



Policy Forum

State Legislative Term Limits in Illinois? Prospects and Potential Impacts

By Christopher Z. Mooney

Introduction

2007 brought unprecedented political gridlock to Illinois state government, reducing public satisfaction with the governor and General Assembly dramatically, and generating serious discussion about a draconian political reform that dates from the Progressive Era – the recall of elected officials. Only one state has adopted the recall since the 1920s, Minnesota in 1996. But since 1990, almost half the states have adopted a more invasive and significant institutional reform with a similar populist appeal – state legislative term limits.

State legislative term limits are among the most important institutional reforms in the history of the American states, on par with the secret ballot and regular redistricting. The movement for term limits has been successful and swift: 21 states adopted the reform in the course of a single decade.¹ While such limits have long been in place for some elected executive officials in the U.S., limiting the number of terms a legislator can serve is a sweeping novelty directly affecting many of the central characteristics of modern American legislatures – the importance of apprenticeship and seniority, long-term relationships with interest groups and agencies,

and ultimately, the re-election motivation that explains much legislative behavior.

Term limits brought political tumult to many states, but most Illinoisans know little about them. This report briefly describes how and why term limits were adopted elsewhere and what impacts they have had. I also consider how term limits might affect the Illinois General Assembly should they be adopted here and assess the likelihood of that happening. Few currently expect Illinois to adopt state legislative term limits, but there is an outside chance that they could be adopted through a state constitutional convention or an initiative.

The State Legislative Term Limits Movement, 1990-2004

Restricting the number of terms an officeholder can serve is a very old idea, but the current U.S. *legislative* term limits movement began in the late 1980s. Impetus for the movement came from: public dissatisfaction with high congressional re-election rates and some entrenched state legislative leaders; the renewed popularity of the direct initiative; opportunistic timing by well-heeled policy dilettantes; and the traditional American disregard for politicians. Oklahoma, Colorado, and California passed the first term limits ini-

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tiatives in 1990. Sensing an opening, activist Paul Jacob organized U.S. Term Limits (www.ustl.org) to initiate petition drives in other direct-democracy states. In short order, 19 of 23 states with ballot initiatives had term limits.²

Smitten with the reform, the states also often passed initiatives limiting the terms of governors, judges, and other statewide and local officials.³ In all, 52 such statewide initiatives were voted on from 1990 to 2006, with term limits advocates winning 85 percent of the time.⁴ Clearly, term limits are highly popular with voters, tapping Americans' deep distrust of professional politicians (see Table 1).

In a slight retrenchment, between 1997 and 2004, four state supreme courts threw out legislative term limits statutes and two state legislatures repealed their limits. As a result, today 15 states limit the number of terms their legislators can serve (see Table 2).

The Impact of State Legislative Term Limits

In the ballot wars of the 1990s, debate over state legislative term limits was not informed by much solid research about their potential impacts. Now, more than a decade after the first legislators were banned from seeking re-election, we have a better understanding of some of the major consequences of the reform.⁵

Elections

One of their advocates' main arguments was that term limits would increase competition in legislative elections, by eliminating seemingly invincible incumbents from many races. But studies have now shown that term limits have little effect on electoral competition and campaign spending. Competition may even decrease because incumbents run unopposed more often under the reform. Typically, potential candidates wait for their legislator to be termed out, at which time there is a free-for-all for the open seat. On the other hand, term limits do seem to stir the broader political pot, as termed-out legislators run more frequently for seats in the other

chamber, local offices, and Congress, while local officials run more frequently for open seats when state legislators are forced out. This rotation of professional officeholders may reduce political stagnation in term limits states.

Legislative Composition

Term limits advocates also hoped that their reform would change the composition of state legislatures. Some

Table 1. States that Enacted Legislative Term Limits

State	Enacted	%Vote Approval ^a
California	1990	52.2
Colorado	1990	71.0
Oklahoma	1990	67.3
Arizona	1992	74.2
Arkansas	1992	59.9
Florida	1992	76.8
Michigan	1992	58.8
Missouri	1992	75.0
Montana	1992	67.0
Ohio	1992	68.4
Oregon	1992 ^b	69.5
South Dakota	1992	63.5
Washington	1992 ^b	52.0
Wyoming	1992 ^b	77.2
Maine	1993	67.6
Idaho	1994 ^c	59.0
Massachusetts	1994 ^b	52.0
Utah	1994 ^c	---- ^d
Louisiana	1995	76.0 ^e
Nevada	1996	54.3
Nebraska	2000	56.0

^a State legislative term limits were rejected by voters in Mississippi in 1999 (55-45 percent) and North Dakota in 1996 (53-47 percent).

^b Limits were later repealed by state supreme courts in 1997 in Massachusetts, 1998 in Washington, 2002 in Oregon, and 2004 in Wyoming.

^c Limits were later repealed by state legislatures in 2002 in Idaho and in 2003 in Utah.

^d Utah's state legislature adopted term limits in 1994.

^e Louisiana's vote was on a referendum, referred to the voters after passage through the regular legislative process.

Table 2: State Legislative Term Limits in Effect as of 2007

State	Lower House		Upper House	
	Limit (years)	Starting in	Limit (years)	Starting in
California	6	1996	8	1998
Colorado	8	1998	8	1998
Oklahoma	12	2004	12	2004
Arizona	8	2000	8	2000
Arkansas	6	1998	8	2000
Florida	8	2000	8	2000
Michigan	6	1998	8	2002
Missouri	8	2002	8	2002
Montana	8	2000	8	2000
Ohio	8	2000	8	2000
South Dakota	8	2000	8	2000
Maine	8	1996	8	1996
Louisiana	12	2007	12	2007
Nevada	12	2010	12	2010
Nebraska	–	–	8	2006

predicted the election of more members of under-represented groups, but there has been no real increase in women or racial minorities in term-limited legislatures. An even more cherished expectation was that term limits would attract more “citizen-legislators,” those who would interrupt private-sector careers for brief spells of public service. Studies suggest that reformers’ hopes to reduce the number of professional politicians in state legislatures have been dashed. Most term-limited legislators regard politics as their profession, even though they serve for shorter periods in the state legislature than they would without the reform.

But term limits do have two clear, direct influences on state legislative composition. First, they increase turnover, especially in the highly professional term-limited legislatures (California, Ohio, and Michigan) that are most similar to the Illinois General Assem-

bly. Turnover in these bodies is related to the length of their limits: three-term limits yield something over 33 percent turnover each election; four-year limits average something over 25 percent turnover; and so forth. Over the past two decades, overall election-to-election turnover in the Illinois House⁶ averaged only 18.5 percent, the seventh lowest rate in the nation.⁷ Hence, even limiting Illinois representatives to six terms would likely increase turnover.

Second, and probably more important for Illinois, term limits purge legislative chambers of their senior members. Given the tradition of Illinois’s legislative leaders learning the ropes through years of apprenticeship, the General Assembly would be radically altered by this “chopping down of the tall timber.”⁸ Given the current dissatisfaction with state government, such chopping might prove a potent argument for term-limits advocates.

Legislative Behavior

There is some evidence that term-limited legislators are less exclusively focused on their own districts, more concerned with statewide issues, and more willing to vote their own beliefs on legislation. They also spend less time campaigning and raising money. These are results that reformers applaud. On the other hand, term-limited legislators do not appear to spend more time studying and developing legislation than their unconstrained counterparts. So just what are they doing? According to one political scientist, “The first two years they’re learning. The next two years they’re legislating. The final two years they’re looking for a job.”⁹ Thus, the fewer terms legislators are permitted, the greater the proportion of their careers is spent simply gearing up and winding down.

Term limits also disrupt relationships among legislators, reduce their understanding of and appreciation for the legislature, and force them to rush their policy agendas. All this makes the legislative process more chaotic, partisan, confrontational, and unpredictable. While many consider these to be negative side-effects of the reform, some term limits supporters are so deeply

suspicious of government that they actually welcome this sort of legislative gridlock, as a way of restricting government.

Institutional Relationships

Standing committees are less influential in term-limited legislatures because they are less of the storehouse of policy information and gatekeeper than they are in non-term-limited legislatures. Several studies also show that the reform significantly weakens legislative leaders, something both hoped for by term limits' proponents and feared by its opponents.¹⁰ Leaders in term-limited legislatures are weakened by their lack of experience and the constant struggle for leadership power, with leaders being lame ducks immediately upon gaining their positions.

This weakening of legislative leaders and committees is largely responsible for term limits' most significant institutional effect – the legislature's overall loss of power in state policymaking. Many studies have shown that term limits reduce the influence of a legislature relative to the governor, executive agencies, and sometimes, legislative staff, just as the reform's critics had feared. This power shift is especially noticeable in technical and continuing areas of policy, like the budget, where a deep understanding of policy history and state government are vital.

Finally, while interest groups are not necessarily stronger or weaker in term-limited legislatures, lobbyists tend to work harder and their influence is more evenly distributed than in the absence of the reform. Furthermore, term-limited legislators' lack of experience can allow more deception by lobbyists.

Term Limits and Illinois

Given the experiences of other states, what could we expect of term limits in Illinois? Moreover, what are the chances of the reform being adopted here?

The Impact of Term Limits in Illinois

Term limits would likely have major impacts on politics – and potentially public policy – in Illinois. The

most prominent characteristic of recent General Assemblies is the centralization of power in the hands of long-serving party caucus leaders; by ousting these and other senior legislators, term limits would almost certainly effect a complete reconfiguration of the state's political power structure. At the same time, considerable policy and procedural knowledge would also be lost, leading to weaker standing committees, inefficiency in the legislative process, and a shift in power to those entities with such knowledge – legislative staff, executive officials, and possibly interest groups. Furthermore, considering the central place of legislative leaders in the state's political power structure today, major and unpredictable political changes would occur statewide.

Thus, term limits would affect the balance of power in state government significantly. Most importantly, the governor would take an even more central place in policymaking. The 1970 Illinois Constitution established one of the most powerful governorships in the country. Consolidating power in its leaders is one way the General Assembly has managed to balance power, so term limits would render the legislature a far weaker policymaking partner. Finally, the potential for term limits to encourage unethical lobbyist behavior should worry Illinoisans.

The Probability of Adopting Legislative Term Limits in Illinois

What are the chances of Illinois adopting legislative term limits? Michigan and Ohio, large industrial states like Illinois, have already done so, as have four municipalities in Illinois: Brookfield, Riverside, Springfield, and Wilmette. What about the General Assembly?

Illinois will almost certainly not adopt the reform in the foreseeable future for one important reason – the state does not have a tradition of using the direct initiative. Without an initiative, term limits would need to be enacted through a statute or constitutional provision initiated in the General Assembly. It is a safe bet that the General Assembly will never pass a bill limiting its own members' ability to seek re-election. Even assuming that term limits was good public policy, lawmakers almost never throw themselves out of office.

Conclusion

But there are two caveats to this bleak prognosis for term limits in Illinois. First, Article XIV, Section 3 of the Illinois Constitution allows for direct initiatives in one specific instance – to amend Article IV, the legislative article, on “structural and procedural subjects.” The only initiative ever voted on under this provision was the 1980 Cutback Amendment, which reduced the number of seats in the Illinois House from 177 to 118. But in order for a term limits initiative to come to a vote, a petition with signatures totaling 8 percent of the number of votes cast in the last gubernatorial election would first need to be approved.¹¹ Moreover, the Illinois Supreme Court would then have to rule such an initiative permissible under Article XIV, Section 3. To date, no group has been able to muster a petition with sufficient signatures to test the Court’s thinking.¹²

Illinois could also adopt legislative term limits through an even more improbable process – a constitutional convention. In November 2008, Illinois voters get their once-every-20-years opportunity to decide whether the state should convene such a body. One year out, there is little sign of a concerted movement to do so. However, the seemingly endless 2007 legislative session, the CTA/RTA financing crisis, delayed infrastructure projects, public employee retirement under-funding, and other simmering issues have caused public discontent to soar. The environment may be ripe for populist reformers to press for direct democracy, recall, and term limits.¹³

Legislative term limits are now a fixture of politics in almost one-third of the states, many local governments, and many governments outside the United States. Scholars have found wide-ranging effects, some expected and others not, which reinforce the notion that institutional arrangements can dramatically affect the way government works, often in non-obvious ways. As Illinois voters decide next year whether to establish a constitutional convention, they should resist pat claims about quick fixes and think clearly about what any institutional changes would mean for the state. The recent history of term limits in the American states may provide a cautionary tale in this regard.

Do voters want wholesale changes in the structure of Illinois state government? Just how unhappy is the public over the current political climate in Springfield? While making long-term decisions on temporary pique is not wise, if voters have a more fundamental dissatisfaction with state politics and government they may wish to roll the dice on a constitutional convention next November.

¹Only 15 states have effective term limits, because six repealed them or had them nullified by the courts (see Table 1 footnotes; Table 2).

²Louisiana and Utah adopted the reform through regular legislative process, but under the threat of more restrictive term limits initiatives. Term limits initiatives failed in North Dakota and Mississippi. Alaska and Utah have never voted on term-limiting their legislators.

³In 1995, the U.S. Supreme Court voided state laws limiting congressional service (*U.S. Term Limits v Thornton* 514 U.S. 779), but it also held that the U.S. Constitution does not prevent states from limiting the terms of their own officials.

⁴Conference of State Legislatures. 2006. “Statewide Votes on Term Limits.” Typescript. Denver, CO.

⁵For an extended bibliography of works on state legislative term limits, please see <http://www.igpa.ullinois.edu/lib/data/PF20-2Supplemental.pdf>.

⁶The Illinois Senate had even lower turnover during this period (15 percent), but its irregular terms make comparisons harder.

⁷Gary F. Moncrief, Richard G. Niemi, and Lynda W. Powell. 2004. “Time, Term Limits, and Turnover: Trends in Membership Stability in U.S. State Legislatures.” *Legislative Studies Quarterly* 29:357-81.

⁸Dave H. Everson. 1992. “The Impact of Term Limitations on the States: Cutting the Underbrush or Chopping Down the Tall Timber?” In *Limiting Legislative Terms*, Gerald Benjamin and Michael J. Malbin, eds. Washington, DC: CQ Press.

⁹Steve Law. 2000. “Lawmaking Talent Lost through Revolving Door,” *Statesman Journal Online*, 13 February, p. 9.

¹⁰A study of Michigan has suggested the opposite, that term limits increase legislative leaders’ control of their caucuses and chambers because, in a chaotic term-limited legislature, they are the only clear source of decision-making power and policy information.

¹¹Using the 2006 gubernatorial election’s vote totals, a term limits petition would need 279,040 valid signatures.

¹²In 1992, the conservative activist group, Illinois Forum, tried to qualify a term limits initiative, but failed to garner enough signatures.

¹³On the other hand, a constitutional convention populated by allies of the General Assembly would seem unlikely to propose a term limits provision.

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