



102 YEARS OF UNCOMPROMISING POLICY RESEARCH

EVALUATING THE EFFECTS OF TERM LIMITS ON THE MICHIGAN LEGISLATURE

Editor's Note: The Citizens Research Council of Michigan has been asked many times over the past couple of years to look at the effect that term limits has had on the Michigan legislature. From our perspective, any research we could do would pale in comparison to the depth of the work done by Drs. Marjorie Sarbaugh-Thompson and Lyke Thompson from Wayne State University. At the outset of term limits, these two, in cooperation with a team of other professors, set out to quantify the effects of the new policy by asking legislators a battery of questions, both before and after implementation, to better understand how governing had changed. After the initial findings were published in 2010, the two scholars continued their work and published a book on their findings in 2017 (reference below). We asked them to summarize their work for us. This report is that summary.

Implementing Term Limits: The Case of the Michigan Legislature (2017) is available from the [University of Michigan Press](#) and other outlets.

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EVALUATING THE EFFECTS OF TERM LIMITS ON THE MICHIGAN LEGISLATURE

Authored by Drs. Marjorie Sarbaugh-Thompson and Lyke Thompson from Wayne State University

In a Nutshell

- Legislative term limits in Michigan have failed to achieve the stated goals proponents espoused of ridding government of career politicians, increasing diversity among elected officials, and making elections more competitive.
- Term limits have made state legislators, especially House members, view their time as a Representative or Senator as a stepping stone to another office. For this reason, officials spend more time on activities that can be viewed as electioneering. Term limits have failed to strengthen ties between legislators and their districts or sever cozy relationships between legislators and lobbyists. They have weakened the legislature vis-à-vis the executive branch.
- The chief problem rests not with term limits, but with the fact that among the 15 states with term limits, Michigan has the shortest and strictest limits. Lengthening the limits would help, as would improving the redistricting process and reforming the primary election system.

Summary

More than two decades ago, term limits proponents persuaded voters in most ballot initiative states, including Michigan, that limiting legislators' tenure in office would revitalize American democracy. They promised that shorter terms of service would rid government of career politicians, sever cozy relationships between legislators and lobbyists, make elections more competitive, and expand opportunities for women and ethnic minority candidates to win elections by removing entrenched incumbents, most of whom were white males. Moreover, term limits proponents claimed that legislators with a short time horizon would maintain their ties with their district and be more responsive to their constituents' needs and views rather than the influence of bureaucrats and interest groups. In Michigan, proponents claimed that passing the term limits ballot initiative, which voters did in 1992, would reduce gridlock and introduce a merit-based system for selecting the leaders of the legislative chambers.

With term limits in effect for several election cycles in Michigan, this report analyzes whether and to what extent term limit promises have been fulfilled.

Michigan is among the states with the shortest limits: three two-year terms (six years) maximum in its lower

chamber, the Michigan House of Representatives, and two four-year terms (eight years) in the state Senate. Compared to other term-limited states, Michigan's term limits are exceptionally stringent, combining very short tenure in office with a lifetime limit on service. As a result, legislative term limits are more consequential in Michigan than they are elsewhere.

The evidence suggests that adopting term limits did not fulfill many of the promises made by proponents.

Have term limits made elections more competitive, expanding opportunities for women and ethnic minority candidates to win elections? After term limits, incumbents are safer and open seats are less competitive, with more voters in highly competitive districts confronting one hand-picked candidate in the primary. In post-term-limits primary elections, it's a "Goldilocks" problem of too many candidates in safe districts and too few candidates in competitive districts.

Term limits have not diversified Michigan's state legislature in the ways proponents predicted. Women's lower electoral success after term limits means that opportunities do not reliably translate into legislative seats. In addition, district boundaries constrain the number of ethnic minority candidates.

EVALUATING THE EFFECTS OF TERM LIMITS ON THE MICHIGAN LEGISLATURE

Term limits have increased the frequency of open seats, but they have made it harder to find quality candidates willing to run. Also, the people doing most of the recruiting are interest groups and political elites who can promise the financial help needed to run a successful campaign for office.

Have term limits severed cozy relationships between legislators and lobbyists? The answer to this question depends on the nature of the issue being considered. For a politically charged issue like school choice, interest groups appear to become more influential sources of information after term limits, at the expense of local sources in the Senate and colleagues in the House. On the technically complex issues of licensing and regulating health care professionals, organized groups gain influence, while local sources lose influence. There was little change in the House on this issue. For information during committee deliberations, legislators in both chambers rely most on organized groups and lobbyists, partisan staff, state agency staff, and nonpartisan staff.

Have legislators with a short time horizon maintained their ties with their district and been more responsive to their constituents' needs and views rather than the influence of bureaucrats and interest groups? Before term limits, local officials were a more important source of information and guidance to legislators on issues and how bills would affect local communities. After term limits, the interest groups recruiting candidates often provide information and guidance to legislators. After term limits, legislators from both political parties became more extreme than their constituents. Political parties in Michigan became more polarized, moving away from each other and, more importantly, away from their voters.

Legislators in both chambers rely on organized groups and lobbyists, partisan staff, state agency staff, and nonpartisan staff for information during committee deliberations. These sources are sometimes accused of being part of the swamp or establishment that term limits proponents railed against.

The priority that Senators place on developing new legislation decreased after term limits, but the priority they place on studying new laws has increased. This could suggest that more bills are developed outside the chamber, potentially by lobbyists or interest groups.

Term-limited legislators spend more time on electioneering activities. And roughly half of respondents said that the reason they ran for state legislature was as a stepping stone to another political office.

Michigan's post-term-limit legislators (especially in the House) concentrate their energy on running for their next office. The focus is on short-term gains and fixes because politically costly solutions might undermine legislators' plans for their next political office.

Have term limits reduced gridlock and introduced a merit-based system for selecting the leaders of the legislative chambers? Building coalitions across party lines to pass legislation is a lower priority task after term limits for both representatives and senators.

After term limits, term-limited legislators in both chambers, but especially the Senate, sought leaders who could enhance the reelection prospects of the caucus. Prior to term limits, legislators sought leaders with knowledge and intelligence, and they also considered a leadership candidate's political philosophy in deciding who to support. After term limits, the distribution of control and influence became more concentrated in fewer hands, which has been shown to reduce organizational effectiveness.

After term limits, the executive branch and state agencies gained autonomy and power as legislators prove less interested in and less able to monitor the work of state agencies and the implementation of state programs.

Have term limits helped or hurt Michigan as a whole? Overall, term limits have increased turnover and correspondingly produced more open seat elections, but term limits also reduced the experience and knowledge of legislators, weakening the legislature and making it less effective. Furthermore, lack of experience, inability to work across the aisle, and a springboard legislature in which most people are looking for their next job rather than focusing on their current political responsibilities could easily sap the will to confront politically difficult issues. Additionally, in the decade from 2002 to 2012, Michigan was the only state that decreased its spending on municipal governments and the services they provide, making local governments the big losers under term limits. This is consistent with legislators' shift away from key

local officials as a source of information on issues.

Should citizens change term limits? Term limits remain popular with citizens. According to the State of the State Survey conducted by Michigan State University, in 2008, 70 percent of respondents approved of term limits. Therefore, a ballot proposal to eliminate term limits is unlikely to succeed.

Term limits have created governance issues in the states that have adopted them. For Michigan, the issues have become particularly evident because its limits are **too short** to allow talented newcomers to

develop their abilities, especially their leadership abilities. Faced with this conundrum in the states that used to have the same stringent limits that Michigan has (Arkansas and California), term limits were modified through citizen initiative to allow legislators to spend all of their time in one chamber.

Finally, if voters who support term limits want to increase the responsiveness of the legislators, two changes to our electoral system could offer some of the benefits promised by term limit proponents: reducing gerrymandering and revising primary elections.

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EVALUATING THE EFFECTS OF TERM LIMITS ON THE MICHIGAN LEGISLATURE

The Promises of Term Limits

More than two decades ago, term limits proponents persuaded voters in most ballot initiative states, including Michigan, that limiting legislators' tenure in office would revitalize American democracy. They promised that shorter terms of service would rid government of career politicians, sever cozy relationships between legislators and lobbyists, and make elections more competitive. Voters were also told that term limits would expand opportunities for women and ethnic minority candidates to win elections by removing entrenched incumbents, most of whom were white males. Moreover, term limits proponents claimed that legislators with a short time horizon would maintain their ties with their district and be more responsive to their constituents' needs and views rather than the influence of bureaucrats and interest groups. In Michigan, proponents claimed that passing the term limits ballot initiative, which voters did in 1992, would reduce gridlock and introduce a merit-based system for selecting the leaders of the legislative chambers, (i.e., the Speaker of the House, Majority Leader of the Senate, and so on). Not surprisingly, voters jumped at the chance to, as the saying goes, "drain the swamp."^a

^a These promises made by term limits' proponents can be found in the "Yes on B" campaign materials available through the Michigan State Archives, information from the Detroit Free Press, and information summarized from national newspapers about term limits initiatives by Niven (2000).

With term limits fully implemented for several years in Michigan—meaning that the last veteran legislators who served before term limits in either chamber have been expelled—it is time to see whether and to what extent term limits have fulfilled these promises. The implementation of term limits involved three stages: 1) the *anticipation* of limits as veteran legislators awaited for their eligibility for office to expire, 2) the *transition* to term limits in which many veterans were termed out of the House and moved to the state Senate, and 3) *equilibrium*, when there are no longer any legislators with more than the maximum years of legislative service in either chamber.¹ Following term limits through these three phases of implementation was a long-term process. To explore this process, a team of scholars from Wayne State University began collecting data in 1998 just prior to the expulsion of the last pre-term-limits House cohort. A subset of that initial team continued to follow implementation of term limits.

Many promises were made by term limit proponents. After more than 20 years, how many of those promises have been fulfilled?

Michigan's Term Limits Law in Context

State legislative term limits dictate the maximum time a legislator can serve in office. Some states have very stringent limits, while in others the limits are so generous that they probably do not have much effect on the average tenure of the state's legislators. Michigan is among the states with the shortest limits: three two-year terms (six years) maximum in its lower chamber, the Michigan House of Representatives, and two four-year terms (eight years) in Michigan's upper chamber, the state Senate. Michigan has the shortest lower chamber tenure in any term-limited state legislature. At the other extreme, in Louisiana and in Nevada, legislators can serve for 12 years in the lower chamber and an additional 12 years in the upper chamber—24 years in all. (See **Table 1** on page 3.)

Initially two other states, California and Arkansas, had the same limits as Michigan. But voters in both of those states amended their state constitutions through ballot initiatives to alter their legislative term limits laws. Their new laws restrict total combined years of service in either chamber, rather than limiting years in each chamber separately. Thus, California currently permits 12 years total of legislative service in either chamber, and Arkansas permits 16 years of total legislative service in either chamber. By combining service in both chambers, California and Arkansas permit legislators to stay in one chamber long enough to work their way up gradually to chair

Michigan's term limits are exceptionally stringent, combining a very short tenure in office with a lifetime limit on service.

committees and lead the caucus without extending the overall maximum time a legislator can serve. This means that freshmen are not likely to chair committees before serving on them and caucus leaders have time to develop negotiating skill and experience. Lack of experience in committee and caucus leadership positions is a major problem in legislatures with short term limits like Michigan's.

Some states, such as Michigan, impose a lifetime limit on service, but the majority of term-limited states (9 of 15) merely restrict consecutive years of service. After a legislator reaches the maximum length of service, he or she may take a time out for a few years and then can begin serving all over again. The service clock

resets. Under some state term limits laws, holding office in the other legislative chamber counts as a break in the consecutive years of service. Therefore, in many term-limited states legislators can, although relatively few do, cycle back and forth

between legislative chambers. Only six of the 15 term-limited states enforce a lifetime limit. Michigan is one of these six.

Michigan's term limits are exceptionally stringent, combining very short tenure in office with a lifetime limit on service. As a result, legislative term limits are more consequential in Michigan than they are elsewhere.

Recruiting a New Breed of Candidates

Literature from term limits ballot campaigns enthused about the opportunities that term limits provide for self-motivated citizens to go to the state capitol and create laws that they would go back home and live under. This notion of self-starters serving in the public interest for a few years is appealing, but evidence indicates it is a myth. The reality is that after term limits more legislators say that they were asked to run, and it is more likely that the people doing this recruiting are interest groups or political elites.

Our post-term-limits interview respondents told us that it is not easy to find people who are willing to run for office, especially if it means derailing their own career for a very brief stint of service. Therefore, people have to be recruited to run for the state legislature. This was true even before term limits, but candidate recruiting increased by about 10 percentage points after term limits. Specifically, about 60 percent of the pre-term-limits legislators interviewed said that someone recruited them to run for office, while 70 percent

Table 1
State Term Limit Provisions and Level of Professionalization

Limit in Years	Consecutive	Lifetime Ban
8 Total	<i>Nebraska</i> (2006)	
12 Total		<i>Oklahoma</i> (2004/2004) California (2012)*
16 Total		Arkansas (2014)**
6 House/8 Senate		Arkansas (1998/2000) California (1996-1998) Michigan (1998/2002)
8 House/8 Senate	<i>Arizona</i> (2000/2000) <i>Colorado</i> (1998/1998) <i>Florida</i> (2000/2000) Maine (1996/1996) Montana (2000/2000) <i>Ohio</i> (2000/2000) <i>South Dakota</i> (2000/2000)	Missouri (2002/2002)
12 House/12 Senate	Louisiana (2007/2007)	Nevada (2008/2008)

Note: Numbers in parentheses indicate year of impact in the House first and the Senate second. States listed in **bold** type are those with highly professionalized legislatures, those in *italics* have moderately professionalized legislatures, and those in regular type are part-time legislatures. Levels of professionalism are based on Squire 2007.

* In 2012 California voters revised the state’s term limits so that legislators may serve 12 years in total in either chamber.

* In 2014 Arkansas voters passed a ballot measure extending term limits to a 16-year lifetime total. Based on National Conference of State Legislatures.

office. Indeed, self-starters are less common, contrary to the promises of term limits advocates.

When open seats are rare, which they were before term limits, they seem to provide more motivation for candidates to run. Compared to legislators interviewed after term limits, more pre-term-limits legislators said that an open seat was the reason they threw their hat into the ring. When open seats are common and everyone knows that the seat will be open again in just a few years, it seems to be easier to wait. In this sense, shorter term limits which increase the frequency of open seats are likely to make it harder to find quality candidates willing to run. Therefore, candidate recruiting is crucial, especially if legislatures are going to increase membership of underrepresented groups.² And the people doing most of the recruiting are those with access to the large sums of money that candidates need to mount a successful campaign for the state legislature.

of the respondents elected after term limits said they were recruited to run.

Moreover, it costs more money to run for Michigan’s state legislature today. The actors recruiting candidates after term limits are often those who can promise financial help. For example, interest group recruiting of candidates and recruiting by political party elites both increased after term limits. Nearly 20 percent of post-term-limits legislators said that an interest group recruited them—an increase of six percentage points compared to pre-term-limits legislators. Prior to term limits, about 40 percent of Republicans reported that party elites asked them to run, but only a little more than 20 percent of pre-term-limits Democrats were recruited by elites in their own political party. After term limits, about 40 percent from each political party said that elites in their own political party asked them to run for office. The evidence suggests that term limits do not attract droves of self-starters to run for

Gender and Ethnic Diversity in Term-Limited Legislatures

Term limits advocates argued that expelling incumbents, who were mostly white men, would help women and ethnic minorities win more state legislative seats, thereby diversifying state legislatures. Women and minority group members had made substantial progress in winning seats in the U.S. Congress and state legislatures by the time term limits ballot proposals passed, in the early 1990s. The percentage of state legislative seats held by women increased from three percent in the 1960s to 20 percent by 1992. The creation of majority-minority legislative districts increased the number of African-American, Hispanic, and Asian legislators. Initially term limits did increase the diversity of Michigan’s legislature, but this was ephemeral. Two factors contributed to the transience of this effect: gerrymandering and fewer women running in and winning elections.

District boundaries in Michigan were redrawn in 2002 and 2012 to favor the Republican Party. That limited post-term-limits gains for African-American and Hispanic legislators, almost all of whom are Democrats.^b Currently, both in the House and Senate, the number of seats held by ethnic minority legislators is approximately the same as it was in 1998 before term limits implementation commenced. Term limits did not help minorities win seats.

For women, the story is different. After they were termed out of the House in 1998, several long-term female representatives won Senate seats, producing a surge in female state senators. Yet now the number of female state senators is approximately the same as it was in 1998 before implementation of term limits. This occurred because when these women were termed out of the Senate, men replaced them. Evidence indicates that there needs to be a pool of women in the House in order for women to win seats in the Senate. This has been described as a conveyor belt propelling women into the upper chamber.³ But the pool of women in the House fell after term limits from a peak of 28 percent in 1998 to a low of 17 percent by 2004; this suggests that Michigan's conveyor belt decelerated after term limits.

This is true for other term-limited states. Nationally, only about 25 percent of the seats vacated by women in lower chambers were filled by other women. With a smaller pool of women in the lower chambers, the "conveyor belt" needed to maintain the gains in the upper chambers ground to a halt. Eventually, the women who migrated from the lower to the upper chambers were termed out, typically replaced by men, making the increased number of women in the state Senate an ephemeral effect.⁴

Thus, term limits have not helped women expand their ranks in Michigan's legislature, and this is especially true for Republican women. The number of Republi-

can women in the House dwindled from a high of 12 in 1992 to four in the aftermath of term limits. Democratic women managed to hold their own as a percentage of the House Democratic caucus, but Democrats lost control of the lower chamber after term limits, resulting in women holding the same percentage of a smaller caucus. After declining to a low point in 2004, the proportion of women in the Michigan House slowly rose to 27 percent of the seats; by 2016 women had recovered the gains they achieved nearly two decades earlier, despite the headwinds that term limits generated.

Although term limits provide women and ethnic minority candidates with opportunities to run in state legislative races, voters decide who wins. Women do not win elections as often after term limits. Although we lack data on the ethnicity of candidates who lost elections, we could determine their gender using their first names. After term limits, the percentage of women losing a bid for a state house seat rises for both political parties (based on averages from 1998 to 2014), but the dynamics differ by party.

Term limits have not diversified Michigan's state legislature in the ways proponents predicted.

After term limits, fewer Republican women run in both primary and general elections, and a smaller percentage of those who run win these races. With the advent of term limits, an average of eight fewer Republican

women run in primary elections, and the average number of Republican women winning a primary election drops from 23.2 percent before term limits (1988 to 1996) to 18.1 percent afterward. After term limits, 56 percent of Republican women lose in the general election compared to 50 percent before term limits.

Participation by women in Democratic primary elections surged after term limits, increasing by an average of nearly 20 women per primary election cycle. Yet, only a few more of these women won primary elections, increasing from an average of 28.3 before to 32.4 after term limits. Like their Republican sisters, Democratic women lose general elections more often after term limits, losing 50 percent of the time compared to 47 percent before term limits. But greater participation in primary elections by Democratic women helps them maintain their same proportion of the Democratic cau-

^b During the transition to term limits, three African-American legislators were elected from state House districts in which African-Americans were not the majority of the voters. However, when these legislators were termed from office, all of them were replaced by white legislators. So these gains dissipated quickly.

cus—but, again, generally this is a smaller minority party caucus.

Women’s lower electoral success means that opportunities provided by term limits do not reliably translate into legislative seats, while district boundaries constrain the number of ethnic minority candidates. Consequently, term limits have not diversified Michigan’s state legislature in the ways proponents predicted.

Electoral Competition Measured as the Margin of Victory

This brings us to another promise of term limits—more competitive elections. Incumbents tend to win elections, so term-limits proponents reasoned that more open seats would produce more competitive elections.⁵ With stringent limits, Michigan’s legislature has higher turnover and lots of open seat elections—ones in which an incumbent is not running. Even though open seat contests historically were more competitive, we found that after term limits open seat races are less competitive than they were previously. Using national data for state legislative elections from 1988 through 2010, we confirm that open seat elections (those without an incumbent running) are indeed more competitive, measured by the size of the margin of victory for the winning candidate.⁶ But open seat elections in term-limited states are not as competitive as are open seat races in non-term-limited states. The average margin of victory in open-seat elections in term-limited states is six percentage points larger (less competitive) than in non-term-limited states.⁷

Moreover, incumbents are safer than they were before term limits—at least for their brief tenure in office. During the brief period that a term-limited legislator can run as an incumbent, he or she has about a 10 percent larger advantage than pre-term-limits incumbents had. That means that as long as they are legally able to run for reelection, Michigan’s state legislators can be more confident than their pre-term-limits predecessors were of winning reelection. When incumbents run after term limits, the election is less competitive.

After term limits, open seats are less competitive and incumbents are safer.

After term limits, open seats are less competitive and incumbents are safer. Yet, open seats are more numerous with term limits. In the aggregate, this increase in the number of open seats offsets the larger post-term-limits incumbency advantage and reduces the average margin of victory. But, to claim that this produces electoral competition is misleading. Term limits reduce the victor’s margin of victory somewhat, but this often just means that a huge margin of victory is a little smaller, but not competitive in the sense that the outcome is a surprise.

Electoral Competition Measured as Choice among Viable Candidates

Is a smaller margin of victory the best way to define a competitive election? An alternative definition is that either candidate might plausibly win in a competitive election. Some districts are drawn to be very safe for one political party—not competitive at all. In addition to whether the seat is open or not, we need to consider separately safe districts and those with partisan competition, especially in an extremely gerrymandered state like Michigan. To do this we first define a competitive district as one with a 20 percent or smaller difference in the strength of the two major political parties.^c Although many districts classified as competitive using this criterion will not produce nail-biter contests decided in the small hours of the morning, it is conceivable that either major political party candidate could win, especially if things like turnout or scandals or coattails at the top of the ticket help them.

In highly gerrymandered states such as Michigan⁸, primary elections often provide the only real opportunity for voters to choose among viable candidates. Therefore, the effects of term limits on primary elections were examined. First, when an incumbent runs, the combination of district competition and term limits does not

^c To assess this we used estimates of district party strength compiled and published regularly in Inside Michigan Politics (Ballenger). Ballenger bases his calculations on a rolling average of the votes cast for the partisan positions at the bottom of the ballot, (e.g., State Board of Education and university governing boards).

change the number of candidates in primary elections. If an incumbent is running, about 1.5 candidates run in the primary regardless of district competition or term limits. But, when the seat is open, district competition and term limits do affect the number of candidates voters can choose among. Before term limits, when the seat was open in a competitive district, voters had an average of 3.4 candidates to choose among compared to 2.5 candidates after term limits. This decrease of nearly one candidate per primary election reflects the fact that after term limits more voters in highly competitive districts confronted one hand-picked primary candidate when the seat was open. Before term limits, 11 percent of open seat primary elections leading to a competitive general election featured only one candidate. This increased to 36 percent after term limits. Voters are three times more likely to have only one candidate to “choose” from in their preferred political party’s primary election after term limits, if they vote in a district with a competitive general election.

On the other hand, if the seat is open but the district is drawn to be safe for one political party, voters have more choices in the primary election after term limits; an average of 3.0 candidates compared to an average of 2.7 candidates before term limits. Here again averages mask interesting patterns. Some especially safe districts attract large numbers of candidates—as many as 17 candidates within the same party primary.

Term limits magnify the differences between elections in competitive districts and elections for safely partisan seats. The primary elections leading to a competitive general election rob a political party’s voters of choices in the primary, but the party’s hand-picked candidate in the competitive general election has a chance of winning. In primaries leading to general elections in which one party is virtually guaranteed victory, can-

didates flock to the primary. When this happens, a small faction of voters (sometimes those with extreme views held with great fervor) can nudge their chosen candidate to victory by a few hundred votes (or less). The primary election winner’s victory in the general election is a foregone conclusion in this safe district, typically even in the event of scandals or other revelations. This sometimes produces general election victories by extreme candidates (the David Dukes of the world) or those with shady financial ties or those with close ties to special interests. In office, these legislators do not need to respond to voters throughout the district—only to that small faction that they count on to win the primary election. The contest that counts is the primary, and primary turnout is typically about 20 percent of registered voters. Therefore, extremely safe seats with multi-candidate primary elections slice and dice the small fraction of voters who show up. Victors can win with five percent of the district’s eligible voters or even less sometimes. The principal source of this

problem is gerrymandering, but term limits exacerbate this problem by producing more open seat contests in safe districts, which are especially vulnerable to these dynamics.

Do term limits increase electoral competition? We say yes and no, and it depends

on the definition of competition and the nature of the district. If we just look at margins of victory in general elections, incumbents are safer and open seats are more numerous, but less competitive than they were before term limits. If we consider voters’ opportunities to choose among viable candidates, then we need to consider primary elections as well as general elections, and the partisan competition in the district. In post-term-limits primary elections, it’s a “Goldilocks” problem of too many candidates in safe districts and too few candidates in competitive districts.

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Representing Voters

Responding to voters is fundamental to representative democracy. Not surprisingly, term limits ballot campaigns discussed whether the new breed of term-limited legislators would be more or less responsive to the views of their voters. This is an especially hard question to explore because there is substantial disagreement among voters, politicians, political scientists, and just people generally about whether legislators should act on behalf of voters using the knowledge gained through committee hearings and other parts of the job (a Burkean trustee) or whether they should reflect the views of voters based on public opinion polls, town hall meetings, petitions, and appeals from constituents (a delegate). Term limits proponents even disagreed about whether the new breed of legislator would be trustees, voting for what they think benefits their voters, or whether they would faithfully carry out voters' expressed wishes (delegates).

One way to examine a legislator's approach to representation is to ask them about what they typically do and another way is to compare their voting record with the ideological tilt of their district's constituents. We used both of these methods.

When legislators were asked how they balance their own judgment with that of their constituents their most common response was, "it depends on the issue." Term limits did not change this. When legislators' voting records were compared with the partisanship of their district, after term limits legislators from both political parties became more extreme than their constituents. Compared to their predecessors, Democrats became more liberal and Republicans became more conservative. Given the current level of partisan polarization nationally, that's hardly surprising, but we limited our analysis to the 1992 district maps, the one in place

when term limits expelled the first cohort of veterans from the House. This map was not changed until 2002, so we have the same district boundaries for one pre-term-limits session (1997-98) and two post-term-limits sessions (1999-2000 and 2001-02). Thus, we could compare pre- and post-term-limits voting within the same district boundaries. In 1997-98 the ideological gap between Republican representatives and their voters averaged 19.6 percent, and this gap for Democratic representatives and their voters averaged 10 percent. With the advent of term limits, the gap between the roll call votes of Michigan representatives and the partisan viewpoint of their voters expands by about five percentage points for each political party. In the 2001-02 session, Republican representatives' voting records average 25 percent more conservative than their voters, and Democratic representatives' voting records average 15 percent more liberal than their voters.

The three states with the largest ideological gap between the major political parties in both chambers are all term-limited states. Michigan has the fourth most polarized upper chamber and 11th most polarized lower chamber.

Not only does this mean that representatives became less responsive to constituents after term limits, it also means that the chamber became more polarized. The three states with the largest ideological gap between the major political parties in both chambers are all term-limited states (California, Arizona,

and Colorado).⁹ Michigan has the fourth most polarized upper chamber and 11th most polarized lower chamber. Of course there are many reasons that state legislatures are polarized, not the least of which is the gerrymandering of voters into extremely homogenous districts and the widening divisions in society. Even though the country was less polarized from 1998-2001, political parties in Michigan moved away from each other and importantly away from their voters after term limits. This appears to be consistent with other term-limited states.

Changes to Legislators' Behaviors in Office

Advocates promised that the new breed of term-limited legislators would act differently than their entrenched predecessors. Legislators are supposed to perform a lot of different tasks ranging from monitoring the implementation of state programs to helping constituents who are having problems with state rules and laws. They have to decide how to allocate their time and effort among these tasks. After term limits, we found a lot of continuity, but also some noteworthy changes in how legislators allocate their time. Many of the changes in behavior reflect the biggest change we found—increased political ambition among term-limited legislators. That is, term-limited legislators spend more time on electioneering activities.

In the lower chamber, the proportion of legislators who said that they planned to run for another office when they were termed out rose from 48 percent before term limits to 71 percent afterward. So, slightly fewer than half of the veterans who were termed out wanted to continue running for public office, while almost three-quarters of the legislators who replaced them did. And after term limits, roughly half of the respondents said that the reason they ran for state legislature was as a stepping stone to another political office. These career aspirations appear to affect how legislators allocate their time among the many facets of the job, as we discuss shortly.

The job of a legislator is much more complex than many voters realize. Indeed the demands of the job seem to surprise some newly elected officials. To find out whether term limits change the tasks legislators prioritize, we asked them to tell us how much time they spent on each of 11 tasks: 1) studying legislation, 2) developing new legislation, 3) building coalitions in their own party to pass legislation, 4) building coalitions across party lines to pass legislation, 5) monitoring state agencies, 6) talking to voters, 7) attending meetings in the district, 8) helping voters with problems, 9)

getting resources for the district, 10) fundraising, and 11) attending events in the state capital.^d Given the differences in district size between the House and the Senate we analyzed these tasks separately for each chamber. Interestingly, we found fewer changes in the House than we did in the Senate, which suggests that the shifts we found are institutional changes in the job.

In the House, the top three tasks before and after term limits are the same: 1) talking to voters, 2) attending meetings in the district, and 3) helping voters with problems. In the Senate, talking to voters receives more attention from post-term-limits senators, but the other two top priorities, helping voters with problems and attending events in the district,

were the same before and after term limits.

The three least popular tasks in the House and in the Senate were also the same before and after term limits: 1) attending events in Lansing, 2) monitoring state agencies, and 3) fundraising. Despite this aversion to fundraising, campaign costs seem to rise in both chambers after term limits (as is discussed in more detail below). Even

with the resources provided by the Auditor General's office, Michigan's legislators do not do much oversight of the executive branch or of state contracts, a task that is fundamental to our system of checks and balances between branches of government. But term limits can only be accused of making a bad situation worse.¹⁰

Shifts in the priority placed on a couple of mid-range tasks are quite interesting. Building coalitions across party lines to pass legislation is a lower priority task

Term-limited legislators spend more time on electioneering activities...after term limits, roughly half of our respondents said that the reason they ran for state legislature was as a stepping stone to another political office.

^d We used a response scale, ranging from none to an enormous amount, to measure effort on these tasks. We normalized the scores for each legislator by comparing his or her time on each specific task to his or her average time for all the tasks. This adjusts for enthusiastic respondents who spent "an enormous" amount of time on almost everything and more modest legislators who said they spent some or a little time on nearly everything, but an enormous amount on just one or two.

after term limits for both representatives and senators. The decline in the priority placed on this is slightly larger in the Senate than in the House, but it drops from an average priority task to a low priority task in both chambers. This is consistent with our earlier discussion of party polarization in the chamber. And again, we note that this does not bode well for ending gridlock in Lansing—one of term limits proponents' optimistic promises.

Building coalitions across party lines to pass legislation is a lower priority task after term limits for both representatives and senators.

The pre-term-limits Senate, but not the House, appears to have been the place where a lot of bills were developed. The priority senators place on developing new legislation decreases after term limits, but the priority they place on studying new laws increases. This could suggest that more bills are developed outside the chamber, potentially by lobbyists or interest groups. This pattern, which has been discussed elsewhere, is consistent with responses by legislators that they spend their time studying bills rather than developing them.¹¹

Getting resources (often called pork or bacon) for the district is a task on which post-term-limits representatives, but not senators, place a higher priority. Campaigning for reelection on these projects is a time-honored tradition. Given many term-limits proponents' aversion to reelection seeking behaviors, one suspects that they are not pleased by the increased pork-seeking

in the lower chamber—the chamber in which almost all the sitting legislators plan to run for another office.

Not surprisingly, we found that politically ambitious legislators spend more time than their less ambitious colleagues bringing home money and projects to their district, as well as doing things that are typically associated with election seeking: talking with voters and attending meetings in the district. More interestingly, they spend less time than their less ambitious colleagues on four activities: studying legislation, developing new legislation, building coalitions across party lines to pass legislation, and attending events in the state capital. With the surge in political ambition among term-limited legislators, their changing behavior is a major impact of term limits. It appears that politically ambitious legislators do not focus on legislating (a.k.a. fixing state problems), prioritizing retail politics instead.

Legislators who prioritized the welfare of the state as a whole spent more effort on some tasks. Among these are monitoring state agencies and building coalitions both with their own party and across party lines to pass legislation. Rather than governing, Michigan's post-term-limits legislators (especially in the House) concentrated their energy on running for their next office. Some of Michigan's ongoing problems, such as road quality, educational achievement, and revenue sharing with local municipalities, seem to reflect this post-term-limits emphasis on electioneering.

The priority senators place on developing new legislation decreases after term limits, but the priority they place on studying new laws increases.

Information Gathering

Some issues that legislators vote on are technically complex, others are politically complex, and still others involve high levels of uncertainty. Take, for instance, the issue of setting a price for logs on the bottom of the Great Lakes—an issue legislators tackled in 2000. These old growth logs sank decades ago during the lumber boom in Michigan. They are very valuable because the grain in the wood is much finer due to the density of virgin forest. If legislators set the price too low, Michigan’s citizens and government lose potential revenue; if they set the price too high, private interests that raise these logs will not make enough profit to try to raise the logs, and Michigan will receive none of this potential revenue. This is not an issue that legislators are likely to know a lot about. We wanted to know what sources of information they rely upon most when they confront difficult issues like this, especially after term limits when their colleagues are also unlikely to be experts on obscure and complex issues.

Information needs differ when the details of the bill are hammered out during hearings with testimony and witnesses, as opposed to during floor votes with little or no debate when amendments may be introduced without time to examine the details. State legislators rely upon different types of information at different stages of the legislative process.¹² To explore legislators’ information gathering we asked two sets of questions: 1) a pair of questions about hypothetical floor votes and 2) a series of questions about specific sources legislators might have consulted about a difficult decision made in a committee.

Information Gathering During Floor Votes

In some states, all bills receive a floor vote, but with a recommendation from the committee members. In Michigan, majority support in a committee is almost always needed for a bill to proceed to a floor vote, but it is not sufficient. Even with committee support, a Speaker can refuse to hold a floor vote. So floor votes imply support from the chamber’s majority party leaders.

To explore consulting or information gathering during floor votes, we picked two issues that we thought would arise repeatedly throughout our study: one politically salient issue—school choice—and one technically

complex issue—licensing and regulating health care professionals. Research indicates that consulting tends to differ based on the complexity and political salience of issues, so we anticipated that information gathering on these two issues would differ. We also asked about all the sources legislators consulted and then asked which was the most important. We discuss only the most important sources here in the interest of brevity: colleagues, interest groups, and local sources.

...for school choice, a politically salient issue, interest groups appear to become more influential sources of information after term limits, local sources appear to lose influence in the Senate, and colleagues appear to be less important sources of information in the House.

We found in general that for school choice, a politically salient issue, interest groups appear to become more influential sources of information after term limits, local sources appear to lose influence in the Senate, and colleagues appear to be less important sources of information in the House. More specifically, local sources were mentioned by the largest proportion of representatives and senators as their most important source of information about school choice prior to term limits. In the House, local sources retain their position as the most important sources of information on this issue after term limits, but in the post-term-limits Senate, local sources on school choice cede their first place position to organized groups and lobbyists. This reflects lost access for local sources and sizeable gains by organized groups and lobbyists among the post-term-limits Senate cohort. In the House, organized groups and lobbyists are also named more often as the most important source of information, but the post-term-limits increase is smaller, which doesn’t displace local sources.

Before term limits, a sizeable proportion of representatives said that their most important source of information on school choice would be a colleague. After term limits fewer representatives said a colleague would be their most important source, if they confronted a floor vote on school choice. Although senators are less likely than representatives to rely on colleagues, this is not changed by term limits. Therefore, we see the post-term-limits shift in the House as an effect of newness among representatives. They are not familiar enough with their colleagues to turn to them when they need information quickly. Post-term-limits senators, on the other hand, have more experience serving together, given their history in the House, and are more likely to know whose information to trust and rely upon during floor votes. So, their tendency to turn to colleagues is not affected by term limits.

For licensing and regulating health care professionals, the technically complex issue, we found that there is not much change in the House. But, once again, in the Senate organized groups gain influence, while local sources lose influence.

When legislators in either chamber need information about this technically complex issue they frequently turn to a colleague as their most important source of information. This pattern is stable in the House after term limits, probably because there were a handful of legislators elected after term limits who have prior experience in health care and related fields (e.g., doctors, nurses, nursing home operators). More post-term-limits senators say that colleagues are their most important source of information about licensing and regulating health care professionals. In the Senate colleagues and interest groups seem to replace local sources of information.

Information Gathering during Committee Deliberations

To examine information gathering during committee deliberations, we asked our respondents about a specific committee on which they served and then asked them to name the most difficult issue that committee had seriously considered during the two-year term. Then we asked to what extent they relied upon 16 specific sources for information about this issue.^e In the fol-

lowing discussion, we combine these 16 sources^f into three broad categories^g: 1) those inside the chamber (inside sources), 2) those in the district, such as voters and key local officials (outside or local sources), and 3) the mid-range sources that interact regularly with legislators in Lansing, but who are outside the chamber (interest groups and bureaucrats for example).¹³

Legislators in both chambers rely upon mid-range sources the most for information during committee deliberations. This is not likely to please term-limits proponents, and it certainly does not fulfill the promises they made voters. This category comprises: 1) organized groups and lobbyists, 2) partisan staff, 3) state agency staff, and 4) nonpartisan staff. The pattern of information gathering during Senate committee deliberations changes a lot more than it does in the House. This indicates an institutional or structural change rather than simply an effect of newness, which is the logical explanation for changes we found in the House. Reliance on the state agency staff (bureaucrats and gubernatorial appointees) increases the most in priority during committee deliberations in the Senate after term limits. However, even with these gains, partisan staff and interest groups are consulted more than state agency staff in the post-term-limits Senate.

During committee deliberations, legislators in both chambers rely on these sources the most for information:

- 1) organized groups and lobbyists,
- 2) partisan staff,
- 3) state agency staff, and
- 4) nonpartisan staff.

that respondent's average over all 16 sources. So the resulting information tells us which sources were relatively more or less important to the respondent rather than assessing the amount of information gathered from a source.

^f The sources include the party caucus and its leaders, committee chairs and members, other colleagues in each legislative chamber, state agency staff, partisan staff, two nonpartisan staffs, the executive branch, three categories of local sources, organized groups and lobbyists, and national associations.

^g Our book discusses changes in individual sources in much greater detail.

^e Because we were asked about different committees and different issues, we normalized the responses by dividing the extent to which a respondent relied on a particular source by

Post-term-limits senators display an aversion to local or outside sources of information during committee deliberations. This reflects their tendency to rely less on advisors in the district and key local officials (e.g., mayors or school superintendents). Post-term-limits representatives rely a bit more on these local sources, but they still do not turn to them anywhere nearly as often as they turn to mid-range sources such as interest groups and partisan staff.

Mid-range sources are the ones that senators and representatives rely upon the most for information that they need when considering a difficult issue during committee deliberations both before and after term limits. These mid-range sources are ones that are sometimes accused of being part of the swamp or establishment that term limits proponents railed against.

Yet, the biggest change we found was increased use of these sources among post-term-limits senators.

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Chamber Leaders and Committee Chairs

Many voters think of a legislature as an egalitarian assembly of independent agents each equally empowered to influence policy and represent their constituents' views. This is a myth. Legislatures at best resemble competing teams, at worst warring gangs. And even within each team or party caucus, there is a hierarchy. Just as the coach calls the plays and determines the lineup, the elected caucus leaders and committee chairs have prerogatives that let them direct the other players, but it takes a lot of leadership skill to use these powers without undermining caucus cohesion. It is one thing to have a few rookie players on a team, but an entirely different situation to have a new coach directing a rookie quarterback who steps in during a playoff game. That is what term limits effectively does with respect to chamber and caucus leadership.

Chamber Leaders

Chamber leaders, such as the Speaker, Majority Party Leader, Minority Party Leader, and so on, are elected by other the legislators in each chamber. These are party-line votes, and in Michigan they occur when Representatives and Senators select their leadership teams in closed caucuses shortly after the November election. In other words, in a term-limited chamber with lots of newcomers, many legislators vote for colleagues that they have never worked with and do not know very well.

With high turnover in the House, the majority of the Representatives electing a House Speaker are newcomers who are largely unfamiliar with the candidates. Those leaders are officially selected in ceremonial floor votes on the first day of session in which the candidates are unopposed and received unanimous votes.

In Michigan, the Speaker of the House is incredibly powerful. That person assigns representatives to committees, decides what bills to send to which committees, and decides whether to schedule a floor vote for a bill voted out of a committee. In other words, if a Speaker does not want a bill to pass, it is dead on arrival. And often if the Speaker really wants a bill to pass, he can move it to a "friendly" committee if the committee with jurisdiction over the bill will not vote for it. Moreover, the Speaker controls the caucus financial resources available for election and reelection campaigns, so he can decide how much money to give caucus members for their reelection campaign. Therefore, the Speaker can reward or punish members of his caucus if they do not vote for a bill he wants to see passed. In other words, the Speaker of the Michigan House controls the chamber and his caucus. So a newly elected legislator's vote for Speaker has consequences. Therefore, it is important to understand how newcomers decide who to vote for in these party leadership contests.

Prior to term limits, legislators sought leaders with knowledge and intelligence, and they also considered a leadership candidate's political philosophy in deciding who to support. After term limits, newly elected House members want decisive and assertive leaders. It appears from our analysis of leadership styles, (coach, commander, or coordinator), that experienced legislators are more wary of the commander style—the one that stresses decisiveness and assertiveness. This is reinforced by comments from several of our interview respondents, who expressed buyers' remorse about their choice of caucus leaders. Another difference we found was that after term limits, term-limited legislators in both chambers, but especially the Senate, sought leaders who could enhance the reelection prospects of the caucus.

Who has Influence?

This preference for more decisive and assertive leaders is reflected in the pattern of influence that we found in the Michigan House after term limits—leaders gained influence. The interviews asked legislators who they considered to be the most influential members of the chamber and those questions were followed up with questions asking what makes someone influential in a legislature. The number of people named as influential in the chamber decreased after term limits. And most of this decline is in the rank-and-file legislators, those who do not hold a caucus leadership position. Prior to term limits, 69 percent of the representatives who were named by their colleagues as influential did not hold leadership positions. After term limits were fully implemented in the House, this dropped by 10 percentage points. Pre-term-limits legislators attributed the influence wielded by these rank-and-file colleagues to their knowledge and expertise, but also stressed that these were honest brokers to whom one could turn for information on key issues or for political advice.

After term limits, holding a formal position of authority (what is sometimes called legitimate influence) increased influence by nine percentage points among representatives and by 24 percentage points among senators. In the House, expertise as a source of

legislators' influence was mentioned by 15 percent fewer representatives after term limits, and experience in government was mentioned by 24 percent fewer senators after term limits. So the number of influential rank-and-file colleagues decreased, and also the reasons for their influence changed.^h

After term limits, influence is more concentrated in the hands of leaders and those holding formal positions in the chamber hierarchy. It is important to note that work in social psychology indicates that concentrating control in fewer hands makes an organization less effective.¹⁴ Widely shared control in organizations was correlated with their greater effectiveness generally. Extending this to legislative organizations suggests that the problem solving capacity of Michigan's legislature is likely to be lower after term limits than it was before due to the concentration of influence in a few hands.

The distribution of control and influence is more concentrated in fewer hands, which has been shown to reduce organizational effectiveness.

Not only are rank and file members less influential, but committee chairs struggle to establish some authority over the work of their committees. We found that, after term limits, the Speaker steps in and takes over from committee chairs if they are unable or unwilling to pro-

duce the results the Speaker wants. Our respondents, especially senators, said that conflict in committees increased. And in the House, more respondents after term limits said that chairs used coercion to control the work of committees, and more legislators in both chambers described committee chairs as autocratic.

The public perception of policy debates among equals that allow their district's representative or senator to influence the outcome was always inaccurate. Legislatures are hierarchical organizations of specialized subunits. But in the post-term-limits era, the shared decision making model of a legislature is even less plausible. The caucus leaders call the shots, and the Speaker of the House has a lot of control over the policy decisions in the chamber. The distribution of control and influence is more concentrated in fewer hands, which has been shown to reduce organizational effectiveness.

^h Other changes in the source of legislators' expertise are described in greater detail in our book.

Relationships between the Legislative and Executive Branches

Government in the U.S. is grounded in a system of checks and balances between three co-equal branches of government. Michigan's governor is institutionally powerful with prerogatives that check the power of the legislature. Michigan is tied with Massachusetts for the 5th most powerful governor in the country, even though Michigan's governor is term limited.¹⁵ Against these powers the Michigan Constitution gives the legislature the power of appropriation to control the use of financial resources; the power to review and suspend administrative rules; the ability to appoint an auditor general with the authority to investigate financial transactions in all branches of state government; and the power to conduct investigations into the actions of the executive branch.

After term limits, the legislature appears weaker than the executive branch. Civil servants—professionals who often have years of experience—form the backbone of the executive branch. Although the legislature is supposed to exercise oversight over the executive branch (i.e., monitor the work of civil servants in state agencies and commissions), we found that after term limits many of our respondents did not realize that this was their responsibility. Moreover, some even disputed the idea, saying that they could not interfere with the work of the executive branch. The governor, according to these legislators, was solely responsible for monitoring the work of state agencies. This response occasionally surfaced among pre-term-limits legislators, but it became more prevalent afterward. Even before term limits, legislators reported that they spent very little time or effort monitoring state agencies, but after term limits

this fell even further, making a bad situation worse.

Committee chairs should be actively involved in scheduling hearings at which state agency officials are grilled about the way they implement programs and policies in the state. As part of our research, we listened to hearings prior to term limits in which bureaucrats from the Department of Natural Resources (DNR) were grilled about turkey habitat maintenance and about long lines that occurred when the department changed its procedures for selling hunting licenses. While the legislature has not completely abdicated its oversight role for the Flint water crisis, the Flint Water Advisory Task Force appointed by Governor Snyder

played a more significant role in assessing factors that led to the crisis and recommending positive actions that could avoid such a crisis from occurring again.¹⁶ Similarly, the legislature has taken a relaxed role in oversight of the dumping of dioxin into the Tittabawasee River even as, according to an Associated Press story (2007) “. . . top management

of the Michigan Department of Environmental Quality (DEQ) worked hand-in-glove with the Dow Chemical Company to craft the agreement.” This occurred “[d]espite outrage by citizens, contradictory advice from DEQ’s own technical staff, and recommendations from the EPA to slow down.”¹⁷ Monitoring activities of executive branch agencies is too important to ignore. Especially after term limits, not enough oversight has been happening in Michigan. People’s lives, livelihood, and welfare depend on a legislature willing and able to ride herd on the executive branch.

Although the legislature is supposed to exercise oversight over the executive branch, we found that after term limits many of our respondents did not realize that this was their responsibility.

Recap of Findings

Overall, term limits have increased turnover and correspondingly produced more open seat elections for Michigan's legislature and more new faces in Lansing. With an influx of newcomers, term limits also reduced the experience and knowledge of legislators. They catapult freshmen into committee chair positions and reduce the amount of influence legislators derive from their expertise. They concentrate power and influence in the hands of legislators who hold formal leadership positions in either the party caucuses or the committees.

The executive branch and state agencies gained autonomy and power as legislators prove less interested in and less able to monitor the work of state agencies and the implementation of state programs. This means that legislators exercise less restraint over the service delivery apparatus. Interest groups have been the other winners. These groups more actively recruit candidates to run for the legislature and provide information and guidance to legislators on issues. The biggest losers appear to be local officials, who once were a more important source of information and guid-

ance to legislators on issues and on how bills would affect local communities.

Voters might also be losers given that legislators' voting records are less closely aligned with the partisan preferences of their constituents. Legislators, who are much more politically ambitious after term limits, use the state House especially as a stepping stone to other political positions. This means that legislators concentrate their time and energy on electioneering activities such as bringing resources and benefits to their district rather than developing new legislation to address statewide needs and problems. The focus is on short-term gains and fixes because politically costly solutions to problems might undermine legislators' plans for their next political office. So, problems are more likely to be kicked down the road for someone else to deal with rather than making tough choices now. Delaying tough decisions is especially useful politically when term limits are short because interim fixes can hold until a legislative cohort leaves office.ⁱ

Have Term Limits Helped or Hurt Michigan as a Whole?

It is difficult to assess how term limits have affected Michigan as a whole because of the economic and cultural changes that have coincided with the advent of term limits in the state. Since the first cohort of term-limited legislators had their service terminated in 1998, Michigan's economic status relative to the rest of the nation has diminished substantially. Michigan has gone from above average in per capita personal income to below average. The combination of Michigan's single state recession in the first decade of this century followed immediately by the impact of the Great Recession of 2007-09 made governing difficult at all levels.

But it was in the term-limits era that Michigan has gone from a high tax state to a low tax state. Ill-timed tax cuts combined with Michigan's economic contraction forced cuts to services and left few resources to invest in infrastructure. As a consequence, Michigan has gone from a high quality of life state (17th highest in 1999) to a low quality of life state (41st in 2013), consistently ranking among the 10 worst states from 2007 to 2013.¹⁸

Two areas of state spending illustrate how Michigan's economic fortunes and the functioning of the legislature relates to the state's declining quality of life. After term limits, local governments and higher education suffered greater declines in state funding than other service areas. Although previous Michigan legislatures have cut appropriations to these areas in periods of economic contraction, the extent and persistence of the cuts do not compare with the precipitous cuts after term limits. Prior to term limits, legislators made minor cuts to higher education funding during the recessions in the late 1980s and early 1990s, but from 1994 to 2001 state funding was fairly stable as a percentage of university operating costs.¹⁹ From 2002 to 2012, cuts to higher education were steep, and this has made higher

i For example, see the discussions of the transportation funding package and economically triggered income tax rate reductions in the Citizens Research Council of Michigan's 2017 report, *Challenges Ahead in Balancing the State Budget*, <https://crcmich.org/challenges-ahead-in-balancing-the-state-budget/>

education less accessible to state residents precisely when the economy favors more educated workers.

Following a similar pattern, revenue sharing payments to local governments rose from 1994 through 2001, but coinciding with the advent of term limits, the dollars available for sharing state sales tax revenue with local governments fell dramatically from 2001 to 2011.²⁰ This contributed to local infrastructure problems and public safety cuts throughout the state. It has thrown several local governments into financial crisis. In the decade from 2002 to 2012, Michigan was the only state in the nation that decreased its spending on municipal governments and the services they provide.²¹ The lost revenue reduces the payroll in local municipalities for police, fire, and infrastructure maintenance, as well as other basic services. Local governments appear to be big losers under term limits, which is consistent with legislators' shift away from key local officials as a source of information on issues.

Compared to the 1990s, Michigan, after 1998, looks like a state in decline. But how much of Michigan's plummeting quality of life, municipal government distress, and contracting access to higher education can be attributed to term limits? Three factors may implicate legislative term limits. First, with a term-limited legislature, there is a desire to delay hard decisions until a legislator is out of office (kicking the can down the road). Second, there is an increase in partisan polarization. Finally, Michigan's term-limited legislators are much more politically ambitious than were their predecessors.

Today's term-limited legislators can be criticized for policy decisions that defer unfavorable changes until after their terms expire. One need only drive on our state and local roads to experience the effects of decisions delayed. The inclination to tolerate deteriorating public infrastructure is clearly not unique to term-limited legislators such as Michigan's, but, according to the 21st Century Infrastructure Commission Report,²² Michigan's

road conditions are poor and have gotten worse in the past two decades. The Commission's report makes clear that we are underfunding our roads more than most other states. When legislators attempted to tackle this issue, the 2015 road funding package they crafted deferred several aspects of revenue generation until that cohort of legislators is term-limited from office. It is likely that term limits exacerbate the fairly common propensity to engage in governing by avoiding problems.

Part of Michigan's tendency to delay action arises from its boom and bust economy. Legislators await the next economic surge that will restore state coffers rather than taking action to improve the state's resources. The comparison of Michigan's post-term-limits status to its pre-term-limits status suggests that it previously coped more effectively with its cyclical boom and bust economy. Governor Snyder, whose accounting background motivated him to pursue some level of fiscal responsibility, has battled

...with a term-limited legislature, there is a desire to delay hard decisions until a legislator is out of office (kicking the can down the road). Second, there is an increase in partisan polarization. Finally, Michigan's term-limited legislators are much more politically ambitious than were their predecessors..

throughout his two terms to convince the legislature to improve the fiscal health of the state, only to encounter resistance and reluctance from his legislative co-partisans. Progress has been grudging, however. Many back steps and missteps championed by both the executive and legislative branches further jeopardize Michigan's ability to fund essential services that would improve its attractiveness to residents and businesses.

A competing explanation for the problems Michigan faces is that the epidemic of partisan polarization sweeping the country, rather than term limits, constrain bipartisan policy making in Lansing. Clearly political polarization has become increasingly problematic nationally and in many non-term-limited states, contributing to gridlock and to persistent reelection-seeking behavior. Campaigns never end. But recent research using national roll call voting data demonstrates that term-limited states, including Michigan, have become more polarized than have non-term-limited states. To the extent that partisan polarization explains the dif-

faculty elected officials have with governing and making tough choices, then the term-limited states are afflicted more severely than is the rest of the country.²³

As was documented, term-limited legislators are much more politically ambitious than were their pre-term-limits counterparts. Contrary to the selling point that term limits would rid government of career politicians, term-limited legislators are more driven by electioneering concerns than their predecessors. Rather than focusing on electioneering activities that could help with reelection to their legislative seats, term-limited legislators' electioneering activities are focused on moving up (from the House to the Senate or from the state legislature to Congress) or down (to county commissions, city councils, or other local government elected positions).

The implications of this are that term-limited legislators have chosen, consciously or subconsciously, to forego many activities that are less glamorous or politically appealing. Attending meetings with constituents and helping voters with problems (while important and admirable) take precedent over the information gathering that allows members to become experts on the subject areas for the committees they sit on. Oversight of executive branch activities take a back seat to fundraising and building relation-

ships with special interest groups. If the goal of term limits was to "drain the swamp," instead they seem to have made the crocodiles hungrier.

In a sense, legislating before term limits allowed legislators to bank political capital that could be cashed in when difficult votes were needed. Michigan's brand of term limits ended the ability of legislators to amass political capital. Legislators' preference for electioneering saps their support for policies that lack immediate political appeal. And with their heightened attention to electioneering and their limited ability to amass political capital, term-limited legislators resist taking these hard votes.

It appears that Michigan's exceptionally short tenure in office increases political ambition, which fuels partisanship, and enables legislators to kick the can down the road for the few years that they are in office.

In the real world it is impossible to isolate the effects of term limits from a host of other factors that might explain legislators' decision about Michigan's state government, but it is fairly clear that term limits have accentuated pre-existing propensities in the Michigan Legislature that heightened those problems. It appears that Michigan's exceptionally short tenure in

office increases political ambition, which fuels partisanship, and enables legislators to kick the can down the road for the few years that they are in office. Voters would be wise to lengthen the limits to ameliorate the negative effects of term limits in Michigan.

Should Citizens Change Term Limits?

Term limits remain popular with citizens. According to the State of the State Survey conducted by Michigan State University, in 2008, 70 percent of respondents that they asked about term limits approved of them. Therefore, a ballot proposal to eliminate term limits is unlikely to succeed. Faced with this conundrum in the states that used to have the same stringent limits that Michigan still has (Arkansas and California), term limits were modified through citizen initiatives. Michigan is the sole remaining state with a six-year limit on its lower chamber. In California, citizens changed the limits so

that legislators can serve 12 years at most in one chamber only or any combination of service in both chambers that totals 12 years. California's total combined service is two years shorter than the previous 14 years of service consisting of six years in the lower and eight years in the upper chamber. In Arkansas voters adopted a similar modification, but voters did not reduce the total years of service when they lifted the requirement to move to the other chamber. Arkansas' legislators can serve a total of 16 years in either chamber or any combination of years in either chamber that totals 16 years of service.

This approach of limiting the aggregate time in the legislature without specifying limits for each chamber has great advantages that should be considered for Michigan. First, one of the major impacts of term limits is the waves of newcomers in the lower chamber who face a stiff learning curve without a cadre of seasoned veterans to mentor them. As we described earlier in this discussion, this leads them to rely more heavily on people in Lansing with more experience—lobbyists and state agencies. This is precisely what our evidence demonstrates when we examine who legislators consult for information and guidance on difficult issues and floor votes.

Second, extremely short term limits, such as Michigan's, mean that freshman legislators in the lower chamber serve as committee chairs without any experience working as a member of a committee. An experienced chair is more likely to understand the various facets of an issue and to have the leadership skills to resolve disputes among committee members using positive management strategies. Our research demonstrates that, especially in the House, newcomers are more autocratic chairs than their veteran predecessors were. They suppress dissent rather than working across the aisle to craft legislation that serves the needs of the state as a whole. Indeed, in the House, legislators appear to learn how to negotiate and compromise with the other party just about the time they leave office after six years in the House. With more time in the lower chamber, Michigan's legislators might reverse their post-term-limits drift toward polarization.

Finally, chamber leaders are exceptionally powerful, and their jobs are highly complicated. Often in the lower chamber they serve a mere two years (one term) before they run for and win the Speakership. Their newly elected colleagues have little information upon which to base their votes. In the post-term-limits era, no one who served as Speaker in the House has gone on to become a leader in the Senate. So both chambers are led by people who are unseasoned leaders. As we point out in our book, there are three very general approaches to leadership: coach, coordinator, and commander. After

term limits, legislators arrive seeking a commander, but quickly learn that a legislature, in which members are supposed to represent a diverse population, benefits more from coaches or coordinators who integrate divergent perspectives. More veterans appear to value these two leadership styles.

By allowing representatives to remain in the lower chamber rather than forcing them to shift to the Senate, it would be possible for a Representative to serve on a committee, developing knowledge of the issues under that committee's jurisdiction, then shift into a

chair position, and after two or three terms as a chair, run for chamber leadership positions. Not only does this provide leadership candidates with an opportunity to develop their expertise, but legislators could establish a reputation for listening, for being trustworthy and fair, and for being an inclusive leader—all qualities that legislators, especially veterans,

say are reasons to vote for a speaker candidate. Term limits have created governance issues in the states that have adopted them. For Michigan, the issues have become particularly evident because its limits are **too short** to allow talented newcomers to develop their abilities, especially their leadership abilities.

Part-time Legislature

Periodically one hears of other suggestions to fix what ails Michigan's legislature and, more broadly, its government. One of these is to institute a part-time legislature. The underlying rationale for this appears to be that we are so dissatisfied with the inability of our legislature to deal with the problems plaguing our state that we revert back to the term-limits logic of "throw the bums out" by throwing them out of Lansing for part of the year.

There are two problems with a part-time legislature. First, restricting the time that legislators have to learn the job without altering or eliminating term limits is likely to make the legislature even weaker and less effective, exacerbating all the problems described here. Second, further limiting the power of the legislature will

Michigan's governance issues have become particularly evident because its term limits are **too short** to allow talented newcomers to develop their abilities, especially their leadership abilities.

further concentrate power in the executive branch. It is no accident that members of the executive branch advocate for this change. States that have part-time legislatures have stronger governors. After term limits, we found that the legislature did not effectively monitor the executive branch. They were barely able to do this effectively prior to term limits. Our representatives and our senators are supposed to provide a mechanism to help us, as citizens, prevent government officials from ignoring our concerns. They are our conduit for complaints, and they are supposed to check the power of the executive branch. Instead of resolving the current power imbalance that insulates the executive branch, weakening the legislature will simply erode our system of checks and balances even more than term limits already have. A part-time legislature is likely to make our problems worse, not better.

What Else Can We Do?

Two changes to our electoral system could offer some of the benefits that were promised by term limits proponents: reducing gerrymandering and revising our primary elections. Reducing the extent to which legislative districts are gerrymandered has the potential to increase electoral competition more than term limits has. Reducing gerrymandering also might increase the responsiveness of legislators to all their constituents instead of just the small faction that supports them in the primary. Adopting some form of runoff elections for the top vote recipients in the primaries rather than the partisan primaries we currently use could also help increase electoral competition and the likelihood that legislators care about the views of a broader range of voters. Both California and Arizona, two other term-limited states, recently adopted systems that use nonpartisan commissions to draw district boundaries. California also adopted the top-two-open-primary system recently.

The more frequently discussed charge against gerrymandering is that it carves up the district in a way that misrepresents the underlying voting preferences of the population of the state as a whole. Both political parties engage in this practice whenever they have the

opportunity. Two examples currently before the U.S. Supreme Court illustrate parties using redistricting to their advantage—Democrats are challenging the lines drawn by Republicans in Wisconsin and Republicans are challenging the lines drawn by Democrats in Maryland. But gerrymandering and term limits in Michigan interact to produce legislators who rely on a small portion of the electorate to win a primary election and then face no viable competitor in the general election. This is a prescription for extreme candidates or single-issue candidates because they do not face a viable opponent in November.

When there is an open seat in a district that is “safe” for one political party (a result of gerrymandering), candidates flock to the primary in larger numbers. After term limits there are more open seats, so this occurs more often—at least every six years in the House. In those elections, there are sometimes as many as five more candidates. Primary election turnout hovers around 20 percent. If we divide 20 percent of voters among even just five candidates, then slightly more than four percent of the voters in the district can pick the candidate

who will almost certainly win in November. Thus, extremists in both parties or single-issue groups can control the choices of everyone in the district. Because the general election outcome in these safe districts is nearly certain, the legislator who wins the primary must only maintain the support of a small faction in the district to keep winning.

There is no need to consider the concerns and interests of the district more generally.

Changes to the primary election system could reduce polarization and encourage bipartisan problem solving. If Michigan adopted the top-two-open-primary approach, voters would be more likely to confront at least one candidate running toward the middle of the ideological spectrum, which could reduce partisan polarization. This could produce legislators who would be more interested in the views of the entire district rather than just their own political party, or in our current system, some small faction in their own political party. Several southern states use something called a

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jungle primary in which all candidates run against each other and unless one candidate receives more than 50 percent of the vote, a runoff between the top two vote recipients ensues. This system only works if gerrymandering is restricted because in safely partisan districts the top vote recipient would almost always receive more than 50 percent of the vote. So first and foremost, if voters who support term limits really want to increase the responsiveness of the legislators, they need to work to change the current system for drawing district boundaries. Once gerrymandering is

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addressed, then citizens can move toward some less partisan or non-partisan primary election system.

Some general good government reforms might achieve some of the lofty goals citizens were told term limits would deliver. But these reforms are unlikely to ameliorate many of the problems introduced by term limits, which arise from lack of experience and a steep learning curve for

a complex job. For Michigan's legislature to cope with term limits, we will have to provide legislators with more time to learn the job by lengthening their tenure in office.

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