

# Legislative Term Limits and Polarization

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How do legislative term limits affect representation? Proponents' arguments that term limits would reduce partisan conflict and improve the quality of representation have received surprisingly little empirical scrutiny. We argue that term limits increase party polarization by changing legislators' electoral and career incentives, in turn increasing the role of parties in legislative processes. Using panel data on roll call voting patterns from 1993 to 2016, we show that term limits produced systematically higher levels of polarization in state legislative voting patterns by increasing the ideological gap between Republicans' and Democrats' voting records. Consistent with our theoretical account, we further show that term limits had larger effects in more professional legislatures and increased contributions from party committees to legislative candidates. Contrary to the goals of their proponents, terms limits exacerbated the legislative consequences of contemporary partisanship and have implications for understanding how electoral and career incentives affect legislative outcomes.

Contemporary frustrations with gridlock in the US Congress have renewed interest in term limits as a potential solution. For instance, in a debate among candidates for the 2012 Republican presidential nomination, former Utah governor Jon Huntsman declared that “we need a Washington that works. . . . We have a Congress that can't even figure out how to balance the budget. They need term limits” (CNN 2011). Similarly, former senator Joseph Lieberman remarked that Congress “might be healthier and less partisan and less rigid if it turned over more often, and term limits are one way to do that” (Wing 2012). Even sitting members of Congress have expressed support for limiting their own terms in office, introducing legislation in recent congresses to amend the Constitution and limit the number of years served by members of the House and Senate. And in early 2018, Maryland's Republican Governor Larry Hogan proposed an eight-year term limit for that state's legislators (see Carney 2017; Gallagher 2017; Hicks 2018; Shabad 2014).

As the quotes above suggest, proponents of term limits argue that limiting the number of terms legislators can serve would reduce the level of partisan conflict, encourage compromise and cooperation, and improve the quality of repre-

sentation. Consistent with these claims, scholars have argued that term limits would end “politics as usual” (PetraCCA 1991) by producing citizen legislators who are more likely to behave in the public interest (Carey, Niemi, and Powell 1998; Glazer and Wattenberg 1996; Smart and Sturm 2013), more responsive to constituents (Caress and Kunioka 2012; Chen and Niou 2005; Grofman 1996), and less beholden to political parties (Malbin and Benjamin 1992). Other scholars argue, however, that term limits produce more partisan legislatures by reducing legislators' incentives to moderate their behavior, instead choosing to vote with the party over their constituents (Cain and Kousser 2004; Cohen and Spitzer 1992; Masket and Shor 2015; Wright 2007; but see also Titiunik and Feher 2018).

In this article, we study the effects of term limits on legislative behavior in the US states. We argue that term limits increase party polarization by reducing legislators' electoral incentives and diminishing the value of elective office, in turn increasing the role of parties in recruiting and supporting legislative candidates. After more than two decades of experience with term limits, strikingly little is known about their effects on partisanship and polarization.<sup>1</sup> This omission is surprising given the expansive literature on legislative term

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1. Wright (2007) is a notable exception, who reports null findings, while Clark and Williams (2014) study the effect of term limits on ideological change and abstention rates.

limits' effects on other important outcomes, including fiscal policy (Cummins 2013; Keele, Malhotra, and McCubbins 2013), legislative expertise (Kousser 2005), policy complexity (Kousser 2006), the incumbency advantage (Rogers 2014), attentiveness to district interests (Carey et al. 1998, 2006), cosponsorship activity (Swift and VanderMolen 2016), abstention rates (Clark and Williams 2014), and the distribution of power within (Alvarez and Sinclair 2012) and across chambers (Cain and Levin 1999) and between the branches of government (Baker and Hedge 2013; Grofman and Sutherland 1996; Miller, Nicholson-Crotty, and Nicholson-Crotty 2011).<sup>2</sup>

We report new evidence about the relationship between term limits and party polarization in state legislatures, using a panel design and data on roll call voting patterns from 1993 to 2016. Consistent with our argument, we show that term limits produced systematically higher levels of polarization in state legislative voting patterns by increasing the ideological gap between Republicans' and Democrats' voting records. These results are robust across a wide range of model specifications, identification strategies, and characterizations of key variables. We further show that the effects of term limits were significantly greater in more professionalized legislatures, where career incentives would be most weakened, and that term limits significantly increased the share of campaign funding provided by party committees to legislative candidates. Contrary to the goals of their proponents, terms limits appear to have exacerbated the legislative consequences of contemporary partisanship and have implications for understanding how electoral and career incentives affect the quality of governance.

### TERM LIMITS AND LEGISLATIVE BEHAVIOR

Although American interest in term limits has intensified over the last quarter century, they are hardly a novel idea. The ancient Greeks favored a view of representatives as citizen leaders rather than career politicians and limited many elected officials to a single term in office. The American founders also initially supported legislative term limits. During the Second Continental Congress in 1776, for instance, Thomas Jefferson (1900, 373) warned of "every danger that might arise to American freedom by continuing too long in office," and the Articles of Confederation prohibited delegates from serving more than three years out of every six-year period. Term limits for national legislatures were enshrined in new constitutions adopted in the twentieth century in countries including Costa Rica, Ecuador, and the Philippines (Carey 1998). The term limits movement in the United States in the last several

decades resulted in their passage in 21 states (they were later repealed or struck down in six).

Existing scholarship investigates a variety of potential effects of term limits on representation and legislative behavior. First, term limits may increase the supply of candidates who traditionally would not seek office. The increased availability of open seat contests may appeal to potential office-seekers who would be less inclined to challenge an incumbent, and proponents of term limits have argued that this would facilitate the election of legislators from underrepresented groups, including women and people of color (Glazer and Wattenberg 1996; Petracca 1992).<sup>3</sup> Second, term limits may change how legislators make decisions. For instance, some have argued that term limits induce a "Burkean shift" (Carey et al. 1998, 2006) in which legislators behave as trustees by voting for policies that are in the long-term interests of their constituents rather than as delegates who are tethered to constituent opinion and electoral pressures. Third, term limits may affect overall government performance, including legislators' budgetary effectiveness (Kousser 2005), state fiscal performance (Keele et al. 2013), the complexity of policies passed by state legislatures (Kousser 2006), and the legislature's power vis-à-vis other institutions (Miller et al. 2011).

Despite widespread attentiveness to party polarization and proponents' emphasis on term limits' potential for reducing legislative gridlock and partisan influences in legislatures, few studies have directly examined this relationship. Wright (2007) provides the best empirical evidence to date on term limits' relationship with polarization in state legislatures. In comparing legislative behavior in states with and without term limits during the 1999–2000 sessions, Wright finds no evidence that term limits are associated with greater polarization at the aggregate level, nor does he find that individual legislators compiled more ideologically extreme voting records in states with term limits. Unfortunately, the cross-sectional research design limits strong conclusions about the effect of term limits, as polarization varied considerably across states because of factors beyond term limits. Moreover, many of the states in Wright's analysis had passed but not yet implemented term limits, thereby lessening what can be learned about the effects of term limits once legislators were termed out.

Other research on term limits provides mixed conclusions about their implications for polarization and representation. In a study of the term-limited California legislature, Cain and Kousser (2004) found that termed-out legislators vote with their party more frequently, but the authors downplay term limits as a major source of polarization. Titunik and Feher

2. Cain and Levin (1999) and Mooney (2009) provide thorough reviews of this literature.

3. The lack of evidence supporting this claim, however, led Carey et al. (2006, 113) to characterize it as "the dog that won't bark."

(2018) leverage a natural experiment that randomly imposed term limits on legislators in the Arkansas state senate and similarly find no evidence that term limits increased ideological shirking. While Cain, Hanley, and Kousser (2006) argue that term limits may have had greater effects on legislative polarization had they not been enacted during an era in which polarization increased across all levels of government, Clark and Williams (2014) show that legislators who are termed out exhibit greater ideological drift and abstain at greater rates. Recent research on term limits in the Michigan legislature similarly concludes that term limits have “unfastened the electoral connection” between voters and legislators by increasing the number of lame-duck legislators (Sarbaugh-Thompson and Thompson 2017, 72–73), but it is unclear whether these findings apply more systematically across states.

### HOW TERM LIMITS AFFECT POLARIZATION

We argue that term limits contribute to greater polarization in state legislatures and identify two key mechanisms that generate these effects. First, at the individual level, term limits reduce the incentives for legislators to learn about and respond to the interests of their constituents. The threat of electoral sanction provides incentives for legislators to represent their constituents (Barro 1973; Ferejohn 1986). Most obviously, therefore, term limits reduce the electoral connection (Mayhew 1974), particularly for officeholders serving in their final legislative terms.<sup>4</sup> Consistent with this claim, recent evidence from Fourinaies and Hall (2018) shows that legislators who can no longer seek reelection devote less effort and secure fewer legislative accomplishments. Even before their final terms, legislators seeking to advance to higher office may perceive that audiences other than their district constituencies hold greater importance for realizing their career ambitions. The shorter time horizons reduce the need for legislators to establish personal relationships with voters in their districts, with few electoral penalties (e.g., Rogers 2017).

Instead, legislators in states with term limits may be relatively free to pursue their favored policy goals. They may also perceive incentives to toe the party line more closely, as future career advancement depends more heavily on support from their party, rather than from the electoral constituency they represent for a relatively limited period of time. Consistent with this claim, legislators in term-limited states engage in less bipartisan collaboration (Swift and Vander-

Molen 2016). Similarly, Alvarez and Sinclair (2012) show that legislators elected under less partisan institutions exhibit higher rates of bipartisan interactions. Collectively, the reduced electoral incentives for legislators to respond to constituency opinion and pursue relatively moderate policies increases ideological extremity among legislators and generates greater polarization across party lines.

Second, we posit that the diminished opportunities for career advancement in term-limited legislatures dissuade otherwise-qualified potential candidates from seeking office (Hall 2019). Individuals who possess policy expertise and are motivated to craft good public policy may be less inclined to seek election to a state legislative position whose time horizon is relatively short (Mondak 1995; Moncrief and Thompson 2001; Powell 2000). Not only do term limits induce greater turnover by prohibiting legislators from seeking office once they have served the allotted number of terms, but term limits may also encourage state legislators to seek higher office (such as state senate or US House) earlier than they otherwise would (Ban, Llaudet, and Snyder 2016; Francis and Kenny 1997). To fill these candidate vacancies, parties expend greater effort to recruit potential candidates and favor candidates with stronger ideological views whose support for the party program is more assured. Similarly, term limits may empower ideologically oriented interest groups and other donors to play a greater role in recruiting and promoting candidates who are reliable allies for their preferred agendas. As Kurtz, Cain, and Niemi (2007) argue, the greater frequency of open seats may allow parties and interest groups to play a greater role in the legislative process by recruiting candidates with less experience legislating and fund-raising, who are therefore more dependent on them (see also Moncrief and Thompson 2001).

Studies of individual state legislatures provide evidence for how term limits increase the roles played by parties and other interested political actors. Officials in Maine after that state’s adoption of term limits reported that “more members are coming to the legislature with particular agendas” and that “there is more external [party] focus on recruitment than in the past” (Powell and Jones 2005, 8). As a consequence, one official expressed the view that “the legislature has become more ideological with fewer moderates” (8). Masket and Shor (2015, 86) document similar phenomena in a study of the (officially nonpartisan) Nebraska legislature, where “the forced retirement of a large segment of the legislature in 2006 due to term limits spurred the parties and the governor into action, recruiting, training, and funding candidates at levels not previously seen in modern Nebraska.” Masket and Shor further observe that, as a consequence of Nebraska’s term limits, legislative candidates are increasingly selected for their expected loyalty to partisan agendas. They conclude that because elite

4. This logic may explain why state economies fare worse under incumbent governors who are prevented by term limits from seeking another term in office compared to states with re-election-eligible incumbents (Alt, Bueno de Mesquita, and Rose 2011).

campaign contributors are increasingly divided across party lines, “to the extent that legislators want to keep their donors happy, they will do so by voting more with their party” (86).

Although the mechanisms described above lead us to expect that term limits increase partisan polarization, we suspect that their effects vary across institutional contexts. Chiefly, term limits are likely to have greater effects in more professional legislatures, by altering our posited mechanisms in stronger ways. Service in professional legislatures is a relatively full-time commitment, and legislators in these settings have the most expertise and experience; therefore, term limits provide the greatest opportunity for outside actors to influence newly elected legislators in these settings. Similarly, while legislators in states with greater professionalism exhibit more congruence with district opinion (Maestas 2000), the weakening of career opportunities is likely to reduce legislators’ incentives to continue doing so. Moreover, the full-time nature of professional legislatures suggests that candidate recruitment becomes especially challenging when term limits are adopted, as the shock to the value of holding office is especially large. The candidates that emerge in these settings may be less motivated by career incentives and instead may be especially eager to advance more ideological policy agendas. Therefore, consistent with other research that argues that term limits have greater effects on legislators’ career ambitions (Maestas 2000) and the reallocation of power within legislatures (Hall 2014), we argue that the effects of term limits on polarization are moderated by legislative professionalism with more professional legislatures exhibiting higher levels of polarization in response to term limits.

## DATA AND EMPIRICAL STRATEGY

We begin our analysis by studying the effects of legislative term limits on aggregate levels of polarization between 1993 and 2016. Our measures of polarization are based on estimates of legislative ideology developed by Shor and McCarty (2011), which use roll call data to characterize legislators’ voting behavior and are constructed such that they are comparable across states and time. We use these estimates to construct a state-level measure of *Legislative polarization* that reflects the difference in roll call estimates between the median Democratic and Republican members of the state legislature.<sup>5</sup> The values of this variable range from approximately 0 to 3, with

5. The aggregate measure helps avoid chamber-level polarization measures that are sensitive to small sample sizes, as most state legislatures’ upper chambers have fewer than 50 members. However, because states’ lower chambers have more members than their upper chambers, this approach will produce aggregate estimates of term limits’ effects on polarization that more closely reflect their effects on the lower chambers. Therefore, we also present results distinguished by upper and lower chambers.

higher levels indicating states and chambers with more polarized legislatures. As Shor and McCarty (2011) show, these measures document considerable variation in polarization across states and legislative chambers.<sup>6</sup> As we discuss below, the Shor and McCarty (2011) scores are constant by construction across a state legislator’s career; therefore, our estimates of the effects of term limits reflect changes in the composition of the legislature rather than evolution in individual legislators’ voting patterns.<sup>7</sup>

Our primary independent variable is an indicator, *Term limits*, for whether term limits were in effect in a given state-year. Term limits were implemented in 14 states (excluding Nebraska) during the period under study; they took effect first in California and Maine (1996) and most recently in Nevada (2010).<sup>8</sup> Figure A.1 (figs. A.1, B.1, B.2, and C.1 are available online) displays the share of states using term limits (for their lower chambers) over the period of study and indicates the timing of their adoption. While most states that have implemented term limits did so in the late 1990s or early 2000s, the specific timing of their implementation varied across the period of study.

We use a panel design and leverage within-state changes in the presence of term limits to identify their effects on polarization. We assume, therefore, that the adoption of term limits is orthogonal to potential outcomes after we condition on time-invariant state characteristics and, in some models, a battery of time-varying covariates. This assumption of parallel trends

6. We exclude Nebraska and its officially nonpartisan legislature from our analysis, although below we demonstrate that our results are robust to its inclusion.

7. Existing data sources do not provide an obvious solution for identifying the within-legislator effects of term limits in state legislatures. Later in the article we discuss additional analyses that explore how term limits affect polarization through changes in legislators’ voting records and member replacement.

8. One may argue that the date of enactment is a more appropriate indicator of treatment status since legislators may adjust their behavior in anticipation of the impending change (Carey, Niemi, and Powell 2000). Although we lack sufficient data on legislative voting records to examine the effects of term limits on the basis of when they were enacted (the vast majority of which occurred in 1990 or 1992, before the starting date of the Shor-McCarty data), we are comfortable using the implementation date as the indicator of treatment status for several reasons. First, our theoretical perspective suggests that legislators that are termed out are replaced by legislators who differ from them in systematic ways. Thus, the effect of term limits on polarization is posited to result from, at least in part, the replacement of termed-out legislators rather than changes in behavior from existing officeholders. Second, to the extent that changes in polarization were due to the enactment of term limits rather than to their implementation, we are likely to underestimate their effects, thus making our empirical strategy a more difficult test. Third, research on other consequences of term limits reports similar results whether the date of enactment or implementation is used (see, e.g., Keele et al. 2013). Below, however, we present findings that distinguish the effects of enactment and implementation.

maintains that the treated states that adopted term limits reacted to them in the same way that control states would have reacted if they had adopted term limits. Given the circumstances surrounding the passage of term limits and the subsequent plausibility of accounting for potential confounders through state fixed effects in addition to time-varying controls, our approach provides credible causal estimates of the effect of term limits on state legislative polarization.<sup>9</sup>

We employ a multiperiod, multiunit difference-in-difference design implemented with the following linear regression model:

$$Y_{it} = \beta_0 + \beta_1 \text{Term limits}_{it} + \mathbf{X}_{it}\Omega + D_i + T_t + \varepsilon_{it}, \quad (1)$$

where  $Y$  is the level of polarization in state  $i$  in year  $t$ , *Term limits* indicates whether state  $i$  had term limits in effect in year  $t$ ,  $\Omega$  is a vector of coefficients for time-varying state-level covariates  $\mathbf{X}_{it}$  described below,  $D_i$  is an indicator for each state,  $T_t$  is an indicator for each year, and  $\varepsilon_{it}$  is a random error term, which we cluster on state.

Although our analyses begin with a simple regression of polarization on term limits along with state and year indicators, we also estimate models that account for structural features of state governance that could confound the effects attributed to term limits. These models include indicators for the presence of *Divided government*, the logged values of legislative professionalism (Squire 2017),<sup>10</sup> and the size of the majority party's seat share advantage (*Party competitiveness*), where larger values indicate less evenly balanced partisan environments. As we discuss below, our results are robust to the inclusion of an expanded battery of covariates. Summary statistics for all variables are presented in table A.1 (tables A.1, B.1–B.11, and C.1–C.5 are available online).

## PANEL EVIDENCE

We begin by estimating our baseline model, which represents equation (1) but includes only our indicator for *Term limits* along with state and year fixed effects. The results are shown in table 1. The coefficient estimate for *Term limits* is positive (0.118) and statistically significant, providing strong evidence that term limits increased legislative polarization. As column 2 shows, the results from our baseline model are robust to the inclusion of the covariates discussed above. The coefficient for term limits remains similar in magnitude

and is statistically significant. These estimated effects are substantively meaningful. The average within-state standard deviation is 0.147; among states without term limits, the comparable value is 0.118.<sup>11</sup> Our reported point estimates therefore constitute a shift of nearly 1 standard deviation in within-state polarization.

The remaining columns in table 1 report results from the same model specifications estimated separately for states' lower (cols. 3 and 4) and upper (cols. 5 and 6) chambers.<sup>12</sup> Our results suggest that term limits' effects may have varied across chambers. We find the strongest evidence for term limits' effects in states' lower chambers, where the estimated effects were positive, substantively large, and statistically significant. While term limits were also associated with greater polarization in states' upper chambers, the coefficient estimates shown in columns 5 and 6 indicate that the effects of term limits were only about one-fourth to one-third as large. Moreover, neither of the upper chambers' estimates is statistically significant. Although the coefficient estimates are themselves not statistically distinguishable across chambers, our results suggest that the effects reported above are concentrated disproportionately in state lower chambers.

The chamber-level differences are consistent with several potential theoretical and empirical explanations. First, as Cain and Levin (1999) report, term limits may have asymmetric effects across chambers, as legislators first learn the craft of legislating in the lower chamber before being termed out and pursuing office in the upper chamber.<sup>13</sup> Second, and potentially complementary to the first explanation, measurement error could affect both the differences in the magnitude of term limits' effects and the greater imprecision in the estimated effects of term limits in upper chambers. Upper chambers have considerably fewer members than lower chambers, which suggests that estimates of polarization are measured with greater error because they reflect smaller groups of partisans. This could have the effect of attenuating the estimated effect toward zero or generating greater uncertainty associated with the estimated effect.

11. The median within-state standard deviation is slightly lower in both cases.

12. We remind readers that legislators' ideal point estimates are constant over the course of their careers, which means that legislators who served in both the lower and upper chambers are assigned the same ideal point estimate for each.

13. We present evidence in the appendix that tests a version of this argument. Lower-chamber legislators may have moved into the upper chamber after being termed out, thus delaying the impact of term limits on the upper chamber. To test this claim, we delay treatment for states' upper chambers until the first cohort of termed-out legislators exited the lower chamber. The results of this analysis (see table B.1) are larger in magnitude than the Senate results presented in table 1 but remain imprecisely estimated.

9. Most term limits requirements were passed via referendum rather than legislation.

10. Because this measure is updated intermittently, we assign to each state-year the legislative professionalism score from the nearest year for which the scores are reported. We use the natural log of the index because its distribution across states is quite right skewed.

Table 1. Term Limits and Polarization

	Pooled		House		Senate	
	(1)	(2)	(3)	(4)	(5)	(6)
Term limits	.118** (.054)	.113** (.054)	.150** (.050)	.141** (.048)	.039 (.094)	.036 (.094)
Divided government		.002 (.017)		.002 (.020)		.029 (.023)
ln(legislative professionalism)		.061 (.050)		.059 (.050)		.064 (.061)
Party competitiveness		-.003 (.002)		-.004* (.002)		.001 (.003)
State fixed effects	✓	✓	✓	✓	✓	✓
Year fixed effects	✓	✓	✓	✓	✓	✓
Projected $R^2$	.039	.060	.054	.078	.002	.011

Note. Linear regression coefficients with standard errors clustered on states in parentheses.  $N = 987$ . Two-tailed significance tests.

\*  $p < .10$ .

\*\*  $p < .05$ .

The models in table 1 provide little evidence that our control variables are systematically associated with polarization in legislators' voting records. None of the coefficient estimates for divided government or legislative professionalism are statistically significant. While the coefficients for *Party competitiveness* are statistically significant in some models, indicating that states with larger partisan majorities experience decreased party polarization, the evidence is limited primarily to state lower chambers, and the effect size is small in magnitude.

We also studied term limits' effects across political parties. This investigation stems from scholarly interest in whether growing party polarization at the national level is driven primarily by disproportionate movement to the right among Republicans (McCarty, Poole, and Rosenthal 2006). We re-estimated our full model specification separately using the Democratic legislative median and the Republican legislative median as our outcome variables. Because more conservative legislators have estimates from Shor and McCarty (2011) that are larger in magnitude, we expect that the coefficient for *Term limits* is positive among Republicans and negative among Democrats, each of which would indicate that term limits were associated with those legislators' movement in the ideologically extreme direction.

The results are shown in table 2. Overall, as columns 1 and 4 indicate, term limits were accompanied by a shift in the liberal direction among Democrats ( $-0.037$ ) and a shift to the ideological right among Republicans ( $0.077$ ). However, only the coefficient estimate for Republicans is statistically distinguishable from zero. Thus, term limits' effects appeared to be

more than twice as large among Republicans than among Democrats, although we cannot dispositively rule out the null hypothesis that both parties contributed equally to increased polarization from term limits. Both coefficients are slightly larger in magnitude when studying the effects in lower chambers (cols. 2 and 5), where we again find that only the coefficient for Republicans is statistically significant. In upper chambers, however, the estimate for Democrats ( $-0.024$ ) is larger in magnitude than the estimate for Republicans ( $0.012$ ), although neither approaches statistical significance.

The results presented above establish several new findings about party polarization in state legislatures. First, overall, legislative terms limits are associated with statistically and substantively important increases in party polarization. Second, these effects are stronger in states' lower chambers; and, third, these patterns appear to be driven disproportionately by greater movement by Republican legislators in the ideologically extreme direction.

## ROBUSTNESS CHECKS AND EXTENSIONS

The results shown above are robust across a wide range of additional analyses. We estimated a number of alternative models to highlight the plausibility of our assumptions and the robustness of our results across model specifications. We discuss these additional analyses below and present the results in the appendix (available online) in the interest of space.

First, because our binary indicator for states with term limits ignores qualitative differences in term limits enacted across states, we replaced our binary treatment variable with a continuous measure of "term limitedness" developed

Table 2. Term Limits and Asymmetric Polarization: Party Medians

	Democrats			Republicans		
	(1)	(2)	(3)	(4)	(5)	(6)
Term limits	-.037 (.039)	-.057 (.037)	-.024 (.054)	.077** (.033)	.084** (.039)	.012 (.056)
Divided government	-.004 (.012)	-.005 (.014)	-.017 (.013)	-.001 (.009)	-.003 (.010)	.012 (.018)
ln(legislative professionalism)	-.030 (.040)	-.055 (.041)	.011 (.044)	.031 (.031)	.004 (.033)	.075* (.044)
Party competitiveness	-.000 (.002)	.000 (.002)	-.003 (.002)	-.004* (.002)	-.003 (.002)	-.002* (.001)
Chamber	Pooled	House	Senate	Pooled	House	Senate
State fixed effects	✓	✓	✓	✓	✓	✓
Year fixed effects	✓	✓	✓	✓	✓	✓
Projected $R^2$	.011	.024	.026	.112	.100	.021

Note. Linear regression coefficients with standard errors clustered on states in parentheses.  $N = 987$ . Two-tailed significance tests.

\*  $p < .10$ .

\*\*  $p < .05$ .

by Sarbaugh-Thompson (2010) and subsequently used in Baker and Hedge (2013).<sup>14</sup> This measure describes the change in turnover due to term limits relative to turnover from earlier years. The results are shown in table B.2 and continue to provide evidence that term limits substantially increased polarization.

Second, we have estimated models that account for a broader array of state factors that could be associated with polarization, including population size, the presence of a Democratic governor, per capita income, unemployment rate, immigration rates, and income inequality. Table B.3 provides limited evidence that any of these factors are systematically associated with partisan polarization; more importantly, the inclusion of these controls does not alter our substantive conclusions about term limits and polarization.

Third, we employed two alternative modeling strategies. First, while incorporating time-varying covariates into the analysis allows us to account for potential confounders, this approach has two possible issues, as covariate values in post-treatment periods are possibly themselves posttreatment, and the effect of these covariates is restricted to be constant across the period under study. To address these concerns, we estimate an alternative model in which we hold constant each state's pretreatment value for each covariate but allow the estimates of these covariates to vary over time. The results of

14. Specifically, we assign each state-year without term limits a 0 and give each state-year with implemented term limits that state's term-limitedness score.

this alternative specification are shown in table B.4; the point estimates from this specification are extremely similar to those in table 1, although reduced power results in insignificant estimates in some models.

We also estimated a model that includes one-period lagged dependent variables to account for unobserved state characteristics, rather than state fixed effects. The results of this model specification are shown in table B.5. The reported effects are substantively smaller than those reported in table 1 yet statistically significant. Consistent with the interpretation offered by Angrist and Pischke (2008), this result suggests a statistically significant lower bound on the magnitude of the relationship between term limits and polarization.

Fourth, we estimated our model on a matched sample of states. In this context, matching reduces the dependence of our results on the assumption that our control variables enter additively and linearly into our estimating equation (Ho et al. 2007).<sup>15</sup> For each state that adopted term limits at any point in our sample, we matched control state(s) on the covariates from the pretreatment period (1993–96).<sup>16</sup> Using matched samples based on both one-to-one and two-to-one matching procedures, the results remain positive, substantively significant, and, in our two-to-one matching models, significant at the

15. Matching can also be used in panel settings to control for time-varying but unobserved confounding by matching on pretreatment outcomes; unfortunately, the relatively few states with outcome data in the earliest years of our panel make this impractical.

16. We implement nearest-neighbor matching using the Matching package in R.

$p < .10$  level (see table B.6), helping to ameliorate concerns about model dependence.

Fifth, our results are not driven by any particular state or year. We have reestimated our fullest specification (model 2 in table 1) while systematically dropping states and years. The results are presented in figures B.1 and B.2 and show that our findings are quite consistent across each of these samples. The coefficient on Term limits is statistically significant in all models, and its magnitude is always between 0.085 and 0.14.

Sixth, we have reestimated our results while measuring polarization using measures of legislator ideology derived from campaign contributions (Bonica 2016). The coefficients are similar in magnitude to those in table 1, and the estimates on Term limits are statistically significant at the  $p < .10$  level for the pooled models (see table B.7). This provides confidence that our findings are not driven by potential idiosyncrasies in the Shor and McCarty (2011) data but instead reflect a broader trend where more extreme legislators replaced those removed by term limits.

Seventh, we probe the sensitivity of our estimates to the inclusion of the officially nonpartisan Nebraska state legislature in our sample. We omit Nebraska from the main analyses primarily for concerns of external validity; every other state has bicameral and officially partisan legislatures, and it may well be that Nebraska's unique institutional choices result in a particularly ripe opportunity for parties following term limits' implementation (Masket and Shor 2015). Nevertheless, we estimate models analogous to those in tables 1 and 2, excluding models for state lower houses. These estimates are reported in tables B.8 and B.9, where we find that Nebraska's inclusion increases our estimates of term limits' effects.

Finally, although they are less centrally connected to our theoretical argument, we explored how the effects of term limits varied with characteristics of individual legislators. We conducted analyses at the individual level to study whether the effects of term limits varied among legislators with varying degrees of electoral security or who served in leadership positions.<sup>17</sup> Using data on state legislative elections, we distinguished marginal legislators as those legislators who won by 10 percentage points or less and interacted this indicator with Term limits.<sup>18</sup> We also studied whether the effects of term

limits varied among party leaders and rank-and-file legislators by interacting Term limits with an indicator for legislators who served as presiding officers (including president, president pro tempore, speaker of the house, or speaker of the house tempore), majority leaders, minority leaders, and majority and minority whips.<sup>19</sup> The results, which are reported in tables B.10 and B.11, provide no evidence that legislators from marginal districts or who served as leaders were disproportionately affected by term limits, as the coefficients for the interaction terms are substantively small and indistinguishable from zero.

Taken together, our robustness checks provide consistent evidence in support of our estimates of the effect of term limits on state legislative polarization. Because our outcome measure of polarization is a reflection of state legislators' roll call voting records, we can soundly reject term limit advocates' claims that term limits would reduce interparty conflict; rather, our results suggest that they markedly increase it. Moreover, in the aggregate, term limits may contribute to declining levels of collective representation. To the extent that most constituents are relatively more moderate than most elected officials (see, e.g., Bafumi and Herron 2010) and constituent preferences are relatively stable over short periods of time, the movement of state legislators toward the ideological poles suggests that legislators are collectively less representative of constituent preferences. Rather than their enhancing democratic representation, as proponents of term limits argued they would, our evidence suggests that term limits may worsen it.

## HOW TERM LIMITS AFFECT POLARIZATION

Our theoretical discussion posited two primary channels through which term limits increase polarization in state legislatures. First, term limits may reduce the incentives for

17. Each observation in these analyses is a legislator  $i$  serving in state  $j$  in year  $t$  using the same covariates as col. 2 in table 1 and estimating separate models by party. Because of the availability of data for the moderator variables, these analyses extend only through 2014.

18. These data were obtained from the Inter-university Consortium for Political and Social Research study 34297 (<https://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/34297/version/1>) and supplemented with data from Klarner (2013). We omit chambers that use multimember districts, because of

the difficulty of assigning election results to legislators in these settings. We acknowledge, however, that incumbent vote shares may be an imperfect measure of district competitiveness because they reflect the incumbent's "personal vote" as well as the constituency's political composition.

19. These data were obtained partially from Fourniaies (2018) and Fourniaies and Hall (2015) and supplemented with original data collection from the state *Yellow Books* to assemble a complete roster of legislative leaders between 1993 and 2014. Lower chamber speakers often do not cast votes, and so their preferences may be measured with error. However, the inclusion of many leaders who do cast votes should weigh against any systematic biases. In addition, because the ideology estimates are static, they do not allow us to account for changes in voting behavior that accompanied the legislators' elevation to leadership positions. However, to the extent that legislators' voting records are expressions of their personal ideologies and constituency interests, this analysis allows us to study whether term limits were accompanied by the elevation of particular legislators to leadership positions.



legislators to respond to constituency preferences, as career advancement under term limits depends less on securing continued support from a legislator's district constituency. Second, term limits reduce the incentives for otherwise-qualified candidates to seek office. Both channels allow opportunities for political parties to play larger roles in directing legislative behavior and recruiting candidates for office. In this section, we present evidence consistent with both of these proposed mechanisms.

### Career incentives: Adaptation and replacement

By design, our primary empirical analysis identified the effects of term limits that are attributed to the replacement of termed-out legislators with their newly elected successors. Unfortunately, the Shor and McCarty (2011) estimates of legislator roll call voting patterns are constant over the length of legislators' careers, precluding us from studying how altered career incentives affect roll call voting behavior over the course of a given legislator's term in office. In addition, our estimates of the effects of term limits reflect the date on which term limits were implemented rather than their enactment. If the presence of term limits affects career incentives, we would expect to observe changes in polarization following their enactment and before their implementation, as sitting legislators pursue other career opportunities and some would-be candidates decide against seeking state legislative office.

Therefore, we undertake two additional analyses to study how term limits affected polarization. In the first, we use the individual-level estimates from Shor and McCarty (2011) to study the ideologies of three groups of legislators: those who were never subject to term limits, those who were first elected in a state that had not yet implemented term limits, and those who were first elected after a state had implemented term limits. While this analysis does not allow us to study within-member changes in voting behavior following term limits, it does allow us to study whether the legislators elected to the state legislature were systematically more extreme upon the enactment and subsequent implementation of term limits.<sup>20</sup>

Consistent with our expectations, we find that both the enactment and the implementation of term limits increased partisan polarization. (The full results are shown in table C.1.) We estimate models separately by party and find that Democratic legislators who served both before and after term limits

were implemented, or were elected only after term limits had been implemented, were more liberal than Democratic legislators who served in the absence of term limits. Similarly, Republican legislators who served both before and after term limits were implemented, or were elected only after term limits had been implemented, were more conservative than Republican legislators elected without the implementation of term limits. In both cases, the effects appear to be somewhat greater among those who serve only after term limits' implementation, although we cannot dispositively reject the null hypothesis that the effect sizes were equivalent. As above, the effects are generally larger in states' lower chambers.

Second, using the best available data on state legislative voting behavior over time, we study within-legislator changes in voting behavior in the California Assembly. We use estimates developed by Masket (2004), which use the DW-NOMINATE algorithm to generate time-varying estimates of assembly member voting behavior.<sup>21</sup> Term limits were enacted in 1990 and implemented in 1996; therefore, we study the years 1972–2003, which provides a sufficiently long pretreatment period. We estimate separate models by party and we regress a legislator *i*'s score in year *t* on an indicator for *Term limits* and legislator fixed effects. We also distinguish the effects of the enactment of term limits from their implementation.

The results provide evidence that legislators voted in more ideologically extreme ways upon the introduction of term limits (see table C.2). Among Democrats (Republicans), enactment and implementation were associated with more liberal (conservative) voting records. However, the coefficients are estimated with varying degrees of precision and provide suggestive—although not dispositive—evidence that term limits increase polarization through adaptation as well as replacement, and these effects are found upon their enactment in addition to their implementation.

### Opportunities for party influence

We now explore the role of parties in generating greater partisan polarization upon the introduction of term limits. We test two observable implications consistent with our theoretical account. First, we examine whether the effects of term limits are larger in more professionalized legislative settings. Term limits remove experienced legislators who harbor institutional wisdom. Yet the degree to which legislators either invest in legislating as a full-time profession or are empowered

20. We emphasize that this analysis focuses on the effects of term limits among legislators who continued serving after the enactment and implementation of term limits. Therefore, our analysis cannot identify how term limits would have affected behavior among legislators who would have liked to continue serving but did not.

21. Estimates for the senate are not available. Moreover, these estimates are not ideal in that the procedure smooths changes in legislators' behavior over their careers in office. This could have the effect of attenuating any discontinuities in legislative behavior due to term limits.

Table 3. Term Limits, Legislative Professionalism, and Party Influence

	Pooled Polarization (1)	Party Share Contributions (2)	PAC Share Contributions (3)
Term limits	.342** (.170)	.080* (.043)	-.136 (.093)
ln(legislative professionalism)	.052 (.052)	.065 (.043)	-.028 (.037)
Term limits × ln(legislative professionalism)	.141* (.084)	.036 (.022)	-.053 (.046)
Controls	✓	✓	✓
State fixed effects	✓	✓	✓
Year fixed effects	✓	✓	✓
Projected R <sup>2</sup>	.084	.060	.040
Observations	987	398	398

Note. Linear regression coefficients with standard errors clustered on states in parentheses. Pooled polarization is based on Shor-McCarty ideal points pooled across chambers. Party share contributions are the share of total state legislative campaign contributions coming from political party committees; PAC share contributions is an analogous measure, but for political action committees. Two-tailed significance tests.

\*  $p < .10$ .

\*\*  $p < .05$ .

to do so with supporting institutions varies dramatically by state (Squire 2017). As a consequence, the vacuum of institutional knowledge—and, perhaps equally importantly, the supply of candidates willing to occupy full-time legislative roles—is likely to be greatest in states with highly professionalized legislatures. In these states, the legislative and electoral void left by term limits is likely to be largest, thus leaving the greatest opportunity for parties to engage in recruitment of candidates for office. Therefore, evidence of larger effects of term limits in more professional legislatures would be consistent with our proposed mechanism in which term limits increase polarization by shifting legislative power away from constituents and individual legislators and toward strategic political parties that may profess more extreme policy views.

We examine this hypothesis by interacting the term limits indicator with the measure of legislative professionalism. We present the result in two ways. First, we present regression coefficients in column 1 of table 3. With the exception of the interaction, the specification is otherwise the same as model 2 of table 1. The results suggest that the effect of term limits on polarization is most acute in more professional state legislatures. Second, we display this relationship graphically in figure 1A with a marginal effects plot, which displays the estimated effect of term limits across the range of values of professionalism. While term limits had little effect on polarization in state legislatures with low professionalism, the plot clearly shows that term limits had substantively and statis-

tically significant effects in states with greater legislative professionalism.<sup>22</sup>

We also considered the constituent elements of legislative professionalism, which have varying relevance for our theoretical claims. Using data from Bowen and Greene (2014), we explored how legislative salary, session length, and expenditures per legislator each moderate the effect of term limits.<sup>23</sup> Because session length is a reasonable proxy for the extent to which legislating is a full-time job, it is most closely associated with the challenges term limits present for securing legislative candidates in states with more professionalized legislatures. Full-time legislatures are also the settings where decreases in legislator expertise may provide the largest openings for parties to affect the information legislators bring to bear when making roll call voting decisions. Our theoretical expectations for per-legislator expenditures and salaries are somewhat more ambiguous. We find that states with longer sessions and higher per-legislator expenditures experienced substantially larger polarizing effects of term limits, while term limits decreased polarization in states with higher legislative salaries.<sup>24</sup>

22. We recover substantively similar effects when using an unlogged measure of professionalism (col. 1 of table C.3) as well as annual measures of professionalism produced by Bowen and Greene (2014; cols. 1 and 3 of table C.4).

23. These data were accessed via the Correlates of State Policy Project (Jordan and Grossman 2018).

24. The results of these analyses are presented in table C.4 and fig. C.1.

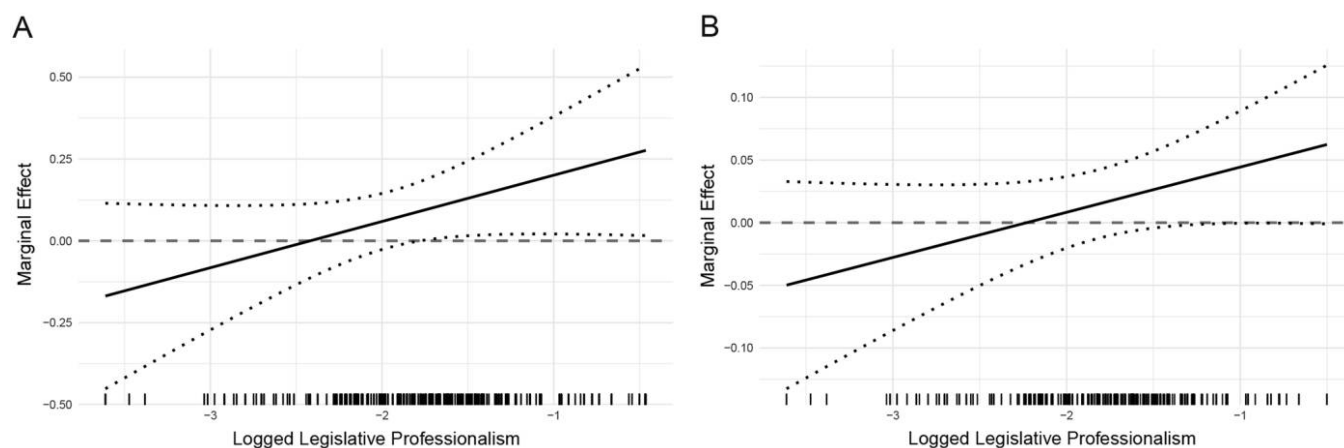


Figure 1. Effect of term limits over legislative professionalism. X-axis shows values of legislative professionalism, and the y-axis plots the estimated effect of term limits on the outcome across these values. Solid line plots these marginal effects; dotted lines represent 90% confidence intervals. Horizontal dashed line at zero shows the null hypothesis of no effect of term limits. Tick marks along the x-axis indicate the distribution of values of professionalism. Term limits had the largest effects on polarization (A) and contributed to significantly greater party contributions to legislative candidates (B) in states with more professional legislatures.

The latter finding may reflect the greater appeal to potential candidates of serving in office because of the higher salaries, which could offset parties' roles in recruiting candidates. These analyses therefore provide support for our expectation that the effects of term limits are moderated by professionalism due to the increased opportunities for parties to exert influence.

Second, we posit that term limits are associated with greater effort by parties to recruit and support candidates for legislative office. In exchange for this support, these candidates (and subsequent officeholders) provide loyalty to party goals. To test this hypothesis, we investigate whether term limits increased the share of campaign contributions legislative candidates received from party campaign organizations.<sup>25</sup> The dependent variable was collected from Bonica (2016) and characterizes the average share, measured in percentage points, of legislative campaign contributions from political parties in each legislative election year from 1993 to 2014. We expect that term limits increased the share of contributions from political parties to legislative candidates, particularly in more professionalized states.

The results of this analysis are presented, as before, in both table and graphical form. Regression coefficients are shown in column 2 of table 3, and the marginal effects are displayed in figure 1B. Although the result falls shy of statistical significance at conventional levels ( $p < .11$ ), term limits appear to be

associated with a greater role for parties contributing to state legislative campaigns, especially in more professional states.<sup>26</sup>

Finally, we draw a contrast between party committees and political action committees (PACs). While these organizations are often colloquially grouped together, previous scholarship, our theoretical account, and our empirical results all suggest that these groups respond to term limits in decidedly different ways. Previous literature indicates “that the overwhelming majority of PACs are interested in gaining access to legislators in office in an effort to craft legislation that is favorable to their interests” (Barber 2016, 298). This leads to relatively nonideological (Fourinaies and Hall 2014) and pro-incumbent (Snyder 1993) patterns of PAC contributions. While term limits present opportunities for parties and other ideologically motivated groups to gain influence, for most PACs term limits strip away the appeal in engaging in electoral politics, as influential incumbents are forced to leave the legislature and electoral uncertainty increases. Consistent with this account, column 3 of table 3 shows that, unlike for party committees, PAC giving appears to decline, if anything, upon the adoption of term limits. This result provides additional evidence consistent with the possibility that term limits enabled ideologically motivated groups like political parties to gain influence in the legislature, perhaps at the expense of moderating forces like PACs (Barber 2016).<sup>27</sup>

25. Parties could also exert greater influence over voting patterns in term-limited states through, e.g., increased power for legislative leaders (Sarbaugh-Thompson and Thompson 2017).

26. Our results are similar when using unlogged measures of professionalism; see table C.3.

27. Greater inexperience in term-limited states could also explain why legislators in those states received a larger percentage of their contributions from political parties. However, in additional analyses we find that

### Alternative mechanism: Term limits and electoral competition

Proponents of term limits argued that they would increase electoral competition and provide opportunities for legislative service to candidates who may not otherwise seek office. The available evidence, however, suggests that term limits may not have realized this goal (e.g., Rogers 2014). Although these findings run contrary to the arguments put forth by term limits' supporters, they suggest an alternative explanation for the findings shown above: that increases in polarization are due to declining electoral competition in term-limited states. To explore this alternative explanation, we calculated the share of competitive legislative elections where the margin of victory was 5 percentage points or less or 10 percentage points or less. We then estimated our full model specification (col. 2 of table 1) using these indicators of competitiveness as the dependent variables. If declining electoral competition due to term limits explains our results, these declines must have been especially large in states with more professional legislatures. Therefore, we also estimate models that include the interaction between term limits and professionalism.

In short, we find no evidence that our main findings are driven by declines in electoral competition rather than by increased party involvement (see table C.5). Overall, term limits have had a negligible effect on electoral competition. The coefficients for *Term limits* are all extremely small in magnitude and are incorrectly signed in three of the four models. Moreover, the interaction between term limits and professionalism is positive, suggesting that term limits produced more competitive legislative seats in states with more professional legislatures. The results weigh against the possibility that our main results are driven by changes in the electoral environment rather than by changing patterns of party activity. They do, however, lend support (weak though it is) to claims proffered by term limits' supporters: not only do term limits increase party conflict and polarization, but they also may also increase electoral competition.

### CONCLUSION

Scholars, political observers, and the public consistently identify partisan polarization and the accompanying legislative gridlock as major sources of frustration in contemporary American politics. For the last quarter century, proponents of term limits have argued that limiting the terms legislators serve in office would remedy polarization and other perceived legislative ills. Our analysis, however, provides no evidence

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term limits are not associated with a decrease in overall (logged) contributions received by legislative candidates, which weighs against this alternative explanation.

that term limits ameliorate partisan conflict in state legislatures; instead, we find strong and consistent evidence that term limits increase partisan polarization. Our findings further suggest that term limits have amplified "leapfrog representation" (Bafumi and Herron 2010) and reduced the quality of collective representation.

We contribute new evidence about how the electoral connection affects democratic governance. Elections are the primary way through which citizens affect government activity in democratic societies, and electoral incentives are a key mechanism for ensuring that government actors behave in ways that reflect citizen preferences. As Madison wrote in *Federalist* no. 51, for instance, "Dependence on the people is, no doubt, the primary control on the government" (Hamilton, Madison, and Jay [1788] 2009, 120). By reducing or eliminating legislators' electoral incentives, our results suggest that legislators exhibit voting behavior that is less congruent with the state electorate. Building on other studies on electoral accountability (Rogers 2017), future research could explore whether legislators in term-limited states receive fewer sanctions from voters for their roll call behavior and examine whether individual legislators' behavior deviates more from constituent preferences in their final terms in office. In addition, while we provided suggestive evidence for parties' roles in producing greater polarization in term-limited states, additional research could study other potential contributors to these patterns, such as interest groups and activists. Moreover, term limits could strengthen parties' influences within the chamber, perhaps by increasing legislators' willingness to delegate power to party leaders (see Sarbaugh-Thompson and Thompson 2017).

Our findings complement other related research on formal and informal mechanisms that affect political representation. For instance, in the nineteenth century, many states, particularly in the North, placed informal limits on the numbers of terms that members of Congress and state legislatures served through the rotation system. Rotation was notably absent in the South, which some Northerners credited with the domination of national politics by the South because of the greater experience and expertise among its legislators (Kernell 1977). Moreover, legislative voting records can be affected by formal electoral rules, such as voter enfranchisement (Schuit and Rogowski 2017), and contextual factors, such as a presence of war (Howell, Jackman, and Rogowski 2013). Outside the United States, research on parliamentary systems shows that legislators can leverage local institutional bases of support to weaken national party influences on their voting behavior (e.g., Tavits 2009). Our results highlight the theoretical and empirical relevance of changing incentives for office-seeking behavior.

By necessity, our findings have important limitations of their own. The estimates of the effect of term limits on legislative behavior are limited by the data currently available for characterizing legislative behavior. By assumption, the scores provided by Shor and McCarty (2011) are constant over time within legislators. Thus, the results uncovered in our research are driven by changes in legislative composition but do not reflect potential changes in individual legislators' behavior over time. Our theoretical perspective suggests that this results in an underestimate of term limits' effects, as legislators may be increasingly beholden to parties over time as their subsequent electoral careers depend on party support. However, further research is needed to identify whether and how term limits affect within-legislator changes in voting patterns.

Finally, while we focus on how term limits affect one observable component of legislative behavior, term limits may affect other aspects of political representation. For instance, term limits could induce a "Burkean" shift such that legislators act more as trustees rather than as delegates. Term limits could also affect how legislators prioritize securing distributive outlays and providing constituency service or the kinds of policies considered or adopted by state legislatures. Moreover, because drawing district boundaries is one of the most important tasks for state legislatures, term limits could generate more partisan districting plans. Future research is necessary to study how term limits affect legislative outcomes on these additional dimensions.

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