



Do Term Limits Encourage Legislators to Ignore Constituents?

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The idea that legislators work on behalf of their constituents and cast votes in accordance with constituency opinion is central to our understanding of how democracy is supposed to work. Political science research often considers whether representatives actually function this way – and new questions arise when legal term limits come into the picture. In recent times, Congress and state legislatures have gotten very low approval ratings from the public, and some reformers have pushed term limits – rules that prevent legislators from seeking re-election after one or more terms – as a remedy.

Legislative term limits are celebrated by proponents as a way to increase electoral competitiveness, limit the “incumbency advantage,” and ensure greater accountability by elected officials. But critics argue that term limits can actually make legislators less responsive to constituents, by allowing representatives to abstain from votes and shirk their duties. We have looked into this issue and found that term limits don’t necessarily lead to avoiding votes. Legislators’ goals for their future careers and the types of votes at issue matter more than term limits alone.

Term Limits and the Potential for Legislators to Ignore Constituents

In 1990, citizen initiatives established term limits on legislative service in California, Colorado, and Oklahoma. Since this set of initial adoptions, eighteen more states have adopted some form of legislative term limits. Meanwhile, state supreme courts have overturned such initiatives in four states and legislatures repealed limits in two additional states. As things now stand, fifteen U.S. states currently limit the service of their legislators in some form.

Who is right in the continuing argument about whether term limits enhance accountability among elected officials or, instead, encourage legislators to shirk their duty to represent constituents? Academic research focuses on two different types of shirking that may occur when legislators are no longer accountable to voters. *Ideological shirking* occurs when an elected legislator’s voting record noticeably shifts once the member is no longer constrained by voters, and *participatory shirking* happens when a legislator increasingly abstains from floor votes once he or she becomes less constrained by voters.

Previous studies have produced mixed results. Although some studies find significant levels of ideological and participatory shirking among retiring U.S. House members during their last months and years in office, other studies have shown remarkable consistency in legislative behavior, even when the electoral connection between legislators and constituents is weakened.

New Hypotheses

Our research takes off from fresh ideas.

- Legislators’ willingness to abstain from votes or depart from constituent views may depend more on future career goals than on term limits alone. If term-limited legislators have ambitions to pursue another public office, they still have an incentive to perform as usual.
- Yet shirking should also vary according to the type of vote under consideration, because of dynamics involving leaders and members well understood by political scientists. Since party leaders can affect opportunities legislators want – such as key committee appointments and opportunities to visibly set the agenda – members have incentives to pay attention to leaders in their chamber. Leaders exert their strongest influence on procedural votes – such as motions to end debate, recommit, table, and instruct conferees – whereas, for various reasons, leaders may allow members to vote variously on final substantive legislation. This well-known dynamic means that if term-limited legislators plan to seek another office, they have incentives to continue to vote, above all on procedural issues vital to the

control party leaders try to maintain.

What the Data Analysis Shows

Using data on how term-limited legislators have voted in various states, my collaborator and I used statistical techniques to test whether shirking varied as we expected. We knew whether term-limited legislators ran for further offices. And we took into account their party affiliations, race, gender, and leadership status, along with features of their districts such as the ideological preferences of voters and the competitiveness of elections. Our results reveal that shirking by term-limited legislators is, indeed, dependent upon career goals and the types of votes at issue.

- For final floor votes on substantive bills, legislators in general face looser constraints, and therefore it is not surprising that we found no significant ideological shifts in voting patterns, regardless of whether departing legislators went on to pursue another office.
- On procedural votes, however, term-limited legislators who subsequently pursued further public offices showed remarkable consistency and attentiveness to cues from party leaders.
- On substantive votes, term-limited members not seeking another public office abstained from voting more often, while those pursuing further office kept voting at the same rate.

Our research suggests that voters who select ideologically compatible legislators need not worry that their representatives will wander off in incompatible directions, even when term limits or planned retirements weaken the electoral connection. On the other hand, term limits do seem to allow affected legislators with no further political ambitions to bow out on final votes about substantive bills. This raises questions about popular control. If term limits encourage legislators to avoid committing themselves at one of the most visible stages of the legislative process – on floor votes with policy consequences – then we have to wonder whether term-limited representatives might also be shirking at other stages of policymaking. More research is needed to pin down the circumstances under which term limits can reduce accountability.

This brief was drafted with input from Jennifer Hayes Clark. Read more in Jennifer Hayes Clark and R. Lucas Williams, “Parties, Term Limits, and Representation in the U.S. States.” *American Politics Research* 42, no. 1 (2013): 171-193.