

# LEAGUE OF WOMEN VOTERS NEW YORK STATE



## STUDY OF TERM LIMITS: LEGISLATIVE AND STATE WIDE OFFICES

2014

### **STUDY COMMITTEE**

#### **Chairs:**

Paula Blum, East Nassau LWV  
Joan Johnson, Syracuse Metro LWV  
Jan Messina, Albany LWV

#### **Committee Members:**

Donna Dardaris, Saratoga LWV  
Sally Mack, Plattsburgh  
Laura McDade, Buffalo/Niagara LWV  
Judy Middlekoop, Schenectady LWV  
Nina Pattison, Rensselaer LWV  
Lenore Schwager, Cortland LWV  
Sonya Shapiro, Rockland County LWV  
Barbara Strauss, Scarsdale LWV

LWVNYS Staff: Sarah Podber

\*Special thanks to LWV of Buffalo Niagara's Term Limit Study committee for their contributions

# CONTENTS

Why Study Term Limits Now— LWV Position on Term Limits.....	3
History of Term Limits—How New York State Could Adopt Term Limits.....	4
Term Limits in the United States—1948-2014.....	5
Impact of Term Limits on Women Candidates.....	7
Impact of Term Limits on Minority Candidates.....	8
Consequences of Term Limits on Career Paths.....	10
Changes in Leadership Within Term Limited States.....	12
Term Limits and Executive-Legislative Relations .....	13
Term Limits and Voter Turnout.....	14
Insiders View of Term Limits.....	15
The Future of Term Limits.....	16
Term Limits on State Wide Offices.....	18
Discussion Questions.....	20
Appendix A: Term Limited States.....	21
Appendix B: Additional History.....	24
Appendix C: Lessons Learned After 20 Years of State Experience (handouts from LWVBN).....	25

Members of the State Study Committee read and researched the materials in this packet on legislative term limits for use by local league study committees. Members summarized each chapter from *Term Limits and Their Consequences, The Aftermath of Legislative Reform* by Stanley M. Caress, Professor of Political Science at the University of West Georgia and Todd T. Kunioka, a statistical analyst for Los Angeles County and a Professor of Political Science at Cerritos College in California. The book was published by the State University of New York Press at Albany in 2012.

The information on Term Limits for State Wide Offices was taken from *A Guide To New York State Government* prepared by the League of Women Voters of New York State and edited by Mary Jo Fairbanks former Publications Director for the League— 6th Edition— 1989

Committee members also read *Institutional Change in American Politics, The Case of Term Limits*, edited by Karl T. Kurtz, Bruce Cain and Richard G. Niemi and published by the University of Michigan Press, 2010. The committee also found information on several websites and in academic articles. Some of this research can be found on the LWNYS website: <http://www.lwvny.org/programs-studies/term-limits.html>

## WHY STUDY TERM LIMITS NOW?

In the wake of recent corruption scandals in New York State government, 82% of New Yorkers say that they would favor term limits but is that based on frustration and emotion? You may argue that if we can assume the level of corruption in the Legislature is based on arrogance, can we justify these shenanigans by limiting how long they can serve? Others may claim we have the right as Americans in a democracy to elect anyone we want and for any length of time. Many would argue that if the Legislature would reform itself through stronger ethics laws, campaign finance limits and disclosure, and non-partisan redistricting we would not even be discussing this issue.

The goal of this study is to learn why the 1990's brought 21 states to pass term limits on their legislators. Presently 15 states still have term limited legislatures and in 6 states term limits have been declared unconstitutional. In some cases they were declared illegal by the state supreme courts and in others state legislatures repealed term limits.

Most of the states that have term limits got them through the citizen initiative process. Only twenty-four states have the initiative process, and nearly all of those already have term limits or have voted them down. In states without the initiative process, it is up to the legislature to introduce and pass term limits.

Our task is to learn the effects of term limits. There are several significant variations not only among the types of legislatures that have term limits, but also among the limits themselves including the effects on large professional legislatures such as California and smaller part-time legislatures such as Arkansas.

## LWV AND TERM LIMITS

“In 1991, the LWVUS announced its opposition to term limits for members of Congress, on the grounds that such limits would adversely affect the accountability, representativeness and effective performance of Congress, and by decreasing the power of Congress, would upset the balance of power between Congress and an already powerful presidency. The 1992 LWVUS Convention reaffirmed opposition to term limits and authorized state and local Leagues to use the national positions to take action on term limits for state and local offices.” (LWVUS “Impact of Issues 2012-2014”)

The language adopted by the convention is permissive only: it allows state and local Leagues to apply the national position in opposition at other levels. It does not supersede positions arrived at by study and consensus at state or local levels that may support term limits for state or local office... State and local Leagues may not, however, take a position in support of term limits for federal legislative office.

In 1996, the LWVNYS Board decided it was time for the state League to take a position, since several local Leagues had already done so. Delegates to Council 1996 voted to concur with the following statements: “The League of Women Voters of NYS opposes term limits for members of the NYS Legislature.” “The League of Women Voters of NYS opposes term limits for NYS statewide elected officials.” (LWVNYS “Impact on Issues,” updated 2012.)

*Paula Blum, East Nassau LWV*

## HISTORY OF TERM LIMITS

In ancient Greece, elected officials were term limited. From the 6<sup>th</sup> century BC many Athenian officials were elected by random lottery to serve a term of a year. Only men were elected. Women and slaves had no role to play in governing. Elected Roman officials were also no strangers to term limits of a single term.

Many of the founders of the United States were also enamored of this notion. Benjamin Franklin, John Adams, and Thomas Jefferson all considered term limits to be an important way of placing checks and balances on individual power.

John Adams and Thomas Jefferson had the following opinions on the subject:

*“Elections, especially of representatives and counselors, should be annual... These great men... should be chosen once a year – Like bubbles on the sea of matter borne, they rise, they break, and to the sea they return. This will teach them the great political virtues of humility, patience, and moderation, without which every man in power becomes a ravenous beast of prey.”*

*John Adams*

*“To prevent every danger which might arise to American freedom from continuing too long in office, it is earnestly recommended that we set an obligation on the holder of that office to go out after a certain period.”*

*Thomas Jefferson*

Whereas the Articles of Confederation limited delegates to three-year terms, similar provisions were omitted from the Constitution. Yet George Washington stepped aside after his second term, setting an example for presidents that lasted for almost 150 years. Franklin D. Roosevelt was the first President to serve more than two terms (he was elected to four during the tumultuous period of the great Depression and World War II. The foregoing history was pointed out in an article in Time magazine in 2008 by Alex Altman. The exception of President Roosevelt, one could say, persuaded electorates of that time that continuity could only be found in the hands of one leader. However, one may also remember that this was just one of the tumultuous periods of American history – so why was this exception accepted at the time to be different? At the national level, in 1951, the President’s position was made subject to mandatory term limits, although it still has not been applied to Congress. Meanwhile, in nearby Mexico, term limits on Mexico’s Congress were introduced in 1917.

***Mayraj Fahim, Senior Fellow of the City Mayors Foundation***

\* See Appendix A for additional history provided by LWV of Buffalo Niagara

---

## HOW NEW YORK STATE COULD ENACT TERM LIMITS

Term Limits in New York could be adopted only by amending the state constitution. The New York State Constitution may be amended in two ways: either by the legislative process or by a constitutional convention. Under the first method an amendment may be proposed in either house of the legislature. It must be passed by two successive, separately elected legislatures and submitted to the people. If it is approved by a majority of those voting on the question, it becomes a part of the constitution.

Several term limit bills have been introduced in both houses of the legislature, most of them one house bills. None have gone anywhere. By law any proposal to amend the constitution must meet with the approval of the attorney general.

The New York State Constitution also provided that every twenty years the question, “Shall there be a convention to re- vise the Constitution and amend the same?” be placed on the ballot. State voters in 1997 defeated the proposal to hold a constitutional convention. The next year the question will appear on the ballot is 2017.

NOTE: There are some term limit bills in the Assembly that do not mention requiring an amendment unless they are changing the actual length of the term as opposed to just implementing limits on the number of terms.

***Joan Johnson, Syracuse Metro LWV***

## **TERM LIMITS IN THE UNITED STATES—1948-2014**

1948 – The 22<sup>nd</sup> amendment limited the President to 2 terms. Many states also have term limits for governors.

1988 – The Republican Party had term limits for congress in its plank. The reason – the Democratic Party had a strong hold on the House, and a significant incumbency advantage.

For a variety of reasons, a grassroots push for term limits for state legislators began in a number of states. Most of these states had a form of initiative and referendum on the books.

### **There were 3 stages in the term limits movement:**

#### **1989 – 91 – emerging – truly grassroots**

This initial stage began months before the 1990 election.

In CA, CO, and OK, there were petition drives led by small groups or individuals. This was followed by actions by committed groups of activists. It passed in all three states.

There were similar efforts in some other states. In WA, in 1991, one individual began the fight, but it faltered, and was taken over by a national group. There was overwhelming support at first, but the involvement of the outside group worked against it.

#### **1992– nationalization – (mature stage) national groups took the reins**

The high-water mark was in 1992, when term limits were on the ballot in 14 states. At the time, CA also tried to extend term limits to congressional candidates from the state.

In FL and MS, local organizers were primary

In WY, AR, MI, NV and OH, though the movement was originally begun by local groups, it was taken over by national advocacy groups. The major national groups were: ALCT – Americans to Limit Congressional Terms, and USTL – US Term Limits, which took over the other groups and became a major force.

#### **1994 – present – maintenance – (late stage)**

In the mid-90s major setbacks began. There were court cases regarding term limits enacted via congress. From 1997 to 2004, state supreme courts in 4 states struck down term limits. In 3 of the states (MA, WA, WY) they were found unconstitutional. In OR, the court determined that the constitutional amendment was improperly adopted.

By 1995, the available opportunities for term limits had essentially been exploited. All states that had enacted term limits had a constitutional initiative process under which it could not be overturned by court action. Elsewhere, state legislatures could reverse or otherwise mitigate the situation. Of the 50 states, 16 have constitutional initiative. 24 states have statutory initiative (laws can be brought before the voters by initiative, but not constitutional amendments). In 14 of them, there are no restrictions on the legislature's ability to repeal or amend the laws. In CA, the legislature can neither amend nor repeal. In the remaining states with statutory initiative, the legislatures have varying powers to make changes.

### **Why Study Term Limits?**

Term limits, once enacted appear to affect only a limited number of incumbents, but actually, they have a far-reaching impact on the political system involved. Term limits have actually reshaped governmental power structures. They have altered the selection of people who make the laws, thereby having a major influence on public policy. By dramatically changing the composition of legislatures, they have affected the authority of leaders. The balance of power between the legislative and executive branches has been changed.

### **Why did term limits become such a major concern to political activists? Why did it prove to be so popular with the public? How did it generate so much passion in and out of governmental circles?**

The study of term limits is actually part of a study of popular political movements and governmental process. The movement for term limits was an attempt for people to regain control of their government.

*Paula Blum, East Nassau LWV*

## **General Arguments For and Against Term Limits**

(Excerpted from the LWV of Buffalo Niagara's April 2014 *Voter*)

### **Arguments FOR term limits:**

- Term limits fulfill the promise of a citizen legislature by allowing more people to serve as elected officials. It helps ensure that legislatures will not be dominated by career politicians.
- Term limited legislators will pay more attention to their constituents and spend less time seeking campaign contributions and responding to special interests.
- Term limits will remove long time incumbents (dead wood, corrupt officials). It will result in a more diverse legislature in terms of race, ideology, age, religion, professional background and socioeconomic status.
- The power of lobbyists and other interest groups will be weakened because they will not be able to form long-term relationships with legislators.
- Most states have term limits for governor and this has worked well. Legislators should be treated in the same manner.
- Term limits will generate more interest and thus greater voter turnout in state elections.

### **Arguments AGAINST term limits:**

- Term limits interfere with the fundamental right of voters in a representative democracy to elect their representatives. "We already have term limits – they are elections."
- Removing experienced and knowledgeable legislators weakens the legislative branch of government. A weak legislature upsets the balance of power between the legislative and executive branches of government.
- Term limited legislators will seek short term solutions to problems rather than thinking of long term consequences.
- Term limited legislators will not have time to gain institutional knowledge and policy expertise and will turn to lobbyists and bureaucrats for information about issues and how to handle them. Since these groups are not elected, they are not answerable to voters.

## IMPACT ON THE ELECTION OF WOMEN IN TERM LIMITED STATES

**Has it been proven that term limited state legislatures increased the number of women by creating new open seats?**

1. Proponents believe it would increase competition and encourage new challengers including women.
2. \*Data shows there is a slight increase (less than 2%) in women elected as state legislators in term limited states as opposed to non-term limited states.
3. The number of women elected began increasing prior to term limits although the number remained severely underrepresented in comparison to their proportion in the general population.
4. One reason for the lack of more women could be the power of incumbency. Incumbents have an overwhelming advantage including name recognition, fundraising ability, and experience. Women often find it more difficult to raise big bucks – it’s still a man’s world.
5. Women elected to legislative office are more likely to be Democrats rather than Republicans as shown in term limited California. In the case of California it appears that the Democratic Party may have pursued women candidates more than the Republican Party.
6. There is also the influence of other social and political forces that led to the increasing number of women in both term limited and non-term limited states.
7. Presently New York State statistics show the percentage of men vs. women in the Assembly and Senate follow national statistics: Senate – 18% women; Assembly – 25%.
8. Although studies show women have not gained legislative seats in term limited states as was suggested by proponents of term limits, it may be too early to tell if women will gain seats in the future in both term limited and non- term limited states.

### PERCENTAGE OF WOMEN IN STATE LEGISLATURES – 1989-2009

<u>YEAR</u>	<u>ALL STATES</u>	<u>STATES WITH TERM LIMITS EFFECTIVE IN 2009</u>	<u>STATES WITHOUT TERM LIMIT EFFECTIVE IN 2009</u>
1989	16.87%	17.2%	16.7%
1991	*18.19%	18.8%	17.9%
1993	20.37%	21.1%	20.0%
1995	20.68%	21.9%	20.2%
1997	**21.51%	23.4%	20.7%
1999	22.39%	23.5%	21.9%
2001	22.49%	23.5%	22.0%
2003	22.41%	22.7%	22.3%
2005	22.64%	23.5%	22.3%
2007	23.25%	23.3%	23.2%
2009	23.90%	24.2%	23.8%

\* First election after term limits began being passed.

\*\* First election after term limits started being implemented.

“ All states” represents the average percentage of the members of each of the fifty state legislatures that are female, and not the percentage of state legislators who are female.

Information from: *TERM LIMITS AND THEIR CONSEQUENCES, THE AFTERMATH OF LEGISLATIVE REFORM*  
Stanley M. Caress, Todd T. Kunioka

*Joan Johnson, Syracuse Metro LWV*

## IMPACT ON MINORITY CANDIDATES

Research efforts up to 1998 indicated trends, but all lacked sufficient empirical data to draw definite conclusions. However, minority candidates (defined as African Americans, Hispanics and Asians in comparison with White, Non-Hispanic) initially would be able to access more elected offices, but would be negatively impacted by term limits over the longer run.

The Hodson et al study of 1995 concluded term limits would accelerate minority legislators' ability to obtain internal legislative power & facilitate their acquisition of leadership positions and committee chairmanships. Later studies indicated that other unrelated variables intervene which impact minorities' electoral prospects, and term limits' impact is blurred. These include reapportionment, redistricting, and changing demographics. The Caress et al 2003 study indicates that after an incumbent leaves office either voluntarily or because of term limits in a minority-majority district, the next person to sit in that seat will likely be a member of the racial or ethnic minority that dominates the district.

On a national level, evidence indicates minority representation was no more observable in states with term limits than in states without term limits. Rather, increases in minority legislators were attributable more to demographic changes.

The book's authors looked closer at lower chambers of four individual states: California and Michigan, which have term limits, and Georgia and Pennsylvania, which do not. Similarities in ratios of ethnic populations among these 4 states along with their term limit choices made them good samples to compare. All 4 experienced an increase in the election of minority candidates in the 1990s into the 2000s. Some were very small increases, and in some the increases tended to occur primarily during redistricting years. In a few, increases occurred more consistently across elections.

In California, Hispanics were underrepresented and increased initially, but later leveled off. The African American population was at a consistent level, and was not underrepresented, nor did it change significantly following the advent of term limits. The Asian American population was the most underrepresented, and interestingly, was able to win seats even in districts where the ethnic identity was not mostly Asian American. And, in 2000, the White, non-Hispanic population became a minority as there was a large increase in both Asians and Hispanics. The study concluded that the timing of these changes in minority representation suggested redistricting and demographic changes, along with term limits all may play a role, rather than just term limits alone.

In Michigan, the minority population of African Americans and Hispanics was relatively flat and remained so throughout the study period. Term limit implementation coincided with modest gains for both groups, and neither group saw increases in post-redistricting elections. The conclusion was that it was premature to speak of any trend.

Georgia, during this same time period, also experienced a relative increase in its minority membership. The African American population increased slightly, and they gained seats in the post-redistricting period. The Hispanic and Asian populations also increased, and as in California, the White, Non-Hispanic population decreased during this period. Because these population changes occurred primarily in metropolitan areas, the largest increases in minorities winning elected office occurred following redistricting.

Pennsylvania, with the second largest House of Representatives in the nation, experienced very little change in its racial composition between 1990 and 2008. African American representation went from 6.4% of the body in 1990 to 7.9% in 2008. The Hispanic population in the state showed no significant increase, and between 1990 and 2008, two Hispanic representatives shrunk to 1 during the period of the study. One Asian American served from 1997-2003 and another from 2001-2005. With virtually no change in minority populations, redistricting did not

impact measurable change in Pennsylvania's House of Representatives.

At neither the nationwide level nor in the four states examined is there any evidence of a persisting relationship between term limits and increased minority representation. There is some evidence that term limits can speed the transition, however minorities are not guaranteed better representation in states with term limits, and in fact after the initial turnover, minority representatives will be **forced out by the same term limits that opened those seats. Minority populations will need to continually recruit qualified candidates to hold on to their gains in these statehouses.**

I conclude that there is some impact on minority representation by instituting term limits; however it is not the only factor. Others are demographics and redistricting. Population changes, particularly in metropolitan areas, do impact who is elected, which requires fair redistricting practices that accurately reflect demographic changes.

*Jan Massina, Albany LWV*

# CONSEQUENCES OF TERM LIMITS ENACTMENT ON CAREER PATHS

By their very nature, term limits alter the career paths of incumbent legislators. Legislators are divided by the “Ambition Theory” into three types:

## 1. Discrete ambition:

- Do not consider themselves politician.
- Seek political office to accomplish a goal with little expectation of an extended career.
- Term limits have the least affect upon these people as they voluntarily retire when their goal has been achieved.

## 2. Static ambition:

- This type wants a political career in one particular office.
- Often seek re-election until retirement.
- Term Limits could be a significant disincentive.
- Term limits will have the most impact on this type.
- When term limited regulations allow rotation (sit out a term, able to return on next cycle) this type most likely to have a relative run for the vacated seat only to run again.

## 3. Progressive ambition:

- Develops a career ladder.
- Desires steady advancement.
- Effect of term limits on this type most difficult to forecast.
- It is possible this type of politician will voluntarily move out of office and up before serving the maximum years of term limits.
- Where term limit rules are more stringent, the “progressive” candidate might be forced out before he or she felt the time was ripe for a move up. This type is more likely to be tempted to leave a seat in mid-term if an opportunity for another office with a longer window of potential service opens up.

## EFFECTS OF TERM LIMITS ON LEGISLATURES (studies from California and Michigan)

- Many midterms limited vacancies can be expected.
- The more stringent the term limits, the greater the incentive for incumbents to run for higher office as soon as an opportunity with a reasonable chance of success arises.
- The initial transition is a particularly tumultuous time.
- After the initial turmoil, the legislature becomes more predictable. New patterns develop with a return to a new normalcy
- The transition to term limits increases the motivation to leave office early.
- The new generation of lawmakers comes into office secure in the knowledge of how term limits would affect their career paths. Their march through various elective offices becomes more predictable. State assembly members get elected, re-elected to fulfill the term limits and then move on to run for the state senate, statewide or regional office. If the new office is also term limited, they fulfill its term limits before moving on to greener pastures.
- Under the new dynamic, virtually all incoming state senators have previously served in the lower chamber.
- Contrary to expectations of term limits supporters, the enactment of term limits does not result in the election of legislators with less political experience.
- There is little incentive for a challenger to take on an incumbent candidate.
- Incumbents seeking re-election are unlikely to face a serious challenge.
- Mounting evidence seems to support the concept of less competitive elections in term limited states.
- An unanticipated impact of term limits is a pattern of family members succeeding each other. Name recognition, mentoring and mutual fundraising propels this pattern.

## INCREASE IN APPRENTICESHIPS

- The learning process that could previously have taken decades is now condensed into a few years with freshmen given responsibilities unthinkable in pre-term limit era.
- Important committee assignments and leadership positions are now often given to promising freshmen.
- Training of new members becomes a priority for incumbents who are concerned about policy and institutional continuity.
- A higher level of mentoring happens in the lower chamber where incoming members have less state government experience.

## DO TERM LIMITS CREATE A NEW BREED OF CITIZEN LEGISLATOR?

- NO- Not only are career politicians winning the open seats but by substantial margins. Neither the general nor primary elections are proving to be competitive.
- Electoral advantage of incumbency has not diminished.
- In California and Michigan their assemblies continue to attract politically ambitious candidates with prior experience. In neither state did a new breed of citizen legislator emerge.
- The behavior of chamber hopping becomes consistently associated with term limited chambers.

*Laura McDade, Buffalo Niagara LWV*

## Changes in Legislative Leadership

The focus of this chapter is primarily on the 10 years after the passage of term limits (1990) in the California State Legislature, especially in the State Assembly. The assembly (80 members) limit is 3 two-year terms of office; the senate (40 members) limit is 2 four-year terms of office with a maximum of 14 years in both chambers. Some major observations on how term limits affected the CA legislative process are:

- initial destabilization of the assembly for the first few years after term limits were enacted; there were numerous partisan defections, recall elections, special elections to fill assembly vacancies as there was a scramble for leadership and politicians realized they would not have lifelong political careers
- due to early retirement after term limits were adopted and the eventual expiration of the first 6 years, a complete forced rotation occurred by 1996 leaving opportunities for minorities and women
- a more orderly pattern of leadership transition developed, most Speakers now serve only about 18 months in power, which in the opinion of capitol insiders, is insufficient to develop a firm base of power needed to promote a coherent legislative agenda
- to become speaker, an assembly member must be able to craft a bill and to successfully move it through the various channels (incentive to pass bills), deal effectively with special interest groups, and form a personal alliance with the current speaker
- the new Speaker inherits much of the influence of the predecessor, but is aware that personal legislative agenda items must be enacted within 2 years
- opportunities for leadership positions for Hispanics and women were increased at a more rapid pace
- most state senators previously served in the assembly, are familiar with the legislative process, and have formed political alliances
- president pro tem candidates make their bid for leadership at the end of their first term and are selected soon after being reelected
- term limits increased the opportunities for leadership to break from tradition and establish new procedures—but this required more formal rules because there is less knowledge of longtime unwritten norms
- budget negotiations between the governor and legislative leaders over budget items increased as limited tenure reduced a governor's influence with legislators and legislative leaders demand a greater voice in the final budget
- because of the shortened term of office in Maine, leaders in both chambers don't have time to cultivate power—this reduces their influence and lessened their control over the chambers and their ability to shape policy and pass legislation
- Maine leaders are less likely to have served as chairs of committees and frequently lack policy expertise of previous leaders
- a 2005 survey of Maine legislators found that legislators are now more ideological, less likely to consider themselves as moderates, are less likely to be deferential to leaders—this lessens centralized coordination
- Georgia doesn't have term limits, a Speaker of the house controlled legislative agenda for over 20 years—nothing passed without his approval, but due to public resentment the majority party was unseated and he lost reelection in his own district

### **PRO:**

- early retirement and term limits create opportunities and leadership positions for new politicians including minorities and women
- since their terms are limited, leaders must be able to deal with special interest groups, and have incentive to pass bills
- term limits increases the opportunity to break with tradition and establish new procedures
- a governor's influence over legislators is reduced and legislative leaders may have a greater voice in budgeting
- a single individual can no longer obtain and hold a position of absolute power

### **CON:**

- term limits may initially cause chaos, dysfunction, and destabilize legislatures until an orderly pattern of leadership develop
- a shorter term of office may be insufficient for leaders to develop a firm base of power to promote a coherent legislative agenda because of shortened terms, leaders may not have sufficient time to cultivate power reducing their influence and control over the chambers
- shifts in party control as well as voter dissatisfaction with an incumbent can change leaders just as well as term elections

*Judy Middelkoop, Schenectady LWV*

## **Term Limits and Executive-Legislative Relations**

One of the clearest effects of states' implantation of term limits on state legislatures may well have been the shifting in power in the relationship between state executive and legislative branches, with more power shifting towards the executive (both governors and executive agencies). Three reasons for the weakening of term-limited legislatures in relation to the executive branch are:

- First, term limits decrease the level of experience possessed by the typical legislator, putting legislators at an informational disadvantage in relation to officials in the executive branch who have more policy expertise.
- Second, even in states that already have high turnover, term limits remove cadres of long-serving members who have been able to amass considerable personal influence; these long-serving members often served as powerful counterweights to the executive branch.
- Third, term limits alter the internal relationships within legislatures by changing the behavioral incentive structures for legislators. Since term-limited members are faced with shorter legislative careers, they have fewer incentives to defend the legislature as an institution. Also, in many term-limited states, individual legislative members have more incentive to be loyal to the executive branch because many end up being appointed to a position in the executive branch upon leaving the legislature.

For more detailed information on this shifting of power, see chapter nine of *Institutional Change in American Politics, The Case of Term Limits*.

- Sarah Podber, LWVNYS

## **Term Limits and Voter Turnout**

During the wave of pro-term limit advocacy in the 1990s, term limit advocates advocated that enacting term limits would revitalize and increase voter participation. Advocates argued that (1) term limits would increase the number of open-seat races, which tend to be more competitive, and the increased competition would inspire more voting, and (2) the removal of entrenched incumbents would inspire more trust and confidence in government, thereby encouraging voter enthusiasm in a more diffuse way, increasing turnout for all races.

Research by Nalder (2007)\* on California state legislative races from 1976-2004 found evidence that state legislative term limits not only fail to achieve the reformers' goals, but they may, in fact, decrease voter turnout. Nalder's research found that term limits caused an increase in open-seat races in California and that these open races were, on the whole, more competitive, but that this failed to translate into increased voter turnout. Turnout actually decreased, which Nalder notes may simply reflect the general trend of dropping turnout rates throughout the United States in recent decades, but that nevertheless seems to show that term limits did not reverse that trend. Even controlling for other influences on turnout, the research found that term limits continued to be associated with a decrease in voter participation in California's state legislative races. Nalder suggests that lack of increased turnout may be due, in part, to a decrease in candidate name recognition post the implementation of term limits on the legislature.

**- Sarah Podber, LWVNYS**

\* See <http://www.lwvny.org/programs-studies/term-limits.html> for full research article.

## INSIDERS VIEW OF TERM LIMITS

In addition to quantitative, statistical data, it is helpful to also gather anecdotal, observational data from interviews with insiders. This is what is done in chapter 8. Two former state legislators, one who began his career before term limits and one who was elected after term limits began, two staff members, and one academic were interviewed. These interviews were all done in California.

One of the legislators had served for 14 years before term limits and an additional 3 two-year terms, was termed out of the assembly, was elected to the senate until termed out after 2 four-year terms, then retired. The other kept moving up, staying ahead of term limits. She left the assembly before the end of her first term, served two terms in the senate, and ran for congress while still in her senate seat. She was elected to congress for several terms, and then was appointed to a cabinet position. Would she have followed a similar path had term limits not been in place, or would she have chosen to remain in the state legislature long-term? No one can say, but it appears that in term-limit states, political careers are dramatically impacted.

Staffers are also dramatically affected by term limits. Their responsibilities have been expanded, as have their influence. They are the only ones with institutional memory, with long-term policy experience. Although they lose their jobs when their bosses are term-limited out, some move on to similar positions with other legislators. With budget cuts and some new legislators preferring to bring their own people with them, however, staff positions have become somewhat less desirable. Thus, even among staffers, institutional memory is not what it used to be.

The loss of institutional memory is felt most in the assembly. Since many assemblymembers run for senate seats after they are termed out of the assembly, the senate has more experience and therefore more influence than in the past. With term limits, everything is done in a faster time-frame. Legislators feel forced to complete their initiatives before their terms run out.

Those against term limits predicted that there would be a different quality of candidates; however, no one interviewed felt that this had occurred. Another prediction was that the governor would gain more power. This has not happened in California either. In fact, the entire state government seems to have been weakened, since it is now harder for the governor to form the coalitions in the legislature needed to get things accomplished.

The senate now has more influence, and the speaker of the assembly, who used to be a dominant force in state government, is no longer. Partisanship has increased, but many feel that this is not necessarily a result of term limits, since it appears to be happening nationwide. Nevertheless, legislators are not in office long enough to “soften” as in the past; they tend to be more ideological, and lobbyists have a harder job than previously.

To sum it up: long term careers have been replaced by chamber jumping and contested primaries; incumbents who may run against each other in future primaries are less cooperative; lobbyists are playing an expanded role writing legislation because of the inexperience of legislators, but have less influence because they do not have enough time to develop significant relationships; and every level of state government has been weakened.

*Paula Blum, East Nassau LWV*

## The Future of Term Limits in the States and in Congress

It seems unlikely that term limits will be enacted in the United States Congress. States that have term limits will likely keep them—some modifications may occur as incumbents look for ways to remove or reduce the constraints. States that don't have term limits are unlikely to enact them.

### Turnovers:

- Turnover does not seem to be related to term limits. From 1930 to 1990 there was no difference between states that would pass term limits and those who would not.
- From 1990 to 2000—turnover rate in term limited states flattened out while turnover in non term limited states continued to decline.
- In 2002 turnover in both types of states increased. This was presumably due to redistricting. Turnover in term limited states averaged 10.7% higher in the lower chamber and 8.5% in the upper chamber.
- Turnover rates in term limited and non-term limited states were equal in the years prior to 1991.

### The anticipatory effect of term limits:

Incumbents leaving before exhausting their allowable term in office was not universal, but the effect is most common in states with:

- Professionalized legislatures  
Smallest number of permitted terms
- Where political opportunities for elective office outside of the state legislature are greatest

Level of professionalism and partisan balance shifts seem to influence turnover rates as much as term limits. Impact of term limits will probably not deviate noticeably from the pattern in each state.

### Term limits will not expand or be removed because:

1. National debate over term limits appears to have run its course
2. States who have term limits:
  - a. All but one of them allow the direct initiative method of amending the states constitution
  - b. In states that have only the statutory initiative process, either state legislatures or state courts have already overturned those laws in all but 1 instance (Maine)
3. Thus the statutory approach to implementing term limits whether through legislatures or via initiative is a dead end.
4. Many obstacles exist even in states that have constitutional initiatives. When the initiative is opposed by nearly all elected officials and many powerful interest groups, the possibility of success is very low. However, term limits will remain a factor for the foreseeable future. In those states where voter approval would be necessary to roll back term limits voters have proven generally unwilling to go along. In California, voters have twice rejected easing their states term limits. In 2002, proposition 45 was defeated 58% to 42%. In 2008, proposition 93 was defeated 53% to 47%. In Idaho, voters defeated a ballot measure to reinstate term limits. In 2002, voters in Missouri approved a referendum that mildly eased the limits.

### Consequences:

Even though 1/3 of United States has term limits, there has been no or little effect on facilitating the election of female and minority candidates. It could actually decline as incumbents are forced to retire. Changing demographics of the states will have the most impact of electing minorities.

Professional politicians –successful candidates often leave the state legislature for other elected offices, vacating at a time of their own choosing if new political opportunities develop.

1. Produces a less experienced legislative body
2. Makes the institution weaker
3. Loss of substantive policy expertise, procedural knowledge, and long term personal relationships between civil service and lawmakers
4. Increased gubernatorial power was the most important consequences of term limits.

## The Future of Term Limits in the States and in Congress

The factors that made leaders powerful in the past—substantive expertise, procedural knowledge and long standing relationships—are all compromised by term limits. Rather than being powerful because of superior knowledge and skills, the more senior lawmakers are weaker.

Even freshman legislators feel the pressure of time and the desire to make their mark before their time in office expires. This pressure makes them less willing to bide their time, thus weakening the traditional norms of apprenticeship. This pressure also reduces the incentive to follow the will of their leaders, who are less able to exact retribution for defections. The new “normal” career path means that, in many states, the lower chamber will generally be filled with first-time legislators while the upper chamber is filled with former lower-chamber lawmakers. Term limits may have also contributed to a decrease in civility and cooperation among lawmakers. In the future, more states may develop formal training and orientation programs for incoming and returning legislators.

### **Term Limits and Congress**

Realistically, term limits will never be placed on the Congress because the road to amending the U.S. Constitution must pass through Congress itself, where a two-thirds majority of both chambers would be required to allow the proposal to move forward. Also, the national debate on term limits has subsided.

The average length of service in the House was just over 10 years (5.07 terms) while it was 12.82 years in the Senate (just over 2 terms). A lenient term limit might be 5 terms for the House and 2 terms for the Senate. All that would do is not allow some incumbents to seek reelection. It would also seem to have no effect on the number of women elected but could help candidates of certain racial/ethnic minority groups. Also women and minorities who obtain leadership roles would be forced out of their positions by term limits after a short period in power.

Although some would argue that term limits would create more open-seat elections, since open-seat elections are often thought of as being more competitive than races involving an incumbent. It would seem that there would be more competitive but reviews suggest that the seats still tend to stay with the same party. The most significant potential consequence of term limits would be a change in incumbent career patterns. They would attempt to prolong their political career by seeking another office often leaving their office midterm.

### **Conclusion:**

Legislative term limits will probably remain in force on those state legislatures that are currently subject to term limits but probably will not be expanded to additional states. Congress appears to be safe from the imposition of term limits. However, if it were to be enacted then the increased turnover may weaken the institution and the authority of congressional leaders, as well as increase conflict within the institution itself.

*Lenore Schwager, Cortland LWV*

# TERM LIMITS FOR STATEWIDE OFFICES

## GUBERNATORIAL TERM LIMITS

Gubernatorial term limits are the oldest and most common U.S. limitations on office holding. As early as 1787 the Delaware constitution established a two-term limit for the governor, and nearly four fifths of the states now place some sort of restriction on the number of terms for which an individual may hold the governorship. Governors in 48 states have four-year terms of office. Vermont and New Hampshire are the exceptions having two-year terms.

Early governors suffered from the historical American aversion to executive power. Though some individual governors did manage to exert power by virtue of their personal strength, charisma, or, in a few cases, corruption, the office itself typically granted the occupant few tools. Due to Americans' resentment of the overwhelming power of colonial governors appointed by the king, early state constitutions (much like the national one) created an executive of limited power.

Over time, states began to sense a need for change. Since 1985, all of the states have made statutory changes and/or constitutional changes to grant their governors more formal powers. Though this has been a slow process and has been more pronounced in some states than in others, most governors now have formal tools necessary to perform the duties of a true executive. States have made other changes as well. Most have developed more extensive support structures for their governors. Staff support is much more generous and professional than ever. This means they no longer work alone but can draw on the help of others around them to accomplish their work. The laws about term limits for governors vary from state to state. Each state determines its own system. For a list of the gubernatorial terms limits in each state, please visit <http://www.lwvny.org/programs-studies/term-limits/States-with-gubernatorial-term-limits.pdf>.

Modern governors have greatly expanded roles. The primary roles of the governors are that of chief legislator and chief executive. This combination suggests the overlapping powers of the political systems in the states. Given their status and stature, governors take the lead in lawmaking endeavors. In addition a governor also serves a largely symbolic role of chief of state. The remaining roles- crisis manager, chief judge, chief of party, inter-government liaison, and military chief- while certainly significant features of governorship, are not as time consuming or as constant. When they do arise, they will likely take center stage until the task at hand is complete.

## ROLE OF THE GOVERNOR OF NEW YORK STATE

The governor of New York is the single most important official of state government. As chief administrator, he oversees the management of all state departments and agencies. With the advice and consent of the Senate, the governor appoints the heads of most departments, boards and commissions and may also remove them from office. The governor prepares a budget including approval of expenditures requested by all departments.

To some extent the governor also plays a role in the Judicial Branch by appointing judges to the four Appellate Divisions of the Courts, and fills vacancies on the Supreme Court, Surrogate's Court, County Court, Family Court (outside of New York City) and District Court. In cases of highly sensitive crimes, the governor may appoint a special prosecutor to handle cases. The governor also has the power of pardon except in cases of treason and impeachment. The governor may also grant reprieves, commutations and pardons after conviction. The governor also is empowered to appoint special commissions of investigation, known as the Moreland Act Commissions.

As Commander-in-Chief of the New York State National Guard, the governor appoints its head and, with the consent of the Senate, all major generals, all of whom must be federally qualified. The governor, using discretionary powers, assigns units of the guard to deal with emergencies that arise in the state.

The governor is often called the state's chief legislator because he can exert heavy influence on the agenda of each legislative session. Although he (she) cannot introduce bills to the legislature, a legislative program in the form of a large number of administrative bills, may be introduced by individual legislators. The governor is also required to report to the legislature at the beginning of each session in a "State of the State" message and to submit an executive budget.

There are limitations on the governor. He (she) cannot spend public money except as authorized by the legislature. A veto of any legislation may also be overturned by a two-thirds vote of each house of the legislature. Although the governor has the right to propose programs, they cannot be enacted without the approval of the legislator. The governor also needs approval from the Senate in many cases for appointments.

## **TERM LIMITS FOR OTHER STATE WIDE OFFICES**

### **LIEUTENANT-GOVERNOR**

The lieutenant- governor is elected on a joint ballot with the governor to ensure that both will be of the same party. The constitution envisions the office of lieutenant-governor as a stand-by office to ensure orderly succession should the governor be unable to serve for any reason. The lieutenant-governor also serves as the presiding officer of the Senate.

### **ATTORNEY GENERAL**

In fifteen states the office of Attorney General is subject to term limits. Most states with term limits specify that an office-holder may serve two consecutive terms. Most states do not specify that the two terms are an absolute limit, so that a former Attorney General may usually run again after a time, usually unspecified, out of office. See attachment (Attorneys General with term limits) for information on all 50 states.

#### **New York's Attorney General**

As head of the Department of Law, the attorney general is the state's chief legal officer and provides legal services to departments and agencies of state government. In addition to civil responsibilities in these areas, the attorney general prosecutes criminal violations of the Labor, Workers Compensation, Unemployment, Insurance, Conservation and Tax Laws.

Additionally, the attorney general also prosecutes fraudulent sales of stocks and securities and violations of the General Business Law including fraud against consumers. The Statewide Organized Crime Task Force is based in the attorney general's office.

As the state's chief attorney, the attorney general frequently serves as an advisor when there are questions about the constitutionality of bills and legislative acts.

### **COMPTROLLER**

#### **New York's Comptroller**

The comptroller is the chief fiscal officer of the state and heads the Department of Audit and Control and directs all of its activities relating to cash management, state debt and investment. The department audits the accounts and records of all state agencies and supervises the affairs of more than 9000 local governments, school districts and other quasigovernmental bodies. The comptroller also administers the state retirement systems and the New York State Social Security Agency and is custodian of their funds.

These statewide offices make up the Executive Branch of New York State Government. All are elected to four-year terms.

**Information for this report was taken from "A Guide To New York State Government" prepared by the League of Women Voters of New York State and edited by Mary Jo Fairbanks former Publications Director for the League.**

**NOTE: At this time we have not found much information on term limits for state-wide offices. There appears to be very little research on the effects of gubernatorial limits and even less on limits for other state-wide offices**

*Joan Johnson, Syracuse Metro LWV*

## **TERM LIMIT DISCUSSION QUESTIONS**

(NOT Consensus Questions)

What have the effects of term limits been on state legislatures in relation to:

- (a) minority candidates
- (b) women candidates
- (c) competition of elections
- (d) influence of lobbyists
- (e) influence of staff members
- (f) influence of the governor

Given New York's political landscape and governmental structure, would similar effects be seen in New York State if term limits were adopted?

Would these effects be positive, negative, or negligible on the governmental process in New York State?

Would limiting terms for the following statewide offices play any role on the effectiveness and efficiency of these offices?

- (a) Governor
- (b) Lieutenant Governor
- (c) Attorney General
- (d) Comptroller

Is there a place for term limits in the bigger picture of campaign finance reform, voters' rights and ethics in politics and government service?

Would term limits provide a more citizen oriented legislature as opposed to a legislature run by professional politicians?

How would the role and influence of legislative staff members change in a term limited legislature?

Term limits would affect all legislators – good and bad. Do you think the forced turn over would achieve positive results in the legislature?

Will term limits on legislators show an increase in competitive elections?

Has there been any effect on the influence of lobbyists in term limited legislatures?

Research from California and Michigan, both term limited states, shows many undesirable outcomes. Can term limit legislation be written to offset the undesirable effects?

Should term limits be set for longer terms than the typical 6-8 or 12 years?

Should term limits be placed on legislative leadership positions?

Is there a place for term limits in the bigger picture of campaign finance reform, voters' rights and ethics in politics and government service?

## Appendix A

### THE TERM-LIMITED STATES

By National Conference of State Legislatures (February, 2013)

Available: <http://www.ncsl.org/research/about-state-legislatures/chart-of-term-limits-states.aspx>

The following table represents the 15 states that currently have term limits for legislators. They are ordered by the year of term limits' impact--the first year in which incumbents who were serving when the term limits measure was passed are no longer eligible to run for re-election. At the bottom of the page is a table of states that had term limits in the past but no longer do (due to legislative or court action).

	House	Senate				
State	Year Enacted	Limit	Year of Impact	Limit	Year of Impact	% Voted Yes
MAINE	1993	8	1996	8	1996	67.6
CALIFORNIA	1990	12 (c)	1996	12 (c)	1998	52.2
COLORADO	1990	8	1998	8	1998	71
ARKANSAS	1992	6	1998	8	2000	59.9
MICHIGAN	1992	6	1998	8	2002	58.8
FLORIDA	1992	8	2000	8	2000	76.8
OHIO	1992	8	2000	8	2000	68.4
SOUTH DAKOTA	1992	8	2000	8	2000	63.5
MONTANA	1992	8	2000	8	2000	67
ARIZONA	1992	8	2000	8	2000	74.2
MISSOURI (a)	1992	8	2002	8	2002	75
OKLAHOMA	1990	12 (c)	2004	12 (c)	2004	67.3
NEBRASKA	2000	n/a	n/a	8	2006	56
LOUISIANA	1995	12	2007	12	2007	76
NEVADA (b)	1996	12	2010	12	2010	70.4

(a) Because of special elections, term limits were effective in 2000 for eight current members of the House and one Senator in 1998.

(b) The Nevada Legislative Council and Attorney General ruled that Nevada's term limits could not be applied to those legislators elected in the same year term limits were passed

(1996). They first applied to persons elected in 1998.

(c) In California and Oklahoma, a legislator may serve a total of 12 years in the legislature during his or her lifetime. The total time may be split between the two chambers, or spent in its entirety in a single chamber. Before 2012, California's limits were identical to those in Arkansas: six years in the assembly and eight years in the senate.

Source: National Conference of State Legislatures

#### Consecutive vs. Lifetime Limits

Term limits may be divided into two broad categories: consecutive and lifetime. With consecutive term limits, a legislator is limited to serving a particular number of years in a chamber. Upon hitting the limit in one chamber, a legislator may run for election to the other chamber or leave the legislature. After a set period of time (usually two years), the clock resets on the limit, and the legislator may run for election to his/her original seat and serve up to the limit again.

With lifetime limits, on the other hand, once a legislator has served up to the limit, she/he may never again run for election to that office. Lifetime limits are much more restrictive than consecutive limits.

Limit in Years	Consecutive	Lifetime Ban
6 house / 8 senate	--	AR, MI
8 total	NE	--
8 house / 8 senate	AZ, CO, FL, ME, MT, OH, SD	MO
12 total	--	CA, OK
12 house / 12 senate	LA	NV

Source: National Conference of State Legislatures

#### Term Limits Repeals

In two states, term limits have been repealed by the legislature. In another four states, courts have found term limits provisions to be unconstitutional. No court has struck down term limits on the merits of the law itself; rather, in all four cases, courts objected to the method by which the limits were enacted. In Massachusetts, Washington and Wyoming, the opinions were similar. In all three states, term limits were enacted as statutes, rather than constitutional amendments. The courts said that because term limits constituted a qualification for office, they must be spelled out in the state constitution, and a statute spelling them out was not constitutional. In Oregon, the state supreme court found that the initiative imposing term limits in that state violated the single-subject requirement for initiatives.

State	Year Repealed	Year Enacted	Who Repealed?
IDAHO	2002	1994	Legislature
MASSACHUSETTS	1997	1994	State Supreme Court
OREGON	2002	1992	State Supreme Court

<b>State</b>	<b>Year Repealed</b>	<b>Year Enacted</b>	<b>Who Repealed?</b>
UTAH	2003	1994	Legislature
WASHINGTON	1998	1992	State Supreme Court
WYOMING	2004	1992	State Supreme Court

Source: National Conference of State Legislatures

## Appendix B

### Additional Term Limit History (Excerpted from the LWV of Buffalo Niagara's March 2014 Voter)

- Restricting the number of years that elected officials can serve has been vigorously debated even before our nation's founding. Although term limits were not included in the U.S. Constitution, they remained a popular principle throughout the 1800's, with many elected officials voluntarily leaving office.
- In response to Franklin D. Roosevelt's election to a fourth term, the 22<sup>nd</sup> amendment to the Constitution was passed in 1951, limiting the Presidency to no more than two full elected terms.
- Another strong effort to enact term limits emerged in the 1990's, when twenty-one states passed laws limiting the terms of their Congressional members as well as state legislators and governors.
- In 1991, the LWVUS announced its opposition to Congressional term limits but allowed its' 1976 position in support of a two term Presidential limit to remain unchanged.
- In 1994, the LWV of Washington and Arkansas participated in suits challenging state imposed term limits, leading to the 1995 Supreme Court ruling which declared state imposed restrictions on federal offices unconstitutional, but allowed state limits to stand.
- In 1996, the LWVNY adopted the National League's position, opposing term limits for the members of the NYS legislature as well as state wide elected officials.
- At the 2013 NYS League convention, it was agreed that this issue would be revisited and studied to reach consensus.
- Presently, 15 states have term limits for legislatures. Of the original 21 states that passed term limits, six have either been repealed by their legislatures or invalidated by state courts. The most common limit is eight years, but others range from 6 years to twelve. Some states have a lifetime ban while others allow legislators to sit out a term, and then run again.
- In 36 states, governors are subject to some sort of term limit.
- Currently there are proposals in the New York State Legislature to impose term limits by statute, which could easily be repealed, or by amendment to the State Constitution, which would be difficult to change or remove.

## Appendix C

From the LWV of Buffalo Niagara's May 2014 *Voter*  
(Available: <http://www.lwvbn.org/members/voter/Buffalo-Niagara-2014-May.pdf>)

### **Term Limits: Lessons Learned after 20 Years of State Experience.**

Last month's article in the *Voter* listed some arguments for and against term limits for state legislatures. These arguments were first put forth when term limits were originally proposed in the 1990's. Researchers are now using twenty years of state experience with term limit reforms in their evaluations. Some states have now gone through two full cycles of elected officials being "termed out". How have states adapted to these dramatic changes? Have any of the consequences that were predicted, for or against term limits, been realized?

We have listed some of these outcomes below.

- Rather than giving rise to citizen legislators, newcomers in term limit states were more likely than any other group to have held elective office prior to their election to the legislature. Indeed, entering elective politics is today viewed as a personal and honorable career choice. However, careerism in term limited states changes: legislators first move from lower house to upper house and then from state to federal office or to an appointed position.
- There have been virtually no effects on the types of people elected to office, in terms of race, ideology, age, religious, professional backgrounds or socioeconomic status of legislators. While some states saw a change in minority representation, this may have been due to redistricting, demographic changes, and expanded voting rights. Most incumbents that have been termed out have been white males. While this has created more opportunities for women, these opportunities have not been realized through term limits. The number of female legislators has increased throughout the country, but this increase is the same in states with term limits and in states without term limits.
- A term limited incumbent changes strategies and concerns as he/she advances towards the limit. In the beginning, constituents concerns are uppermost, closer to the end, the good of the whole community or one's conscience tends to carry more weight.
- Legislators in term limited states spend less time keeping in touch with constituents and far less time securing government money and projects for their districts.
- There is a lack of measurable effect of term limits on the influence of lobbyists. They have to work harder forging relationships with new members, but their influence is not diminished.
- In the areas of campaigning and fundraising, the more years that legislators have remaining, the more effort they spend campaigning and fundraising, slowing down as their term comes to a close.

In the next *Voter*, we'll discuss the differences in state institutional structure, restrictions of various term limit laws, effects on incumbents and challengers, how term limits affect leadership in both legislative and executive branches, and how more open seats affects competitiveness and voter turnout. If you have questions or comments, you can let us know by contacting us at [events@lwvbn.org](mailto:events@lwvbn.org). Otherwise, stay tuned!

*LWVBN Term Limits/Ballot Access Study Committee*

### Term Limits: Lessons Learned After 20 Years Of State Experience

In this Voter we continue to examine the impact of term limits (TL) on the 15 states that currently have them. Although these 15 states differ in governmental organization and their TL laws vary, it is possible to assess the changes that have occurred, to suggest how TL might affect NYS, and to consider the future of the TL reform movement.

- TL impacts are greatest in states with the most restrictive term limits.
- Impacts are greater in professionalized states such as California or Michigan that have strong governmental structure, provide compensation, extensive staff support and other resources. (New York is a professionalized state.)
- The most important impact of TL is the weakened power of the legislature. With less control over their members or the time necessary to develop policy expertise and longstanding relationships, legislative leaders and committee chairs are less influential. The upper house gains power over the lower house which becomes a place of "training", preparing members for moving up to more desirable positions. In California, after more than 20 years of term limits, virtually all incoming senators previously served in the lower house.
- Power lost by the legislature may increase the power of the executive.
- TL have made elections less competitive. Incumbents continue to retain the electoral advantage of name recognition and access to resources. Challengers have less incentive to take on an incumbent, preferring to wait for an open seat election when the incumbent is termed out.
- TL have increased the rate of legislative turnover, but probably less than had been anticipated since normal rate of turnover is obscured by the long tenures of a few high profile legislators. Redistricting remains the greatest source of legislative turnover.
- There has been no increase in voter turnout in states with TL or in states without them.
- After an initial period of disorganization, TL states have begun to adapt strategies to improve legislative procedural knowledge and policy expertise. For example, Florida has a mandatory apprenticeship program for incoming legislators and new staff. Other TL states have made similar programs optional. In California parties quickly identify promising freshman legislators and groom them for leadership roles by placing them on important committees.
- Whether legislative output is better or worse is a judgment call, depending upon one's personal views. However, with less time to enact legislation, the pace of legislative activity has increased, especially where there are strong TL laws.
- The last state to adopt TL was Nebraska in 2000. It is doubtful additional states will enact TL because of procedural impediments and lack of organized enthusiasm for reform. New York would require a constitutional amendment to adopt term limits. On the other hand, in states where TL are in place, voters have consistently rejected attempts to repeal them.

- Term Limits/Ballot Access Committee