

## Do Term Limits Limit Representation?

Gerald C. Wright  
Indiana University

**Abstract:** This paper has two purposes. The first is to assess how the recent findings of Carey et al. (2003) of a “Burkean shift” among term limited state legislators is reflected in patterns of policy representation in the states. The second, and related purpose, is to assess the popular assumption that legislators’ policy behavior is kept in line with constituency preferences by fears of voter retaliation in upcoming elections. This “sanctions” model of elections is contrasted in a “selection” model of elections in which policy-motivated candidates run on distinguishable ideological platforms and, once selected, pursue the policy goals they offered to voters. Reelection in this model has little role in constraining candidate behavior. I argue that the implementation of term limits gives us a much cleaner design for testing this “last period” problem than do extant studies which focus on the voluntary retirement of members of Congress. Using a new data set of roll calls and constituency preferences for the full set of 99 state legislative chambers plus both houses of the Congress does not reveal a “Burkean shift” among term limited legislators. The pattern of findings indicate that term limits do not undermine the alignment of roll call voting and constituency preferences and there are no signs of drop offs in voting participation by term limited legislators.

Paper prepared for the Fourth Annual State Politics and Policy Conference, Kent State University and the Joint Term Limits Project Conference, University of Akron, April 29-May1, 2004. The data used in this paper the National Science Foundation (NSF-0242571). I am grateful to the NSF and to Jon Winburn, Tracy Osborn and Michael Wagner for their assistance in every aspect of the project.

## **Introduction: Term Limits as a Quasi-Experiment**

Term limits have been enacted into law in twenty-two states with varying provisions for how long legislators can serve, and whether limitations on service in the legislature refer to continuous service or are cumulative over a lifetime. Proponents and opponents alike have offered a wide array of predictions of what will happen in the term limited states, but only now have term limits been in effect long enough to replace speculation with hard data.

Tracking the changes that come with term limits is of practical importance, certainly. We are interested in whether the relatively new reform might actually improve on the legislative processes of the states, or instead, as seems to be a widespread assumption among investigators, the best we can do is to ameliorate the negative consequences of artificially foreshortened careers in the state legislatures. We can hope that, if in fact, the consequences of term limits are on balance bad for the quality of legislative performance, that the studies that demonstrate this will inform public discourse so that they will be repealed. Of course, studies may identify both positive and negative aspects of the term limits reform, in which case, serious scholarship will at least move the debate from often unexamined assumptions to documented empirical consequences.

Studying term limits also has the potential for substantial theoretical payoffs for legislative studies more generally. Term limits present legislative scholars with a nice quasi-experimental design that, if applied appropriately, may provide insights into our understanding of legislative behavior more broadly. In artificially limiting the lengths of legislative service, term limits bring about a number of important changes. Scholars'

questions about the effects of term limits have focused both on the individuals affected and the patterns of behavior in the institutions more generally. At the individual level, term limits necessarily change the character of the political horizon. The knowledge that one will not be able to keep his or her seat after six, eight, or twelve years provides a different view of career possibilities than the unrestricted opportunity to serve as long as voters are willing. Kousser (2004) does an excellent job of elaborating how both term limits and professionalism influence incentives, and thus affect a variety of behaviors and institutional processes.

While we are still in the early years of the term limits experiment, empirical data is beginning to uncover some apparent effects (e.g. Carey et al. 2003; Carey, Niemi, and Powell 2000). Most of these studies, however, deal with just a single or a few states, and only the surveys carried out by Carey, Niemi and their colleagues address the question of representation empirically and on a comparative basis. This paper seeks to add to those efforts in three ways: (1) this analysis includes all legislators serving in the states or in Congress for a two year period (1999-2000) so it overcomes the problem of generalizability of studies that focus on only one or a few states; (2) it examines the impact of term limits on actual policy behavior of legislators, which provides an interesting contrast to the findings from surveys of state legislators (Carey et al. 2003; Carey, Niemi, and Powell 2000); and (3) it tests the utility of two contrasting models of how elections affect legislative behavior. The conclusions have important implications for the term limits debate, but also for our theorizing about legislative elections more generally.

## **Theory: Is the Threat of Reelection Necessary to Constrain Legislators?**

In this paper I am concerned with the impact of term limits on policy representation. In the process I will lay out two contrasting models of the role of elections, the “sanctions model” and the “selection model”. My analysis is an effort to test the expectations of these two quite different conceptions of the role of elections.

**The Election as Sanctions Model.** The dominant theory of legislative elections predicts that the need to please voters in order to win reelection is what keeps members in line and on the job. The logic by which the need for election and reelection influences the policy positioning of parties and candidates was laid out by Downs (1957) and formalized by Davis, Hinich and Ordeshook (1970) among many others. The spirit of what I will call here the “sanctions model” of elections is captured nicely in David Mayhew’s influential *Congress: The Electoral Connection* (1974), even though policy positions receive little attention in that work. What is important is the assumption that members are motivated primarily by the desire for reelection, and it is the desire to be in office that explains most of their behavior.

The expectations of the sanctions model for representation have been pursued most thoroughly in the “shirking” literature. This approach to legislative elections rests on the premise, drawn from principle-agent theory, that agents without fear of sanction from their principles will “shirk” their responsibilities and pursue their own goals rather than those of the principle (Alchian and Demsetz 1972). The idea of legislators as potential shirkers has received considerable attention (Carey 1994; Carson and

Oppenheimer 1984; Kalt and Zupan 1983; 1990; Zupan 1990 ). See Bender and Lott (1996) for a critical overview of this literature.

The framework posits that election-minded legislators should appeal to the median voters of districts. There is evidence that candidates who do that are in fact rewarded (Erikson 1972; Erikson and Wright 1985; Wright 1977; Wright and Berkman 1986). However, the striking thing when scholars examine the stances candidates take is the lack of convergence toward the middle (Ansolabehere, Snyder, and Stewart 2001; Erikson and Wright 1985; Erikson and Wright 1980; Sullivan and Minns 1976; Sullivan and O'Connor 1972; Wright 1978). This has been taken by some to be evidence of shirking, or poor representation. Others, however, have drawn on Fenno's (1978) insight that legislators actually have different constituencies and the subconstituencies are usually closer to the member and have more contact than the broad geographic constituency assumed by most representation studies. This perspective has been developed formally by Aldrich and McGinnis and others (Aldrich 1983; Aldrich and McGinnis 1989; Aranson and Ordeshook 1972; Coleman 1972) and evidence for the effects of primaries and contributors has been inferred in several empirical studies (Shapiro et al. 1990; Uslander 1999; Wright 1989; Wright 1978; Wright and Berkman 1986).

Whether one considers representation in terms of the geographic constituency or adds to that some combination of partisan, primary or reelection constituencies, the underlying premise remains the same: position taking is a function of pleasing constituents so as to survive the next reelection. Candidate positions are understood to be

a function of policy minded voters and vote maximizing legislators, and the next election is assumed to be central to controlling the otherwise wayward legislator.

**The Elections as Selection Model.** Not all of our models begin with the assumption that legislators are kept in check by the threat of the next reelection. Consider the familiar "responsible parties model" (Kirkpatrick 1971) and the assumptions it posits about candidates and parties. Here the expectation is that the parties will have distinct platforms that make coherent ideological sense. The model expects that candidates will follow the party program, and that they do so presumably out of sincere sharing of the underlying values embodied in the party program. The view of candidates as primarily policy motivated is sharply different than the Downsian vote-motivated candidates and parties. This vision has been addressed theoretically by Donald Wittman (1983; 1990; 1995) and a good deal of empirical work appears to be consistent with the idea of parties and candidates with strong, independent policy motivations. That is, as noted above, many have observed the large non-Downsian differences between the parties and the ideological gulf between the parties has been getting larger in recent years (Aldrich 1995, Chapter 6; Stonecash, Brewer, and Mariani 2003).

In the selection model, committed candidates present themselves to the electorate. They run on a set of issues. These are issues they often have a history with (Sellers 1998) and most have ideological track records before they run that are known to elites in the party and media, if not the general electorate. When candidates run, they promise to do X, which is generally consistent with their party's overall ideological positions. Moreover, in this model, they want to do X in part because it is what brought them to run

in the first place. In the selection model, voters are offered a choice between candidates committed to doing what they say they will do, and because the candidates are pursuing values they believe in, the monitoring value of future elections is minimal or even unnecessary.

Those elections do give the electorate the opportunity to change their minds, perhaps deciding that policies have been moved far enough in the direction of the current majority party, or that they prefer a change for any number of reasons including not getting it right the first time. The key to the selection model is that what the candidates will do in office, at least in general terms of goals to be pursued, is largely set when the voters make their decision. Candidates, having won, then go do what they said they wanted to do. That is, if candidates and parties are ideologically motivated and honest, voting patterns in the legislature will be consistent with campaign promises and the winners' histories with the issues. In this model, policy motivations are primary for candidates and may or may not be of keen interest to all voters. This seems to comport better with the world we actually observe.

I have relied on the logic of the sanction model a good deal in my efforts to explain how the electoral pressures of multiple constituencies account for the ideological differentiation between the parties we see in Congress (Wright 1978, 1986, 1989, 1993). However, I have come to suspect that representation, such as it is, happens with most members pursuing their own not-so-secret ideological goals and that reelection has only a modest influence on what they do. This accepts that we live in a world of committed activists, including candidates as well as party regulars and contributors. In this view,

elections serve to select the most compatible of the candidates running, and periodic elections offer voters the option of reconsidering their decision.<sup>1</sup>

Two simple pieces of evidence have convinced me that the selection model may be a viable alternative to the standard sanctions model of elections and candidate policy behavior. First we have a lot of evidence that the people who run for office do not do it primarily for the perquisites of office. When asked, candidates stress the desire for public service, and not infrequently convey that there are issues about which they really care (Fishel 1973). This is consistent with my personal observations from working on campaigns and interviewing state legislators. While completely anecdotal, there always seems to be a pretty good correspondence between what they say in private—at least in terms of general ideological values—and their public record. It seems likely, but remains to be demonstrated, that a win is interpreted by many candidates as a constituency mandate to pursue the policy agenda that candidate articulated in the campaign. To then chuck those promises to align with a not very attentive median voter would be counter to what the candidate believes in, and it might be bad politics (Hinich and Munger 1994).

Second, a finding stands out from my research comparing the non-partisan Nebraska unicameral with the partisan Kansas Senate (Wright and Schaffner 2002b). In this work we examined candidate responses to the “National Political Awareness Test” or NPAT. These are surveys of candidates collected by Project Vote Smart, a non-partisan organization committed to producing non-partisan objective information about where candidates stand on the issues.

---

<sup>1</sup> Lott and Reed (1989) and other writing in the shirking literature refer to what I am calling the selection model as effective “sorting” by the electoral market place.



We found that candidates for both legislatures had pre-election policy positions that were ideologically cohesive and strongly differentiated by party. The candidates in Nebraska took ideologically distinct positions in the election even though they had no need to do so at all. They do not face a partisan primary and the party activists in the Nebraska legislative races are only minimally active. If these candidates were vote maximizers, they should have presented themselves as moderates to a much greater extent than was the case in partisan Kansas, where primaries and activists could be said to exert a pull toward the left for Democrats and the right for Republicans. That legislative candidates took clearly polarized positions, even where there was little apparent pressure to do so, suggests that their stands were genuine.

In summary, the selection model assumes candidates have reasonably strong policy or ideological motivations, and it entertains the possibility that when candidates are asked their positions on issues most of what they say reflects what they believe in, rather than their estimation of what voters want to hear.

### **Hypotheses: Representation, Party and Participation**

In this paper I am going to examine the impact of term limits on three aspects of representatives' policy behavior: representation, party polarization and participation. There are many other areas that are also important for a complete assessment of the effects term limits have on legislative behavior, but these three nicely fit the concerns here about policy representation.

The sanctions model predicts that legislative behavior will be less structured by constituency preferences once the threat of losing an election is removed. For legislators in term limited states, elections should exert some influence on roll call voting until their last term. At that point they would be “free” to vote however they desire. This could be indulging their personal ideologies, trading votes for favors with interest groups, voting with the leadership, or just voting on a whim. The clear indication is that constituency should be less of a factor for those who cannot run again.

The “last term” effect has received considerable attention and the results are hardly consistent (Bender and Lott 1996; Ferejohn 1993). Summarizing this work, Donald Wittman says that “Despite the theoretical concern about the last-period problem, there is little evidence that it is of any consequence (1995, 21).” Since that conclusion, Rothenberg and Sanders have found evidence of last period shirking both for general ideological voting as well as for specific votes on the Clinton impeachment (Rothenberg and Sanders 2000a; 2000b). In addition, Francis and Kenny report modest changes in voting by those retiring from the US House to run for higher office (Francis and Kenny 1996).

While the studies of the last period effect are sometimes referred to as a quasi-experiment (Grofman, Griffin, and Berry 1995; Rothenberg and Sanders 2000b) they differ from the effects of term limits in an important way. The subjects of last-period studies are self-selected and thereby systematically different than their colleagues who are continuing their careers in the House. People quit for a lot of reasons, such as being exhausted, disillusioned, alienated, bored or ill, just to name a few. Any of these conditions might affect their voting behavior on bills, independent of changes in

reelection concerns. Lott and Reed (1989), for example, report that ideological voting did not change in their study of House members not running for reelection, but they did find lower levels of voting participation among these members. They speculated that the decline in participation may be due to illness, but Zupan (1990) argues that their results on ideological shirking are largely negative because quitters, Zupan argues, are less likely to be shirkers. Both implicitly assume that last-termers and continuing members are different in other ways than just a lack of reelection threat for the former.

With term-limits we are happily spared this problem of a selection effect among quitters. All legislators in term limited states will get to their last term unless they quit or are defeated first. The term limits reform provides us with a significantly stronger quasi-experimental design. There is a potential problem that could undermine their value for generalizing to legislative behavior; that is, the mere implementation of term limits may be sufficient to bring about changes in the motivations and goals of those who run. That is certainly the hope of the proponents (Petraicca 1993; Petraicca 1995; Will 1992), but the repeated survey evidence shows there have been no changes in who runs for the state legislatures (Carey et al. 2003; Carey, Niemi, and Powell 2000). That makes the legislators working under the condition of term limits comparable to those in states without term limits so that we can attribute, with appropriate controls of course, differences in behavior to the impact of term limits.

There is some tantalizing evidence that the sanctions model may be at work. The Cary et al. surveys find a “Burkean shift” in which legislators serving in chambers where term limits have been implemented are less concerned with obtaining pork, put a higher salience on state over local concerns, and say they rely more on conscience than their

districts in making decisions. It will be interesting to see below how legislators' reports of their behavior fit with what they actually do.

The predictions of the models are quite straightforward.

#### Hyp 1. Representation

1A: Sanctions Model – Term limits loosen the alignment of roll call voting and constituency preferences.

1B: Selection Model – Alignment between roll call voting and constituency preferences will not be affected by term limits.

My second set of hypotheses follows fairly closely from the reasoning immediately above. If legislators are not going to heed their constituents because they have no fears of losing an election, what then affects their voting? Our chief alternative is the candidate's party. Much of the literature cited above argues that candidates emerge from parties of highly polarized activists. Without having to worry about independents and moderates, candidates would be free to vote their own ideological preferences and with their fellow partisans. This prediction flows easily from Stephen Ansolabehere and his colleagues' analysis of candidate positioning in congressional elections (Ansolabehere, Snyder, and Stewart 2001, 153): "If these national patterns [of greater polarization between open seats candidates] hold at the state level, then term limits will not improve the ideological representation of legislatures."

In very liberal and very conservative districts, the full district and partisan pressures pull the candidate in the same direction, so we would not see a change when electoral pressures are lifted. However, in less extreme districts, taking the reelection threat away would change the pressures that legislators feel. Of course, if legislators are already voting the way they want, they have no reason to change just because they don't face reelection.

## Hyp 2. Party Voting

2A: Sanctions Model – Term limits will lead to increased ideological polarization between the parties.

2B: Selection Model – Levels of party polarization will be unaffected by term limits.

My final hypothesis is a repeat of one examined in several of the last-period studies (Lott 1990; Lott and Reed 1989). An easily understandable version of shirking is simply not to show up—maybe go golfing rather than make laws. If it takes anticipated elections to keep legislators at their jobs, then we should see a drop off in voting participation among those who cannot run again. In contrast, if legislators are motivated by policy concerns, we would expect them to show up and do their jobs whether they are running for reelection or not. Some decline in voting rates is the most consistent positive finding among the last-term studies (Lott and Reed 1989). However, not facing reelection is not the only obvious explanation for why quitters may participate less. Those who voluntarily quit are more likely than non-quitters to be tired of the job,

disillusioned, or simply feel it is time to do other things. The feelings that lead one to quit are also likely to chip away at the motivation to vote on every last bill. Term limits provide us with a cleaner test of the extent to which reelection concerns keep legislators glued to the floor and voting on bills before the legislature, because the incidence of last terms is imposed from without rather than self-selected.

### Hyp 3. Voting Participation

3A: Sanctions Model – Term limits lead to higher levels of absenteeism in roll call voting.

3B: Selection Model – Level of voting participation on roll calls is not affected by term limits.

We have then three sets of hypotheses about the impact of term limits on representation. Moreover, these provide a good test of the assumptions underlying two quite different views of how legislative elections function in the US. Now I will briefly describe the data to be employed in the analysis before presenting the results.

### **Data: Roll Calls and Surrogate Opinion Measures for the States**

The three hypotheses that I have framed for this analysis require indicators for how well legislators heed the policy preferences of their districts, the extent of party voting and the frequency of attendance in casting roll call votes. The first of these will be served by using a combination of roll calls and measures of constituency opinion, while the other hypotheses rest on patterns of roll call voting alone.

**Roll Calls.** My interest is in assessing overall congruence between legislators' roll call records and the ideological preferences of their constituencies. This goal is nicely served by examining the congruence between district preferences and legislator's NOMINATE scores derived from all competitive votes cast in the 1999-2000 session(s) in all of the 99 state legislative chambers as well as both houses of Congress. For the great majority of chambers, overall voting cleavages are nicely captured by a single dimension (Wright and Winburn 2003) very much like what Poole and Rosenthal (1997) report is the case for the contemporary Congress. There are some interesting exceptions (Wright and Osborn 2002; Wright and Winburn 2003) but in this analysis we will restrict our attention to the primary dimension of legislative conflict.<sup>2</sup>

This database is summarized in Table 1. We have 101 chambers for comparative analysis and over 8,000 legislators casting ballots across over 41,000 roll calls. This gives us a good deal of institutional variation as well as adequate cases for most of these analyses.

Table 2 shows the chambers and numbers of legislators affected by term limits for the 1999-2000 term. Our focus will alternate between the effects of term limits at the institutional level and the individual level. In the former I compare chambers operating where term limits have been implemented and non-term limited chambers, while in the

---

<sup>2</sup> Our analyses indicate that the unidimensional structure of most of the legislatures a function of strong competitive parties. Where one party clearly dominates, or there is no party as in Nebraska, the strong unidimensional structure is less adequate as a summary for voting cleavages Wright, G., and B. F. Schaffner. 2002a. The Impact of Party: Evidence from the States. *American Political Science Review* 96 (June):367-379. Wright, Gerald C., and Tracy Osborn. 2002. Party and Roll Call Voting in the American Legislature. Paper read at Midwest Political Science Association, at Chicago, Wright, Gerald C., and Jon Winburn. 2003. The Effects of Size and Party on the Dimensionality of Roll Calls. Paper read at Third Annual Conference on State Politics and Policy, March 14-5, 2003, at Tucson Arizona.

individual-level analysis I compare lame ducks and continuing members within the term limited chambers.

**Constituency Preferences: The Liberal Vote.** To measure constituency preferences I would obviously like to have survey data, even something as thin as the CBS-*New York Times* polls that we exploited in *Statehouse Democracy* (Erikson, Wright, and McIver 1993). Unfortunately, survey data are not available, and they likely never will be, for a significant number of legislative districts. My approach is, therefore, to use presidential vote as a revealed preference. Work using the CBS News/*New York Times* data provides convincing evidence that (1) partisanship and ideological identifications are converging, and (2) that presidential vote choice for large groups, like states, is highly correlated with ideological self-identifications (Erikson, Wright, and McIver 1993; Wright et al. 2000). Put simply, it seems entirely reasonable to argue that districts within a state that voted heavily for Al Gore in 2000 are more liberal than the districts that favored George Bush.<sup>3</sup>

To assess relative constituency ideology I have constructed a “Liberal Vote” (LV) measure so the small effects of votes for Nader and Buchanan are not lost:

$$\text{Liberal Vote} = (\text{Nader} + \text{Gore}) / (\text{Nader} + \text{Gore} + \text{Bush} + \text{Buchanan}) * 100$$

---

<sup>3</sup> I was able to take advantage of the effort of David Lublin and Stephen Voss in constructing the “Federal Elections Project” data base of precinct level returns for the entire country for the 2000 election <http://www.american.edu/academic.depts/spa/ccps/fepindex.html>. Even with that help it took the better part of two years to determine which of the thousands of precincts should be matched with which legislative districts and then constructing the constituency data set. Virtually all of this work was done by Jon Winburn, one of the two principal research assistants on the first phase of the project. I am most grateful for the remarkable job he did.



where candidates' names stand for the raw vote totals they received after aggregating precincts up to the district level.

This measure has the benefit of substantial face validity. The ideological choice between the candidates in 2000 was unusually clear. Liberal Vote also provides us with a metric for constituency opinion that is comparable across jurisdictions. It has also been used in several studies as a stand-in for constituency preferences.

In addition to presidential vote, which I believe captures the lion's share of inter-district differences in ideological preferences, I also include a set of demographic variables which, in some instances, do appear to play a supporting role in accounting for patterns of roll call voting. These include measures of class (income and education) as well as race/ethnicity (percents African American, Asian, and Hispanic, as well as a handful of nationalities such as Irish, Polish, Italian, Chinese and Japanese).

### **Analysis**

My hypotheses make predictions about the congruence between constituency opinion and legislators' NOMINATE scores. In most cases the NOMINATE scores appear to represent a clear liberal-conservative dimension similar to what has been found in Congress. The question is how we should measure this aspect of representation. There is no perfect answer. Just correlating measures of constituency opinion and roll call voting has its problems (Achen 1977), but with appropriate controls this can tell us a lot about representation. It is reasonable to expect that where there is good policy representation of constituency preferences, differences in preferences among the

constituencies will align well with differences among legislators on the principle lines of legislative conflict. Similarly, a lack of representation can be defined as the condition in which differences among the constituencies are unrelated to the recurring conflict coalitions in the legislature. There are a number of other things that can throw the representational relationship off even if there is congruence, such as the entire body being too liberal or too conservative for the state, but with differences among legislators mirroring differences among their districts. However, there is no evidence that this happens, and Erikson's work on the US Senate shows that voters generally perceive those scoring liberal in the voting records to be more liberal than the average voter and similarly, those with conservative voting records are seen as more conservative (Erikson 1990). This finding indicates that unless the world of the states exists in a different universe, our measures of congruence are likely not a bad reflection of what we would find if we could put constituency preferences and legislator's NOMINATE scores on the same metric.

**Representation.** To test for the effects of term limits at the institutional level, I first calculate a measure of representation for each of the 101 chambers. Here I use two measures: The first is the squared correlation coefficients between the NOMINATE scores and Liberal Vote. I then add demographics to that equation for a second measure, which is a blatantly atheoretical search to see if other constituency characteristics are important in structuring legislative conflict.<sup>4</sup>

As I have noted in a previous report, there is tremendous variation in the apparent relevance of constituency factors to legislative cleavages. The adjusted  $R^2$ s between

---

<sup>4</sup> The demographic variables used are percent African American, percent Hispanic, average household income, percent 25 or older who have attended college, and percent of household receiving social security. In a future analysis the demographics included will be tailored to each state.

Liberal Vote and NOMINATE scores range from -.04 to .79 with a mean of .40. When demographics are added in, the adjusted  $R^2$ s range from a flat zero to the same .79, but the mean adjusted  $R^2$  bumps up to .44.<sup>5</sup>

Our concern here is whether term limits affect representation. Part of the answer is found in table 3. The dependent variables are the  $R^2$ s for the first dimension NOMINATE scores regressed first on just Liberal Vote, and then on Liberal Vote and demographics. These dependent variables are calculated using district/member level data and the resulting  $R^2$ s represent a summary assessment of the impact of constituency on the lines of legislative conflict for each chamber. Then in Table 3 I attempt to explain these differing levels of representation. The unit of analysis is the chamber.

Overall, and in each model, I see absolutely no evidence that constituency preferences matter less in chambers where term limits have been implemented. The first two columns show the differences in representation between states with and without implemented term limits. Here the measures of representation are regressed on a dummy variable for chambers with term limits. The  $R^2$ s for representation and term limits in these bare regressions are zero. That is, term limits do not explain any of the differences in the representational relationship across chambers.

The next two columns fit a more complete model. They include some of the factors that appear to influence the impact of constituency preferences. We see that representation increases with legislative professionalism and with competition. Competition is measured as the current balance between the parties (Democratic seat

---

<sup>5</sup> Preliminary analyses of the differences in representation among the states point to huge importance for competitive parties and constituency-party linkages Wright, Gerald C., and Jon Winburn. 2002. Patterns of Constituency-Legislator Policy Congruence in the States. Paper read at Second Annual Conference on State Politics and Policy, May 24-24. An extended analysis of these patterns is in progress.

share and its square) as well as the folded Ranney index are included, and both are significantly related to constituency representation. There are a host of variables, such as the size of the chamber and various state characteristics that do add significantly to the explanation of different levels of representation. For our purposes, the important finding is that term limits do not emerge as a significant factor in any of the models. The sign is in the right direction to support the sanctions model, but in actuality the coefficients are indistinguishable from zero in their substantive impact, and they are not even close to statistical significance.

The stronger test of the sanctions model, however, focuses on individual legislators. The expectation is that term limited legislators will display voting patterns less constrained by constituency than their not-yet-termed colleagues. For this analysis I regress individual NOMINATE scores on constituency preferences (Liberal Vote). This is done separately for each chamber. The results are shown in Table 4. The expectation is that the lame duck termed out members would have flatter slopes than the continuing members who are expected in the sanctions model to be more responsive to constituency preferences. The first column of figures shows the slope for continuing members. The second column is the slope shift for lame ducks. The sanctions hypothesis of flatter slopes is correct in terms of the direction of the difference in only seven of the twenty-two tests. Not one of those slope shifts is statistically significant.

The analysis suggests that term limits do not affect the congruence between constituency ideology and roll call voting. Those leaving because of term limits at the end of the session were no more or less likely to have representative voting records than legislators who were able to run for reelection.

For the next hypothesis the sanctions model of elections predicts that lame duck legislators will gravitate toward their parties' extremes because the mass of moderates who might vote against a partisan extremist are no longer a factor. Our test here is straightforward. I first calculate the differences between the NOMINATE scores for Democrats and Republicans in each of the 101 chambers. This party difference is then used as the dependent variable in a chamber-level analysis to see if party matters more in chambers where term limits have been implemented.

There is a great deal of variation in the relationship between party affiliation and roll call voting across our 101 chambers. The NOMINATE scores are bounded by +/- 1 and party is just a dummy variable here.<sup>6</sup> The party differences in the partisan chambers range from a miniscule .44 (the West Virginia and Rhode Island senates) all the way to a hefty 1.76 --out of a theoretical maximum of two—in the Ohio Senate. The amount of variance accounted for by party across the chambers is equally striking; from a mere six and seven percent of the variance in the WV and RI senate to 99% in the OH Senate. The average slope for party is 1.22, and the mean explained variance in the first NOMINATE dimension by party is 87%.

Even with all the variation in the importance of party in roll call voting, there is no difference in levels of party voting between chambers with and without term limits. The chambers with term limits have a slightly higher average party difference (.05, where the standard deviation of party differences across chamber is .29). This is not significant. The story is the same if we gauge the impact of party using the amount of variance explained by party affiliation in the roll call scores. Here term limit chambers (TL) have a higher average party-voting: .76 in the non-TL chambers versus .84 in the TL states, but

---

<sup>6</sup> The handful of independents in the data set are excluded in this analysis.

the difference is not significant. The difference between TL and non-TL chambers in the  $R^2$ s between party affiliation and roll call voting shrinks to .03 with controls for professionalism and competition. By both of these measures, slopes and  $R^2$ , the raw differences are in the right direction, but the differences are substantively small and statistically insignificant.

The individual-level test for our second hypothesis consists, as before, of comparing lame ducks with continuing members in the term limited chambers. The first two columns of Table 5 show the difference between Democrats and Republicans among continuing members in TL chambers. This is simply the regression coefficient of roll call voting on party for this group of legislators by chamber. The second column shows the shift in the slope for those who are termed out. For example, in the Arkansas House the difference between Democrats and Republicans who could run again was .96. This difference was .22 less among lame ducks, or .74. The sanctions hypothesis, which is that the slope shift will be positive, receives only modest support. The sign is in the correct direction in 13 of the 22 chambers, but only one of these reaches statistical significance. If term limits do turn members loose to vote with their parties, unfettered by voters, only a few of them seem to take advantage of the opportunity.

Our final hypothesis looks at participation in roll call voting. This is measured as the simple percentage of all competitive roll calls on which each member voted yea or nay. Not surprisingly, participation in roll calls is generally high. The range is from zero (for a NH legislator who never showed up at all expect to pick up her per diem) to 100%. The mean for all serving legislators is 90%. Across the 101 chambers the average

participation rate in competitive roll calls varies from a low of 60% in the Connecticut House to a high of 99% in the Wisconsin Senate.

I test the participation hypotheses completely at the individual level, since in this test there is nothing to be gained by aggregating the figures up to the chamber level. Table 6 shows the results. The first columns of coefficients pertain to models estimated for all legislators. Term limit effects are captured with a pair of dummy variables; one is for continuing members in TL chambers and one for lame ducks with legislators in non-TL chambers as the reference. In this comparison, with no controls added, TL members actually have higher participation rates, and the differences between TL and non-TL legislators are significant. This is just the opposite of what the sanctions hypothesis expects. I next added a set of control variables that are expected to have an influence on participation rates. In this case, the TL coefficients are smaller, and only the dummy for continuing members is significant. In this model professionalism has a strong positive effect. Also, black legislators have slightly lower participation rates.

The second two columns show the results comparing last-termers and continuing members in the TL states. The sign is in the expected direction but not close to substantive or statistical significance. Interestingly, however, among the 22 TL chambers, legislative professionalism has a distinct negative relationship with participation, and the gap between African American participation and others is substantially larger—over 9%. I also see that among the TL states that the combination of signs for Democratic shares and its square indicate that participation is higher in more competitive chambers—that is, those with a more even balance between the parties.

The summary of the participation analysis is that participation does not appear to be any less in TL states or among last term members within the TL states. The idea that legislators who cannot be punished will not show up for work receives no support in these data. Instead, the data are consistent with the selection model in which policy behavior of legislators is largely self-regulated with elections serving to select, but not direct, the roll call behavior of members.

### **Conclusions**

In this paper I used the quasi-experimental opportunity provided by term limits in a number of chambers to test one of the most fundamental assumptions driving theorizing about US legislative elections. The sanctions model of elections holds that the fear of being defeated in the next election constrains legislative behavior. It predicts that term limits should unleash a pattern of last term voting where members change their voting patterns significantly because they do not have to worry about voters.

I can only speculate on the differences between my findings of essentially no impact of term limits on policy representation, and the clear reports of a move away from constituency concern in the Carey et al surveys. It could be that my measures covering all competitive roll calls simply miss the fewer, but perhaps salient, bills that give rise to the respondent's statements. But if so, that is in and of itself significant. It means that the unconstrained behavior of most legislators is indistinguishable, using our popular tools like NOMINATE scores, from constrained behavior. In short, the amount they move is not detected. Alternatively, it could be that the situation of not having to face reelection may be experienced as if one is giving less concern to the constituency, but that this is not



reflected in overall patterns of ideological voting. Either way, I find no evidence of a Burkean shift in actual roll call voting.

Thus, while I would conclude that policy representation does not appear to be undermined by term limits, the other changes that Carey et al. find, such as decreased time on casework and securing pork, are entirely reasonable. In the selection model, legislators would probably prefer to pursue their ideological goals over the less elevating grunt work of casework.

The findings also open up the question of the viability of the sanctions model of elections. It is old and familiar, and we have been saying that politicians are kept in line by the upcoming election so long that it is recited as gospel. However, we actually have little proof for that proposition. Indeed, the strong evidence about the remarkable ideological stability of most members, now including those prevented from running by term limits, argues that some consideration be given to what may be a more realistic set of assumptions -- those of the selection model.

## References

- Achen, Christopher H. 1977. Measuring Representation: Perils of the Correlation Coefficient. *American Journal of Political Science* 21 (4):805-815.
- Alchian, Armen, and Harold Demsetz. 1972. "Production, Information Costs, and Economic Organization. *American Economic Review* 62:777-95.
- Aldrich, John H. 1983. A Downsian Spatial Model with Party Activism. *The American Political Science Review* 77 (4):974-990.
- Aldrich, John H., and Michael D. McGinnis. 1989. A Model of Party Constraints on Optimal Candidate Positions. *Mathematical and Computer Modelling* 2:437-50.
- Aldrich, John Herbert. 1995. *Why parties? : The origin and transformation of political parties in America*. Chicago: The University of Chicago Press.
- Ansolabehere, S., J. M. Snyder, and C. Stewart. 2001. Candidate positioning in US house elections. *American Journal of Political Science* 45 (1):136-159.
- Aranson, Peter H., and Peter C. Ordeshook. 1972. Spatial Strategies for Sequential Elections. In *Probability Models of Collective Decision Making*, edited by R. G. Niemi and H. F. Weisberg.: Columbus: Charles E. Merrill Co.
- Bender, Bruce, and John R. Jr. Lott. 1996. Legislator Voting and Shirking: A Critical Review of the Literature. *Public Choice* 87:67-100.
- Carey, John M. 1994. Political Shirking and the Last Term Problem: Evidence for a Party-Administered Pension System. *Public Choice* 81:1-22.
- Carey, John M., Gary F. Moncrief, Richard G. Niemi, and Lynda W. Powell. 2003. The Effects of Term Limits on State Legislatures: Results from a New Survey of the 50 States. Paper read at American Political Science Association, at Philadelphia, PA.
- Carey, John M., Richard G. Niemi, and Lynda W. Powell. 2000. *Term limits in the state legislatures*. Ann Arbor: University of Michigan Press.
- Carson, Richard T., and Joe A. Oppenheimer. 1984. A Method of Estimating the Personal Ideology of Political Representatives. *The American Political Science Review* 78 (1):163-178.
- Coleman, James S. 1972. The Positions of Political Parties in Elections. In *Probability Models of Collective Decision Making*, edited by R. G. Niemi and H. F. Weisberg: Charles E. Merrill Co.
- Davis, Otto A., Melvin J. Hinich, and Peter C. Ordeshook. 1970. An Expository Development of a Mathematical Model of the Electoral Process. *The American Political Science Review* 64 (2):426-448.
- Downs, Anthony. 1957. *An economic theory of democracy*. New York,: Harper.
- Erikson, Robert S. 1972. Malapportionment, Gerrymandering, and Party Fortunes in Congressional Elections. *The American Political Science Review* 66 (4):1234-1245.
- Erikson, Robert S. 1990. Roll Calls, Reputations, and Representation in the U. S. Senate. *Legislative Studies Quarterly* 15 (4):623-642.

- Erikson, Robert S., and Gerald C. Wright. 1985. Voters, Candidates, and Issues in Congressional Elections. In *Congress Reconsidered*, edited by L. Dodd and B. Oppenheimer.
- Erikson, Robert S., and Gerald C. Wright, Jr. 1980. Policy Representation of Constituency Interests. *Political Behavior* 2 (1):91-106.
- Erikson, Robert S., Gerald C. Wright, and John P. McIver. 1993. *Statehouse democracy : public opinion and policy in the American states*. Cambridge ; New York: Cambridge University Press.
- Fenno, Richard F. 1978. *Home style : House Members in their districts*. Boston: Little Brown.
- Ferejohn, John. 1993. The Spatial Model of Election. In *Information, Participation, and Choice: An Economic Theory of Democracy in Perspective*, edited by B. Grofman. Ann Arbor: University of Michigan Press.
- Fishel, Jeff. 1973. *Party & opposition; congressional challengers in American politics*. New York,: McKay.
- Francis, Wayne L., and Lawrence W. Kenny. 1996. Position Shifting in Pursuit of Higher Office. *American Journal of Political Science* 40 (3):768-786.
- Grofman, Bernard, Robert Griffin, and Gregory Berry. 1995. House Members Who Become Senators: Learning from a 'Natural Experiment' in Representation. *Legislative Studies Quarterly* 20 (4):513-529.
- Hinich, Melvin J., and Michael C. Munger. 1994. *Ideology and the theory of political choice, Michigan studies in political analysis*. Ann Arbor: University of Michigan Press.
- Kalt, Joseph P., and Mark Zupan. 1983. Capture and Ideology in the Economic Theory of Politics. *American Economic Review* 74:279-300.
- Kalt, Joseph P., and Mark Zupan. 1990. The Apparent Ideological Behavior of Legislators: Testing for Principle-Agent Slack in Political Institutions. *Journal of Law & Economics* 33:103-31.
- Kirkpatrick, Evron M. 1971. "Toward A More Responsible Two-Party System": Political Science, Policy Science, or Pseudo-Science? *The American Political Science Review* 65 (4):965-990.
- Kousser, Thad. 2004. *Term Limits and the Dismantling of State Legislative Professionalism*. New York: Cambridge University Press.
- Lott, John R. Jr. 1990. Attendance rates, political shirking, and the effect of post-elective office employment. *Economic Inquiry* 28 (January):133-150.
- Lott, John R. Jr., and Robert W. Reed. 1989. Shirking and Sorting in a Political Market with Finite-Lived Politicians. *Public Choice* 61:75-96.
- Mayhew, David R. 1974. *Congress : the electoral connection*. New Haven: Yale University Press.
- Petracca, Mark P. 1993. A New Defense of State-Imposed Congressional Term Limits. *PS: Political Science and Politics* 26 (4):700-705.
- Petracca, Mark P. 1995. A Comment on "Elections as Filters". *Political Research Quarterly* 48 (4):729-740.
- Poole, Keith T., and Howard Rosenthal. 1997. *Congress : a political-economic history of roll call voting*. Oxford: Oxford University Press.

- Rothenberg, Lawrence S., and Mitchell S. Sanders. 2000a. Lame-Duck Politics: Impending Departure and the Votes on Impeachment. *Political Research Quarterly* 53 (3):523-536.
- Rothenberg, Lawrence S., and Mitchell S. Sanders. 2000b. Severing the Electoral Connection: Shirking in the Contemporary Congress. *American Journal of Political Science* 44 (2):316-325.
- Sellers, Patrick J. 1998. Strategy and Background in Congressional Campaigns. *American Political Science Review* 92 (1):159-171.
- Shapiro, Catherine R., David W. Brady, Richard A. Brody, and John A. Ferejohn. 1990. Linking Constituency Opinion and Senate Voting Scores: A Hybrid Explanation. *Legislative Studies Quarterly* 15:599-622.
- Stonecash, Jeffrey M., Mark D. Brewer, and Mack D. Mariani. 2003. *Diverging parties : social change, realignment, and party polarization*. Boulder, Colo.: Westview Press.
- Sullivan, John L., and Daniel Richard Minns. 1976. Ideological Distance between Candidates: An Empirical Examination. *American Journal of Political Science* 20 (3):439-468.
- Sullivan, John L., and Robert E. O'Connor. 1972. Electoral Choice and Popular Control of Public Policy. *American Political Science Review* 66:256-68.
- Uslaner, Eric M. 1999. *The movers and the shirkers : representatives and ideologues in the Senate*. Ann Arbor: University of Michigan Press.
- Will, George F. 1992. *Restoration : Congress, term limits, and the recovery of deliberative democracy*. New York  
Toronto: Free Press ;  
Maxwell Macmillan Canada ;  
Maxwell Macmillan International.
- Wittman, Donald. 1983. Candidate Motivation: A Synthesis of Alternative Theories. *The American Political Science Review* 77 (1):142-157.
- Wittman, Donald. 1990. Spatial Strategies When Candidates Have Policy Preferences. In *Advances in the Spatial Theory of Voting*, edited by J. M. Enelow and M. J. Hinich. Cambridge: Cambridge University Press.
- Wittman, Donald A. 1995. *The myth of democratic failure : why political institutions are efficient, American politics and political economy*. Chicago: University of Chicago Press.
- Wright, G., and B. F. Schaffner. 2002a. The Impact of Party: Evidence from the States. *American Political Science Review* 96 (June):367-379.
- Wright, Gerald C. 1989. Policy Voting in the United-States-Senate - Who Is Represented. *Legislative Studies Quarterly* 14 (4):465-486.
- Wright, Gerald C., Jr. 1977. Constituency Response to Congressional Behavior: The Impact of the House Judiciary Committee Impeachment Votes. *The Western Political Quarterly* 30 (3):401-410.
- Wright, Gerald C., Jr. 1978. Candidates' Policy Positions and Voting in U. S. Congressional Elections. *Legislative Studies Quarterly* 3 (3):445-464.
- Wright, Gerald C., Jr., and Michael B. Berkman. 1986. Candidates and Policy in United States Senate Elections. *The American Political Science Review* 80 (2):567-588.

- Wright, Gerald C., John P. McIver, Robert S. Erikson, and David Holian. 2000. Stability and Change in State Electorates, Carter through Clinton. Paper read at Midwest Political Science Assoc. convention.
- Wright, Gerald C., and Tracy Osborn. 2002. Party and Roll Call Voting in the American Legislature. Paper read at Midwest Political Science Association, at Chicago.
- Wright, Gerald C., and Brian F. Schaffner. 2002b. The influence of party: Evidence from the state legislatures. *American Political Science Review* 96 (2):367-379.
- Wright, Gerald C., and Jon Winburn. 2002. Patterns of Constituency-Legislator Policy Congruence in the States. Paper read at Second Annual Conference on State Politics and Policy, May 24-24.
- Wright, Gerald C., and Jon Winburn. 2003. The Effects of Size and Party on the Dimensionality of Roll Calls. Paper read at Third Annual Conference on State Politics and Policy, March 14-5, 2003, at Tucson Arizona.
- Zupan, Mark A. 1990. The Last-Period Problem in Politics: Do Congressional Representatives Not Subject to a Reelection Constraint Alter Their Voting Behavior? *Public Choice* 65:167-80.

Table 1. The Roll Call Collection

Universe of roll calls: All competitive roll calls (at least 5% of those voting for or against voting in opposition)	
Legislative Chambers	101 Chambers: 99 upper and lower houses plus both houses of Congress
Legislators	8,167. This ranges from 20 in the Alaska Senate to 435 in the US House.
Roll Calls	Range from 46 in the Hawaiian Senate to 2,215 in the California House. For comparison: US House has 845 and the US Senate 514.
Votes Cast	3,337,958

Table 2 .Term Limited Legislators

Chamber	Not Termed in 2000 Election	Termed out in 2000
ARh	86	14
ARs	24	11
AZh	45	15
AZs	23	7
CAh	61	19
CAs	34	8
COh	57	10
COs	25	11
FLh	71	55
FLs	30	11
MEh	135	17
MEs	28	7
MIh	89	21
MOh	160	8
MTh	67	33
MTs	36	14
OHh	66	45
OHs	29	6
ORh	43	17
ORs	25	5
SDh	52	20
SDs	22	13
Totals Term Limit States	1,208	367
Non-TL State Legislators	6,588	

Table 3. Effects of Term Limits on Constituency – Roll  
 Congruence: Institutional Level of Analysis

	(1)	(2)	(3)	(4)
Dep variable: R2 of RCs with:	Liberal Vote	Lib Vote + Demog	Liberal Vote	Liberal Vote + Demog
Term Limits	0.029 (0.65)	0.028 (0.58)	-0.033 (0.95)	-0.035 (0.92)
Legislative Professionalism			0.449 (4.31)**	0.378 (3.33)**
% Dem seats			1.646 (2.92)**	1.857 (3.03)**
%Dem seats <sup>2</sup>			-1.843 (3.57)**	-2.089 (3.72)**
Folded Ranney Index			0.281 (1.40)	0.368 (1.68)
Constant	0.396 (19.10)**	0.439 (19.73)**	-0.254 (1.61)	-0.304 (1.76)
Observations	101	101	97	97
Adj R <sup>2</sup>	0.00	0.00	0.42	0.40
Absolute value of t statistics in parentheses * significant at 5%; ** significant at 1%				



Table 4 : Constituency – Roll Call Congruence: Comparing Lame Ducks and Continuing Legislators in Term Limit States

Chamber	Slope for Liberal Vote 2000 Not Termed Members	Slope Shift for Lib Vote 2000 for Termed Members	Adjusted R <sup>2</sup>
ARh	1.97	-0.68	0.23
ARs	2.67	-0.55	0.38
AZh	3.36	3.14	0.47
AZs	3.79	0.71	0.40
CAh	3.05	1.01	0.67
CAs	3.34	0.25	0.56
COh	3.57	-0.35	0.51
COs	4.39	-0.63	0.54
FLh	2.82	0.24	0.52
FLs	4.50	-1.87	0.61
MEh	3.51	1.05	0.33
MEs	3.18	0.86	-0.02
MIh	3.40	0.26	0.66
MOh	2.39	0.81	0.42
MTh	2.34	0.53	0.38
MTs	3.38	0.54	0.45
OHh	2.76	0.13	0.52
OHs	4.92	2.66	0.57
ORh	3.49	0.31	0.54
ORs	3.17	-2.75	0.28
SDh	1.65	1.70	0.19
SDs	4.17	-0.87	0.16

Table 5: Party-Roll Call Polarization: Lame Ducks and Continuing Legislators in Term Limit

Chamber	Difference in Party NOMINATE Means Continuing Members	Difference: Continuing Members versus Lame Ducks	Adjusted R <sup>2</sup>
ARh			0.73
ARs	0.96	-0.22	0.67
AZh	0.78	0.70 *	0.72
AZs	1.02	0.04	0.82
CAh	1.24	-0.24	0.91
CAs	1.19	0.01	0.91
COh	1.32	0.11	0.86
COs	1.25	-0.31	0.87
FLh	1.32	-0.16	0.77
FLs	1.15	-0.14	0.91
MEh	1.48	-0.54*	0.77
MEs	0.86	0.17	0.73
MIh	1.04	0.55	0.95
MOh	1.46	0.11	0.94
MTh	1.25	0.19	0.55
MTs	0.70	0.23	0.88
OHh	1.12	0.18	0.89
OHs	1.13	-0.07	0.99
ORh	1.80	-0.23*	0.89
ORs	1.24	0.09	0.71
SDh	1.28	0.00	0.83
SDs	1.30	0.05	0.99
	1.60	0.10	

Table 6. Roll Call Participation by Term Limitation Status

	All Legislators		Term Limited Chambers	
Non-TL members in TL states	2.888 (5.86)**	1.952 (3.82)**		
TL Legislators	2.016 (2.39)*	0.708 (0.83)	-0.872 (1.05)	-0.696 (0.82)
Legislative Professionalism		7.357 (9.10)**		-5.473 (2.80)**
Party		1.006 (0.70)		1.960 (0.49)
Sex		0.118 (0.28)		1.329 (1.60)
African American		-3.847 (5.44)**		-9.210 (5.63)**
Maj Party Member		-1.344 (0.92)		-0.689 (0.17)
Democratic seats %		-0.192 (2.78)**		0.767 (3.71)**
Dem seats <sup>2</sup>		0.000 (0.73)		-0.009 (4.35)**
Constant	89.696 (462.47)**	96.801 (49.23)**	92.584 (230.06)**	76.065 (14.17)**
Observations	8163	7894	1575	1475
Adj. R <sup>2</sup>	0.004	0.037	0.0001	0.05

Notes: In the “all legislators” column the reference group is legislators in states without term limits. In the term limited columns, non-termed members is the reference group.

Absolute value of t statistics in parentheses

\* significant at 5%; \*\* significant at 1%