Throwing out the Bums:

A study of the behavioral effects of term limits in state legislatures

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In the first half of the 1990’s, a term limits craze swept through the United States. During this time, voters in 21 states voiced their support for a restriction on the number of terms their state legislators could serve (Karp 373). Most of the voting public attributed the support of this legislation to a general dissatisfaction with government, and specifically wished to get rid of career-oriented politicians and replace them with citizen-legislators. Some political scientists have explained the popularity of the reform in regard to the general population’s cynical conception of government. Besides the claim that Americans wished for better representation through citizen-oriented legislators, these political scientists point to the general public’s distrust of decision makers in state capitals. Implementing term limits was a way for these unhappy voters to “throw the bums out,” expressing their frustration with the government (Karp 375-6). Regardless of the real reason for the popularity of the movement, it is certain that the public was not happy with the situation at the time, and wished to bring about real changes in the operations of state legislatures.

However, voters on the whole did not consider the long-term implications of limiting their legislators’ terms (Doron and Harris 122). It was assumed that putting a limit on the number of years one could serve would change the type of person to run for public office, and thus the behavior of legislators on the whole would change favorably. However, in their extensive study on the results of term limits in the immediate aftermath of term limits’ implementation, Carey, Niemi and Powell found that the type of people to run for state legislative positions did not actually change (5-6). This begs the question: If the type of people serving in state legislatures has not changed, has their behavior
changed in response to the limits on their years of service? What if the effects of term limits are not favorable to the voters who wished for the reform in the first place?

The purpose of this paper is to answer the first of those two questions. Although many papers were written in the 1990’s by political scientists considering the effects of term limits in state legislatures, the nature of these papers was mostly speculative. At first, political scientists merely attempted to predict turnover rates as a result of the limits. Later scholarship attempted to predict institutional changes resulting from the reforms, but not enough time had yet passed to actually observe any changes. Now, however, more than a decade has passed since voters put limits on the careers of their legislators. Thus, enough time has passed to observe actual effects of term limits that could only be predicted in the past. This paper, then, attempts to answer the question posed earlier: Has the behavior of legislators in term limited states changed since the implementation of term limits? Based upon Carey et al’s findings that the same career-motivated legislators run for office in term limited states, it seems likely that the existence of term limits would cause them to act differently than they would if there were no limits. This idea will be developed throughout the paper. Finally, if such changes in behavior do occur in term limited states, one must consider what the general public would or should do if such changes are found to be injurious to the quality of representation in the legislature.

The structure of this paper will be as follows: a review of some of the literature concerning state legislatures themselves and the effects of term limits in legislatures; a section expounding the theory behind my predictions regarding state legislators and term limits; a research design section detailing the setup and completion of the study; a section
highlighting the results of the statistical analyses of the study; and finally a discussion of those results.

I hope that the results of the empirical work from this project are ultimately significant and valuable to the field of political science. Because no political scientists have yet completed a large scale empirical analysis of the effects of term limits, I believe that the results of my experiment will be valuable, even though the project was limited in scope. The bulk of this paper will focus on the data and analysis, since I spent the majority of my time collecting, manipulating, and evaluating the data, the results of which are below. At the end of the paper, I will revisit the reasons behind public support for term limits and evaluate the extent to which the public’s expectations have been met. Let us begin with some background information regarding state legislatures and term limits.

I. Literature Review

Much of the literature on term limits in state legislatures was written in the mid-to late 1990’s in response to the sweeping term limits movement in the country. Papers written in the middle portion of the decade focused largely on explaining the overwhelming support of the reform, and also attempted to forecast the effects on turnover term limits would cause. Articles towards the end of the decade tended to look into other observable trends as a result of the limits, and also reevaluated turnover in those states that invoked the reforms. Throughout the ‘90’s much was also written about congressional limits, which were ruled unconstitutional in U.S. Term Limits, Inc. v. Thornton (1995). Those articles on congressional limits are valuable in the matter of term limits in state legislatures because the issues discussed often are just as important on
the state level. Additionally, because state legislatures have become more and more professional since the 1960’s, the disparity between the operations of Congress and many state legislatures is not great anymore (Doron and Harris 72). Finally, literature on the operations of state legislatures is included in this paper because certain trends and norms must be accounted for in order to fully understand the behavior of the institution and legislators in the presence of term limits. This section is thus divided into two parts: 1. technical features of term limits and state legislatures; and 2. term limits in state legislatures.

As previously noted, state legislatures have grown professionally since the ‘60’s and 70’s. Since that time, salaries have increased and legislatures have spent more time in session, which has also resulted in an increase in the size of professional staff (Doron and Harris 72). As the size of the staff increases, so too does the access to reliable information integral to the process of passing legislation. Unsurprisingly, the increased salaries and staff created a more professional, full-time atmosphere in state legislatures. Legislators in many states now are able to make a career out of their work in the state capital, since little or no time needs to be spent on another job in order to make ends meet (Mooney 52). Some argue that this has resulted in legislators focusing so much on reelection and special interests that they become distant from their constituents (Doron and Harris 74). Others see it more positively. Rosenthal argues that although many legislators plan to spend only a short time serving in the legislature when running for election the first time, most enjoy serving and end up staying for a large number of years (179). Furthermore, serving for many terms provides one with the institutional memory necessary to be effective, and also fosters pride in serving in the legislature. Once one has
learned the way the institution works, he generally will come to respect the norms and will wish to serve for many years (Rosenthal 189-90). As a result, Rosenthal argues that the widely held opinion that there are many “citizen legislators” serving is a misconception (177-78). Indeed, he found that between the 1950’s and 1980’s, retention rates in most states increased dramatically, and turnover rates were only in the teens (186).

Though state legislatures have become more professional on the whole, there are still clear differences among the states. An important source of the differentiation of professionalization in the state capital is the population of the state. The greater the population is, the greater the resources available for the workings of the government (Mooney 49). One will notice in the Research Design section that the states comprising the four different levels of professionalization in my experiment correspond almost exactly to their general populations. Thus, with a large population, the demand and resources for a professional legislature are greater.

Although the legislatures of the 50 states vary professionally, one constant among them, as Rosenthal alludes to, is that the legislator knows he must be reelected to continue serving. Along with Rosenthal’s contention that there are few “citizen legislators,” Kousser notes that a legislator feels a need to demonstrate to his peers in the legislature that he is capable and effective (216). Thus, rather than attempting to please the constituents, one must first impress his peers, for without them one will find it difficult to get the votes to pass legislation. And if one cannot do that, it is unlikely that his constituents would elect him again. In time, the legislator will learn the processes that grant him success in pushing his agenda. As a result, the state senator is expected to have
more success than the state assemblyperson, since the senator has more years of experience in the legislature (Kousser 218).

Finally, Doron and Harris comment on what happens when a legislator does not have the experience that is supposedly necessary in order to pass bills. A clear example is the first-term legislator (“rookie”) who proposes a bill and then sends it off to the bureaucrats to actually implement the law. However, a rookie is likely to make a mistake, such as estimating or planning with “lack of budgets, mistakes in calculations, unrealistic timetables for implementation, bugs in the design, etc.” (Doron and Harris 91). The bureaucrat who receives a bill with any of these types of mistakes has what the authors term “practical veto power,” since he could throw out a bill containing proposals he does not agree with if there is a slight problem. Only with experience can one guard against the whim of the bureaucrat. Yet, the term limits movement sought to limit the number of terms one could serve, which would curtail the time necessary for legislators to learn the process of becoming a fine public servant. This leads to the next section, which considers the implications of term limits in state legislatures.

One of the most comprehensive and fruitful investigations into the actual effects of term limits is found in the book, Term Limits in the State Legislatures, by Carey, Niemi, and Powell. Like Rosenthal and Doron and Harris argue, Carey et al. contend that legislators tend to consider service in the legislature a full-time occupation out of which one can make a career (5-6). Consequently, term limits could affect their behavior, and possibly cause them to make career decisions they would not without the limits. The authors surveyed and interviewed thousands of legislators in the country over a few years and came up with a number of convincing findings. Of great importance, Carey et al.
discovered that individualism rose among legislators in term limited states, while, reciprocally, cooperation decreased (44). As Kousser alludes to, the pressure to make a name for one appears to be real in term limited states, and Carey et al. argue that legislators may introduce bills merely for attention (46). They also note that those bills may not result in any sort of useful policy. Clearly, this type of behavior exhibited by rookies is not ideal, but the authors found even more possibly detrimental behavior among the newcomers. Rookies in term limited states were found spending less time keeping in touch with and engaging in case work for their constituents. This is happening likely because the rookies feel that the pressure to become known in the legislature is too great to spend time on anything else (Carey et al. 52).

Penning, in his study of Michigan after term limits were introduced there, also found that legislators spend less time getting to know each other and that they spent more time pursuing their own agendas than in the past (38). He also found that rookies were not adept at detecting those legislators who would be helpful to them. As a result, he believes that the process of legislating could become increasingly partisan, which, as Hibbing and Theiss-Morse claim, the public wished to abolish in the first place. Thus, term limits have caused rookies to dramatically change their behavior. But non-rookies also have altered their behavior, possibly in just as detrimental a fashion.

Experienced legislators are valuable to their constituents because they “know how to make deals, trade votes, manipulate the agenda, [and] become champs of specific issues” (Doron and Harris 25). All of these skills come in handy when a legislator tries to enact legislation that his constituents need or desire. However, Carey et al. found that “old-timers” (as they call them) in term limited states were less responsive to their
constituents than were old-timers in states without term limits (50). This is because the representatives in states with term limits know that their time is limited, and so the primary benefit of being a quality representative is respect and appreciation, both of which are less enticing than the prospect of reelection. What this means is that the legislators with the most capabilities lose interest in their job in term limited states. This would be alarming, unless the type of representative that takes the old-timer’s place in the legislature is of high enough quality to counteract the loss of the experienced member.

The problem is that term limits do not only limit the number of terms one can serve; term limits also limit the extent to which the electorate is capable of selecting high quality representatives in an election.

Mondak investigated what would happen to the composition of the US House of Representatives if term limits were put in place. Mondak found that no matter what the public’s capacity for judging candidates’ quality, higher quality candidates were chosen with unrestrictive (i.e. no term limits) screening. Restricted screening always led to lower quality candidates in the House, no matter how adept the electorate was at judging quality (712-13). The author also found that the legislators that stay in office the longest in unrestricted circumstances are the highest quality candidates (715). What Mondak found, essentially, is that the electorate acts as a filter that naturally eliminates the low quality representatives. The only way that the enactment of term limits would not decrease the quality of the legislature would be if the pool of new legislators is of very high quality. But there is no reason to believe that this will be the case (Carey et al. 5-6). On the other hand, it is definitely possible for term limits to alter the careers of those
legislators already serving; and the reforms have actually shortened legislative careers much more than is required by term limits.

So what will a legislator under term limits do when he knows his time is running out? That varies greatly, and according to the circumstances in which he is situated. One may expect a person serving in the assembly to run for the state senate or even Congress once the opportunity arises. However, in every state with term limits that was studied in his experiment, Powell found that some termed out legislators actually displayed “regressive ambition,” which is when a former state legislator runs for a county or local office (141). This happens simply because there are more attainable seats in those offices than there are in houses of a higher level than that of one’s previous position. Other than this somewhat surprising byproduct of term limits, older legislators are less likely to run for subsequent office once they have been termed out (142). This is because they may be close to retiring age, and also because it is likely that an older representative has served in his state’s senate, and thus the only higher office to run for is the very competitive Congressional seat. Caress also found that older members often retired prior to serving the full number of years allowed under the term limit law (671). This is because these legislators are “apparently inclined to leave office voluntarily before their maximum allowable terms are completed if a promising opportunity presents itself” (673). Finally, he claims that this is more prevalent ever since term limits came about. Thus, it seems term limits do more than just limit the number of terms one can serve; they also tend to limit the number of terms one actually serves. In the final portion of this literature review, I look briefly at the dynamic between upper and lower houses of the legislature in states with term limits.
While it is true that there is a tendency to retire completely from the legislature or even search for work in a lower level office when one’s terms are limited, the most likely result of the policy (since most legislators view service in the legislature as a career) is for termed out representatives to run for higher office prior to the time when their years of service run out. Like many other political scientists, Francis and Kenny contend that it makes sense for a legislator to do such a thing if he makes his decisions rationally. In other words, the longer one stays in office in a term limited state, the higher the risk that he will be without a job once his years of service are up. Once a seat opens in a higher legislative body, one ought to run for it if eligible, or else there may not be another chance before it is too late (241-2). Thus, a legislator in a term limited state should prepare himself for the next election as early as possible. Now that sufficient time has been spent on the functions of state legislatures and term limits in state legislatures, it is appropriate to move on to the theory section, which will detail the hypotheses that form the backbone of my study.

II. Theory

As is evident from the literature review section, it is certain that term limits cause a number of systemic changes in the legislature in which they are present. The first is obvious: they limit the number of terms a legislator can serve. Working under the career-motivated assumption of legislator behavior, and also keeping in mind that a legislator knows from the start of his career that his time is limited, a legislator in a term limited state is thus expected to act in certain ways in order to increase his chances for success following his terms. Since Carey et al. found that the type of person to run for office in a term limited state does not differ from that of a non-term limited state, the goal of most
legislators in a term limited state after serving in the lower house would be to move to the upper house, or even run for Congress. Again, many authors have argued and some found that representatives in term limited states tend to cooperate less and are generally less competent than their peers in term limited states because of a lack of experience. As a result of these findings, I believe that term limits will cause a state legislature’s level of professionalism to be lower than if the state did not have term limits.

Formally, then, the central hypothesis of this paper is: the existence of term limits is a sufficient condition for a decrease in the professionalism of a state legislature. I thus expect two measurable components of legislator behavior to manifest them negatively. These are the batting average (success rate) of legislators and also the proportion of bills introduced by rookies in the legislature. I will briefly note the expected results here, and in subsequent paragraphs I will elaborate. First, I would expect to find lower batting averages in term limited states. This would be the result of a legislature comprised of representatives that are less proficient at enacting legislation desired by the constituents – the opposite of which a functioning legislature ought to have. Second, I would expect rookies in term limited states to propose a higher proportion of bills than rookies in non-term limited states. This would mean inexperienced, unknowledgeable legislators are active and likely slowing down the legislative process, while their peers in non-term limited states are learning how the process works. Based on the findings from my study, it will be possible to make an assessment of these predictions. For now, it is imperative to explore the reasoning behind my hypothesis and subsidiary predictions.

The variables that affect the professional level of a legislature were discussed in the literature section of this paper, but an important component was not discussed at
length. That is the actions of the legislators, the actors within the system, and they must be considered too. A term limit will alter the behavior of a legislator, since it accentuates the competitive, career-oriented mindset. Two ways in which I believe this will be manifested negatively are the success rate of passing bills and the proportion of bills introduced among the rookie sector of the legislature. I will first discuss the rate of bill passage (“batting average”) and then move on to the proportion of bills introduced by first-timers in the legislature.

The batting average is a good way to measure a legislator’s success in the legislature, but as will be discussed later, it has some serious shortcomings as well. After calculating one’s batting average, one can see how successful a legislator is at pushing his agenda through the legislature. The batting average is computed by dividing the number of bills proposed ultimately enacted into law by the governor (E) by the total number of bills proposed (P). Thus, one can represent batting average (BA) as follows: 

\[ BA = \frac{E}{P} \]

The higher one’s batting average is, the more his bills ultimately are enacted compared to the total number of bills he proposes. Thus, it can be said that the higher one’s batting average, the better the legislator is at using the legislative process to his advantage. However, it is possible that factors such as session length, size of staff, and salary compensation can have positive effects on the batting average of a legislator if each of these factors is high in a relative sense. For example, if a state provides a legislator with a personal, year-round staff, as well as a high salary and long legislative sessions, it would be expected that with the information and time available to the legislator he would be more likely to pass bills than would a legislator from a state that provides smaller staff, lower compensation, and shorter sessions. However, there should
not be great disparity among legislators from the same state, since they would all be privy to the same amounts of the above resources. Thus, any differences that arise in the batting averages of legislators within the same state, and especially within the same house must come from somewhere else.

The most likely source of any disparity in batting averages among representatives of the same state would come from differences in experience. Since a legislator knows nothing of the legislative process at the beginning of his career, it also would be expected that he would not know how to turn his proposed bills into enacted laws. A rookie legislator does not know his peers well enough to judge who might be a source of help (as was discussed in the literature section), nor is he even familiar with the procedure of proposing a bill. Additionally, and importantly, a rookie does not have the institutional memory that an experienced legislator has. All of these factors contribute to the likelihood of a lower batting average for a rookie. Similarly, since term limits decrease the number of years one can serve in the legislature, they also limit the amount of experience one can amass in his career. As a result, I would expect to find the batting averages of a state with term limits to be lower than those of a state without term limits, holding all other things constant. To be more specific, in a state with term limits, I expect (as will be explained in upcoming paragraphs) rookies to propose more bills than rookies in non-term limited states. Finally, because the batting average represents a legislator’s rate of success at passing bills (supposedly for the benefit of his constituents), the lower this rate is, the less effective the legislator is at serving the people. Essentially, the batting average is a measure of the competence, or professionalism, of the legislator.
believe term limits will decrease one’s batting average, thus decreasing the level of professionalism of the legislator, and thus the legislature.

The second pillar contributing to the hypothesis that term limits will usher in a decrease in the professionalism of the legislature is that the proportion of bills introduced by rookies is expected to be higher in a term limited state than in a non-term limited state. Based on what was found in the literature review, legislators in term limited states realize that their time is limited before being faced with making their next career decision. Consequently, the legislators feel pressure to make a name for them, so they tend to pursue their agenda at the expense of cooperation with others. Most importantly, it was found that these legislators are likely to take advantage of an open seat in a higher office at the first opportunity, which means that they must prepare and present themselves for an election as soon as their legislative career begins. All of these findings indicate that a rookie legislator in a term limited legislature is likely to be very active. The best way for such a legislator to make himself known, while pursuing his own agenda, is by proposing bills. This strategy will result in his peers in the legislature gaining an awareness of the legislator’s preferences, and could also result in his constituents perceiving him as a passionate representative.

Despite these seemingly beneficial byproducts, an increase in the proportion of bills introduced by rookies is actually detrimental to the professionalism of a legislature. It is entirely possible for a legislator to become well-known among his peers in the legislature and his constituents without actually passing bills that will benefit those back home. It is likely that the legislator will pass a politically popular bill that does not “represent some complicated programmatic change” (Carey et al. 46). Furthermore, by
taking the time to research and prepare such a meaningless bill, the legislator wastes time that could be spent doing something more constructive, and also wastes the legislature’s time when the bill is read. Any time that is not spent in a constructive, meaningful manner is a lost opportunity to better serve the interests of the constituents. These are direct, negative byproducts of an increase in the proportion of bills proposed by rookies, which consequently decrease the level of professionalism in a term limited legislature.

**III. Research Design/Methodology**

The study I have developed seeks to test the hypothesis introduced in the Theory section: *the existence of term limits is a sufficient condition for a decrease in the professionalism of a state legislature*. Specifically, I predict that the results of the experiment will indicate that term limits have a negative effect on the batting average of a state legislature and that they cause rookie legislators to introduce a higher proportion of bills than their rookie counterparts in non-term limited states. To measure the effects of term limits I collected data on all of the bills introduced and enacted (and not enacted) from a number of states for the 2003-2004 legislative session. Using that data, I compared batting averages and the proportion of bills introduced by rookies across term limited and non-term limited states and then evaluated the findings. The rest of this section will explain why the investigated states were appropriate for the experiment; what controls were utilized to guarantee the reliability of the results; the method used to sift the immense data into functional categories; the experiment itself; and the limitations encountered that diminished the comprehensiveness of the study.

I studied legislative behavior for the 2003-2004 legislative session in eight states of the country, of which four had term limits and four did not. Initially, I wanted to study
many more states, in hopes of including most or all of the states that presently have term limits. But being a full-time student with numerous responsibilities and a lack of time, I was not able to realize such an ambitious goal. Such a project would have included at least thirty states, if I studied as many states without term limits as those with them. Nonetheless, as will be detailed below, the states chosen represent each region of the United States, incorporate different types of term limit rules, and represent different levels of professionalization absent of term limits. This means that any broad results I find cannot merely be attributed to a certain area of the country, nor a specific type of term limit law, or a certain level of professionalization. Specifically, I followed the Council of State Governments’ Book of the States breakdown of the country into four regions, and selected two states from each, one with term limits and one without. From the eastern region, I selected Maine (with term limits) and Vermont (without); from the Midwest I chose Michigan (with) and Illinois (without); from the South I chose Missouri (with) and Texas (without); and from the West I chose Montana (with) and Utah (without).  

As previously noted, the states from each region do not only share similar locations within the country – they also are comparable in terms of their level of professionalization. Using the three generally accepted institutional criteria that constitute the professionalization of a legislature (session length, salary or “compensation,” and size of staff) I chose states of similar professional levels to represent each region. Thus, Maine and Vermont are both ranked moderately low in terms of professionalization; Michigan and Illinois are both highly ranked; Missouri and Texas are

1 Utah repealed its term limits in 2003 (see appendix). Legislators of the 2003-2004 session thus can be assumed to have behaved as if term limits were not in place.
both moderately high; and Montana and Utah are both lowly ranked (see appendix for all
values corresponding to these features of the legislature). The defining characteristic of
any given state within its region is that it does or does not have term limits for its
legislators. Thus, any noticeable difference in batting average or proportion of bills
introduced by rookies will be due to the presence of the limits. It should be pointed out
that I did not differentiate between the different types of term limit rules when choosing
which states to investigate. Some states limit legislators to a certain number of years to
serve for their entire lifetime, while others only limit the number of years able to be
served consecutively, the latter meaning that they could actually serve a great many years
in the legislature throughout their lifetime. I did not bother to differentiate because I
hypothesize that the existence of term limits, no matter what type, should be a significant
condition for a decrease in the professionalism of the legislature. Nonetheless, the term
limited states I’ve chosen vary in their limits laws. For example, in Maine and Montana,
the limit is eight consecutive years in each state house, while in Michigan and Missouri
there are lifetime limits on serving in the legislature (see appendix).

The Experiment

I gathered data for the dependent variables (batting average and proportion of bills
proposed) through the databases provided by each state on their governmental websites.
Legislator information, including a record of all bills proposed, enacted, and those that
died in the legislative process, was available for each state house and senate. I counted
the number of bills proposed (or “sponsored” as it is often called) by an individual
legislator, and then counted how many of those bills ultimately were enacted into law.
However, it is possible for a legislator to co-sponsor a bill, which, as Kousser writes, requires “little work and no individual initiative” (211). I thus only counted those bills in which a legislator was a primary sponsor to avoid giving credit where it is not due. To ascertain whether a bill was ultimately enacted into law, I made sure that the bill passed both houses of the legislature, and that it was signed by the governor into law. One might argue that the last step, the signature of the governor, should not be requisite for the title of “enacted bill” since a governor may act upon a whim and veto a bill, undermining whatever skill the original author possesses in passing bills through the legislature. Rather, one should only determine if the bill passed through both houses of the legislature, for that is the arena in which the prowess of the legislator is put into practice. However, for my purposes, since I was reviewing the status of thousands of bills, it was much easier to count only those bills that were signed into law by the governor because they were marked in a distinct way on each of the states’ websites. I simply did not have time to also include those bills that were vetoed by the governor. Moreover, most states did clearly indicate a bill vetoed by the governor, and I observed this very rarely, so I do not feel that my method should jeopardize the validity of the study.

After I established a method for tabulating the bills proposed and the bills enacted for each legislator of each state legislative body, I was ready to measure the first dependent variable, the batting average. As discussed in the Theory section, a legislator’s batting average (“BA”) is measured by dividing the total number of bills he proposed that were enacted (“E”) by the total number of bills he proposed (“P”). I rounded to three decimals, copying the method used by statisticians of Major League Baseball. I did not
encounter any problems in calculating the batting average for the legislators in any state, except in the senate of Texas. This will be elaborated at the end of the section.

After calculating the batting averages, I determined the proportion of bills introduced by rookies throughout the state legislatures. To do this, I first had to define a “rookie”, which I determined was any legislator, regardless of the body in which he served, who was in that body for the first time. As a result, any rookie in the lower house of a legislature would have had no state legislative experience whatsoever, while a rookie in an upper house likely would have had legislative experience. That is because most legislators move from county or local positions to the lower house of a state legislature, and then continue to move upwards, to the senate. However, since the rules of policymaking could differ in the senate compared with the house, a rookie in the senate is still expected to act in a distinct manner from those with experience there. All members of the legislative bodies who had served for at least one term in that body were grouped as “non-rookies.” This includes legislators who had served many years ago, perhaps even decades ago, and returned to serving in the legislature once again. Even though it was their first term serving in a long time, I decided to count them as non-rookies because they would be expected to know a number of skills that a true rookie could not know. This type of grouping also means that a legislator with two years of experience (or, one term) was grouped with another member who could have had 30 years of experience. Although it would have been better to separate the non-rookies into more specific categories, I did not have the time to differentiate what were more than one thousand legislators into such categories. In any case, I believe that the experience of a
single term served in the legislature should be enough to cause a difference in behavior from that of rookie behavior.

Finally, after differentiating between the rookies and non-rookies, I tabulated the number of bills proposed by all of the legislators and calculated the percentages of bills proposed by the two groups. I did not have any problems with this task, and the results of this portion of the experiment should thus be completely reliable. However, I did encounter a few problems in calculating the batting averages of a number of legislators, and there are some important drawbacks inherent in a study of batting averages. Thus, the reader should be aware of these problems in order to appropriately consider the results of the experiment.

As previously mentioned, I was not able to measure the batting averages for legislators in the state senate of Texas. Again, when tallying the number of bills proposed and enacted, I only counted bills for a legislator in which he was the primary sponsor. I did not have a problem tabulating bills in this manner for the Texas assembly. However, when I read through the list of bills introduced primarily by any given senator, not a single bill was ever listed as enacted into law. Conversely, many bills that were co-sponsored by a legislator were ultimately enacted into law, but this did not happen when there was a single sponsor. Thus, I was not able to tabulate the batting averages for the senators because no enacted bill as listed fit the requirement that there be a primary sponsor. I believe that the reason for this discrepancy lies in the method of entering legislative data, because almost every senator did introduce a rather large number of bills by primary sponsorship. Why would the senators introduce so many bills in this way if they knew that they would never be enacted? Despite this problem, I was able to count
the number of bills proposed by the senators of Texas, and so the data dealing with the proportion of bills introduced by rookies was not affected. Lastly, there are some important shortcomings in measuring batting averages that one must take into consideration before reviewing the results of the experiment.

Kousser (2004) discusses a number of the problems in using batting averages to measure legislative behavior. The first is that when measuring batting averages, every bill is given equal weight, thus assuming that a legislator puts forth the same effort in passing every bill that he proposes (Kousser 210). If a legislator has a low batting average, it may seem that he is not an effective representative. But if that legislator worked hard and succeeded in passing only the bills he cared most about, while proposing some others that were not as important to him (nor his constituents), then one could certainly consider him an effective legislator. This would be a significant problem if such a phenomenon were common. Second, when tabulating bills proposed versus bills enacted, one does not know how much the legislator compromised in order to get the bill passed (Kousser 213). It is possible that he had to water down the bill to such an extent that the finalized bill represented the preferences of other voting legislators more than the original sponsor’s. In such a case, the legislator is credited with an enacted bill, even though a more competent legislator might have gotten the same bill passed with much less effort and concession. The way to avoid these problems would be to interview or survey all of the representatives evaluated in the study (Kousser 213). This would enable the experimenter to adjust his findings appropriately – giving credit where it is due and vice versa. Of course, I did not have the time or resources for such an endeavor, and must trust that such problems occur only rarely. Furthermore, one can assume that a
legislator should be concerned with the success he has in passing the bills he proposes, regardless of whether they are important to his constituents. Thus, although there are some serious shortcomings surrounding batting averages, the measure is not too difficult to collect data for, and it can be applied universally to the legislators.

IV. Results

In the statistical analysis of the data I ran a number of regressions, some of which provided clear results concerning legislator behavior and term limits, and others that did not. In one set of regressions, I treated the dependent variables with a number of independent variables, including the existence of term limits, type of legislator (rookie or not), interaction of the two (those rookies who are in term-limited states), house/senate membership, and region. In another regression, I added a separate interaction variable, which will be discussed below. Not only did I measure the effects of these independent variables on the batting average and percentage of proposed bills of the legislators, but I also included the dependent variable of the percentage of bills enacted, in order to see if the above independent variables affected it in some noticeable way. Although I am primarily interested in the two dependent variables discussed at length so far in this paper, the third variable included here is of value, as it may reveal the legislators’ effectiveness from a different perspective than the batting average measure would. I will begin with a look at the first set of regressions, focusing on each dependent variable at a time. After discussing each, I will make general observations about the effect of the regional variables on the dependent variables.

The first regression, which deals with the dependent variable of batting average, shows that term limits are in fact significantly responsible for lowering its value. The
constant in this regression is a batting average of .459, and the presence of term limits lowers that batting average by .036, which is a decrease of eight percent. As one can see from Table 1, this finding is significant at the 90% level, thus affirming the hypothesis that the existence of term limits is a sufficient condition for a decrease in the batting average of a legislator. At the same time, merely being a rookie was not found to have any significant effect on one’s batting average, as one can see from the table. However, and importantly, being a rookie in a term-limited state (represented by the variable “Interaction of T.L. & Rookie”) resulted in lowering the batting average by .069. This means that out of every 100 bills proposed, rookie legislators in a term limited state are likely to enact seven less bills than non-term limited rookies. Thus, simply being a rookie is not detrimental to one’s success as a legislator; it is the combination of a lack of experience and term limits that hurts one’s batting average significantly. I will come back to the interaction variable in the regression of the percentage of bills proposed. But first, a note on the effect of being in the house vis-à-vis the senate.

Interestingly, serving in the house increased one’s batting average by .073, which was significant with 99% confidence. Although I would expect the batting average to be lower for a house member, since on the whole, the amount of experience there is expected to be lower than that of the senate, it is possible that despite their lack of experience, legislators in state houses are proposing a relatively low number of bills. This could possibly help their overall batting average, as the number of proposed bills ultimately not enacted would be kept to a minimum. Unfortunately, I ran a regression on
**Table 1: Summary Table of Regressions on 3 Dependent Variables**

<table>
<thead>
<tr>
<th>Explanatory variable</th>
<th>Batting Average (1)</th>
<th>Percentage Bills Proposed (2)</th>
<th>Percentage Bills Enacted (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term Limits</td>
<td>-0.036* (.020)</td>
<td>-0.001 (.01)</td>
<td>-0.000 (.01)</td>
</tr>
<tr>
<td>Rookie</td>
<td>0.012 (.027)</td>
<td>-0.006*** (.001)</td>
<td>-0.005*** (.001)</td>
</tr>
<tr>
<td>Interaction of T.L. &amp; Rookie</td>
<td>-0.069* (.034)</td>
<td>0.003* (.001)</td>
<td>0.002 (.002)</td>
</tr>
<tr>
<td>East Region</td>
<td>-0.172*** (.024)</td>
<td>-0.002** (.001)</td>
<td>-0.003* (.001)</td>
</tr>
<tr>
<td>Midwest Region</td>
<td>-0.325*** (.023)</td>
<td>-0.003*** (.001)</td>
<td>-0.003* (.001)</td>
</tr>
<tr>
<td>South Region</td>
<td>-0.128*** (.023)</td>
<td>-0.002** (.001)</td>
<td>-0.003* (.001)</td>
</tr>
<tr>
<td>House</td>
<td>0.073*** (.018)</td>
<td>-0.018*** (.001)</td>
<td>-0.017*** (.001)</td>
</tr>
<tr>
<td>Constant</td>
<td>0.459 (.024)</td>
<td>0.030 (.001)</td>
<td>0.029 (.001)</td>
</tr>
<tr>
<td>Root MSE</td>
<td>0.27051</td>
<td>0.01059</td>
<td>0.01532</td>
</tr>
<tr>
<td>R²</td>
<td>0.1741</td>
<td>0.3639</td>
<td>0.1932</td>
</tr>
<tr>
<td>Number of observations</td>
<td>1204</td>
<td>1335</td>
<td>1304</td>
</tr>
</tbody>
</table>

*Table Notes: Standard errors in parentheses. Significantly different than zero at 90% (*), 95% (**), 99% (***).*

the percentage of bills proposed (which follows), not on the number of bills proposed, so we cannot see whether this is the case. I care primarily about the proportion of bills proposed by rookies in term limited and non-term limited states, as opposed to the number of bills they propose, because in a comparison between different legislative bodies raw numbers are likely to be meaningless. Unfortunately, in progressing as I did, it is not possible to understand from my data why batting average tends to increase by virtue of being in the house. Nonetheless, the regression of the dependent variable, percentage of bills proposed, did yield some other important results.
In the second regression, in which the percentage of bills proposed is the dependent variable, being a rookie unsurprisingly significantly decreases that percentage, yet when a rookie is in a term limited state, the percentage of bills he proposes actually increases, affirming my second hypothesis. That hypothesis states that it is expected that a rookie in a term limited state will propose a higher percentage of his body’s bills than a rookie in a non-term limited state. As one can see from the second column of Table 1, the constant in this regression is a value of 30 percentage points.\(^2\) Being a rookie decreases that value by six percentage points. This is not surprising because in all of the non-term limited states, it is expected that rookies would propose a very low number of bills while they learn the rules and procedures of the legislature. In term limited states, I hypothesize that this won’t be the case, and this appears to be true. Nonetheless, the value for rookies on the whole is diminished with 99% confidence, which indicates that rookies in non-term limited states propose a significantly low percentage of bills.

However, being a rookie in a term limited state causes the value to increase by three percentage points, which is significant at the 90% level. This is so telling because despite the tendency of rookies overall to propose a lower percentage of bills, rookies in term limited states are proposing a higher percentage of bills. This affirms the hypothesis stated above. To make the point even stronger, the existence of term limits alone did not affect the percentage of bills proposed in a significant way. Thus, it is the combination of a lack of experience along with term limits that causes a significant increase in the percentage of bills proposed.

\(^2\) Because the values are so small, in regressions measuring the percentage of bills proposed or enacted, I will refer to them as “percentage points.” A value of .003 is read “three percentage points” and a value of .030 is read as “thirty percentage points,” etc.
As was true of the first regression, being in the house significantly affected the value of the dependent variable. This time, it decreased the value by 18 percentage points, which is significant at the 99% level. This is not surprising, as the number of representatives serving in the houses of all the states I looked at was much higher than the number of senators, usually by a factor of 2 or 3. While the number of representatives is much higher, it is not expected that each legislator would propose more bills in accordance with the higher legislator population. Thus, the percentage of bills any legislator proposes will decrease when comparing senate numbers with house numbers, as his proposed bills make up a smaller percentage of the total in the house.

The third dependent variable tested under the first set of regressions is the percentage of bills enacted. In this case, as was true of the percentage of bills proposed, the existence of term limits did not have any effect on the dependent variable (column three of Table 1). And again like the previous regression, being a rookie did have an effect – a decrease of 5 percentage points from the constant value of 29 percentage points, which is significant at the 99th percentile. However, while the interaction variable did have a significant effect on the percentage of bills proposed, it did not have any significant effect on the percentage of bills enacted. Thus, being a rookie in a term limited state will cause the number of bills one proposes to increase, while causing no complementary increase in the number of bills enacted into law. This means that among rookies, those in term limited states propose more bills that ultimately die than do rookies in non-term limited states. Since there is no observable difference in the amount of bills enacted when comparing term limited and non-term limited states, the only difference
among rookies’ bills is the number of meaningless ones that are found in term limited states.

Lastly, as was the case in the previous regression, being in the house adversely affected the percentage of bills enacted. Again, because the population of legislators in the state houses is much higher than the state senates, any single legislator’s percentage of bills enacted compared to the whole will be lower in the house, as it is not expected that a house legislator will enact more bills in accordance with a larger legislator population. While the percentage of bills enacted is unsurprisingly lower in the house compared to the senate, it would be interesting to see if the actual number of bills enacted in the house is significantly lower in the house compared to the senate. This could possibly be the case since members of state assemblies tend to have less total legislative experience, and would consequently be expected to be less proficient at passing bills. Unfortunately, because of the method used in organizing the data, I was not able to observe such a phenomenon. Hopefully in a future study I will be able to arrive at an answer to this question. Lastly, I must address the influence of being in certain regions of the country, as that can make a difference, according to the regressions.

As one can see from the table, the variables representing the East, Midwest, and South regions significantly affect the values for each dependent variable tested. Thus, not only does adding these variables to the statistical analysis increase the validity of the experiment (since they add to the number of controls); they also demonstrate that serving in the legislature in certain regions can make a big difference on one’s behavior. Beginning with batting average, one can see that, compared to the West region, being in any other region will cause a legislator’s batting average to decrease. Or more
appropriately, being in the West serves to increase one’s batting average. There is almost a direct relationship between professional level and batting average, as the West region (least professional) and the Midwest region (most professional) are on opposite ends of the spectrum. It is interesting that the batting average is lowest in what is considered the most professional region, and this will be discussed more in the discussion that follows this section.

Moving to the proportion of bills proposed, again, being anywhere other than the West region will decrease the value to a significant degree. One explanation for this is that the legislatures of Utah and Montana are less populated than are the legislatures comprising the states of all of the other regions. As was stated earlier, when not discriminating between term limited states and non-term limited states, it is expected that legislators across the country will propose roughly the same number of bills. Thus, when comparing regions, that which predominantly determines the proportion of bills proposed for any one legislator will be the legislator population of his state (or, on the whole, his region). The same seems to be true for the proportion of bills enacted. This will be discussed more in the next section.

Lastly, I wish to highlight a regression I performed, in which I added a variable I considered important that ultimately did not significantly affect the dependent variables. In this regression, I created a variable that represented a rookie legislator serving in the house of a term limited state. I wished to see if a rookie legislator serving in the house of a term limited state proposed a higher percentage of bills than a rookie legislator serving in the senate of a term limited state. If it was found that the rookie was proposing a higher percentage of bills in the house relative to the legislator population than he was in
the senate, it would demonstrate that being in the house causes a rookie legislator in a term limited state to be more active, and subsequently hurt the professional level of the house vis-à-vis the senate, as house members have less legislative experience. In the earlier regression of percentage of bills proposed, I explained (based on legislator population) why I was not able to determine whether being in the house affected one’s percentage. But here, since this concerns a type of legislator (rookie), the proportion that that legislator makes up in the house compared with the senate can be assumed to be roughly equal. 3 Thus, results shown are simply the effect of being in the house vis-à-vis the senate since no change can be attributed to the populations of the legislative bodies.

As one can see from Table 2, being a rookie legislator in the house of a term limited state (emboldened type) does not significantly affect the percentage of bills proposed, as compared to being in the senate. This means that these types of rookie legislators are not proposing a higher percentage of bills in their state houses than they are in the state senates. If they had been, it could be argued that the result would be a lower level of professionalism in the state houses, since rookies there are safely assumed to have less legislative experience than rookies in state senates. However, by virtue of Table 2, such worries can be dismissed. It was important to check for such a phenomenon because if that did happen, one would seriously have to consider the level of professionalism not merely in states with term limits, but specifically in the houses of those states. Had there been a difference in the bills proposed it would have been important to see if there was any difference in the percentage of bills enacted. That

3 Indeed, overall, in term limited states, rookies in the house make up 44% of the total population and rookies in the senate make up 46% of the total.
would enable one to make a judgment regarding the professionalism of the houses in term limited states. But based on the results of Table 2, this is not necessary.

**Table 2: Regression Including House Interaction Variable**

<table>
<thead>
<tr>
<th>Explanatory variable</th>
<th>Percentage Bills Proposed (1)</th>
<th>Percentage Bills Enacted (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term Limits</td>
<td>-.001 (.001)</td>
<td>-.000 (.001)</td>
</tr>
<tr>
<td>Rookie</td>
<td>-.006*** (.001)</td>
<td>-.005*** (.001)</td>
</tr>
<tr>
<td>Interaction of T.L. &amp; Rookie</td>
<td>.003* (.001)</td>
<td>.003 (.003)</td>
</tr>
<tr>
<td>East Region</td>
<td>-.002** (.001)</td>
<td>-.002* (.001)</td>
</tr>
<tr>
<td>Midwest Region</td>
<td>-.003*** (.001)</td>
<td>-.003* (.001)</td>
</tr>
<tr>
<td>South Region</td>
<td>-.002** (.001)</td>
<td>-.003* (.001)</td>
</tr>
<tr>
<td>House</td>
<td>-.018*** (.001)</td>
<td>-.017*** (.001)</td>
</tr>
<tr>
<td>Interaction of T.L., Rookie, &amp; House</td>
<td>-.000 (.002)</td>
<td>-.002 (.002)</td>
</tr>
<tr>
<td>Constant</td>
<td>.030 (.001)</td>
<td>.028 (.001)</td>
</tr>
<tr>
<td>Root MSE</td>
<td>.01059</td>
<td>.01532</td>
</tr>
<tr>
<td>$R^2$</td>
<td>.3639</td>
<td>.1937</td>
</tr>
<tr>
<td>Number of observations</td>
<td>1335</td>
<td>1304</td>
</tr>
</tbody>
</table>

**V. Discussion**

To reiterate one of the fundamental premises of this paper, it has been found that the type of person to run for office in the legislature has not changed in term limited states, although one of the goals of the term limits movement was to affect such a change (Carey et al. 5-6). Subsequently, the career-oriented mindset is still expected to drive legislators and I hypothesized that term limits would accentuate this mindset. After
reviewing the results of legislators’ batting average, bills proposed, and bills enacted, it seems clear that indeed, term limits do clearly affect all of these variables. Moreover, since term limits decrease the batting average, while increasing the percentage of bills proposed among rookies, the professional level of the states with term limits decreases, as the efficacy in passing bills is hurt considerably. Thus, the hypotheses I set out in the Theory section are affirmed by the study. I will first discuss term limits’ effect on legislator behavior in regard to bill proposition and then explain how that subsequently affected the batting average of the legislators. But first, I wish to introduce another helpful method of analysis, called predicted probabilities.

Following the completion of the regressions described in the Results section, I calculated the predicted probabilities of one type of legislative body from one region using a process called stochastic simulation. The benefit of this simulation is that one can see what the expected values are for the four different types of legislators (rookies with/without term limits and non-rookies (“old-timers”) with/without term limits), as opposed to what effect any given independent variable has on a legislator. The latter is what has been demonstrated prior to this point. The results of this method displayed in table form are simply easier to understand than they are as shown in Table 1. Indeed, the values used in this simulation come directly from the regressions I have discussed up to this point. I have calculated the probabilities for the Western region’s senates for no reason other than simplicity, as this data was easiest to manipulate based upon how I had previously been working with it. Thus, let us begin with the percentage of bills proposed.

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4 In this simulation, the Western region’s Senate variables were held at their mean. The probabilities listed in Tables 3, 4, and 5 are the means of the 1000 simulated predicted probabilities. The confidence intervals, shown in parentheses, were calculated by using the 25th and 975th probabilities, respectively, when all of the values are ordered from lowest to highest.
Table 3: Western Senate Predicted Probabilities of Percentage Bills Proposed

<table>
<thead>
<tr>
<th>Type of Legislator</th>
<th>Term Limits</th>
<th>No Term Limits</th>
<th>Term Limits</th>
<th>No Term Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old-Timer</td>
<td>.029</td>
<td>.030 (.028 - .032)</td>
<td>.029</td>
<td>.030 (.028 - .032)</td>
</tr>
<tr>
<td>Rookie</td>
<td>.026</td>
<td>.024 (.022 - .026)</td>
<td>.026</td>
<td>.024 (.022 - .026)</td>
</tr>
</tbody>
</table>

Looking at Table 3, one can see that rookies in non-term limited states possess the lowest mean percentage of bills proposed. Importantly, the mean value for rookies in term limited states is higher than those in non-term limited states, as was discussed above. Looking at the confidence intervals (in parentheses), there is no great disparity among any of the legislator types, so all of the means can be assumed to be accurately representative. Yet while rookies in term limited states tend to propose a higher percentage of bills than their counterparts in non-term limited states, old-timers in term limited states tend to propose a lower percentage of bills than their counterparts in non-term limited states. This might say something about the nature of being a rookie, and will be discussed further below. Now let us reconsider the studies that led me to my hypothesis regarding the percentage of bills proposed among rookies.

That the percentage of bills a rookie in a term limited legislature proposes is higher than the percentage of bills proposed by rookies in non-term limited states indicates that the findings that led me to my hypothesis were correct. Carey’s claim that individualism rises and cooperation decreases in term limited states appears to be true based on my findings, as the higher percentage for rookies in term limited states most
likely means that they are working without the help of others (44). It is expected that working alone (with the help of one’s staff) entails less obstacles in preparing the bill for introduction than would working with others, where differences could easily arise and slow the process down. At the same time, the results of the experiment affirm Penning’s claim that rookies in term limited states spend more time on their own agenda while spending less time learning how to find help among their experienced peers (38). Such an argument makes sense of the fact that rookies in term limited states propose a higher percentage of overall bills than rookies in non-term limited states. A higher proportion of proposed bills among rookies in term limited states also supports Kousser’s claim that legislators in such states must greatly consider future elections since their time in office is limited (216). The urgency among rookies to gain the reputation among their peers of being an effective legislator appears to be present from my experiment, as they propose a higher proportion of bills most likely in hopes of being seen as someone who can get things done. Unfortunately, as one will see below, the outcome of such behavior is actually a much lower success rate in passing these same bills.

By affirming all of these studies, the results of the experiment subsequently affirm my hypothesis concerning the percentage of bills proposed. The increase in that percentage among rookies in term limited states ushers in a decrease in the professionalism of those states’ legislatures, as the members with the least experience are contributing more to the legislative process than their counterparts in non-term limited states. At the same time, non-rookies in term limited states contribute less (propose a lower percentage of bills) than their counterparts in non-term limited states, and this also
hurts the professional level of term limited states, as those legislators actually have the experience necessary to provide for their constituents.

One important limitation from my study concerning this aspect of legislator behavior is that one cannot understand what effect the level of professionalization of a legislature has on a legislator. That is, one cannot look at the mean percentage of bills proposed for a legislator in the Midwest (high professionalization) compared to the East (moderately low professionalization) and be able to attribute a difference to anything other than legislator population. If it were possible to associate the percentage with salary compensation, session length, and/or staff size, that would reflect the value of professionalization in a legislature. But even without being able to do so, it is still clear from the results that term limits do cause rookies to propose a higher percentage of bills than their non-term limited counterparts, no matter what the type of legislature, and this will hurt the level of professionalism.

The effect of term limits on legislators’ percentage of bills proposed (especially among rookies) subsequently affects legislators’ batting average to such an extent that there is a clear decrease in the professionalism of the legislature in which they belong. Again, this was clear from the results of the experiment, where being in a term limited state caused one’s batting average to decrease by 36 percentage points, and being a rookie in a term limited state caused one’s batting average to drop by 69 percentage points. To see the effects of term limits on batting average more clearly, let us return to the predicted probabilities.
Table 4: Western Senate Predicted Probabilities of Batting Average

<table>
<thead>
<tr>
<th>Type of Legislator</th>
<th>Term Limits No Term Limits</th>
<th>Term Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old-Timer</td>
<td>.459 (.409-.510)</td>
<td>.423 (.377-.473)</td>
</tr>
<tr>
<td>Rookie</td>
<td>.471 (.414-.531)</td>
<td>.365 (.315-.416)</td>
</tr>
</tbody>
</table>

Table 4 shows the predicted batting averages for legislators of all types. The most striking value belongs to the rookie legislator in a term limited state, whose mean batting average of .365 is far below that of any of the other types of legislators. (It is also important to note that the confidence intervals for this type of legislator vary to roughly the same extent as for any other legislator, which affirms the validity of the value.) On the other hand, the mean batting average of a rookie in a non-term limited state is .470, meaning that for every 100 bills proposed, a rookie in a non-term limited state on average enacts into law 10 more bills than a rookie in a term limited state. A similar relationship exists among old-timers, as those in term limited states have a mean batting average of only .423, while old-timers in non-term limited states “bat” at about .459. Thus, from this table one can see that no matter what the age, a legislator’s mean batting average in a term limited legislature is lower than that of a non-term limited one. One more note of interest is that in a non-term limited state, the mean batting average of the rookie is slightly higher than that of the old-timer, whereas in a term-limited state, the mean
batting average of the rookie is much lower than that of the old-timer. The implications of this will be discussed more below.

The decrease in the success rate of passing bills again demonstrates the truth behind a number of sources from which I based my hypothesis concerning batting average. The point concerning the behavior of rookies in term limited states I cited from Carey et al. in regard to the percentage of bills proposed applies to batting averages as well. It has been shown that rookies are more involved in the legislative process in term limited states and the result of that is a lower batting average. It seems then that it is more important to rookies in term limited states to propose many bills than to actually enact them, or else they would propose fewer bills, yet make sure to pass a high percentage of them. The results of the experiment support this logic, as the batting average for a rookie in a non-term limited state is over 100 percentage points higher than for a rookie in a term limited state, according to Table 4. This follows Carey et al. as they posit that introducing bills attracts attention to the legislator (valuable for reelection), regardless of the outcome of the proposed bill (46). It should cause worry that the results of the experiment strongly indicate that the driving force behind legislator behavior in term limited states is reelection and not success in serving the constituents.

Yet, based on Table 1, for every 100 bills a legislator proposes, being in a term limited state will only decrease the number of bills he enacts by 3.6. Is this really a cause for worry? It probably would not be, assuming that the types of bills proposed in both types of legislatures are the same. However, that is not necessarily a safe assumption. In fact, it’s very likely that legislators recognize the importance of actually enacting bills, not merely proposing a high number of them. Moreover, because of the pressure that
term limits put on legislators to make themselves known in a short time, it is reasonable to assume that they may be inclined to propose bills that are easier to pass than they would propose if such time limitations were not put on them. Kousser quotes a “California committee consultant” as saying, “‘The members aren’t as up-to-speed on a broader range of issues, and personal staff in particular are more interested in scoring a victory than getting a bill that works’” (227). While this may provoke questions concerning the personal staff, the point is that a legislator may propose an ineffective bill just to “score a victory.”

The idea that legislators may propose bills to ensure a “victory” may explain the batting average of state house members vis-à-vis state senate members. Looking at Table 1 again, being in the house actually helped legislators’ batting averages by 73 percentage points. This surprised me because I, like Kousser, considered experience to be an asset in improving one’s batting average (218-19). However, as was discussed in the Research Design section, using batting averages is risky because it does not provide any information concerning how much a legislator might have compromised in order to enact his bill, nor does it indicate how important the bill is to him or his constituents. In state houses, where legislators tend to be less experienced, there may be a greater tendency to compromise just to get a bill enacted than in the senate, where a legislator may give up on a bill rather than compromise so much just to get it enacted. An inexperienced legislator may see greater value in passing bills than would an experienced legislator, especially if the bill does not represent what the constituents desired. However, if this is the case among house legislators, it would still be classified as decreasing the professionalism of a legislature because legislators would be serving their own interests rather than those of
their constituents. At least state senators would presumably rather fight for legislation more meaningful to their constituents, rather than settle for a meager victory.

Thus, it seems that rookies in term limited states are most concerned with proposing a high number of bills while members of state assemblies on the whole are most concerned with their success rate. Both certainly adversely affect the level of professionalism of the state legislature. But the former is controversial. Suppose Carey et al. are wrong. Maybe rookies in term limited states are not more concerned with making a name for them than they are in achieving a high batting average. It is certainly possible that rookies in term limited states would consider it just as important to demonstrate to their constituents that not only are their voices being heard by means of proposed bills, but that they are actually getting something in return. In this case, one would conclude that these rookies are much less effective than their counterparts in non-term limited states, even if the bills proposed by all are not as substantive as they should be. Such a scenario would support Doron and Harris, who argue that legislators attain “the knowledge of how to make deals, how to bargain, how to trade votes, [and] how to manipulate the agenda” (25). Rookies in term limited states do not have the time to learn these skills, which are crucial to enacting bills into law. On the other hand, rookies in non-term limited states would have more time to learn these skills before attempting to pass legislation. Another factor mentioned by the authors was already covered in the Literature section, concerning the role bureaucrats play in passing bills. Rookies who do not learn the rules will fall prey to the whims of bureaucrats more than rookies who do. All of this combined explains the vast disparity between the batting average of rookies in non-term limited and term limited states from Table 4.
Thus, it is clear that rookies in term limited states are not as successful as rookies in non-term limited states, even though both types of legislator likely propose bills that are merely intended to be enacted so as to help their reelection chances. This means that the existence of term limits is hurting term limited legislators’ ability to enact bills at a favorable rate relative to the number they propose. The same is true for non-rookies, or “old-timers” according to Table 4. As was mentioned earlier, old-timers in term limited states have a lower batting average than old-timers in non-term limited states. This means that even for those with some experience, the time constraints placed on those in term limited states are enough to counteract the benefit of having time to learn the rules and processes of law-making. In addition, one can see that in states without term limits, rookies actually have a higher batting average than old-timers. The opposite is true in term limited states. This may very well mean that rookies in non-term limited states take advantage of the time they have and subsequently learn how to be effective legislators. Clearly, the pressure that term limits puts upon legislators inhibits their success.

An important question to ask is whether it is really that important that the batting averages of term limited legislators is lower than that of non-term limited legislators. As long as a similar number of bills is being enacted (Table 5 at least indicates that the percentage of bills enacted for legislators in the different types of states is similar), isn’t the problem averted? If that were the case, I would have tabulated the number of bills enacted by term limited and non-term limited legislators. But what is important is the success rate of legislators. We have seen that that rate is lower in term limited states. This means that even if the number of enacted bills is the same in the two types of states, the number of proposed bills that go without enacting is higher in term limited states. A
bill that merely dies means time was wasted by the legislature because during the time of
the reading of the bill, something constructive could have been done. In other words, the
more time is wasted, the more taxpayer dollars are wasted. A professional legislature is
one that should provide the constituents with what they want and need. Maybe just as
many bills will be enacted in a term limited legislature, but if the success rate of that
legislature is lower than another, it means that its professional level is lower than it
should be. Batting averages show how effective a legislator is, while the number of
enacted bills does not. This is why batting averages are important.

Table 5: Western Senate Predicted Probabilities of Percentage Bills Enacted

<table>
<thead>
<tr>
<th>Type of Legislator</th>
<th>Term No Term Limits</th>
<th>Term Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old-Timer</td>
<td>.029 (.026 -.032)</td>
<td>.029 (.026 -.031)</td>
</tr>
<tr>
<td>Rookie</td>
<td>.024 (.021 -.027)</td>
<td>.025 (.023 -.028)</td>
</tr>
</tbody>
</table>

Lastly, I must discuss the batting averages of the regions, as each region
represents a different professional level. As was touched on in the previous section, an
interesting phenomenon is present, as the least professional region possesses the highest
batting average, while the most professional region possesses the lowest batting average.
This is surprising because it was presumed that a legislature that provides its legislators
with ample monetary compensation, staff, and session length would provide its members
with a solid foundation for treating the job as a profession. As a result, legislators could
devote their time completely to legislating, and subsequently achieve a high success rate
in passing bills. However, Kousser footnotes a competing hypothesis in his paper, which states that the more professional a legislature, the more resources a legislator has to propose a very large number of bills, which may satisfy interest groups or their constituents (218). By doing this, one runs the risk of enacting very few of the bills, resulting in a low batting average. From the results of the experiment, this appears possible, though it would refute the argument that legislators also care about their success rate.

On the other hand, varying turnover rates may explain the surprising results of the batting averages. The Western region’s high batting average could be due to the relatively low turnover rate in 2002 of legislators in Montana. This effectively increases the number of experienced legislators in the West relative to the other regions. In fact, the turnover rates of the term limited states in the more professional regions were the highest. This means that the influx of inexperienced members in term limited states may counteract the legislature’s professional characteristics. In conjunction with this, in the election of 1998, the Michigan House gained 64 new members (out of 110 total) due to term limits. This represented the largest turnover rate of any term limited state during that election (Doron and Harris 124-25). Of course, by the time of my experiment, those new members would be considered non-rookies. Thus Michigan, representing the most professional region, held in its state house a larger number of relatively inexperienced non-rookies compared to the other term limited states. This means that the overall level of experience in Michigan’s state house would be lower than in any other term limited state, and this could explain its low batting average. Yet, to fully investigate the matter,

5 Only 7 members out of 100 were termed out in 2002 in the Montana House, while the numbers for the other term limited state houses were much higher. See appendix for more information.
one would have to interview legislators, which hopefully will be done in a later study.
The results of this regional analysis indicate that if the conditions of the legislature
provide the legislator with a professional setting, he will use it not for the benefit of his
constituents, but for his own ambition. It seems evident that term limits also inspire this
selfish behavior, yet their effects are felt regardless of the inherent conditions of the
legislature.

VI. Conclusion

The main goal of this project was to observe the real effects of term limits in state
legislatures, paying close attention to the behavior of the career-oriented legislators that
were supposed to be driven away by the reforms of the 1990’s. The results of the
experiment sustain Carey et al’s claim that legislators in term limited states are still
driven by concerns over their careers, and also affirm the hypothesis that, as a result, the
professionalism of the legislature decreases. Because of these findings, it is appropriate
to end this paper by revisiting the public’s support for the reforms, and try to answer the
question of what should be done next.

I wish to return to Karp’s “Explaining Public Support for Legislative Term
Limits,” as it raises a significant concern. The author found that most people favored
limiting their legislators’ terms not because they were unhappy with the quality of
representation, but because of a more general, cynical distrust of people in power (373).
This is troubling in light of the results of my experiment, since the lower the quality of
representation, the more likely the voters will distrust those in power. Thus, a catch-22 is
present, as the cynicism of the voters leads them to favor limiting the terms of their
legislators, which in turn decreases the quality of representation, further dissatisfying
voters with the work of their representatives. In order to fix this problem, the first step ought to be to eliminate the restriction on the number of terms legislators may serve. This would at least disrupt the second leg of the catch-22, as the professional level of state legislatures would not continue to decrease. The problem is that this probably would not foster public trust of legislators, as they could resume serving lengthy careers in state capitals. The increased professionalization of state legislatures led to the widespread distrust of elected representatives in the first place. Clearly, the cynically-based opinion the public holds of people in power must be transformed, but there is no simple remedy. This cynicism helps explain Hibbing and Theiss-Morse’s contention that the public should only get involved in questions over policy, not process.

After finding that the professionalism of term limited state legislatures has decreased as a result of the reforms implemented in the 1990’s, Hibbing and Theiss-Morse’s argument appears especially cogent. They argue that constitutions are written to determine certain procedures, and should not be changed based on the whim of the public (28). Furthermore, voters’ concerns over policy should be most strongly considered by their representatives, not their concerns over process (28). Thus, because public support for term limits represents a substantial change in process, and because the general population does not necessarily consider the implications of such change, the public’s opinion should be acknowledged, but not necessarily acted upon. Indeed, the results of term limits have been mostly non-existent (no change in the type of legislator) or negative (as this study has shown), and in retrospect, the public would have been better served without a change.
In conclusion, it is most likely that public support for term limits is based upon a general suspicion of possessors of power; a suspicion unlikely to be placated by the worsening quality of representation in term limited vis-à-vis non-term limited states. Despite this unfortunate conclusion, this paper has affirmed the hypothesis that the existence of term limits is a sufficient condition for a decrease in the professionalism of a state legislature. Yet I realize that in and of itself, this study has its limitations. The data I collected and the subsequent results of the study must be taken with a grain of salt, as I was not able to interview legislators regarding the types of bills they were and were not able to pass. Yes, broadly my results indicate that batting averages of legislators in term limited states tend to be lower than those of non-term limited states. Still, without a thorough inquiry into the nature of the bills, I cannot be sure that legislators in term limited states actually passed a lower percentage of the bills they and their constituents cared most about compared with those in non-term limited states. That is, even though term limited legislators score a lower batting average, it is possible that they enact a higher percentage of bills they care most about than do legislators in non-term limited states. Additionally, I was only able to study four term limited states. While the states represent all areas of the country, all professional levels, and different term limit rules, one cannot completely trust the findings from such a sample. I at least hope that my project can contribute to future, more comprehensive projects that look at the effects of term limits in state legislatures. After such a study is completed, I hope the general public will reevaluate their decisions from the 1990’s, and maybe even give the “bums” a second chance.

(Appendix: available only in hard copy of thesis.)
Bibliography


