



- Mississippi (1995 & 1999) and North Dakota (1996) voters rejected term limits
- Oregon voters rejected a re-implementation of term limits in 2006

### **C. Term Limits and the Courts**

#### Term limits upheld

- *Bates v. Jones*
- 9<sup>th</sup> Circuit Court of Appeals upheld California's lifetime term limits in 1997, saying that they did not violate the 1<sup>st</sup> and 14<sup>th</sup> Amendment rights of candidates and voters
- United States Supreme Court declined to hear an appeal of the case

#### Term limits struck down

- Massachusetts, Washington and Wyoming - state supreme courts found that imposing term limits via the statutes was unconstitutional, as term limits constitute a qualification for office, which must be spelled out in the constitution
- Oregon - the initiative imposing term limits violated the "single subject" rule for initiatives, because it amended more than one section of the constitution in a single question

Bottom Line: No state's term limits have been thrown out as unconstitutional on the merits of term limits themselves

### **D. Repealing Term Limits**

In Idaho and Utah, term limits were repealed by the legislature

- No backlash in Utah
- A popular referendum - a public vote on whether the law repealing term limits should be allowed to take effect - was held, but voters approved the legislature's repeal of term limits

Since 1999, 89 bills have been introduced in legislatures to repeal term limits. Only one made its way to the ballot: South Dakota, 2008, Constitutional Amendment J: Rejected (24.3% yes vote)

### **E. Amending Term Limits**

Arkansas, 2004: Rejected by voters

California, 2002 and 2008: Rejected by voters

Maine, 2007: Rejected by voters

Montana, 2004: Rejected by voters

**Part Two - Effects of Term Limits**

**A. Members Termed Out**

<b>Year</b>	<b>House</b>		<b>Senate</b>	
	<b># Members</b>	<b>% of Total</b>	<b># Members</b>	<b>% of Total</b>
<b>1996</b>	48	17.2	17	22.7
<b>1998</b>	179	31.6	24	13.8
<b>2000</b>	285	24.2	95	27.9
<b>2002</b>	211	18.9	111	27.4
<b>2004</b>	194	15.9	63	15.2
<b>2006</b>	192	15.8	76	15.1
<b>2007</b>	44	41.9	16	41.0
<b>2008</b>	233	19.1	76	16.4
<b>2010</b>	255	20.2	125	23.9
<b>TOTAL</b>	1,641		603	

## B. 2010 Data

	<u>% Termed Out</u>	<u>Leaders TLd</u>	<u>Committee Chairs TLd</u>
MI House committees	30.9%	Speaker, Maj., Min.	11 of 25 standing
MI Senate committees	76.3%	Majority, Minority	21 of 25 standing
MO House committees	31.9%	Speaker, Minority	23 of 35 standing
MO Senate committees	29.4%	President	7 of 18 standing

## C. Who's Being Elected?

Proponents said TL would make legislatures more diverse, more reflective of the populations they served.

*Women:* More in Arkansas, California, South Dakota  
Fewer in Arizona and Nebraska  
Little change in other states

*African-Americans:* More in California, Florida, Nebraska  
Fewer in Arizona, Colorado, Louisiana, South Dakota  
Little change in other states

*Latinos:* More in Arizona, California  
Fewer in Colorado, Nebraska, Ohio  
Little change in other states

Bottom line: Term limits have had very little effect on the demographic makeup of legislatures.

## C. Leadership

Members enter leadership positions with far fewer years of legislative experience and serve for a shorter duration.

- Steep learning curve
- Difficult to exert influence on caucus ("lame duck" effect)

## D. Committees

There is a dramatic increase in turnover of committee chairs, particularly in key committees like budget, appropriations, and judiciary, and committee chairs have less experience on the committee and in the legislature.

- Steep learning curve

- Less knowledge about the issues of importance to the committee
- Increased reliance on staff, executive branch bureaucrats, and lobbyists
- Same issues tend to be revisited each legislative session
- Debates in committees are more partisan and personal
- Committees lose influence to caucuses or to the floor

#### **E. Staff**

The importance of nonpartisan staff has grown under term limits as responsibility for educating and training new members on policy and process falls on them.

- Increased importance does not equal increased influence
- Influence of partisan staff has grown in many term-limited legislatures
- Increased turnover of staff; retention is difficult

#### **F. Civility and Collegiality**

Members have less time to get to know each other, and feel an urgency to make a mark during their limited time in the legislature.

- Increased conflict and a decline in civility result
- Lack of relationships makes the legislature more confrontational
- Less willingness and ability to compromise and engage in consensus-building

Douglas Brown, former director of Colorado's Office of Legislative Legal Services:

*Experienced members know that disagreement is the default position and agreement takes time and compromise and education to achieve. Experienced members can reason by analogy from previous experiences; new members will not know the lessons of the past.*

Bill Lockyer, former President of the California Senate:

*New members arrive "convinced that those people (already in government) have screwed it all up: I'm going to fix it, whatever it is. [But after a while] people tend to meet smart people with different values . . . and they start to say 'Maybe I'm not absolutely right about this.'" With term limits, that is far less likely to happen.*

### **G. Policy, Budgets and the Executive Branch**

The influence of the legislative branch of state government has declined in relation to the executive branch.

- Influence over state spending shifts to the executive branch
- Fewer legislative adjustments to governors' budget proposals
- No measurable shift in the quality of policy
- Loss of "policy champions" may lead to decline in quality of policy

### **H. Lobbyists**

Mixed results: the job of lobbying is more difficult, but most observers feel that lobbyists have gained influence.

- More time to get to know constant flow of new members
- Lack of trust and suspicion of lobbyists among new members
- Lobbyists are a source of policy information and experience
- More instances of biased narratives of policy history and disrespectful behavior

## **Part Three - Summary**

- Proponents thought term limits would create legislatures that were more responsive, less beholden to special interests, more representative of the people they serve, and more efficient.
- Opponents thought term limits would render legislatures ineffective and empower lobbyists and staff at the expense of legislators.
- Neither side was right, and the truth lies somewhere in the middle.
- While the majority of the effects of term limits have been negative, no legislature has closed its doors or failed to fulfill its mission.
- Because most of the negative effects of term limits are invisible to the general public, voters remain strongly in favor of term limits.