

Modeling Mistrust: An Event History Analysis of Term Limits for State Legislators

Kevin M. Scott
Department of Political Science
The Ohio State University
scott.545@osu.edu

Lauren Cohen Bell
Department of Political Science
Randolph-Macon College
P.O. Box 5005
Ashland, Virginia 23005-5505
lbell@rmc.edu

Paper Prepared for Presentation at the Annual Meeting of the Southern Political Science Association, November 4-6, 1999, Savannah, Georgia.

Abstract¹

This paper explores the question of why some states have adopted term limits for their state legislators while others have rejected them. Although scholars have spent much of the 1990s attempting to make sense of the term limits movement, many previous studies have focused on the adoption of term limits for members of Congress, not for state legislators.

While scholars have recently begun to address the impact on state legislatures,² the question of why some states have adopted term limits and others have not remains unanswered by the term limits literature. Building on a growing policy diffusion literature that has, to date, only assessed policies adopted by legislatures and not those adopted by referendum, we use event history analysis to contribute to the understanding of term limits adoption and the literature on state policy adoption. We find that the presence of the ballot initiative within the state is the only significant determinant of whether a state adopted term limits during the period of study, 1989 to 1996.

In addition, this paper further refines the application of an important method in political science by using event history analysis to speculate on the conditions that contribute to policy adoption through referenda voting. Previously, this method has been used to assess policies made by legislative bodies.

¹ The authors wish to thank the Department of Political Science at The Ohio State University and the Department of Political Science and Committee on Faculty Development at Randolph-Macon College for their financial assistance with this project. In addition, the authors wish to thank Stacy Rumanep at US Term Limits in Washington, DC for her assistance with identifying those states that have adopted term limits.

² For example, see Katches 1999; National Conference of State Legislatures 1999; Bell 1998; Dire 1998; Hansen 1998; Hansen and Rhyme 1998; Lederman 1998.

Introduction

Although the United States Supreme Court ruled congressional term limits unconstitutional in *Arkansas Term Limits v. Donovan* (1997) and *Arkansas v. Donovan* (1997), limiting legislators' terms remains an attractive public policy option at the state level. Term limits proponents claim that state legislators are as firmly entrenched as their national counterparts and that they are similarly prone to insularity, corruption, and mistakes. When placed on state ballots, term limits for state legislators routinely pass with sizeable majorities of the popular vote.

The movement for limited state legislative terms began in Oklahoma, California, and Colorado in 1990, when all three states voted to limit the terms of their state legislators. Oklahoma was the first state to enact legislative term limits, when voters approved 12-year lifetime limits on service in the state legislature (Copeland 1992). In California, voters were asked to approve a term limits initiative that established strict term limits (six years in the state house, eight years in the state senate) and lifetime bans on again holding the same office (Benjamin and Malbin 1992, 286). On November 6, 1990, California voters narrowly approved Proposition 140 (Price 1992). Colorado voters approved a similar proposal that year, limiting their state representatives and senators to eight years in office, but permitting term-

limited former members to return for additional terms after “sitting out” for four years (Benjamin and Malbin 1992, 286).

Following the 1990 elections, there was a groundswell of support for limited legislative terms, both within the states and nationwide. At the national level, activists at interest groups like U.S. Term Limits and Americans Back in Charge began formulating their strategies and recruiting grassroots champions of the term limits idea at the state and local levels (Rausch 1995, Olson 1992, Rothenberg 1992). At the same time, revelations of scandals, both at the state and national levels, fueled public perceptions that legislators were prone to corruption (Grey and Jacob 1996, 199). Rosenthal (1998, 67-8) notes: “Data from state polls since the late 1980s show that opinions of the legislature are generally low, and no better than the 33 percent approval ratings for Congress in the 1990s.” In the 1990s, term limits proponents have been able to persuade the public, with relatively little effort, that the only way to keep legislators honest is to remove them from office after a relatively short period of time. Today, legislators in 18 states operate under limited legislative terms. Table I, below, summarizes the range of ballot initiatives and actions of the states that voted on term limits proposals between 1990 and 1996.

-- Table I about here --

While nearly all state legislative term limits were enacted between 1990 and 1996, reform-minded citizens and interest groups continue to push for additional limits on state legislators. In fact, voters in two states – Mississippi and North Dakota – will be asked to limit the terms of their state legislators before the end of the year 2000.³ These proposals to limit

³ Four years ago, in 1995, Mississippi voters rejected a proposal to limit the terms of state legislators and other state officeholders. In November, 1999, voters in Mississippi will again be asked to limit the terms of

state legislators' terms come as states across the country are revisiting their term limits for state legislators. In 1999, eleven bills were introduced in seven state legislatures to repeal term limits. In several additional states, original proponents of term limits laws are renouncing their positions (National Conference of State Legislatures 1999).

Previous studies of the term limits movement in the United States have tended to focus on one of three questions: the role of political elites in the movement (Rausch 1995, Jost 1994, Moore 1992), the nature of the campaign for term limits in individual states (Copeland 1992, Olson 1992, Price 1992), or the consequences of limiting legislators terms in office (for example, Baker 1996, Reed and Schansberg 1995, Herrick, Moore, and Hibbing 1994, Thompson and Moncrief 1993, Will 1992). Despite these previous studies' attention to the term limits phenomenon, the public's selection of term limits as its preferred method of legislative reform remains something of a puzzle.

The term of any state legislator or public official can be limited at any time through electoral processes that existed in each of the 50 states long before the first term limits proposals were approved. And, many analysts agree, term limits alone are not enough to eliminate corruption or ensure more representative state legislatures. Why, then, did majorities of voters in some states embrace constitutionally- or statutorily-imposed term limits for state legislators (and in some cases, other officers) so ardently between 1990 and 1996? And why might voters in additional states impose limits on their state legislators in the next two years? This

their state legislators by passing a ballot initiative. In July, 1999, a judge in North Dakota approved the inclusion of a term limits initiative on that state's November, 2000 ballot.

paper explores why voters in some states have chosen to impose term limits on their state legislators, while voters in other states have not.

Unlike previous studies that have explored micro-rationales for term limits support (see, for example Cohen and Copeland 1997), this paper looks at state-level data as providing the necessary context for the adoption of term limits. This paper considers such factors as state economic conditions, the specific term limits proposal under consideration, the dominant political culture of a state, and the particular circumstances of state initiative processes (or the lack thereof) as potentially fruitful explanatory variables.

A Unified Approach to Understanding State Policy Adoption

The search for macro-rationales to explain states' adoption of term limits proposals begins with an exploration of why states choose certain policy alternatives over others. There is a substantial body of literature that speaks to the factors affecting state policy adoption. The history of literature on state innovation, which dates as far back as Dye (1966), has focused on different determinants of state innovation, often focusing on the internal features of a state or the regional influence of policy adoption. (In addition to Dye, see, for example, Glick and Hays 1991; Gray 1973; Walker 1969). Berry and Berry (1990, 1992) note that much of the debate over state policy adoption prior to the 1990s had focused on whether internal or regional influences controlled the choices of state governments, while making little provision for the possibility that states may adopt policies as a result of both internal and external influences. Their event history analysis of state lottery adoption argues for a unified model of understanding state policy adoption that accounts for both factors. They conclude that "regional diffusion and

internal determinants explanations of state innovation should not be analyzed in isolation: instead, unified models are needed” (Berry and Berry 1990, 411).

More recent work has reinforced these findings. Mooney and Lee (1995) look at the adoption of abortion policies by states before *Roe v. Wade* (1973) and find that internal state characteristics help shape regional influences in a process of social learning, where each subsequent state to adopt a policy does so in a different way, often based on the previous experiences of other states. One of the central findings of Mooney and Lee’s work is that the adoption of morality policy reflects, in many ways, the adoption of other policies. Mintrom (1997) augments this theory by assessing the role of policy entrepreneurs, “political actors who promote policy ideas” (739) in state adoption of school choice legislation. He concludes that policy entrepreneurs, at least in the case of school choice, play an important role in promoting a policy and encouraging state action. Grattet, Jenness and Curry (1998), in their study of the adoption of hate crime laws, find that while the pressure of neighboring states adopting a policy increases the likelihood a state will innovate and that internal factors remain important, they also find that “although states converge around the *method* of altering their criminal codes, the specific content of the laws becomes increasingly differentiated over time” (303).

The recent trend toward an integrated approach to understanding why states adopt certain policies leads us to expect that regional and internal factors will affect the adoption of term limits in different states. One caveat is important at this point: These previous examinations of state policy adoption have focused on legislature-adopted policies and not those passed by referendum or initiative. The unique characteristic of the term limits movement is its use of referenda, so adoption patterns clearly will be affected by the presence or absence of an

initiative process. The recent trend toward an integrated approach to understanding policy adoption provides an essential context to the study of why some states have adopted term limits for their state legislators while others have not.

Why Term Limits?

The public's support for term limits for their state legislators seems to stem from the same types of concerns that motivated supporters of term limits for members of Congress (indeed, these tend to be the same people). At both levels, public support for term limits is derived from a reaction to perceptions that incumbent legislators are impervious to electoral defeat due to policy and political opportunities that make serious challenges unlikely (Daniel and Lott 1997, Hanson 1997). Among the rationales that supporters of term limits for state legislators cite for their support of term limits are the following: the increasing professional class of politicians that, through policy and political activities, sets up barriers to the entry of outsiders; legislators who are corrupt; and the increasing role of interest groups in setting state legislative agendas (Daniel and Lott 1997, Hanson 1997). The prevailing view among term limits supporters is that term limits offer a guaranteed fix to the problems of legislators being too corrupt, too entrenched, and too beholden to special interests. They believe, according to one report, that "term limits will restore government to the way the Founders envisioned it" (Hansen 1997, 51). The supporters' preferred method of enacting these term limits is through the ballot initiative process.

A large part of what term limits supporters believe led governance away from the intent of the framers is the increasing professionalization of state legislatures. Arguing that only “citizen legislatures” can be trusted to govern, term limits supporters frequently cite legislative professionalization among their list of grievances with contemporary state legislatures (see, for example, Crane 1991). Indeed, state legislatures have become more professional bodies. Professor Charles Bell writes: “Not many years ago, states were considered the backwater of American politics, their governments incompetent at best and often corrupt. But the states have changed dramatically.” Patterson (1996, 175) explains: “In recent decades, the state legislatures have become professional bodies.” Rosenthal (1998) provides a detailed chronicle of the development of the state legislatures. He notes that the period between 1965 and 1980 represented a particularly important period for the development of state legislatures. During this time period, the most fundamental change was the building of legislative “capacity,” or ability to conduct business in an efficient and productive way. Rosenthal notes that legislatures expanded their physical space, extended their sessions, pared down their structures, increased their professional staffs, and increased the financial incentives to serve (Rosenthal 1998, 51-4).

This capacity building within the states significantly contributed to the professionalization of the state legislatures. Rosenthal (1998, 55-6) points out that modernization led directly to the creation of a professional class of state legislators who, following the capacity-building reforms of the 1960s and 1970s, now had the tools to make a career out of serving in the state legislature. Of course, not all states professionalized at the same pace, and wide gaps remain between the most professionalized state legislatures and the least-professionalized legislative bodies. Still, state legislatures are today vastly more professionalized than they were 30 years

ago. This increased professionalization has contributed to the public's negative mood about state legislatures. Rosenthal (1998, 71) explains: "Professionalism has contributed to the public's discontent. ... Professionalization may also have placed a greater emphasis on the retention of office..."

Legislative Corruption

Without exception, term limits supporters cite legislative corruption among their reasons for supporting term limits (see, for example, Cohen and Copeland 1997; Americans Back in Charge 1996; Jacobson and Dimock 1994; Alford, et al. 1994; Banducci and Karp 1994). Schneider (1992) notes: "The voters are responding to the arrogance and corruption they perceive among politicians" (34).

When it comes to legislative corruption, the perceptions may approximate reality. According to Rosenthal (1998, 92): "Ethics problems in state legislatures are real; they are not just attributable to media sensationalism or to unreasonable public standards. Corruption has been ferreted out in several states and minor scandals have surfaced in many others." He cites California, Arizona, South Carolina, and Kentucky as examples of egregious abuses. Seglem (1994, 46) adds: "Multiple and highly publicized statehouse corruption scandals have resulted in criminal indictments and convictions against dozens of state legislators... ." Even in states where legislative corruption is not particularly rampant, the attention paid to scandals by media outlets may create among citizens the sense that all legislators are inherently corrupt. Indeed, many of the national term limits organizations used such appeals in their communications with state and local term limits activists (see, for example, the publications of U.S. Term Limits and Americans Back in Charge).

Influence of Interest Groups

Term limits supporters also point to the influence of interest groups on state legislators to justify their support of limited state legislative terms. Indeed, the dramatic increase in organized interests during the 1960s and 1970s has been well-documented (see, for example, Berry 1997; Schlozman and Tierney 1983). As state legislatures professionalized through the 1970s and into the 1980s, interest groups began to apply their newly-developed national strategies to the states.

The confluence of these two trends probably contributes, at least to some extent, to the public's call for limited terms for state legislators. At the national level, term limits supporters have long cited the influence of national lobbies among their rationales for supporting term limits for members of Congress. Yet, lobbying may be an even greater contributor to term limits support at the state level. Dye (1997, 111) notes that "state legislators might be more subject to the pressures and appeals of organized interest groups than members of Congress." Bell (1993, 40) states: "[D]ue to the growth and professionalization of state government, interest groups and their lobbyists have become more involved in the state policy process." Thomas and Hrebemar (1996, 122) note that

"an increasing number of interest groups, from bankers to chiropractors to animal-rights advocates, are establishing a presence close to the nerve center of state government for one important reason -- to promote and protect their interests in the never-ending process of public policy making."

Indeed, many term limits supporters cite an increase in the influence of interest groups on state legislatures as evidence for the need for term limits. In their view, increased rates of turnover would make interest group spending on pet legislation and on campaign contributions

less cost-effective for the interest groups, and that term limits would, as a result, reduce the influence of interest groups on state legislators. Indeed, one study found that term limits in California have had precisely that effect (Daniel and Lott 1997).

The Ballot Initiative Process

Although legislative professionalization, perceptions of corruption, and perceptions of increased interest group participation may in part explain the public's embrace of term limits, these things alone are insufficient explanations. Crucial to the term limits movement were provisions in many state constitutions allowing for direct democracy through the ballot initiative process. With one exception (Utah in 1994), all impositions of term limits for state legislatures have taken place as a result of the public's majority vote of approval on a ballot initiative. Although not all states that permit the ballot initiative process have limited their state legislators' terms, the initiative process is the most frequent path to term limitation. This is because state legislators generally are reluctant to limit their own terms. In the early to mid-1990s, the ballot initiative process also was attractive because it could be easily manipulated by out-of-state term limits elites. No state required that signatures be gathered by state residents. So, national organizations could assist local term limits supporters in gathering the needed signatures. As Magleby (1993, 85) notes: "While initiatives can be isolated occurrences – the result of the political environment in a particular state or locality – they have increasingly become regional or even national in importance as proponents in one state for issue networks across state boundaries."

The initiative process can take two distinct forms: direct and indirect (Magleby 1993). The direct initiative, which is the most common, requires only that supporters collect the

required number of signatures for inclusion on a public ballot. The indirect initiative requires all ballot initiatives first to be submitted to the state legislature; only once the legislature has failed the proposal or acted in a similarly unsatisfactory way can supporters of the proposal ask that it be submitted to the public for its consideration (Magelby 1993; *Book of the States, Volume 32*, Table 5.14).

Although the presence of the ballot initiative makes it substantially easier for term limits supporters to use direct democracy to capitalize on the public's latent preference for limited terms, not all states that permit the initiative process have enacted term limits. And, in at least one state – Louisiana – members of the state legislature themselves proposed an amendment to the state's constitution, which required only ratification by the people through a regular vote. Thus, the initiative process alone is not a sufficient explanation for why some states have adopted term limits while others have not.

Method and Model

In order to develop a macro-level theory of term limits adoption, we combine internal state political factors with external regional factors to develop a model of term limits support in the electorate. The time frame for this analysis is the period between 1989 and 1997, the time period in which all impositions of term limits for state legislators took place. Our dependent variable is adoption of a term limits proposal limiting state legislators' terms. We hypothesize that several independent variables will contribute to the public's choice within each state of whether or not to impose term limits on state legislators. These independent variables include: legislative professionalism; presence or absence of the ballot initiative; the specifics of the proposals before the voters; sharing of policies across state lines; political culture; the impact of

interest groups; state economic conditions; and legislative corruption. The operationalization of each of these variables is described briefly below.

Legislative Professionalism

As was noted above, state legislative professionalism is one of the main reasons that term limits supporters believe that state legislators' terms should be limited. Rosenthal (1998, 71) notes that "confidence in citizen legislatures probably exceeds that in amateur legislatures." Thus, we expect to find that voters in states with higher levels of legislative professionalism are more likely to impose term limits on their state legislators than are states in which the legislatures remain relatively less professional. We use the National Conference of State Legislatures' (NCSL) scale of legislative professionalism to assess whether citizens with states in more professional legislatures are more likely to adopt term limits. This scale codes high levels of professionalism as those "legislatures whose members work at their task full time, are relatively highly paid, and enjoy substantial staff support" (Patterson 1996, 175). Citizen legislatures are those "whose members are mostly part time, relatively poorly paid, and minimally staffed" (Patterson 1996, 175). The NCSL adds a "hybrid" category that represents the middle ground between these two extremes.

Initiative Permitted?

It is clear that the presence or absence of the initiative process is an important aspect of determining whether term limits are imposed on state legislators. Several accounts of the success of term limits at the state level have identified supporters' use of existing ballot initiative

measures as essential to the adoption of term limits (see, for example, Hansen 1997).⁴

Therefore, we predict that the presence or absence of the direct initiative process within a state will be a critical component of that state's decision whether to adopt term limits. We code this variable as a 1 if a direct initiative is permitted, either for legislation or constitutional amendment.

Sharing of Policies Across State Lines

The public policy literature demonstrates that states often adopt policies that have worked for their neighbors. Following Mintrom (1997), we code this as the proportion of a state's neighbors that have adopted term limits in previous years, ranging from 0 to 1.

Political Culture

Daniel Elazar (1984) classified each of the states based on what he called "political culture." Specifically, he identified the presence of three very distinct political "subcultures" in the United States. These subcultures are individualistic, moralistic, and traditionalistic. We use Elazar's typology of states' dominant political cultures to assess whether political culture has an impact on states' likelihood of limiting their legislators' terms. We use three separate dichotomous variables, each representing one of Elazar's types, to code political culture.⁵

Impact of Interest Groups

The increasing presence of interest groups at the state level is one of the reasons that proponents of term limits for state legislators cite for their support. Elhauge (1997, 183) adds that "an increase in interest group influence might cause the electorate to express different

⁴ It should be noted that many of these accounts are popular press accounts. The extent to which the ballot initiative has played a role in the adoption of term limits for *state* legislators has been less well-documented by academic research.

⁵ Each type of political culture is a separate variable, coded 0 or 1 based on Elazar (1984). For example, a state with a moralist political culture would be coded as a 1 in the moralist culture variable and as a 0 in the traditionalist and individualist culture variables.

preferences than it would otherwise.” Thus, we would expect that the greater impact interest groups are perceived to have on the state legislative process, the more likely voters would be to vote in favor of limiting their state legislators terms. We use Hrebenar and Thomas’ classification of the impact of interest groups on each of the states (as reproduced in Gray and Jacobs 1996, 152) to assess whether voters in states with high levels of interest group participation in the policy-making process are more likely to impose term limits on their state legislators than are voters in states with lower levels of interest group participation.

State Economic Conditions

Anecdotal evidence (see Holland 1999b) suggests that when economic conditions are rosy voters will be less likely to opt for term limits. We consider two economic indicators in our model. The first indicator is tax regressivity, which provides a longer term indicator of citizen satisfaction with the economy. This is a continuous variable, coded as the percentage of taxes paid by the lowest 40 percent of the income bracket as compared with the highest five percent of the income bracket (Winters 1996). The larger the number, the more regressive the state’s taxation policy.

The second indicator that we employ is a short-term measure of economic conditions. We use state-by-state unemployment figures for the month immediately preceding each state-wide general election during the period between 1989 and 1997, and we code the unemployment variable as the rate of individuals unemployed in each state during October of each year. Higher unemployment rates, we believe, will contribute to voter dissatisfaction and, thus, could increase the chance that a state adopts term limits.

Legislative Corruption

Legislative corruption is among term limits supporters' primary motivating impulses. Therefore, we expect that states in which state legislators have been accused or found guilty of corruption will be more likely to adopt term limits than states whose legislators are perceived to be law-abiding and not corrupt. We use anecdotal evidence taken from Rosenthal (1996 and 1998) to identify those states in which documented corruption has plagued the state legislatures. "Corrupt" states are coded '1' in this dichotomous corruption variable. Those states that have not experienced a major scandal are coded '0.'

Thus, our model of why some states adopt term limits and others do not centers on these preceding independent variables: legislative professionalization, political culture, presence or absence of the direct initiative, unemployment rates, corruption within the state legislature, and whether a state's neighbors also have adopted term limits.

Method

Prior to this research, the use of duration, or event history, analysis to explore questions about state policy adoption have focused on the legislative process. In this research, we apply these important techniques to a policy that arises under the initiative/referendum process in each of the states. Duration analysis operates under the assumption that all of the cases, here the 50 states, are "at risk" for adopting term limits and "fail" when voters impose term limits on their state legislators. The dependent variable is the amount of time from which the first state fails (Oklahoma, Colorado and California in 1990) to the time a given state fails. If a state does not adopt term limits, it is considered still at risk and further observations (those past the 1998 general election) are right-censored. Typical methods of analysis, including Ordinary Least Squares regression analysis (OLS) and logit or probit analysis, are not appropriate for this type

of model. OLS has two main problems: it treats censored and uncensored cases the same and can produce negative expected durations (Box-Steffensmeier and Jones, 1997). For these reasons, we find a least squares estimator unacceptable. One possibility is to conduct logit analysis, but doing so ignores duration dependence. Another possible solution is to create a dummy variable for each year (Mintrom, 1997), but doing so costs degrees of freedom (Beck, 1998), and, in this dataset, causes problems of perfect prediction because there are a number of years (1991, 1996, 1997, 1998) where no state adopted term limits. Given these problems, we utilize event history analysis, specifically a Cox proportional hazards model, to conduct our analysis. The Cox model has the advantage over other event history methods of not requiring a pre-specified distribution. This is particularly important in the case of term limits, a phenomenon which started rather slowly in 1990, quickly rose in 1992, and then descended thereafter.

Of interest in event history analysis is the hazard rate, or the likelihood that a state will fail given that it has survived to a given point. One way of looking at the impact of the covariates is to assess their impact on the baseline hazard, which is roughly equivalent to a one-unit change in the independent variable on the dependent variable. The Cox model specifies the hazard rate as

$$h(t)=h_0(t)e^{\beta_1x_1+\beta_2x_2(t)} \quad (1)$$

In this case, the baseline hazard, $h_0(t)$, is not specified and is estimated by the model (Box-Steffensmeier and Jones, 1997). Coefficients with a positive sign increase the hazard rate, $h(t)$, and those with a negative sign decrease $h(t)$. One problem in our analysis is that a constant term is absorbed into the baseline hazard and, since we use dummy variables to measure political culture, the individualistic political culture is part of the baseline hazard rate. Based on equation

(1), the baseline hazard can be interpreted as the risk of a state failing given values on all the covariates of 0. Figures II and III, then, can be interpreted as taking a state where the values on all the covariates equal 0 and changing the value of one covariate to 1.

The unit of analysis is a year-state, and the dependent variable is whether a state passed a term limits policy in that year. If a state passes a term limits initiative, it “fails” and drops out of the data set. Massachusetts, Nebraska and Washington all are considered to fail at the time of their adoption of term limits, though courts in those states eventually overruled term limits provisions. Utah also is considered to fail in 1994, when its legislature adopted term limits policies. The “risk set” starts in 1990, as mentioned above.

Analysis

The statistical calculations were performed using Stata 6.0’s “stcox” procedure. The results of our analysis are reported in Table II. The one clear point here is that the presence of a direct initiative is the overwhelming determinant of whether a state limits the terms of its state legislators. In this respect, our event history analysis confirms the anecdotal and popular press accounts of the importance of the ballot initiative in securing term limits for state legislators. The overwhelming power of a direct initiative is clearly demonstrated in Table II.

– Table II About Here –

None of the other variables in our model even approach statistical significance, though the proportion of neighbors adopting has a negative coefficient, a finding that might merit further analysis. It would certainly be premature, based on this data, to suggest that states are scared off by the experiences of their neighbors with term limits. In fact, term limits proves to be a

largely regional phenomena, concentrated in South Central states, the Great Plains and the West (although, again, these are the regions where the use of ballot initiatives is concentrated).

Thus, in order to observe the relative importance of the other independent variables, we hold our initiative variable constant across all states. Once the presence of direct initiative is controlled for, there still appears to be some evidence that a state is at a lower risk to fail once its neighbors. Table III presents the results of this supplemental analysis. The data demonstrate that holding direct initiative constant has little impact on the statistical significance of the remaining independent variables. That said, the effect of neighbor adoption becomes clearly insignificant, which suggests the likely presence of multicollinearity between neighbor adoption and direct initiative. This finding further reinforces our finding, above, that the presence of the direct initiative, more than any tangible political or economic condition, contributes to states' adoption of term limits.

-- Table III About Here --

The effect of some of the variables becomes clearer when looking at the figures.⁶ Figure I shows the baseline hazard rate, as calculated by the Cox model. This figure demonstrates that the overall conditions were optimal for states to “fail,” that is, adopt term limits, in 1994. It should be noted that this finding of optimal conditions in 1994 is not inconsistent with the fact that only three states adopted term limits in that year, compared with 10 states in 1992. The finding of optimal conditions in 1994 simply indicates that had all states operated with direct initiative provisions, it is likely that there would have been a large number of

⁶ One thing to bear in mind is that all of the figures apply for the individualistic political culture, which, as the excluded dummy variable, is incorporated into the baseline hazard.

failures in that year. As it was, since only a finite number of states with the direct initiative had not “failed” yet as of 1994, there were only a handful of states that were capable of failing in that year. Most of them did, indeed, fail, and our model suggests that had there been more states with the direct initiative, they, too, would have failed that year.

--Figure I About Here—

Figures II and III demonstrate the effects of two dummy variables, direct initiative and scandal, on the risk that a state would fail in a given year. The safe conclusion is that there was something about 1994 that raised the baseline hazard in all cases. That said, the absence of scandal seemed to cause states to start adopting term limits earlier, and at a rate that increased until 1994, while the presence of scandal had an uneven effect before the watershed 1994 elections. With the direct initiative, however, the effect of the presence of the direct initiative appears to be cumulative, with the hazard increasing until 1994 and falling off thereafter. Taken together, these figures illustrate the extent to which conditions were ripe in 1994 for states to “fail.” We suggest that had there been more states that utilized the direct initiative, they would have failed in that year.

--Figures II and III About Here--

The results, overall, confirm the conventional wisdom about term limits. We find, however, that duration analysis and its ability to incorporate time-varying covariates produces at least one interesting finding that merits further attention by state policy adoption scholars. Finding no effect of neighbor adoption runs contrary to the accepted wisdom of state policy diffusion. Finally, it is probably noteworthy to assess the non-findings of our analysis. We begin to do this in our conclusions, below.

Conclusions

This project has resolved a nagging question in the term limits literature: it is clear that the presence of the direct initiative alone accounts for why states adopted term limits throughout the 1990s. Based on our analysis it is clear that none of the theoretically- important variables or rationales cited by term limits supporters had any statistically significant bearing on a state's likelihood of "failing," which we defined at the outset of this project as adopting term limits for state legislators. The presence or absence of a scandal played very little role, as did other measures, like legislative professionalism, that previously had been presumed to motivate citizens' desire for term limits. This suggests that to the extent that 1) states have a direct and accessible initiative process and 2) a term limits initiative makes it onto the ballot, voters are likely to support the initiative, even in the absence of any compelling political or economic reason to do so.

While this finding illuminates our understanding of the circumstances under which term limits are adopted, it is somewhat disappointing in that we are unable to declare the adoption of term limits to be the end result of a careful campaign to right the wrongs of state government. Indeed, our analysis demonstrates that even in states where no major scandals had occurred, and where economic conditions were reasonably favorable, voters opted for term limits when they were placed before them on the ballot. We conclude, therefore, that some states adopted term limits while others did not solely as a result of the direct initiative.

Finally, we are pleased with the way our event history model performed. Previous attempts to use event history analysis in assessing state policy adoption and diffusion have been focused on legislative adoption of policies, including education reform (Mintrom, 1997), lotteries

(Berry and Berry, 1990) and hate crime laws (Grattet, Jenness, Curry, 1998). We have advanced this literature by looking at a policy innovation, term limits, which was motivated by voters. We find that term limits exhibits a somewhat different pattern than other policies. The demand for term limits, as measured by public frustration with state legislators, does not seem to influence the timing of term limit adoption. States seem to be uninfluenced by neighbor adoption, a finding that runs counter to previous work in the field. Though term limit adoption is unquestionably governed by the availability of the direct initiative, the findings beyond that suggest that voter adoption of a policy differs somewhat from legislative adoption. We feel that this distinction should be kept in mind in further research on state policy innovation and diffusion, and that the motivations of voters and their decisions on state ballot questions merit further research.

References

- Alford, John, Holly Teeters, Daniel S. Ward, and Rick K. Wilson. 1994. "Overdraft: The Political Cost of Congressional Malfeasance," in The Journal of Politics, 56:3.
- Americans Back in Charge. 1996. Setting Limits. (Washington, D. C.: Americans Back in Charge Foundations).

- Baker, Kelly. 1996. "The Effects of Term Limits on Characteristics of State Legislatures." Paper prepared for delivery at the 1996 annual meeting of the Southwestern Political Science Association, Houston, Texas.
- Banducci, Susan A. and Jeffrey A. Karp. 1994. "Electoral Consequences of Scandal and Reapportionment in the 1992 House Elections," in American Politics Quarterly, 22:1.
- Beck, Nathaniel. 1998. "Modeling in Space and Time: The Event History Approach" in Research Strategies in the Social Sciences: A Guide to New Approaches, Elinor Scarbrough and Eric Tannenbaum, eds. New York: Oxford University Press.
- Bell, Charles G. 1993. "Legislatures, Interest Groups, and Lobbyists: The Link Beyond the District," in State and Local Government and Politics: The Essential Readings. Harry A. Bailey and Jay Shafritz, eds. Itasca, Illinois: F.E. Peacock Publishers, Inc.
- Benjamin, Gerald, and Michael J. Malbin. 1992. Limiting Legislative Terms. Washington, D.C.: Congressional Quarterly Press.
- Berry, Frances S., and William D. Berry. 1990. "State Lottery Adoptions as Policy Innovations: An Event History Analysis," in American Political Science Review 84: 395-415.
- , 1992. "Tax Innovation in the States: Capitalizing on Political Opportunity," in American Journal of Political Science, 36: 715-742.
- Berry, Jeffrey. 1997. The Interest Group Society (3ed). New York: Longman Press.
- Blossfeld, Hans-Peter, and Götz Rohwer. 1995. Techniques of Event History Modeling: New Approaches to Causal Analysis. Mahwah, NJ: Lawrence Erlbaum Associates.
- Box-Steffensmeier, Janet M., and Bradford S. Jones. 1997. "Time is of the Essence: Event History Models in Political Science," in American Journal of Political Science 41: 1414-1461.
- Bureau of Labor Statistics 1999. State Unemployment Data. www.bls.gov.
- Cohen, Lauren M. and Gary W. Copeland. 1997. "Congress Reviled: Support for Term Limits in the American Electorate." Paper presented at the 1997 Annual Meeting of the American Political Science Association, Washington, D.C.

- Copeland, Gary W. "Term Limitations and Political Careers in Oklahoma: In, Out, Up, Down," in Limiting Legislative Terms, Gerald Benjamin and Michael J. Malbin, eds. Washington, DC: CQ Press, 1992.
- Council on State Governments. Book of the States: 1998-1999. Vol. 32.
- Crane, Edward. 1991. "Limits on legislators: the need for citizen rulers," in *Current* (332).
- Daniel, Kermit and John R. Lott, Jr. 1997. "Term Limits and Electoral Competitiveness: Evidence from California's State Legislative Races," in Public Choice 90: 165-184.
- Dye, Thomas R. 1966. Politics, Economics, and the Public: Political Outcomes in the American States. Chicago: Rand McNally.
- . 1997. Politics in States and Communities. (9ed.) Upper Saddle River, N.J.: Prentice Hall.
- Elazar, Daniel. 1984. American Federalism: A View From the States. (3ed). New York: Harper and Row.
- Elhauge, Einer. 1997. "Are Term Limits Undemocratic?," in University of Chicago Law Review 64:83.
- Glick, Henry R., and Scott P. Hays. 1991. "Innovation and Reinvention in State Policymaking: Theory and the Evolution of Living Will Laws," in Journal of Politics 53: 835-850.
- Grattet, Ryken, Valerie Jenness, and Theodore R. Curry. 1998. "The Homogenization and Differentiation of Hate Crime Law in the United States, 1978 to 1995: Innovation and Diffusion in the Criminalization of Bigotry," in American Sociological Review 63: 286-307.
- Gray, Virginia. 1973. "Innovation in the States: A Diffusion Study," in American Political Science Review 67: 1174-1185.
- and Herbert Jacob, eds. 1996. Politics in the American States: a comparative approach. Washington, D.C.: Congressional Quarterly Press.
- Hansen, Karen. 1997. "Term Limits for Better and Worse," in State Legislatures 23:7.
- Herrick, Rebekah, Michael K. Moore, and John R. Hibbing. 1994. "Unfastening the Electoral Connection: The Behavior of U.S. Representatives When Election is No Longer a Factor," in The Journal of Politics, 56:1.

- Holland, Gina. 1999. "Term Limits Back to Haunt Lawmakers." Associated Press State and Local Wire Service. 19 July.
- , 1999b. "Economy May Play Role in Term Limits Vote." Associated Press State and Local Wire Service. 14 July.
- Jacobson, Gary C. and Michael A. Dimock. 1994. "Checking Out: The Effects of Bank Overdrafts on the 1992 House Elections," in the American Journal of Political Science, Volume 38:3.
- Jost, Kenneth. 1994. "Well-Funded Group Backed by Libertarians Directed the Campaign to Pass Term Limits," in CQ Researcher, 18 November.
- Magleby, David B. 1993. "Taking the Initiative: Direct Legislation and Direct Democracy in the 1980s," in State and Local Government and Politics: The Essential Readings. Harry A. Bailey and Jay Shafritz, eds. Itasca, Illinois: F.E. Peacock Publishers, Inc.
- Mintrom, Michael. 1997. "Policy Entrepreneurs and the Diffusion of Innovation," in American Journal of Political Science, 41: 738-770.
- Mooney, Christopher Z., and Mei-Hsien Lee. 1995. "Legislating Morality in the American States: The Case of Pre-Roe Abortion Regulation Reform," in American Journal of Political Science, 39: 599-627.
- Moore, W. John. 1992. "A Lawyer Who's Pushing Limits," in The National Journal, 26 June.
- National Conference of State Legislatures. 1999. "States Reconsider Term Limits." Via website at: www.ncsl.org. 21 July.
- Olson, David J. 1992. "Term Limits Fail in Washington: The 1991 Battleground," in Limiting Legislative Terms, Gerald Benjamin and Michael J. Malbin, eds. Washington, DC: CQ Press.
- Patterson, Samuel C. 1996. "Legislative Politics in the States," in Politics in the American States: a comparative approach. Virginia Gray and Herbert Jacob, eds. Washington, D.C.: Congressional Quarterly Press.
- Price, Charles M. 1992. "The Guillotine Comes to California: Term-Limit Politics in the Golden State," in Limiting Legislative Terms, Gerald Benjamin and Michael J. Malbin, eds. Washington, DC: CQ Press, 1992.
- Rausch, John David. 1995. The Elite in the Term Limit Phenomenon. Ph.D. Dissertation. Norman: University of Oklahoma.

- Reed, Robert, and D. Eric Schansberg. 1995. "The House Under Term Limits: What Would it Look Like?," Social Science Quarterly, 76:4.
- Rosenthal, Alan. 1998. The Decline of Representative Democracy: process, participation, and power in state legislatures. Washington, D.C.: Congressional Quarterly Press.
- , 1996. Drawing the Line: Legislative Ethics in the States. Lincoln, Nebraska: University of Nebraska Press.
- Rothenberg, Stuart. 1992. "Transplanting Term Limits: Political Mobilization and Grass-Roots Politics," in Limiting Legislative Terms, Gerald Benjamin and Michael J. Malbin, eds. Washington, DC: CQ Press.
- Schlozman, Kay Lehman, and John T. Tierney. 1986. Organized Interests and American Democracy. New York: Harper and Row.
- Schneider, William. "Off With Their Heads," in *The American Enterprise*, Vol. 3 No.4. July/August 1992.
- Seglem, Lee. 1994. "The Good Opinion of the People," in State Legislatures 20(7). P.46-49.
- Thomas, Clive S. and Ronald J. Hrebennar. 1996. "Interest Groups in the States," in Politics in the American States: a comparative approach. Virginia Gray and Herbert Jacob, eds. Washington, D.C.: Congressional Quarterly Press.
- Thompson, Joel A. and Gary F. Moncrief. 1993. "The Implications of Term Limits for Women and Minorities: Some Evidence from the States," Social Science Quarterly. Vol. 5, No. 2. pp. 300-309.
- Walker, Jack L. 1969. "The Diffusion of Innovations Among the American States," in American Political Science Review, 63: 880-899.
- Will, George F. 1992. Restoration: Congress, Term Limits, and the Recovery of Deliberative Democracy. New York: Free Press.
- Winters, Richard F. 1996. "The Politics of Taxing and Spending," in Politics in the American States: a comparative approach. Virginia Gray and Herbert Jacob, eds. Washington, D.C.: Congressional Quarterly Press.

Table I: A Summary of Term Limits Within the States⁷

State	Year of Vote	Vote Outcome	Limit Approved	Year Limits Begin	Percent Support
Arizona	1992	Approved	Legislators: 4 terms (8 years)	2000	74
Arkansas	1992	Approved	House: 3 terms (six years) Senate: 2 terms (eight years)	House: 1998 Senate: 2000	60
California	1990	Approved	Assembly: 3 terms (six years) Senate: 2 terms (eight years)	House: 1996 Senate: 1998	52
Colorado	1990	Approved	House: 4 terms (eight years) Senate: 2 terms (eight years)	House: 1998 Senate: 1998	71
Florida	1992	Approved	House: 4 terms (eight years) Senate: 2 terms (eight years)	House: 2000 Senate: 2000	77
Idaho ⁸	1994	Approved	House: 4 terms (eight years) Senate: 4 terms (eight years)	House: 2004 Senate: 2004	59
Louisiana	1995	Approved	House: 3 terms (twelve years) Senate: 3 terms (twelve years)	House: 2007 Senate: 2007	76
Maine ⁹	1993	Approved	House: 4 terms (eight years) Senate: 4 terms (eight years)	House: 1996 Senate: 1996	68
Michigan	1992	Approved	House: 3 terms (six years) Senate: 2 terms (eight years)	House: 1998 Senate: 2000	59
Mississippi	1995	Failed			
Missouri	1992	Approved	House: 4 terms (eight years) Senate: 2 terms (eight years)	House: 2000 Senate: 2000	75
Montana	1992	Approved	House: 4 terms (eight years) Senate: 2 terms (eight years)	House: 2000 Senate: 2000	67
Nebraska	1994	Failed			
Nevada	1994	Approved	Assembly: 6 terms (twelve years) Senate: 3 terms (twelve years)	House: 2006 Senate: 2006	70
Ohio	1992	Approved	House: 4 terms (eight years) Senate: 2 terms (eight years)	House: 2000 Senate: 2000	66
Oklahoma	1990	Approved	Legislators: 12-year total	2002	67
Oregon	1992	Approved	House: 3 terms (six years) Senate: 2 terms (eight years)	House: 1998 Senate: 2000	70
South Dakota	1992	Approved	House: 4 terms (eight years) Senate: 2 terms (eight years)	House: 2000 Senate: 2000	64
Utah ¹⁰	1994	Approved	House: 6 terms (twelve years) Senate: 3 terms (twelve years)	House: 2006 Senate: 2006	
Washington	1991	Failed			
Wyoming ¹¹	1992	Approved	House: 6 terms (twelve years) Senate: 3 terms (twelve years)	House: 2004 Senate: 2004	77

⁷ Sources: U.S. Term Limits, Hansen (1997)

⁸ Limited by statute.

⁹ Limited by statute. Limits apply retroactively.

¹⁰ Limited by statute. Limited by vote of the state legislature.

¹¹ Limited by statute. Originally passed by initiative, later amended by action of the state legislature to permit state house members to serve 12 years.

Table II: Cox Proportional Hazards Results

	Coef.	Std. Err.	z	P> z
Direct Initiative	3.8961	1.0299	3.783	0.000
Moralistic Culture	.5860	.6732	0.871	0.384
Traditional Culture	.9526	.7559	1.260	0.208
Legislative Professionalism	-.0388	.4013	-0.097	0.923
Intrest Groups	-.1645	.4316	-0.381	0.703
Tax Regressiveness	-.0028	.0035	-0.792	0.429
Scandal	.5959	.6231	0.956	0.339
Neighbor Adopt?	-2.6438	1.5976	-1.655	0.098
Oct Unemployment	.1308	.2049	0.638	0.523

Table III: Cox Proportional Hazards Results without Direct Initiative

	Coef.	Std. Err.	z	P> z
Moralistic Culture	1.0621	.5746	1.848	0.065
Traditional Culture	-.6129	.7163	-0.856	0.392
Legislative Professionalism	.0520	.3345	0.156	0.876
Intrest Groups	.4518	.3579	1.263	0.207
Tax Regressiveness	.0035	.0030	1.153	0.249
Scandal	.2360	.5148	0.458	0.647
Neighbor Adopt?	.0052	1.219	0.004	0.997
Oct Unemployment	.1336	.1706	0.783	0.434

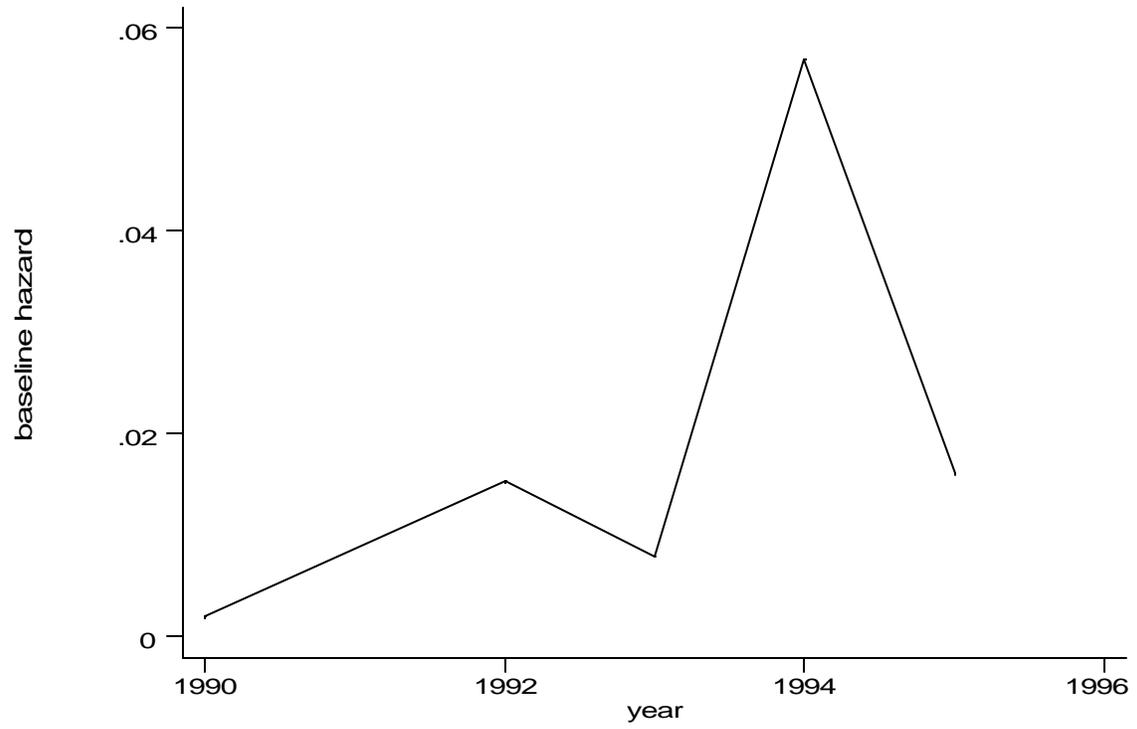
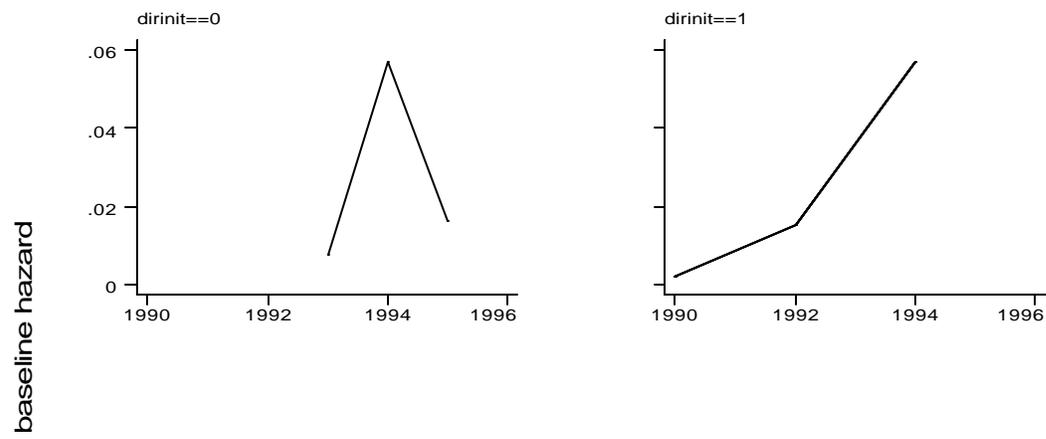
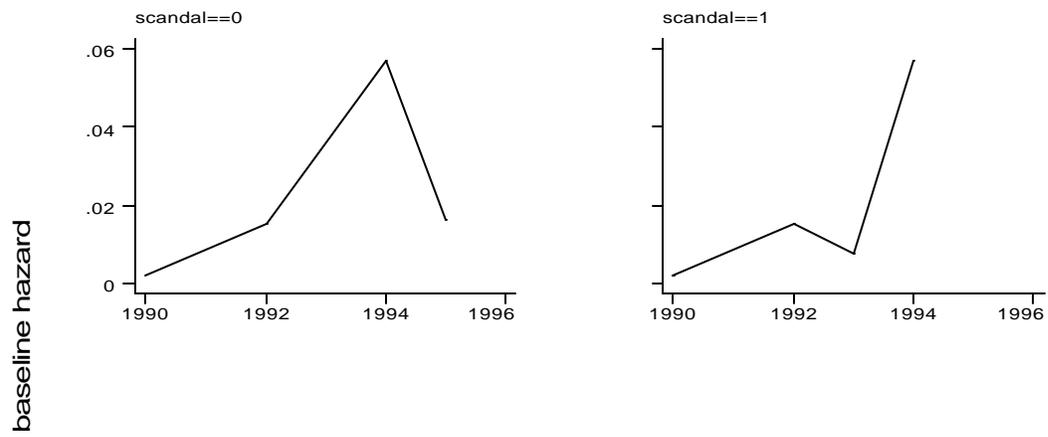
Figure I: Baseline Hazard

Figure II: Baseline Hazard By Direct Initiative

year
Graphs by dirinit

Figure III: Baseline Hazard By Scandal

year
Graphs by scandal