

Take (her) to the limit: what term limits can tell us about women's successes in political office

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A 'good government reform,' 15 states adopted legislative rules in 1990s that cap the maximum years that representatives can serve in a particular body. While designed to strike a blow to entrenched systems of power and to open political office up to outsiders, research shows that term limits actually reduce the time that legislators spend on constituent service and decrease the number of bills they sponsor. But do term limits equally shape all legislators' behavior? We focus on the gendered effects of term limits. Women in legislative bodies are higher quality candidates when they run from office and face elevated expectations from voters to win elections. We use term limits to test the effect of candidate quality compared to voter expectations by examining the effect of term limits on men's versus women's legislative behavior for over 6000 legislators serving in term limited states. We find more evidence of women's higher quality than of electoral effects.

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Term limits and gendered legislative behavior

In the early 1990s through the early 2000s, fifteen states adopted reforms that cap the maximum years that representatives can serve in a particular body. While advocates hoped that these term limits would strike a blow to entrenched systems of power and open political office up to outsiders (including women, legislators of color, and those with fewer financial resources), research post-implementation fails to find these effects. Instead, term limits decrease legislative expertise and capacity (Kousser 2006), increase power of lobbyists and the executive (Carey et al. 2006), and reduce the time that legislators spend on constituent service to their district and the number of bills they sponsor (Fourinaies and Hall 2021).

Up to now, the research on how term limits shape legislative behavior has largely focused on universal effects on legislators. But not all legislators navigate elections and legislative performance in the same ways. Gender is particularly impactful in shaping the experiences of individuals who seek and hold legislative office (Osborn 2012; Homola 2021), with women sponsoring more legislation and more successful legislation (Anzia and Berry 2011; Holman, Mahoney, and Hurler 2021), working collaboratively more frequently (Barnes 2016; Holman and Mahoney 2018), and engaging in more constituent service than do men (Thomsen and Sanders 2020). While term limits failed to change the gendered patterns of who holds state legislative office (Sanbonmatsu 2002; Fox and Oxley 2004; Carroll and Jenkins 2001; Pettey 2018), the effects of term limits on gendered behavior *within* state legislative chambers is, to our knowledge, underexplored.

In this paper, we use term limits to test two theories women overperformance: that it is due to women being of a higher quality when they enter office (the *strategic entry* thesis, Fulton 2012; Ondercin 2022) or because voters hold them to higher standards for reelection (the *gendered*

vulnerability thesis, Lazarus and Steigerwalt 2018). These two theories offer different expectations about the effects of term limits on women's legislative behavior: strategic entry suggests similar or smaller effects of term limits for women compared to men, gendered vulnerability suggests larger effects for women than for men.

To test the gendered effects of term limits, we use roll-call votes and bill sponsorship for over 6000 legislators serving in state legislatures with term limits (Fourinaies and Hall 2021) combined with information on women's representation (CAWP 2018). We find evidence that term limits are equally or more impactful on men's behavior than on women's behavior, suggesting that concerns about electability do not entirely account for women's overperformance. Our work contributes to the scholarship on how institutional rules can have uneven effects across groups and the importance of considering how and when gender shapes legislative behavior.

The Universal Effect of Term Limits?

Advocates hoped to implement term limits opening up seats to new and diverse candidates, ideally attracting the 'better angels' incentivized toward the public good not personal ambition. Term limits were expected to increase the share of women in office as they eliminate or reduce incumbency, reinforce citizen legislatures with officeholders serving for limited time and then returning to the private sector, balance power between legislatures and governors who were already term limited, and reduce the influence of special interests (Kurtz et al. 2006).

Like other institutional reforms, term limits do shape legislative behavior but not as intended. To start, term limits did not curb careerism as term-limited legislators retire, resign, and leave less frequently than their non-term limited counterparts (Butcher 2021). Reducing the incumbency effect did not result in increases in women's representation in U.S. states (Carroll and

Jenkins 2001) although they are associated with more women in office in cross-country evaluations (Schwindt-Bayer 2005). Despite opening up seats, all the existing barriers to women running for office still held. Women as potential candidates still faced second shift issues and voter stereotypes (Cassese and Holman 2018), and lacked party and elite support, particularly around recruitment to run for office (Crowder-Meyer 2013). Further, term limits removed from office long serving women legislators who had learned the systems and established seniority at great cost (Butcher 2021).

Beyond largely failing to change who holds office at the state level in the United States, term limits also shape the behavior of individuals within office, often with negative consequences. Term limited legislators underperform on all measures of legislative activity: they sponsor fewer bills, are less productive on committees, and are absent for more floor votes (Fourinaies and Hall 2021). The reduced performance may be due to the impact that term limits have on legislators' capacity: legislators in term limited states are less experienced and thus propose less complex and less innovative legislation (Kousser 2006). Overall, term limited legislators know less about the legislative process and legislation than their more experienced counterparts (Kurtz et al. 2006). Term limited legislators also feel less bound to constituent preferences and less obligated to participate in roll call votes (Carey et al. 2006).

Alternatively, the reduced performance by legislators may not be due to the quality of the legislator but that legislators focus on other things in a term-limited environment. Instead of focusing on activities that will help reelection, these legislators focus their time on securing appropriations to garner support for their next political position (Kerevel 2015) or to raise more funds for future campaigns (VanDusky-Allen 2014). But perhaps most importantly, term limits produce what Carey and colleagues (Carey, Niemi, and Powell 1998) call a "Burkean shift."

Because term-limited legislators can be less responsive to their district's demands, they can focus on other concerns, like state-wide constituents, developing reputations for progressive ambition, policy making, and cultivating personal connections (Carey et al. 2006). These findings would suggest a universal effect of term limits: all term limited legislators perform at lower levels than those legislators' facing reelection and all legislators in states with term limits would be less experienced and productive than non-term limited legislators.

But this literature assumes that all legislators react in similar ways to shifting incentives. Yet, this clearly does not apply across legislator gender. Men and women in legislatures face different incentives and respond in gender-specific ways to institutional constraints (Sweet-Cushman 2020; Atkinson 2020; Osborn 2014).

One consistent difference between men and women legislators is that women consistently outperform men on the central tasks associated with the office. Examples abound as to women's overperformance. Congresswomen secure more appropriations for their districts than congressmen and sponsor and cosponsor significantly more bills than men (Anzia and Berry 2011). Women's collaboration, particularly in organized caucuses, contributes to more bipartisan cosponsorship (Holman and Mahoney 2018) and bills cosponsored by women make it further through the policymaking process (Holman, Mahoney, and Hurler 2021; Volden, Wiseman, and Wittmer 2013). Women cosponsor and sponsor more legislation (Holman, Mahoney, and Hurler 2021) and those bills align more closely with constituent preferences (Lazarus and Steigerwalt 2018). Women also overperform on constituent service responding at higher rates to requests from their districts (Thomsen and Sanders 2020).

Why? Women in politics are deeply aware of the gendered nature of politics and react rationally to incentives in the political environment (Dittmar 2015; Boussalis et al. 2021). Women

in legislative bodies routinely face elevated expectations from voters, donors, and party leaders (Fulton 2012; Ondercin 2020; Fulton and Dhima 2020). These elevated expectations mean that some women wait to enter office until they are higher quality candidates with the resources and skills needed to succeed (*strategic entry*) and once in office, women overperform to satisfy higher standards from voters (*gendered vulnerability*).

In the *strategic entry* set of explanations, women engage in a wide set of strategic behaviors prior to running for office to increase the chance that they will win. These efforts include that women wait until they are better prepared before running for office (Sweet-Cushman 2020a; Crowder-Meyer 2013; Anzia and Berry 2011) and emerging in elections where they have a higher probability of winning (Ondercin 2022; Silva and Skulley 2019). As a result, women running for and holding office are of a higher quality (Fulton 2012; Anzia and Berry 2011), which results in their overperformance in office. In this environment, we would expect for term limits to either equally affect men and women (as women's overperformance represents an interval shift, rather than an interaction, on performance metrics) or potentially affect women less than men as their quality prevails.

Gendered vulnerability: A complimentary but alternative explanation for women's overperformance in office relates to a gendered vulnerability, or that constituents hold women to a higher standard (Holman 2015; Kaslovsky and Rogowski 2020) when evaluating them during reelection campaigns (Lazarus and Steigerwalt 2018; Costa 2020). The higher standards that women face in seeking reelection pushes women to overperform in political office, including constituent services, the number of bills sponsored, and the variety of issues addressed via legislation (Atkinson and Windett 2019; Lazarus and Steigerwalt 2018; Holman, Mahoney, and Hurler 2021). But voter's expectations are irrelevant to term-limited women: these women are not

seeking reelection and thus do not need to overperform for the voters. In this environment, women's performance in term limited bodies should drop more than men as the mechanism that prompted their overperformance disappears.

We use the presence of term limits to examine how the removal of incentives to overperform might shape women's legislative behavior. Only some states have term limits and only some legislators are termed out in any given session; this provides an opportunity to examine whether term limits universally affect legislative behavior or are particularly likely to reduce women's overperformance.

Data and Methods:

Our data includes legislators in those states where representatives are limited to three terms or more, which covers 14 states (see Table 1). Women's average representation varies across these states. For example, Oklahoma had an average of 11% women in their house during the covered period, while Colorado's legislature averaged 38% women. Variation also occurs within states; Oklahoma ranges from 8% to 25%, while Colorado ranges from 32% to 45% over the time period of our data. Because data availability going back in time is limited, the panel is unbalanced.

State	Years of data coverage	Average % women
AR	2001–2016	16%
AZ*	1991–2016	34%
CA	1999–2016	27%
CO	2003–2016	38%
FL	2003–2016	23%
LA	1996–2015	14%
ME*	2003–2016	28%
MI	2001–2016	24%
MO	1999–2016	23%
MT	2001–2016	29%
NV	1999–2016	34%
OH	2007–2014	22%
OK	1999–2016	11%
SD	2003–2016	19%

Note: All states have term limits in their House, * = term limits also apply to the Senate

To assess the effect of term limits on legislative behavior, it is thus important that we test on observable activities. The accountability model of legislative behavior argues that a) voters try to assess the performance of their representatives against the potential performance of some average challenger and that b) representatives believe that voters engage in these evaluations and behave strategically to make the case that they are better than this hypothetical average challenger (Alt, Bueno de Mesquita, and Rose 2011). As a result, legislators engage in a wide set of visible behaviors that demonstrate to voters that they are outperforming an average challenger. If women in office believe that voters will hold them to a higher standard (Lazarus and Steigerwalt 2018), they may see an even larger need to engage in these visible behaviors. These measures are also not just empty signals but are also useful measures of productivity (Dolan and Kropf 2004). Thus, if strategic entry governs women's behavior, we expect women will overperform on any and all of these measures.

Using measures from Fournaise and Hall (2021), we examine the number of pieces of legislation introduced, work in committees (an average measure of the number of committees served on and leadership positions), and roll call votes as three measures of observable activities, as well as an aggregate productivity index, which is a principal components factor of the three measures.

To evaluate the effect of term limits on legislative behavior, we use two different approaches: examining the effect of term limits on each individual legislator's behavior (a *within* legislator approach) as well as the effect of term limits on men's and women's behaviors as a group (a *between* legislator approach).

Within legislators: We draw on the approach outlined in Fournaises and Hall (2021) to test the effect of being termed out of office on individual-level behavior within the chamber: estimating

the productivity of each legislator in the terms prior to their final term and in the their final term by employing fixed effects. We estimate models separately for men and women to evaluate if term limits produce significant reductions in both men's and women's productivity, votes, bill sponsorship, and committee behavior. To start, we examine the data descriptively for legislators in states with a three-term limit, looking at women's and men's productivity across terms (see Figure 1). The data confirms patterns found by many other scholars: women are more productive legislators than men. Amongst legislators who leave after one term (light pink circle), two terms (red diamonds), and three terms (dark red triangles), women's productivity exceeds that of similarly situated men. But term limits also reduce women's and men's performance at similar levels across the groups of legislators. Descriptive data would thus support women's overall higher quality, rather than uniquely gendered electoral incentives.

Figure 1: Legislator gender, term limits, and productivity



When we examine the effects of terms limits on legislator behavior *within* each legislator’s behavior, we find that term limits shape both men’s and women’s overall productivity (Table 1), but with more consistent and substantively large effects for men. Term limits do not decrease women’s legislative sponsorship rates, but we see parallel, negative effects of being termed out for committee activity and roll-call votes. These results suggest that term limits do not produce a large substantive effect for women like we might expect if women’s overperformance was driven entirely by electoral incentives. That term limits do not reduce women’s legislative sponsorship is particularly interesting, given research that shows women’s collaborative advantage through co-sponsorship (Holman and Mahoney 2018; Barnes 2016).

Table 2: Gender, term limits, and productivity

	Overall Productivity		Committees		Sponsored legislation		Votes	
	Men	Women	Men	Women	Men	Women	Men	Women
Term limited	-0.25** (0.03)	-0.22** (0.06)	-0.30** (0.06)	-0.32** (0.11)	-1.90* (0.92)	-0.62 (1.04)	-2.83** (0.60)	-2.66* (1.09)
Observations	8368	2741	12337	3918	12704	4023	8368	2741

Note: All models have legislator and chamber-year fixed effects. Standard errors clustered by the legislator in parentheses. + $p < .1$, * $p < .05$, ** $p < .01$

Between legislators: While evaluating the behavior of legislators across their time in office allows for a clean test of the effect of term limits on individuals, it tells us much less about the comparative effect of term limits on men’s versus women’s behavior. To estimate the effects of term-limits on men’s and women’s collective behavior, we use chamber-party-term fixed effects and examine an interactive model with controls for legislator characteristics (including gender, number of terms the legislator has served, and whether the term limit is a lifetime term limit) that might additionally shape legislative productivity.

We again find gender-related effects, where term-limited men’s productivity declines when term limited while term-limited women’s overall productivity is marginally higher (see Table 3).

We also find gender effects for voting rates, with term limited women voting at a higher rate than do men. Because this data is purely observational, these are simply correlational relationships, but these patterns demonstrate gendered differences in term limits.

Table 3: Between legislator effects of term limits

	Overall	Committee	Bill Sponsorship	Votes
Term limited	-0.19** (0.03)	-0.19** (0.06)	-0.89 (0.94)	-2.89** (0.58)
Women legislator	0.01 (0.02)	0.07+ (0.04)	-0.52 (0.54)	-0.08 (0.43)
Women x term limited	0.06+ (0.04)	0.05 (0.08)	-0.79 (1.29)	1.69* (0.76)
Observations	10412	14184	14656	10412

Note: Chamber fixed effects, controls for lifetime term limits, salary per day, professionalization, and how many terms each legislator has been in office. Standard errors in parentheses. + $p < .1$, * $p < .05$, ** $p < .01$

Conclusion:

In this note, we use term limits at the U.S. state level to investigate the source of overperformance among women legislators. Our results are more in line with a view that women's overperformance is due to their status as higher quality candidates than women facing gendered electoral incentives. Our findings move forward the discussion of bill success, gender, and cosponsorship in state legislatures, building on research on term limits (Carroll and Jenkins 2001), gender and state politics (Osborn 2012), and strategic action by political candidates (Ondercin 2022). Like Murray (2014) suggests, examining the gendered effect of institutional mechanisms focusing on men's legislative activity reframes our perception of legislatures. We find that men's performance is more consistently negatively impacted by term limits. In comparison, women's behavior is less altered. This finding has consequences for the quality of representation, especially given the wide variance in women's representation across term limited states.

Our study demonstrates the importance of investigating seemingly gender-neutral governmental reforms for unintended gendered effects. As important as it is to establish that the mere existence of term limits would not usher in a record number of women officeholders, so too is it important to question the universal impact of this reform. Gender expectations shape women's path to elective office as well as their experience within institutions. Despite term limits applying to all legislators equally, gender continues to differentiate motivations, strategies, and behaviors.

Term limits are far from the only institutional reform aimed at improving the quality of governance and representation. Gender quotas, or institutional or party rules that generally set floors for women's representation on the ballot or in office, represent another key institutional reform that shapes legislative behavior. Quotas shape the policy process and outcomes (Clayton, Josefsson, and Wang 2017; Barnes 2016), allowing women access to some sources of power (O'Brien and Rickne 2016). Future research might evaluate if and how term limits shape the substance of women's representational behavior.

Yet, gender quotas do not universally remove gender marginalization (Barnes 2016; Franceschet and Piscopo 2008; Verge and Espírito-Santo 2016; Lassébie 2020). For example, women's presence may succeed more at changing policy agendas than outcomes in institutions, even when gender quotas are in place (but see Clayton and Zetterberg 2018). Likewise, more women in office or more women with positional power can lead to backlash within legislatures (Kathlene 1994; Krook 2018). Indeed, it might be that the combination of gender quotas and term limits (see Barnes and Holman 2020 for a discussion of quotas plus legislative turnover) that allows women to overcome marginalization, but each alone may be insufficient to change institutional structures.

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