and shortened leadership tenure not only make the learning curve steep for new leaders, but also make it more difficult for leaders to exert influence on their caucus.

The “lame duck” factor has played a critical role in the declining influence of leaders in term-limited legislatures. Most leaders assume their leadership position in the last term before they are termed out of the chamber, so members know that the leaders’ time in office is limited. They therefore see less value in cooperating with the leader, and leaders are less able to sanction members who challenge them.

Leadership elections are more contested since the implementation of term limits. Before term limits, most elections for key leadership positions were decided long before the actual vote was taken. Incumbent leaders generally faced little or no challenge. Under term limits, many states have witnessed highly contested leadership battles.

Although the ability to raise money and to elect or re-elect members of the caucus have always been a part of the leadership selection calculus, that part of the formula weighs more heavily than ever in term-limited states. This is because the value of legislative experience and institutional knowledge—factors that played a key role in leadership selection before term limits—is neutralized by term limits.

## *Committees*

Term limits have dramatically increased the turnover of committee chairs, especially in key committees such as budget, appropriations and judiciary. As turnover has increased, the level of experience that chairs bring to their post has decreased. In some term-limited legislatures, committees are chaired by legislators who have no previous experience on the committee or, in a few cases, no previous experience in the legislature. The general membership of committees also turns over more rapidly under term limits.

The high turnover and relative inexperience create a steep learning curve for committee chairs and members, who often are less knowledgeable than their predecessors regarding issues of importance to the committee. This can result in increased influence by staff, bureaucrats and lobbyists, all of whom have the experience and detailed knowledge new legislators and chairs may lack. Observers in term-limited states also report that this knowledge deficit in committees causes a tendency to revisit the same issues every session.

In the past, new or less experienced committee members could turn to the committee chair for clues on how to vote, when to amend or what to say. It takes time to learn to effectively chair a committee and to master both the policy and procedural details, however, and time is the one thing term limited legislators do not have. Further, because of term limits, most chairs are “lame ducks” from the moment they are selected, and committee members have limited reason to defer to them. The combination of increased turnover and decreased experience has caused committees to become more chaotic and less effective at gatekeeping and screening out ineffective legislation.

Traditionally, legislative committees were likely to be among the few places in the legislature where partisanship and ideology were minimized and issues, as well as members, generally were treated with respect. Although this deference has been declining throughout the political world, it seems to have accelerated in states with term limits. Because members know less about the substance of bills, debates in committees seem to be more personal, partisan and political. Members who are unable to defend or attack on policy may fall back on politics.

Committees' influence also has decreased. In Ohio, for instance, JPTL investigators found that many decisions once made by legislative committees now are made by the majority caucus. In California and Colorado, it appears that much of the power has shifted to the floor; committee recommendations often are ignored by the body. In the Oklahoma House, the speaker created the first-ever Calendars Committee to assist with the gatekeeping function that no longer is performed effectively by the standing committees.

## *Legislative Staff*

The importance of nonpartisan staff has grown under term limits because they have taken on the dramatically more significant task of educating and training new legislators on both policy and process. However, the increased importance of nonpartisan staff has not necessarily translated into increased influence. On the other hand, it appears that partisan staff have become more influential in many term-limited legislatures. Legislators tend to be more familiar with partisan staff, many of whom worked in legislative campaigns, and, therefore, may be more likely to turn to them for advice.

Just as turnover of legislators has increased, so has the turnover of staff, especially among the personal and political staff, who are more closely tied to individual legislators. As the challenges of staffing the legislature have increased and potential job stability and security have decreased, it has become more difficult to retain legislative staff. Some have left for the private sector, others for the executive branch and still others for jobs in the other chamber.

In some states, pressure has increased on nonpartisan staff to play a more partisan role in providing policy information and analysis. New legislators do not always know what to expect from the nonpartisan staff. Although many may have a relationship with partisan staff that was forged during the election, most have limited understanding of or trust in nonpartisan staff. New legislators may perceive nonpartisan staff agencies to be an arm of the majority party, and members of the minority party are wary of sharing policy ideas or information that might be used by the other party. This creates a challenge for nonpartisan staffing agencies that must find a way to communicate to new legislators the role of nonpartisan staff, earn their trust and protect their nonpartisan role.

### **Civility and Collegiality: Relationships within the Legislature**

JPTL interviews show that how legislators approach their jobs and interact with one another have changed under term limits.

It is not uncommon in most state legislatures for new members to spend their first term watching, listening and learning about the legislative process and how to be a legislator. Freshmen legislators generally are less likely to introduce legislation than are more senior members, and are even less likely to seek a committee chairmanship or leadership post. Under term limits, this period of apprenticeship no longer exists. New members know their time is limited, and they are eager to get to work and make their mark. They expect to be treated as full-fledged participants in the legislative process from the moment they take their seats on the floor. It is not uncommon for freshmen to chair committees and to begin to position themselves during their first term for a leadership role. In the term-limited legislature, one can see a new urgency and a new aggressiveness.

As a result of this new urgency, a decline in civility and an increase in conflict were reported in term-limited legislatures throughout the JPTL case studies. Legislators have less time to get to know and trust one another. This lack of relationships makes the legislature more confrontational. Scenes such as exchanges of angry accusations and charges are more common, as are displays of bad manners. Members are less collegial and less likely to bond with their peers, particularly those from across the aisle. The consequences of this are more than a simple change in the social climate—the decline in civility has reduced legislators' willingness and ability to compromise and engage in consensus building.

### **Policy, Budgets and the Executive Branch: A Shift in the Balance of Power**

Perhaps the most significant effect of term limits uncovered by the JPTL is the decline in the influence of the legislative branch of state government in relation to the executive branch. This decline in legislative power is most visible in the budget process.

During the period of study, the balance of power between the executive branch and the legislative branch in the control states—those without term limits—did not change. However, in all but one of the study's states with term limits (Ohio is the exception), influence over state spending, both in broad terms and in the details, has shifted to the executive branch. A study of four term-limited legislatures, for instance, revealed that legislative adjustments to governors' budget proposals have declined significantly in all four states since term limits took effect. This shift in power reflects the key problem term limits creates: inexperience. Inexperienced legislators do not always know the questions to ask of experienced executive branch administrators and agency directors. Legislatures that lack veteran leadership may hesitate to challenge the governor's budget.

On the other hand, the quality of the policy enacted by term-limited legislatures has not changed measurably under term limits. JPTL interviews reveal that more bills are designed to build a legislator's resume for re-election (termed "brochure bills" by a Colorado observer), and more bills reintroduce old ideas. However, the study did not reveal evidence that the policy produced in term-limited legislatures in any way differs from or is of poorer quality than that produced in non-term-limited legislatures.

This may change over the long-term as term-limited legislatures lose their "policy champions," what one Colorado observer called legislators who are specialists in an issue area. They spend years studying the issue, introducing legislation but losing, refining their ideas, educating colleagues and building coalitions. The process takes years, but the result is well-crafted public policy. It has become more difficult under term limits to find legislators who champion policies and this sort of policymaking. They simply do not have the time necessary to achieve such results.

## Lobbyists

Results on this issue are mixed. Most observers surveyed by the JPTL believe that lobbyists have gained at least some power with term limits, while observers in non-term limits states saw lobbyist influence as steady or even declining during the past decade. New legislators' lack of policy information and experience—and the knowledge that, with term limits, their time to acquire these is severely limited—forces term-limited legislators to rely on lobbyists for information.

It is clear, however, that under term limits, lobbying is more difficult than it used to be. Lobbyists have to meet, educate and establish relationships with many more lawmakers every two years than they did in the past. They cannot afford to ignore freshman lawmakers, because some of them will likely serve as leaders in a few short years. They spend much more time educating members on issues and bills and in traveling the state to meet new members. Interest groups and businesses often react to the extra work by hiring more lobbyists.

Traditionally, lobbyists have depended upon their reputation to effectively do their jobs. Lying to or misleading a legislator can lead to a loss of credibility that quickly ends a lobbying career. Thus, lobbyists generally have been careful to use reliable information and provide legislators with all sides of a policy debate. Under term limits, long-term lobbyist-legislator relationships have been broken, and lobbyists know that their interactions with a legislator will end at a particular point in time. In some cases, this has led to unethical behavior by lobbyists who may not be as careful about guarding their credibility

as in the past. On occasion, short-term lobbying goals have come outweigh the importance of long-term credibility. Observers interviewed in the JPTL case studies reported instances of biased narratives of policy history and disrespectful behavior toward legislators and leaders. Although such behavior remains the exception, it is reportedly more common under term limits.

Although term-limited legislators may need the policy and procedural expertise that lobbyists hold more than their non-term-limited counterparts do, they also are more likely to be suspicious of lobbyists. This creates a new and unique tension in the legislator-lobbyist relationship. New legislators may share the general public's negative impression of lobbyists, viewing them as manipulators who are interested only in biasing public policy toward their own special interest. Because there are more new members than ever under term limits, legislators in term-limited states are more likely to distrust lobbyists than are their non-term-limited peers.

## 2. LEGISLATURES RESPOND TO TERM LIMITS

This section summarizes the many ways legislatures have responded to the effects of term limits. Just as the effects of term limits vary from state to state, so do the solutions to the problems term limits sometimes create. Many of the adaptations listed here evolved informally over time; others were carefully planned by leaders in term-limited states.

The ideas listed here will not be appropriate for every state, nor does their inclusion here constitute an endorsement by the three organizations that conducted research for this report. They are merely offered as a list of suggestions that term-limited legislatures might wish to consider and adapt to suit their unique needs.

### **Turnover: Dealing with the Lack of Experience**

- **Improve new member orientation and ongoing training programs**
- **Offer mentoring programs**
- **Compile directories of legislative rules and traditions**

#### *Orientation and Training*

All legislatures hold orientation and training programs for new members. Programs commonly cover such basics as bill request procedures and deadlines, capitol security and safety procedures, compensation and benefits, introductions to staffing units, and orientation to accessing legislative information available on the Internet. They often are held with the assistance of legislative staff and outside faculty drawn from universities, think tanks and state executive agencies. In the term-limited legislatures, new member orientations have been dramatically expanded. They often include more complex topics such as mock committee and floor sessions, examination of the appropriations and budget processes, sessions that focus on particular policy areas, legislative procedures and ethics.

Many term-limited legislatures have discovered that, although a high-quality orientation program can help new members get started, additional training is helpful as the legislative session progresses. New members often report that they are overwhelmed by the information presented in orientation, or that they find it difficult to apply what they learn until they have actually experienced the legislative process. Mini “refresher” courses during the legislative session may help legislators deal with such problems. Such ongoing training might include in-depth sessions on fiscal matters or complex policy areas, reviews of legislative rules and procedures, or seminars for committee chairs and leaders. Taking part in training while the legislature is in session enables new members to immediately apply what they learn.

## *Mentoring Programs*

In some term-limited states, veteran members serve as mentors for freshmen lawmakers, helping them learn appropriate legislative behavior, rules, process and policy issues. Colorado operates a variation of this: the two major central staffing agencies pair a senior staff member with a new legislator in a “buddy system.” The connection established during new member orientation is designed to continue throughout the member’s tenure. The goal of these programs is to provide the member with a name and face—someone they know personally—who can answer questions or direct them to a source who can.

### **Case Study: Orientation and Training Program**

#### *The California Assembly’s CAPITOL Institute*

To help freshmen legislators carry out their new responsibilities, a former speaker created the California Assembly Program for Innovative Training and Orientation for the Legislature (the CAPITOL Institute). Within days of each election, the CAPITOL Institute begins a comprehensive, 10-day training program for new members. Members learn the basics about salary and benefits, running their district offices, using their laptops, and voting on the floor. During two additional training sessions in late November and December, more complex topics are covered, including floor procedure, committee operations, legislative deadlines and ethics rules. Key personnel also are introduced, including the governor’s staff, the sergeant at arms and the state librarian. The CAPITOL Institute also offers new members a chance to become acquainted before they begin working together when the legislative session convenes.

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## *Compilations of Legislative Rules and Traditions*

In Colorado, leaders asked staff to compile notebooks containing written and unwritten rules. The chief clerk of the House and the staff director of the Joint Budget Committee each produced volumes that contain laws, rules, customs and other relevant materials. In Missouri, the minority leader recorded the house rules on CDs so that members might listen to them while traveling to and from the capitol. Such resources are of great value to new legislators.

They condense the process of building experience, maturity, institutional knowledge and respect for the institution, allowing them to be more easily absorbed in just two or three terms in office.

## **The Structure of Legislatures: Leaders**

- Develop leadership ladders and patterns of transition
- Select leaders earlier in the session
- New roles for leaders: educators and—sometimes—chief campaigners
- Prepare prospective leaders
- Build relationships with members quickly
- Hold regular meetings with new members and the leadership team

### *Developing Leadership Ladders and Patterns of Transition*

A few term-limited legislatures have established a tentative leadership ladder to help increase predictability, if not stability, in leadership transitions. In Maine, for instance, the three most recent House speakers served previously as majority leader. This strategy serves at least two positive purposes. First, it provides some stability for the legislative system, because those in the policy process can predict who will be in charge in the near future. Second, it allows prospective leaders to develop skills before they move into the leadership position.

### *Selecting Leaders Earlier in the Session*

Another adaptation that is becoming evident is the process of earlier selection of legislative leaders. This has become the norm in several term-limited states.

Selecting leaders earlier offers two benefits: a leader may be able to serve longer than the single two-year term that is becoming the standard for leadership tenure in many term-limited legislatures. Longer-serving leaders can lend stability and order to the legislative process, whereas “lame duck” leaders often have difficulty leading the rank-and-file membership. Second, a leader elected earlier has more time to prepare for his or her leadership role. The time between designation as leader and assuming the role may be spent in training, observation and mentoring with current leaders.

- In the Arkansas and Florida houses, “speaker designates” are chosen a year before the session during which they will lead. They participate in leadership meetings, take an active role in the budget process and accept responsibility for the pending elections.
- In Ohio, where legislators are limited to eight years of service, the last two speakers have been selected from the sophomore class, enabling them to have four years of potential service as speaker.
- In Michigan, where House members are limited to six years, the last two speakers have been elected from the outgoing freshman class, also affording them the opportunity to serve four years as speaker.
- In Arizona, a speaker was elected to leadership in his final House term, then left to serve two years in the Senate. He returned to the House and was promptly re-elected speaker. He now could conceivably hold that post for his entire eight-year tenure.

### *New Roles for Leaders: Educators and—sometimes—Chief Campaigners*

In term-limited states, leaders have become an increasingly important source of political, policy and procedural information. With new classes of legislators as large as 30 percent of the body in some states, leaders find themselves answering many questions about basic policy and process. In Ohio, a recent speaker met daily with the freshman class during the first months of the session to explain what had happened on the floor that day and answer any questions. Such meetings help not only to educate the new members about the legislative process, but also to help build critical relationships with other members and the leadership to help develop effective legislative coalitions.

Term limits also have necessitated an increased focus on candidate recruitment and campaigning by leaders in many term-limited states. Leaders must spend more of their time on electoral matters—raising money, developing messages, recruiting and training candidates. Legislative leaders find themselves constantly trying to identify, cajole, persuade and assist candidates for the legislature. Effective performance of these responsibilities has an added benefit—it can increase the unity and strength of the caucus. Legislators who are recruited as a team and owe their success to their legislative leader are more likely to work as an effective team unit once in the legislature.

### *Preparing Prospective Leaders*

If prospective legislative leaders cannot be groomed by experience and legislative tenure, then term-limited legislators must find other ways to prepare them. One way to do this is to use the Arkansas-Florida model of electing a speaker designate. Another method of preparation is to take advantage of the many leadership training opportunities offered by

national legislative organizations. The National Conference of State Legislatures, the Council of State Governments and the State Legislative Leaders Foundation offer programs designed to prepare new and prospective leaders for the responsibilities of leadership, including an orientation for new speakers (SLLF), The Toll Fellow Program (CSG), an Emerging Leaders Program (SLLF), and an annual Leadership Institute (NCSL).

### *Building Relationships with Members Quickly*

Legislative leadership is personal. Legislators, especially those with limited knowledge of policy or process, will follow leaders they like and trust. Therefore, it is important that leaders establish that relationship as quickly as possible. Recent Arkansas speakers have realized the importance of giving new legislators a chance to get to know and recognize them as sources of trust and information. One noted, “We would frequently meet with freshmen on the big ticket issues or issues that we identified. We would have a lunch meeting or have them for dinner in the speaker’s apartment. We would bring in staff to give us background on an issue and just bring them up to speed. They appreciated it and it helped us to speed the process up somewhat.”

### *Holding Regular Meetings with New Members and Leadership Team*

Successful leaders hold regular meetings with their leadership teams. Consider the precedent set by a speaker in Arkansas: “When we got in session, I met with my committee chairs every Monday for lunch, then on Tuesday for lunch I had all caucus chairs and a member of each caucus in the office for lunch” (Black, Women’s, Freshmen, Republican and Democrat caucuses). Such meetings keep the leader informed and make members feel included in the process.

#### **Case Studies: Leadership Selection**

##### *Speaker Designates in Arkansas*

A full year before a speaker brings the Arkansas House of Representatives to order, he or she is anointed Speaker Designate. This designation gives him or her the access to leadership meetings and budgetary and procedural information that generally is reserved for elected leaders. By the time he or she brings the session to order, the new speaker already has a year of experience and training. This designation provides a fertile training ground for the new speaker and helps flatten a very steep learning curve.

##### *California Speaker Chosen Mid-Session*

Unlike all other legislative leaders in American states, the legislative “changing of the guard” in the California Assembly does not take place weeks or days before the new session but, rather, a full eight or nine months before the new legislators are seated. Since 2000, the new speaker has taken office in the spring of each election year, before the election of new legislators in the fall. This change serves two purposes. First, it increases fundraising for the upcoming election because the party leader managing the elections is not a “lame duck.” Second, it gives the new speaker a little time to “learn the ropes” while the former speaker is readily available for advice and encouragement.

### **The Structure of Legislatures: Committees**

- Provide training and support for new committee chairs
- Improve recordkeeping
- Carefully use members’ professional or educational expertise in making committee assignments
- Treat vice-chair positions as training for chairmanships
- Avoid appointing freshmen as committee chairs
- Reduce the number of standing committees

### *Increasing Support for Committee Chairs*

Wise leaders in term-limited legislatures provide their committee chairs with as much support as possible and are finding creative ways to train and support them, including:

- Holding meetings before and after committee sessions.

Many leaders hold regular closed meetings with committee chairs where they can ask questions and share advice with leadership and each other.

- Having an open door policy where chairs can come to leaders at any time with questions.

- Providing capable members or staff to help chairs when a problem arises.
- Holding mock committee meetings and hearings before the beginning of session for chairs to “practice.”

### *Using Members’ Experience*

Although term limits have restricted the number of available legislators with previous service on a particular committee—or even in that legislative chamber—other types of experience also may provide valuable background for committee service. Some leaders are considering more closely the educational or professional experience a legislator brings to the legislature in order to make committee assignments and are putting teachers on the education committee, lawyers on the judiciary committee, and so forth. They also are looking more closely at skills or knowledge gained in other political posts, perhaps in the other legislative chamber or in local government.

Encouraging the development of policy expertise will help solve one of the most commonly cited problems caused by term limits: the loss of “policy champions.” These are legislators who spend years acquiring expertise in a subject area, understanding the details of state programs and agencies and the budget, forging coalitions, and gradually developing policy solutions. With the time frame imposed by term limits, it is more difficult than ever to achieve this level of expertise. Reliance by leaders on new legislators’ backgrounds as they consider committee assignments will help to lessen this difficulty.

### *Improved Recordkeeping*

Another tactic that compensates for reduced experience levels in committees is improved recordkeeping. In Maine, committee staff have found it easier to respond to the increased demand for their services by maintaining detailed files on bills considered, testimony received and amendments offered for several sessions before the files are transferred to state archives. This information is useful to legislators who wish to determine how a particular issue was handled in the past.

### *Viewing Vice-Chair Positions as Training Ground*

In the past, vice-chair positions carried little or no responsibilities and were awarded for loyalty or seniority. In some states, however, these positions now are being used to train and prepare the vice-chairs to become the committee chair. In Arizona and Ohio, vice-chairs are chosen from the sophomore or junior classes with the express understanding that they will serve as chair when the current chair is term-limited out or moves to another committee. Committee chairs are expected to turn the gavel over to these vice-chairs periodically, primarily during noncontroversial situations, so they can begin to develop skills as a chair and be prepared to lead.

In the Arkansas House, each standing committee now has three permanent subcommittees, each with a chair and vice-chair, which gives many people committee responsibilities and experience. Training and apprenticeship programs such as these help to ensure that committees are chaired by experienced, knowledgeable legislators.

### *Avoid Assigning Freshmen to Chair Committees*

No matter how small the caucus, many term-limited leaders believe there really is no reason to make a true legislative freshman (someone who has no experience in either legislative chamber) a committee chair. Even if that person has tremendous experience in a policy area (for example, a teacher on the education committee or a businessperson on commerce and taxation), he or she does not possess the necessary understanding of parliamentary procedure or the legislative process to be an effective chair. Consider the Ohio class of 2000—although almost half the majority caucus was in their first term, not a single freshman chaired a standing committee.

### *Decreasing the Number of Committees*

As leaders organized the 2003 session of the Arizona Legislature, the first under term limits, they found there were more committee chair positions than there were experienced legislators. Rather than appoint freshman to chair committees, the speaker of the House reduced the number of committees from 21 to 16 and the president of the Senate reduced

the number of committees from 13 to 10. Although the number of committees has begun to increase, they have not risen to pre-term limits levels in either chamber. From 2003 to 2005, leaders in the Colorado and Ohio Houses also cut the number of committees, although not to the same degree.

#### **Case Studies: Improving the Effectiveness of Committee Chairs** *Vice Chairs as “Chairs-in-Training” in Ohio*

When the Ohio speaker assigned committee chairs in the fall of 2000 and 2002, he spent as much time determining vice chairs as he did the traditionally more powerful chairmanships. In the term-limited Ohio House, vice chairs are considered the “chairs-in-waiting;” all are in their second or third legislative term. Chairs are encouraged to work closely with the vice chairs, giving them a chance to preside over committee meetings and learn their future roles.

#### *Regular Committee Chair Meetings in Arkansas*

Once the Arkansas House is in session, legislative leaders meet every Tuesday morning with the committee chairs. This is particularly useful early in the session, when neophyte chairs bring up issues of appropriate process and decorum. According to one former speaker, “We did not hold a meeting of committee chairs the first week. We just let them meet, and we had some of the strangest motions I have ever seen. Motions to kill a bill, etc. Once they had screwed up, then we met. I met with them weekly throughout the session.” Further, if the committee is likely to face a controversial issue early in the session, a senior legislator or staff member is asked to sit beside or behind the new chair to provide support and advice.

### **The Structure of Legislatures: Staff**

- Increase staff training
- Retain effective staff
- Centralize partisan staff
- Clearly define the roles of partisan and nonpartisan staff
- Cultivate relationships between staff and legislators

### *Increased Staff Training*

The most obvious adaptation to term limits has been a significant increase in staff education and training. Historically, staff training has been virtually nonexistent or limited to one or two brief sessions on bureaucracy and benefits (“here is how you prepare a bill” and “this is how you apply for sick leave,” for example). Most new staff were left to

learn on the job, with limited direction from their predecessors or co-workers. In some term-limited states such as California, however, new staff go through an extensive set of classes, the content of which is tailored to their particular position and responsibilities.

The philosophy within the California Assembly on staff training is based on the belief that providing staff with better training ultimately decreases legislators’ dependence on lobbyists and others outside the legislature for expertise and knowledge. The topics covered in the in-depth program for new staff include the budget process, how to staff legislation, practical issues in management, scheduling and constituent casework. Specialized training is available for chiefs of staff and field representatives.

### *Retaining Effective Staff*

Although staff changes usually occur in conjunction with leadership changes, some term-limited states are finding that it makes sense to retain particular key staff positions across changes in leadership. In the Florida House, for example, the core senior staff remains in place even when a new speaker takes the helm. These positions, which have been set apart from the normal political process of hiring and firing, are professional positions based on merit and service. Some leaders believe the status of these key staff should be formally immune to changes in leadership or party control, and that salaries paid should be equivalent to their significance to the institution. As one leader put it, “if you want to keep good people, you have to respect, protect and pay good people.”

The same is true of committee staff. In the California Senate, chairs are not permitted to make changes in committee staff until six months into the session and, even then, they may replace only one staff person at a time. This provides continuity and a foundation of knowledge and expertise if a committee has a new chair and many new members.

In some cases, it is not possible to keep staff members in the same positions after elections and leadership changes. It is only natural for newly elected members to want to bring in people who are loyal and committed to their political success. Most often, they bring in staff people who were effective in their electoral campaigns. However, that does not mean the staff they displace must leave the legislature. Party leaders are increasingly working to find a place either on another individual’s staff, the caucus staff or committee staff. A displaced staff member may work for another legislator next session or serve in a more centralized position. Legislative leaders will want to be conscious of the employment anxieties of their staff and do what they can to ease them.

### *Centralization of Partisan Staff*

Another shift employed by leaders in some term-limited states has been to centralize many partisan staff, much like most nonpartisan staff has been centralized since the 1960s. Just as nonpartisan staff may be centralized under offices such as Legislative Services, Legislative Reference or the Office of Bill Drafting, some leaders are centralizing partisan staff under the umbrella of the party caucus. This not only increases the influence of the leader, but it also increases the stability and morale of partisan staff. They can be confident that, if they do their jobs effectively, their services will be retained, even if legislative turnover requires they leave a particular post.

### *Clearly Defining the Roles of Partisan and Nonpartisan Staff*

As the size and significance of nonpartisan staff continue to grow—and all indications are that it will—term-limited legislatures must clearly identify and distinguish the obligations and responsibilities of each agency (bill drafting, information technology, legislative research, etc.). These often are codified in the rules and legislation that create each unit. According to JPTL researchers, the term-limited legislature needs to find an equilibrium with “enough nonpartisans to keep things running and keep members and the institution out of trouble, and enough partisan staff to help members make the tough choices without becoming dependent on outside sources. Term-limited state legislatures will need both kinds of staff to operate effectively and efficiently.” It is up to the leadership of the legislature to ensure it occurs.

## *Cultivating Relationships with Legislators*

In view of the increasing influence of partisan staff in term-limited legislatures, it is important that nonpartisan staff find a way to market their services to new members and build trusting relationships early in legislators' careers. This may prove essential to nonpartisan staff agencies' continued effectiveness. Staff must do more than provide a perfunctory half-hour session during orientation on "What Staff Can Do For You." This may mean adopting such ideas as the "buddy program" developed in Colorado (described in adjacent box).

### **Case Study: Increasing the Effectiveness of Legislative Staff** *Personalizing Staff Service in Colorado*

Within days of the election, every new legislator in the Colorado General Assembly is assigned a senior staff member to serve as his or her buddy for the duration of his or her legislative career. Staff and legislators are paired based on the interests of the legislator and the knowledge base and experience of the staff member. That staff person is expected to contact the new legislator within days of the election, offering to help with anything from finding the nearest dry cleaner to drafting effective legislation. During the course of the session, the new legislators come to understand the value and importance of the information and services provided by the Legislative Council and to develop a high level of trust with their buddy.

An Ohio leader required his chief of staff to challenge his key staff members to contact every legislator in the caucus at least once a week just to chat. It is important to establish a proactive system so that new legislators immediately develop relationships of trust and understanding with staff.

## **Civility and Collegiality**

- **Offer opportunities for members to build rapport, including cross-party social interaction**

### *Building Rapport*

Solid relationships of trust and respect are essential to the legislative process, but they are more difficult to achieve with the large freshman classes term limits bring and constraints on the time members spend in office. Several states have made efforts to facilitate the interaction of junior and senior members to help maintain decorum and build relationships. Mutual respect and civility not only among freshmen members and experienced lawmakers, but also between Democrats and Republicans, are critical to the legislative process. Some examples of how this is being accomplished include the following.

- The Arkansas House orientation uses several senior and former legislators as faculty, thereby introducing incoming and veteran members before the legislative session begins.
- The last two days of the Colorado orientations are open to all legislators so that the incumbents and new members can become acquainted.
- Two days of the Ohio orientation are held away from the statehouse so that members can get to know each other on a more personal, nonpartisan level.

Other programs include occasions for social interactions, week-long retreats outside the capitol, and a bus trip around the state to familiarize new members both with various areas of the state and with each other.

Centralizing all these activities, rather than conducting them through the caucuses, has the added advantage of bringing together members from both parties. It allows newly elected members to make acquaintances and form friendships early in their careers with members of the other party. Down the road, they will be better equipped to work with the other party and will be more likely to view them as peers, rather than opponents.

## Policy, Budgets and the Executive Branch

- Offer training on key policy areas and the budget process
- Improve legislative oversight efforts
- Train new legislators on the separation of powers and the importance of institutional maintenance
- Increase attention to issues of institutional maintenance by leaders
- Consolidate budget bargaining powers in top legislative leaders

### *Training on Key Policy Areas and the Budget Process*

Learning about complex policy issues and the budget process formerly occurred primarily through on-the-job training. Under term limits, however, there is limited time for on-the-job training, and legislatures are focusing more closely on formal training in new member orientations. Colorado's new member orientation program focuses heavily on appropriations, the budget process, and policy areas such as education, transportation, corrections, Medicaid and capital construction. Still, even with the increased training on budget and policy matters in Colorado's new member orientation, several observers in that state have recommended even more. Other recommendations include the development of white papers—documents written either by nonpartisan staff, academics or other institutions outside the legislature—that describe policy in major areas and track the history of policy development.

### *Strengthen Oversight Abilities*

Term-limited legislatures find the essential responsibility of overseeing the executive branch to be more difficult due to the constant turnover and reduced levels of legislative experience. It is important to ensure that there is an adequately staffed fiscal watchdog office in the legislature, charged with foresight activities and dealing with the long-term effects of legislation.

Some term-limited states have initiated new efforts to check the executive branch through legislative oversight. The Maine Legislature, for example, created the Office of Program Evaluation and Government Accountability, a professionally staffed, nonpartisan oversight agency housed within the Legislature itself. OPEGA was designed specifically to counteract the reduced policy expertise and institutional memory of the Legislature under term limits. An earlier model for this type of office is Florida's Office of Program Policy Analysis and Government Accountability that, in fact, served as a model for Maine's OPEGA.

### *Training New Members: The Importance of the Separation of Powers and Institutional Maintenance*

Rebalancing legislative-executive relations requires that every member of the legislative branch have a clear sense of

#### **Case Study: An Independent Oversight Agency** *Florida's Office of Program Policy Analysis and Government Accountability (OPPAGA)*

The Florida Legislature created the OPPAGA in 1994 to help improve the performance and accountability of state government through reviews of state agencies and their programs. OPPAGA's work products include:

- Performance audits and policy reviews of state government programs.
- Follow-up reviews that determine whether agencies resolved problems identified in earlier reports.
- Technical assistance and reviews of agency performance-based program budgeting proposals.
- Performance evaluation and justification reviews of agencies that operate under performance-based budgets.
- The Florida Government Accountability Report, an Internet electronic encyclopedia containing descriptive and evaluative information about state programs.
- Technical assistance to legislative committees.
- Reviews of Florida school districts.

OPPAGA has won numerous national awards, and is often cited as a model for other states to follow in the creation and reform of legislative program evaluation offices. For more information about OPPAGA, visit [www.oppaga.state.fl.us](http://www.oppaga.state.fl.us).

the separation of powers and the principles of checks and balances embodied in the state constitution. Some term-limited legislatures now include this training as part of their orientation and training programs. For instance, some term-limited states have begun to invite former legislators who served long tenures to participate in new member orientations. These respected individuals understand and can convey the importance of institutional maintenance to new members.

### *Leadership and Institutional Maintenance*

Thoughtful house speakers, senate presidents, majority and minority leaders and committee chairs in both chambers in many term-limited states are making efforts to exercise their role in protecting the health of the legislative institution. An example of this is the compilation of “leadership notebooks” in the Colorado House. The notebooks contain timelines and deadline calendars; written and unwritten rules and customs; and lists of probable questions, problems that might emerge, and scenarios for dealing with them. Augmented by each speaker and passed to successors, the notebooks help create an archive of institutional maintenance materials.

### *Consolidation of Budget Bargaining Powers by Top Legislative Leaders*

Overall, budget-making powers are dispersed across rank-and-file members in most term-limited legislatures. Legislatures in California, Colorado and Ohio, however, have seen budgeting authority further concentrated in the hands of a few members since the implementation of term limits. In California, even under term limits, the “Big Five”—a group consisting of four top legislative leaders and the governor—are so overwhelmingly influential that new, inexperienced members exert little influence. In Colorado, the Joint Budget Committee has consistently been a strong, united committee with a 15-member professional staff leading a citizen legislature. The committee, unlike the other standing committees, holds meetings all year and meets full-time during the legislative session. In Ohio, a tradition by which a small group of legislative leaders made the key budget decisions in consultation with their party caucuses continued, even after term limits became effective. Although consolidating power in this manner may not be feasible or desirable in every legislature, it has helped these three legislatures maintain their bargaining power with the governor in the budget process.

## **Lobbyists**

- **Provide more informational materials to new members to reduce their reliance on lobbyists for information**
- **Educate new members on the role of lobbyists**
- **Develop a code of ethics for lobbyists**

### *More Informational Materials*

By providing information that helps legislators navigate the process and learn about the issues, leadership and legislative staff can help ease new members’ reliance on lobbyists for information. Ultimately, the legislator-lobbyist relationship is most likely to be helpful and ethical if legislators have additional reliable sources of information. When lawmakers can weigh facts and opinions from varying sources and when they understand the rules and procedures of their chamber, they are better equipped to make policy decisions.

### *Including a Discussion of the Role of Lobbyists in New Member Orientations*

Helping new members understand the lobbyists' role in providing information might help both to alleviate distrust of lobbyists and to educate them about how to judge and use the information lobbyists provide. Inviting a trusted and experienced lobbyist to explain his or her views on the role of lobbying in the legislative process can give new members a unique perspective.

### *Develop a Code of Ethics for Lobbyists*

Clearly stating the behavior that is acceptable may help keep lobbyist behavior in line. A code of ethics also can provide a process for investigation and legal recourse in instances of unethical behavior.

#### **Case Study: A Code of Ethics for Lobbyists**

##### *The Rules of Conduct of the*

##### *California Institute of Governmental Advocates*

The Institute of Governmental Advocates in California has drawn up rules of conduct by which all members agree to abide. The rules cover obligations to the public, the legislative process and all those involved, the client, and to other lobbyists. Some of the rules pertaining to lobbyists' obligations to legislators and the legislative process are summarized here.

- Members and staff of the Legislature and other governmental officials and employees are entitled to full respect as parts of the decision-making process.
- Information that is given with the expectation of confidentiality must be protected.
- Members are obliged not to mislead with their acts or utterances.
- Members must make reasonable efforts to promote public understanding of the legislative process.
- A lobbyist must inform a legislator before actively opposing the legislator's proposal.
- Lobbyists have a duty to inform legislative or administrative personnel of potential adverse effects of proposed concepts.



## APPENDIX A. ABOUT TERM LIMITS

More than 60 statewide votes on term limits occurred between 1990 and 2004, most resulting in an overwhelming “yes” vote with wide margins of victory. The first votes on legislative term limits took place in California, Colorado and Oklahoma in 1990; the most recent states to vote were Arkansas and Montana in 2004. In all, 21 states have passed term limits for legislators, but the limits in six states have either been repealed by the legislature or held unconstitutional by the courts, leaving 15 states with legislative term limit laws at the time of this publication.

### Variation in Term Limit Laws

Just as legislatures vary from state to state, so, too, do term limits, and some term limit laws are significantly more restrictive than others. The limits vary in length from six to 12 years in a chamber, and also vary according to whether an individual is limited to a total number of years of service in a lifetime, or to a total number of consecutive years. The most common limit is eight years, but a handful of states impose a stricter six-year limit in the lower chamber, while five states have a more lenient 12-year limit. Table 1 summarizes the basic provisions of current state term limit laws.

State	Year Enacted	HOUSE		SENATE	
		Limit	Year of Impact	Limit	Year of Impact
Arizona	1992	8	2000	8	2000
Arkansas	1992	6	1998	8	2000
California	1990	6	1996	8	1998
Colorado	1990	8	1998	8	1998
Florida	1992	8	2000	8	2000
Louisiana	1995	12	2007	12	2007
Maine	1993	8	1996	8	1996
Michigan	1992	6	1998	8	2002
Missouri	1992	8	2002	8	2002
Montana*	1992	8	2000	8	2000
Nebraska	2000	N/A	N/A	8	2006
Nevada	1996	12	2010	12	2010
Ohio	1992	8	2000	8	2000
Oklahoma**	1990	12	2004	12	2004
South Dakota	1992	8	2000	8	2000

N/A = Nebraska's legislature is unicameral; it has only a senate.  
 \*Montana limits state representatives and state senators to eight years service in their respective chamber during any 16-year period.  
 \*\*Oklahoma legislators are limited to a total of 12 years, which may be served in either chamber or split between the two chambers.  
 Source: National Conference of State Legislatures, 2006.

Term limits may be divided into two broad categories: consecutive limits and lifetime limits. In some states, legislators can serve up to the limit in one chamber, sit out at least a term (during which time they may serve in the other chamber), and then run again for the chamber where they first served. These are commonly called “consecutive limits.” In other states, term-limited legislators are barred from ever returning to that chamber; in other words, there is a lifetime limit. Table 2 categorizes term limits by the length of the consecutive and lifetime limits.

Table 2. Consecutive vs. Lifetime Limits		
Limit in Years	Consecutive Limit	Lifetime Ban
6 House / 8 Senate		Arkansas California Michigan
8 Total	Nebraska*	
8 House / 8 Senate	Arizona Colorado** Florida Maine Montana*** Ohio** South Dakota	Missouri
12 Total		Oklahoma
12 House / 12 Senate	Nevada	Louisiana
<small>* Nebraska's is a unicameral legislature; it has only a senate.  ** In Colorado and Ohio, a member of the house of representatives who reaches the limit of eight years must sit out a total of four years before he or she may run for the house again, even though house terms are two years.  *** The Montana law stipulates that a legislator may serve only eight years in any 16-year period in a specific chamber.  Source: National Conference of State Legislatures, 2006.</small>		

## Numbers Termed Out

By 2004, term limits had forced out more than 1,200 members in 13 states. Table 3 shows the number of legislators who were prevented from running for reelection in various years as a result of term limits. In addition, many other legislators, in anticipation of term limits, have left before their terms have been completed to run for another office. In several states—including Arkansas, California, Maine and Michigan—term limits now are in a “second generation cycle:” those legislators who replaced term-limited legislators have now exhausted their term limit and themselves been replaced. Meanwhile, term limits are not yet in the first generation cycle in Louisiana, Nebraska or Nevada; no one will be barred from office due to term limits until 2007 in Louisiana, 2006 in Nebraska or 2010 in Nevada.

**Table 3. Number of Legislators Removed from Office by Term Limits, 1996–2006**

State	1996	1998	2000	2002	2004	2006(a)
Arizona House (60 members)			15	9	5	3
Arizona Senate (30 members)			7	6	2	3
Arkansas House (100 members)		49	25	14	36	29
Arkansas Senate (35 members)			13	11	0	1
California Assembly (80 members)	26	16	19	20	18	26
California Senate (40 members)		11	8	7	8	12
Colorado House (65 members)		18	10	7	7	11
Colorado Senate (35 members)		9	11	5	5	4
Florida House (120 members)			55	14	7	19
Florida Senate (40 members)			11	12	0	5
Maine House (151 members)	26	11	17	28	21	19
Maine Senate (35 members)	4	1	7	8	7	1
Michigan House (110 members)		64	21	23	37	23
Michigan Senate (38 members)				27		6
Missouri House (163 members)			8	73	15	10
Missouri Senate (34 members)		1		12	10	3
Montana House (100 members)			33	7	10	16
Montana Senate (50 members)			14	15	6	5
Nebraska Senate (49 members)						20(c)
Ohio House (99 members)			45	9	7	14
Ohio Senate (33 members)			6	4	5	7
Oklahoma House (101 members)					28	15
Oklahoma Senate (48 members)					13	7
Oregon House (60 members)		22	17	(b)		
Oregon Senate (30 members)		2	5			
S. Dakota House (70 members)			20	7	3	7
S. Dakota Senate (35 members)			13	4	7	2
<b>TOTAL</b>	<b>52</b>	<b>204</b>	<b>380</b>	<b>322</b>	<b>257</b>	<b>268</b>

Note: Totals include only the legislators who were barred from the ballot by term limits at the time of the election; they do not include pre-election resignations by termed-out legislators.

Notes:

- 2006 data is preliminary and subject to change prior to the 2006 elections due to resignations, deaths, etc.
- Oregon's term limits for legislators were held unconstitutional by the state Supreme Court in January 2002.
- Nebraska's legislature is unicameral.

Source: National Conference of State Legislatures, 2006.

## Repealing or Relaxing Term Limits

Once they are enacted, changing or repealing term limits has proven exceedingly difficult. It is difficult for legislatures to muster the political will to act against something voters have so resoundingly approved, and even more difficult to convince the public why they were wrong about term limits. To date, two legislatures have successfully repealed term limits, and three attempts to modify term limits have been voted down on the ballot. More than 120 other measures to repeal or relax term limits have been introduced in state legislatures, only to fail.

### *Repealing Term Limits*

In six of the 21 states that have passed term limits, the term limits laws have been repealed either through the courts or by the state legislature. Table 4 summarizes the repeal of term limits laws.

State	Year Enacted	Year Repealed	Who Repealed?
Idaho	1994	2002	Legislature
Massachusetts	1994	1997	State Supreme Court
Oregon	1992	2002	State Supreme Court
Utah	1994	2003	Legislature
Washington	1992	1998	State Supreme Court
Wyoming	1992	2004	State Supreme Court

Source: National Conference of State Legislatures, 2006.

### *Removal by the Courts*

In four states—Massachusetts, Oregon, Washington and Wyoming—the state supreme courts overturned term limits. The cases in Massachusetts, Washington and Wyoming were similar. In all, term limits were established in statute via citizen initiative (in most states, term limits are an amendment to the state constitution). All three state supreme courts ruled that term limits constituted an additional qualification for office, and that it was impermissible to establish constitutional qualifications for office in the statutes. None of the three states has a process for amending the constitution by initiative. In Oregon, the court case involved a different issue: whether an initiative may address more than one subject. The court ruled that, since the 1992 initiative that imposed term limits in Oregon addressed more than one section of the state’s constitution, it was in violation of the state’s single-subject rule.

### *Repeal by the Legislature*

The two legislatures that have repealed term limits—Idaho and Utah—were able to do so without a popular vote because their term limits laws were found in the statutes, rather than in the constitution. Voter approval is necessary only for constitutional amendments. In Idaho, the Legislature met resistance first with a gubernatorial veto, which was overridden, and second with a popular referendum qualified by term limits proponents. The referendum sought to nullify the Legislature’s bill repealing term limits (the committee called itself “Repeal the Repeal”), but in 2002 Idaho voters narrowly rejected the referendum, leaving the repeal in place. The Utah Legislature met little resistance when it repealed term limits in 2003. Maine is the only remaining state with statutory term limits.

Analysis by the State Legislative Leaders Foundation sheds some light on why term limits opponents in Idaho successfully defeated the “Repeal the Repeal” and kept term limits out of Idaho. Elements of their campaign that were particularly successful included pointing out that term limits were undemocratic—they prevented citizens from voting for candidates they liked. They illustrated this point by reminding voters of particularly popular legislators that they would lose through term limits. Term limits opponents also pointed out that term limits were hardly an Idaho idea. Rather, they argued that outsiders were trying to influence politics and advertised the fact that the vast majority of term limits proponents’ money came from out of state. Finally, term limits opponents pointed out the very real negative consequences of term limits. They made sure voters knew that term limits had significant flaws.

At least 50 proposals to repeal term limits have been introduced in other state legislatures since 1999. Most of these would have required voter approval. None of these proposals has been passed by the legislature, much less forwarded to the public for voter approval.

## Relaxing Term Limits

In 2004, voters in Arkansas and Montana overwhelmingly rejected legislative attempts to relax term limits laws. The legislatures in both states placed constitutional amendments on the ballot that would have extended term limits to 12 years in each chamber. The Arkansas measure received 29.9 percent of the vote, the Montana measure 31.4 percent. An earlier attempt in California met with a similar fate—a citizen initiative proposed by a group that included several former legislators would have allowed termed-out legislators to gather petition signatures enabling them to run for up to four more years. This measure appeared on the 2002 primary ballot and received just 42.3 percent of the vote.

Again, analysis from the State Legislative Leaders Foundation of the California experience helps demonstrate the effectiveness and ineffectiveness of particular campaign tactics. In California, term limits supporters focused their campaign against the measure to relax term limits by arguing that it was run by political leaders who would benefit personally from relaxing term limits. They ignored the relative merits of term limits themselves. The message of term limits opponents, who sought to relax term limits through this measure, was confusing and failed to point out the flaws and negative consequences of California’s term limits law. Their proposal was neither a repeal nor simple extension of term limits, but a complex idea that included a petitioning process that would increase to the state’s cost of conducting elections. They also failed to build a broad coalition, instead relying on political insiders to support their message. Thus it was easy for term limits supporters to attack them as self-serving.

At least 70 proposals have been introduced in state legislatures since 1999 to relax term limits. Three have passed—two are the measures rejected by voters in Arkansas and Montana in 2004. The third proposal, passed by the Florida legislature in 2005, would have asked voters in November 2006 to extend that state’s term limits from eight years in each chamber to 12. However, the Legislature withdrew that question from the ballot in the 2006 session. Table 5 summarizes legislative measures introduced between 1999 and 2005 to relax or repeal term limits.

	RELAX TERM LIMITS		REPEAL TERM LIMITS	
	Bills Introduced	Bills Passed	Bills Introduced	Bills Passed
1999	13	0	12	0
2000	5	0	6	0
2001	17	0	5	0
2002	10	0	5	1 (a)
2003	10	2 (b)	6	1 (c)
2004	16	0	6	0
2005	12	1 (d)	12	0
2006	7 (e)	0	6 (e)	0

**Notes:**  
a. Idaho HB 425 repealed term limits.  
b. Arkansas HJR 1006 and Montana HB 277 extended term limits to 12 years in each chamber. Both were subsequently defeated by voters in November 2004.  
c. Utah SB 240 repealed term limits.  
d. Florida H 1177 extended term limits from eight to 12 years; would have required voter approval in November 2006, but was withdrawn from the ballot during the 2006 legislative session.  
e. 2006 data is current as of May 4, 2006; it is likely that additional bills will be introduced as legislative sessions progress.  
**Source:** National Conference of State Legislatures, 2006.

Changing or repealing term limits is clearly an attractive idea to legislatures that have begun to feel the negative effects of term limits, as demonstrated by the volume of legislation on this subject during the past six years. It is not an easy task, however. Legislatures that attempt it should take the time to educate their state's citizens about the problems that term limits bring and heed the examples from other states of both successful and unsuccessful campaigns to change or repeal term limits.

# APPENDIX B. ABOUT THE JOINT PROJECT ON TERM LIMITS

## About the Project

The Joint Project on Term Limits (JPTL) was established in 2001 as a cooperative effort of the National Conference of State Legislatures, the Council of State Governments, the State Legislative Leaders Foundation, and a select group of legislative scholars. The purpose of the project was to assess the effects of term limits on state legislatures and identify successful approaches for dealing with them.

Until recently, it was impossible to say what the effects of term limits would be. However, term limits have now been in effect for nearly a decade in some states, and real data on their effects are available. The JPTL has sought to use its unique structure to take advantage of this vast amount of data and produce a comprehensive, multi-state report on the effects of term limits.

This guide is not the only publication of the project; two additional volumes are scheduled to be published in 2006. One is a collection of the case studies produced by the investigators involved in the project, *Legislating Without Experience: Case Studies in State Legislative Term Limits* (Lexington, forthcoming). The second, entitled *Institutional Change in American Politics: The Case of Term Limits* (University of Michigan Press, forthcoming), explores the effects of term limits through a thematic analysis of state legislatures' organization and composition. Much of what appears in this practical guide is drawn from the second book, and all the work of the project relies heavily upon the work of the investigators and their case studies.

## *Components of the Project*

### *Demographic Database*

The National Conference of State Legislatures maintains a database of all state legislators that contains information on addresses, district numbers, gender, political party, and committee and leadership assignments. This database was expanded to include the following demographic data: age, occupation, education, race, previous political office and year term-limited. Expansion of the database enabled comprehensive comparisons of the membership of term-limited and non-term-limited legislatures.

### *Survey Research*

The JPTL conducted two surveys. The first was a national survey of all state legislators. It asked questions about such things as the relative influence of various political actors, legislators' role orientations, time spent on legislative activities and career orientation. It allowed researchers to assess whether changes were due to term limits by comparing data from legislators in term-limited and non-term-limited states. A second, smaller survey was conducted in the nine case study states. It asked staff and other observers of the legislature to compare legislative behavior before and after term limits.

### *Case Studies*

The case studies were the main objective of the JPTL. Six case study states have term limits, and three do not. The states were selected to give the project a variety of types of state legislatures ("citizen," "professional" and "hybrid") in different regions of the country. Arkansas and Maine served as case studies for citizen legislatures with term limits, Arizona and Colorado were case studies for hybrid legislatures with term limits, and California and Ohio were case studies for professionalized legislatures with term limits. The non-term-limited control states selected for case studies were Illinois, Indiana and Kansas. A legislative scholar in each state was paired with a staff person from one of the three national organizations to conduct the case study in each of the nine states. Field visits occurred at least once a year for three years. Methods that were used included personal interviews with legislators, legislative staff and legislative observers and collection of data on legislative operations. Hundreds of people were interviewed for the project, including legislators, former legislators, legislative staff, lobbyists, journalists and other observers of the legislature. The case studies also are available at [www.ncsl.org/jptl/casestudies/CaseContents.htm](http://www.ncsl.org/jptl/casestudies/CaseContents.htm).

### *Project Management Team*

The project management team provided overall direction for the project. It was made up of the following individuals.

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JPTL Project Manager  
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#### **Richard Niemi**

Professor of Political Science  
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**Lynda Powell**  
 Professor of Political Science  
 University of Rochester

**Brian Weberg**  
 Group Director  
 Legislative Management Program  
 National Conference of State Legislatures

**Alan Rosenthal**  
 Professor of Public Policy and  
 Political Science  
 Eagleton Institute of Politics  
 Rutgers, the State University of New Jersey

### *Case Study Teams*

Each case study was conducted by a team made up of a political scientist located in the case study state and a representative of one of the three organizations participating in the study.

#### *Arkansas*

*Investigator:* Art English  
 Professor of Political Science  
 University of Arkansas, Little Rock

*Organizational Liaison:* Brian Weberg  
 Group Director  
 Legislative Management Program  
 National Conference of State Legislatures

#### *Arizona*

*Investigator:* David Berman  
 Professor of Political Science  
 Arizona State University

*Organizational Liaison:* Mary Lou Cooper  
 Program Manager  
 Council of State Governments–West

#### *California*

*Investigators:* Bruce Cain  
 Director, Institute of Governmental  
 Studies  
 Robson Professor of Political Science  
 University of California, Berkeley

*Organizational Liaison:* Karl Kurtz  
 Director of State Services  
 National Conference of State Legislatures

Thad Kousser  
 Assistant Professor of Political Science  
 University of California, San Diego

#### *Colorado*

*Investigator:* John Straayer  
 Professor of Political Science  
 Colorado State University

*Organizational Liaison:* Jennie Drage Bowser  
 Program Principal  
 Legislative Management Program  
 National Conference of State Legislatures

#### *Illinois*

*Investigator:* Christopher Mooney  
 Director, Institute for Legislative  
 Studies  
 Associate Professor  
 University of Illinois at Springfield

*Organizational Liaison:* Tim Storey  
 Senior Fellow  
 Legislative Management Program  
 National Conference of State Legislatures

**Indiana**

**Investigator:** Gerald Wright  
Professor of Political Science  
Indiana University

**Organizational Liaison:** David B. Ogle  
Director  
International Program Development and  
Research  
State Legislative Leaders Foundation

**Kansas**

**Investigator:** Michael Smith  
Department of Political Science  
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**Organizational Liaison:** Brenda Erickson  
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Legislative Management Program  
National Conference of State Legislatures

**Maine**

**Investigator:** Richard Powell  
Assistant Professor of Political Science  
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**Organizational Liaison:** Rich Jones  
Director of Policy and Research  
The Bell Policy Center  
(Formerly Director of Legislative Programs,  
National Conference of State Legislatures)

**Ohio**

**Investigator:** Rick Farmer  
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Ray C. Bliss Institute of  
Applied Politics  
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**Organizational Liaison:** Thomas Little  
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