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THE IMPACT OF STATE LEGISLATIVE TERM LIMITS ON DESCRIPTIVE
REPRESENTATION

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Abstract

Do term limits make state legislatures more descriptively representative of their population? If the composition of a state legislature is a function of its ruleset and design, then term limits—a major shift in the rules—would change who is running for office and who is getting elected. In order to explore this question, a dataset was created by contacting a number of states to solicit responses on the demographics of their state legislatures from 1990-2018. In addition, information regarding some control variables (partisanship, time, economy) was gathered. A gap variable was created to see what difference existed between the proportion of a state's total population that is nonwhite compared to the population of a state legislature. A larger gap means a state's legislature is whiter than the public.

Term limits had a negative, significant correlation on the gap variable when controlling for other factors. While term limits are usually viewed as a negative in political science literature due to reducing the power of legislatures and inflating state budgets, this is one area where term limits may be viewed as a force for positive change in making a representative democracy more representative.

Key words: Term limits, descriptive representation, state legislature, political science

Introduction

What institutional design choices of state legislatures impact the demographics of the people who run and are elected to serve in the body? Besides a pure direct democracy, every democratic system relies on representation of the public to craft laws and execute the duties of government. Some groups may be overrepresented, underrepresented, or not represented at all. Because of the human component of government—laws are not generated by machines nor do they exist in nature—who makes up an institution, such as a state legislature, is going to impact the outcomes of that institution. Studying the factors that influence the demographics of who populates a given institution can be an important tool in understanding the outcomes of the institution. For a legislature, whether at the state or the federal level, the laws that flow out of the body are a reflection of the members who make up that body at that given time. States are the defining feature of the American federalist system. There are 50 different governments throughout the nation comprised of different people, ideas, and behaviors. Because of this, they are a great vehicle for testing alterations to institutions as well as analyzing their impact. The unique structure of states allows for more innovations and ideas that would not be seen at the federal level.

This paper examines one specific institutional design choice of state legislatures, term limits, and one potential outcome, increased descriptive representation. As term limits overcome the incumbency advantage by forcing members out, it is possible that these open seat elections—in both primary and general elections—could lead to pools of candidates and elected legislators who are more representative of the population of the state when compared to members who were first elected decades ago. The history of term limits, existing research studying their impact on state legislatures as well as research studying the efficacy and validity (or lack thereof) of

descriptive representation are discussed to provide a foundation for specific analysis into term limits and descriptive representation. In order to accomplish this analysis, a dataset is created covering a time period of 1990-2018 of a sample of states on their demographics and other political factors as well as information from the state legislatures. Through these datasets, a calculated gap variable assesses descriptive representation in states and is used to test the existence, direction of, and the strength of a relationship between term limits and descriptive representation. Other factors, such as partisanship and economic health as well as the passage of time, are considered as other variables that could be associated with changes with descriptive representation within a state legislature.

There exists a significant correlation between the presence of term limits and descriptive representation. Specifically, as a state implements or enacts term limits their legislature becomes more descriptively representative. This effect is smaller relative to other control variables and factors, but is significant and meaningful as it would provide evidence for a positive consequence of term limits—which have been traditionally found in research to not meet their stated goals and, debatably, damage the health of legislatures. This finding should be explored in further depth due to lack of substantial literature exploring any possible link between term limits and descriptive representation.

Literature Review

Observed Impacts of Term Limits

Because term limits alter the status quo of how the legislature is composed, it can be assumed they will change the outcomes of the legislature. In the debate about whether or not states should pursue term limits for their state legislatures, proponents of term limits made several arguments about the benefits they would have for state governments: decreasing district-

specific funding or “pork” (Herron and Stotts, 2006), reducing the influence of interest groups and outside actors on the legislative process (Carey et. al, 1998), making more competitive elections due to the reducing the incumbency advantage (Chen and Niou, 2005), and altering the composition of the legislature through promoting a more citizen-oriented pool of candidates (Engstrom and Monroe, 2006). Observed findings have either been inconclusive or have rejected these arguments of a linkage between term limits and these proponent arguments due to a lack of evidence.

The existing research has shown no strong relationship between term limits and reducing spending on pork. Some models have shown term limits can actually increase pork in the long-run, despite the potential for short-term—one or two legislative sessions worth—reductions (Herron and Stotts, 2006). Other research shows term limits do not have a significant impact on state spending, instead other factors such as a state’s macroeconomic condition (Keele et. al, 2013) determine state spending rates. There is an observed decline relationship in state-spending with the implementation of term limits, but these negative trends began before term limits and did not have the rate of decrease quicken after term limits. This implies that other factors are associated with reducing state spending.

In addition, states that repealed term limits did not have an increase in spending—which would be the expected response if the claim “term limits reduce spending” is valid. If term limits decrease state spending, then state that repeals term limits should have an increase in spending. However, spending has not increased in the six states—Idaho, Massachusetts, Oregon, Utah, Washington, Wyoming—that repealed term limits (Erler, 2007). In some cases, term limits are associated with an increase in pork and state spending. Their proposed reasoning for this statistical observation and relationship is the “common pool” problem. The problem states that

members, due to term limits, will not have to bear the cost of irresponsible fiscal policy as they will be out of the legislature due to the term limits. As such, they use the common pool of taxpayer resources to maximize their individual and district goals while they are in office while pushing the cost to the next generation of legislators. This problem, the author notes, is exacerbated by the institutional changes term limits make on state legislatures which exacerbate this problem as members are forced out of the body before these costs may be fully known.

Proponents of term limits argued that these institutional changes would prove to be beneficial for the state. One of the largest claims made was term limits would reduce the efficacy and frequency of interest groups in state legislatures. Early research showed the shift in power within a state legislature after the implementation of term limits did not lead to any change in the relative power of interest groups (Carey et. al, 1998). Later research showed increases in the relative power of interest groups after term limits are implemented (Richardson et. al, 2005; Miller et. al, 2011).

The later research with interest groups found that in states where they have high observed power, their perceived power by the legislators is very low—whereas states where interest groups have lower power, the legislators consider them to have too much power. The article found that how strict term limits were drove the gain in power of interest groups—term limits that were lifetime bans with shorter terms lead to more power for interest groups, with the effect lesser in states where the term limit simply required sitting one term out of office. Separating the types of term limits can be of use for more specific results, as research has shown the effects of term limits can vary based on how strict they are (Alt et. al, 2011; Sarbaugh-Thompson, 2010). This reinforces the prevailing thought that more tenured members are more resistant to interest groups. Specific to Nebraska, term limits were noted by a bipartisan group of political actors

within the state as empowering interest groups (Masket and Shor, 2015). The respondents said term limits created less experienced candidates and legislators who rely more on the information given to them by interest groups to guide their votes.

Whether or not this gain in power by interest groups is beneficial to the public or democracy is not settled. Some claim it can block popular policy if their donors do not want it (Lax and Phillips, 2012), while others say interest groups serve an important role in serving democracy by being an easy vehicle for people to become politically involved (Lewis, et. al, 2015) which means increasing the relative power of interest groups would be a net benefit to the democratic power of the people. However, there is an amount of a consensus that term limits have not met their stated goal in reducing the power of interest groups—regardless of whether this is a laudable goal.

Beyond interest groups, another noted power shift linked to term limits is the executive gaining relative power over the legislative branch. Term limits have been linked to fewer vetoes (Baker and Hedge, 2013), which the authors argue means that the legislatures are not engaging in conflict with the executive branch and are more apt to follow their signaling. Term limits were also linked to a shift in opinion on the role of the legislature in overseeing the executive branch and state bureaucratic agencies. In a survey of Michigan state legislators, which the authors ran both before and after term limits were implemented, researchers found the post-term limit members viewed oversight as something not valuable to do while in office (Sarbaugh-Thompson et. al, 2010) and outside their responsibilities. Even though executive oversight is a constitutional responsibility of the Michigan legislature. This is an instance of the legislature giving up their power to check the executive following term limits. As checks and balances are a foundation of

the American government, at both the federal and state level, this implication represents a shift away from the traditional norms of government.

There are more mixed results on what impact term limits have on internal power. Some research finds no shifts within the power of committees after term limits (Bagashka and Hayes Clark, 2014). Others find that term limits weaken the power of leadership and raise the power of rank-and-file members (Apollonio and La Raja, 2006). This same research finds that the lower house in bicameral states becomes less attractive to donors and interest groups, giving the upper house more clout and power over policy. Research has also shown term limits shift how legislators behave within a body—adopting a more trustee role and valuing constituent service and casework less (Cooper and Richardson, 2006). Existing research shows a linkage between term limits and shifting power dynamics of state government away from legislatures and towards the executive, the bureaucracy, and interest groups.

In addition to changes within the legislature and their power dynamics, term limits also alter elections. Proponents of term limits argued that they would break the strong incumbency advantage held by state legislators. Research specific to California explored this claim, found that term limits were linked to marginally more competitive elections than before their implementation (Masket and Lewis, 2007). There a few ways open seat elections can be classified: those caused by term limits, those caused by premature departure from office (resignation), and those caused by the member choosing not to run for re-election. The California study treated all of these the same for its research—a potential limitation of this study. However, more competitive elections should boost overall engagement among voters. Higher engagement and turnout, particularly among minority groups, could lead to increased descriptive representation. More research would need to be done to assess this assumption. As for the

incumbency advantage, the authors found that it started shrinking before term limits were implemented. This study questions the efficacy of term limits reducing the power of the incumbency advantage if it was already declining absent the presence of term limits.

Term limits also alter who makes the decision to run for office preceding an election. Looking at a strategic decision-making process, prospective candidates in any race would assess the costs and benefits of running for office. Intuitively, term limits reduce the benefits while costs remain constant. This would lead to some people not running for state legislatures who otherwise would. Proponents argue these compositional changes are benefit—people who want to enter politics to make a career out of it would be dissuaded from running. Instead, citizens from a variety of experiences and situations in life would run for office. The idea of a “citizen legislatures” is one of the central arguments by proponents of term limits (Carey et. al, 1998; Keele et. al, 2013). This contrasts to professionalized legislatures, which are defined by their similarities to Congress: higher salaries, more staff, more days in session (Squire, 2007). Citizens legislatures tend to be more popular than professionalized legislatures (Richardson et. al, 2012), even though professionalized legislatures have the capacity to do more. The thinking on why this phenomenon occurs is the perception by the public that a more professionalized legislature is more vulnerable to being taken by elites (Weber, 1999). Research has found that in the aftermath term limits, there has not been change in the professional background of the legislatures (Erler, 2007). The idea of term limits facilitating the transition to more citizen legislatures has not happened.

There is research into term limits impact on other forms legislative composition. During the early research about term limits, scholars debated whether it would benefit the Republican party due to removing entrenched Democratic state legislators who were routinely re-elected

despite their districts moving to the right. In researching this claim, Powell finds no evidence for the predicted gains by Republicans (Powell, 2008). Partisan turnover is not growing at the same rate as legislative turnover. This phenomenon may be occurring due to increased partisanship—which leads to the same party being elected even if it isn't the same legislator. Other forms of composition include the demographics that make up the body—beyond their professional background. This requires on potential benefits of descriptive representation within a legislative body.

Potential Benefits of Descriptive Representation

Descriptive representation can be defined by the question, “Does my representative share my background?”. In an increasingly diverse country, this concept of representation has become more important. The general argument on why it is relevant is because groups of people have shared experience and history; only through these shared points can certain policies be enacted to serve these communities. Whether or not these potential benefits of descriptive representation actually exist in practice, whether they are strong enough to overcome partisanship, and whether there is any evidence that voters care about being descriptively represented is the subject to much debate. Descriptive representation has been shown to mitigate negative policy for the given cultural group (Hayes and Hibbing, 2016; Arnesen and Peters, 2017). It also has been linked to increases in positive policy for the group (Orey et. al, 2006; Rocha et. al, 2010). In states dominated by one political party, descriptive representation is a way for factions within a party to gain influence over the process and shift policy to be more favorable to their group (Pantoja and Seguar, 2003).

Other research finds that other factors, such as partisanship or substantive representation, can be just as powerful if not more powerful in achieving this goal (Grose, 2005). Some

proponents of descriptive representation concede that partisanship may be just as powerful (Merolla, Sellers, and Flower 2013; James, 2011; Camobrecco and Barnello, 2003). The latter of which argues the way descriptive representation is thought of—that candidates and their cultural group will have similar views—is completely inaccurate, citing minority Republican candidates failing to capture a majority of their particular racial group. Other researchers argue that descriptive representation is dependent on individual contexts of elections and districts; it can't be viewed on aggregate and applied broadly to elections (Fraga, 2016).

Descriptive representation also has been linked to some non-policy benefits to the public. Among groups that are more descriptively represented when compared to the past, it is linked to improving political efficacy (Merolla, Sellers, and Flower, 2013), a link to a reduction of political alienation (Pantoja and Seguar, 2003), and raising voter turnout (Whitby, 2007; Orey et al, 2006; Rocha et. al, 2010) among the given group. Also, it has been shown to create a positive feedback loop effect—where descriptive representation in lower levels of government leads to increased descriptive representation in higher levels of government. Intuitively, this makes sense. If candidates for higher office are politicians who have served in lower roles—a state legislator running for Congress or a member of Congress running for the Presidency—then if the pool of politicians in lower levels are more descriptively representative over time then higher offices should become more descriptively representative because of this upward mobility.

Possible Link Between Term Limits and Descriptive Representation

Due to the constant cycling of members, term limits produce more turnover within a legislature as well as reducing the long-run incumbency advantage (Orr et. al, 2001, Carey et. al, 1998). While a member may have an incumbency advantage for the times they could run for re-election, they would not be able to have a lengthy career. By producing more open seats, term

limits could lead to a more descriptively representative body due to the pool of candidates being more diverse than when the original incumbent ran for office.

Early research was inconclusive. Some found term limits could not be directly linked to increased rates of women being elected to state legislatures (Carroll and Jenkins, 2001), noting that other factors—such as political culture and the demographics of the district—play as important if not a bigger role. This connects to a limitation noted by some of the descriptive representation scholars; it is hard to disentangle the various factors that influence a voter. Later research produced a similar finding—term limits cannot be linked to increasing rates of Latino representation within state legislatures (Casellas, 2009). Instead, they found population rates within a given district were the main driver. This connects to an idea of racial constituencies being a better way increasing descriptive representation (James, 2011) rather than any institutional factors—if there are more people of a given group within a district, then more people of that group will be running for office and getting elected. Both authors note that part of the reason African-American communities are more descriptively represented than other groups is due to their relative geographic concentration.

As the debate continues about whether term limits are an efficacious way of achieving the goals laid out by their proponents, more research is necessary to evaluate their impact on descriptive representation. Term limits are a transformative force in other areas of state legislatures—elections, power dynamics, fundraising. The existing relative dearth of research into their impacts on state-level descriptive representation is important to understand term limits as they have been entrenched in several states for decades now. This study seeks to fill the gap in the literature regarding term limits by exploring a possible link between term limits and descriptive representation at the state level. This study accomplishes this through a use of a

sample of states to see what broad trends exist throughout the nation in both term limit and non-term limit states.

Theory

Term limits are theorized as having an impact on the descriptive representation within a state legislature because of eliminating the incumbency advantage. Incumbents, in addition having the benefits of name-recognition and increased knowledge than an insurgent candidate, would likely have been first elected at a time when the electorate was less representative than the current electorate. Specifically, this problem would be most pertinent in Democratic party primaries partisan legislatures—as members would have won nominations when the demographics of democratic party were less diverse than the contemporary Democratic party. Because of term limits forcing these incumbents out, the candidates running in a primary election should be more representative of their party's current coalition simply due to entering the election at the same time that the coalition exists and not decade(s) earlier. Term limits, by getting rid of the time gap that incumbency provides, would help close the descriptive representation gap.

The incumbency advantage is the primary mechanism in assuming a link between term limits and descriptive representation. It is possible that other sources—such as competitive elections—could establish a causal link term limits and descriptive representation. However, there is not enough to fuel this assumption. Mechanically, incumbents are going to eventually be term-limited out of office. This would put a hard deadline on any incumbency advantage, linking term limits and the advantage. In having more open seat elections, in both primary and general elections, the pool of candidates would be more reflective of the constituency's population

demographics in that moment rather than an incumbent who continuously wins re-elections who was first elected decades prior.

The existing literature exploring a connection between term limits is relatively incomplete and lacks data from the last several election cycles. Based on the literature from the aftermath of term limits investigating the composition of state legislatures as well as the theories on term limits impact on institutions leads to a hypothesis that term limits would have a relationship with who makes up state legislatures.

H1: If a state has term limits implemented, then the state will have a lower descriptive representation gap in their legislature

H2: If a state has enacted term limits, then state will have a lower descriptive representation gap in their legislature.

Both hypotheses focus on the descriptive representation gap and not raw numbers or percentages of the legislature comprised of nonwhite members due to it benchmarking to the state. Intuitively, a state with a high nonwhite population—such as Louisiana—is going to have higher numbers than a state with a low nonwhite population. Comparing the rates within the state (overall population, population of the legislature) allows to more accurately measure the impact term limits are having on descriptive representation. In an ideal world, there would be no gap—the proportion of the population that is nonwhite would be approximately the same as the state's population. However, as the data shows, this is not the case in the vast majority of cases. Term limits may have an impact to close this gap and make legislatures more representative of their state's demographics.

The separation of implementation and enactment of term limits is an important delineation in the research. It is possible that—assuming politicians and candidates are rational—

the reality of term limits should alter the decision-making process for choosing whether or not to run for office even if term limits are not in effect. Some entrenched incumbents may leave before they are term-limited out in order to avoid being a lame duck. In addition, if a prospective legislator knows that they would not be able to run indefinitely, then it would alter who is choosing to run because of altering the input into the decision-making process of whether or not to run for office. Because of these reasons, there are two tests run: one with implementation and one with enactment. Final results are compared to see which has a stronger relationship with the descriptive representation gap.

Methods

Methods of Analysis

Both hypotheses are tested through a linear regression model using the term-limited status relevant to the specific case and descriptive representation gap variable. Also included in the model is a series of control variables to account for other factors which may influence the descriptive representation gap. For both cases these are: Democratic presidential vote share, unemployment rate, election year, and the factor variable for state. These variables are chosen because of capturing other important factors in elections: economic status (unemployment rate), partisanship (presidential vote share), time (year). The state variables attempt to isolate each state and trace its uniqueness within the model. It is possible that conditions of a given state make it more or less inclined to have a smaller gap. These conditions may be nebulous or difficult to trace in a measurable way. As such, these are all lumped into the state variable because of these impracticalities which is the most feasible ways of considering these factors within the model.

Beyond the hypotheses, other tests are run with the data. There is a test of states which have term limits enacted but not yet implemented in order to see if there is a significant impact of

enactment of term limits—irrespective of implementation. In addition, there are visual depictions of trends of a selection of the variables over time to isolate their relationship with the gap variable and note some discoveries. Existing research explores whether or not the implementation or enactment matters the most in altering legislative composition. Considering this as an additional test may provide more evidence for whether or not enactment matters for composition. In all cases, linear regression is chosen because of the tendency of existing term-limit research to quantitatively test data using some variation of a linear model. There are no special circumstances of this data that warrant deviation from the existing methods of similar research.

There are 382 observations input into the models, which come from the 17 states over the 1990-2018 time period. Some states are missing data in some of the time periods, which results in 51 missing values. This is the result of some states only having partial result, such as Texas which stopped collected information on racial background on their legislators after 2004 or others like Massachusetts which had only infrequent measures. In the “Appendix” section, a list of covered states and what time periods they have is provided. In all statistical tests, the data is compiled in an Excel spreadsheet with calculations and coding occurring in that sheet. Then, the data is transferred to R for the statistical tests as well as generating tables and visual representations of the data.

Data

In order to test these ideas, a dataset is created through a variety of sources. The time period covered in this dataset is 1990 to 2018. These years are chosen because it captures legislative sessions before enactment and implementation, during the period of enactment to implementation, and after implementation in the term limit states. The large time covered

benefits the results as it shows the long-term, and not just short-term, impacts of term limits. It could be that there is a slight bump in descriptive representation after enactment or implementation but that as the years or decades pass it fades away. Some state legislature reported their information separated by chamber whereas others reported as the whole body. However, based on the existing literature there is not enough evidence to believe this would impact the descriptive representation gap. In addition, because some states have members who cycle from one chamber and back, the gap should not result as a function of the legislative chamber which means it would not be input into the model. While research does indicate term limits can change perceptions of chambers in a bicameral system to external actors such as donors and interest groups, it does not find a change in perception amongst candidates or elected members or the public. However, because unique conditions could persist in one specific state, the individual state is considered in the model as a potential factor of the descriptive representation gap.

The process of obtaining the demographic information about the state legislatures involved reaching out to various agencies within 44 states that had public research offices or libraries that may have this information. The states of Georgia, Indiana, Mississippi, New York, Oklahoma, and Utah were not contacted as they lacked any public office to contact. Of the remaining 44 states that were contacted, 17 states responded with either partial or complete information over their legislature's demographics. These 17 states over the time period is sample for the research and are listed in the "Appendix" section in both the data tables as well as a map showing the states (Figure 1). Consequences of the missing values—both within the state and as well as considering states that did not respond—are included in the "Discussion" section.

To complete the input for the descriptive representation gap, population demographics of the 17 states are collected. The formula for calculating the variable is: the proportion of the total population that is nonwhite less the proportion of the legislature that is nonwhite. The nonwhite population totals of the states are found in one of two ways. For census years 1990, 2000, and then every year 2008 onwards there are exact figures provided by the U.S. Census Bureau. For the remaining years, the population proportion is estimated using a linear growth formula that assumes a constant rate of growth. This presents certain limitations explored in the “Discussion” section. Information on term limit enactment and implementation comes from the National Conference of State Legislatures (NCSL)—which has information on annual term-limit status within each state separated by enactment and implementation. These two provide the primary independent and dependent variables for the research. Information on how they are coded and tested are expanded upon in the next two sections.

In addition to these data points, information is collected on other factors within states in order to give alternative explanations for the descriptive representation gap. The first is presidential vote share, measured by the percentage going to the Democratic candidate. Since the time periods are measured based on the year (i.e. the 1990 members were elected in 1988/89), the presidential vote is applied to that cycle (1990 and 1992 would have 1988 Presidential Election results, 1994 and 1996 would have 1992). The raw election data is collected from the Federal Election Commission and calculated into a percentage based on the democratic share of the vote. This is used as a proxy value for overall state partisanship. Other metrics—party registration numbers, vote totals in gubernatorial races, or party distribution of state legislature—are alternative figures that could have been used. Presidential vote share is chosen because of the limitations of the alternatives. Party affiliation, whether in the legislature or among the public,

does not necessarily correlate with ideology—especially in the early time periods of the research. Consider the high number of registered Democrats in Appalachia, despite it being a relatively solidly conservative area. When choosing between presidential vote share and gubernatorial races, the former is chosen as the proxy for partisanship because of how it is less effected by local factors. Gubernatorial races can be defined by local issues that do not necessarily break on political lines whereas the federal race of the Presidency is more likely to be defined by issues that break on ideological lines. Because the purpose of this political variable is to trace to partisanship, a focus on issues that would break on partisan lines would be more accurate for this case.

Unemployment rate, measured in the election year that elected that session, is considered as a proxy of overall economic health of the state. Unemployment is a flawed number for economic health: it tracks only those who are participating in the labor force, it does not consider wage growth over time, it does not account for consumer saving/spending rates or business investment trends. However, it is a frequently used metric for economic health because of it having a strong relationship to booms and bust—when the economy is healthy, it is unlikely there would be high unemployment and vice versa. The input data came from the Bureau of Labor Statistics, which records state-by-state unemployment data on an annual basis dating back to 1976. Economic conditions of the state are considered because of the impact they have on the decision in the ballot box. Because of nonwhite members representing a change to the system, it could be the case in terms of economic slowdown (represented by high unemployment) or growth (represented by low unemployment) voters be more or less inclined to change from the status quo.

Time, represented by the year, is also considered as a possible factor that influences the descriptive representation gap. Over time, it is possible that—due to increasingly diverse populations—the gap shrinks as nonwhite populations represent a larger coalition of the electorate. If a state had 10% nonwhite population, it is unlikely politicians would focus as much of their campaigning on them as if they had a 20% or 30% group. In addition, it is possible that attitudes shift over time among the white population, becoming more accepting of voting for nonwhite candidates. By controlling for time, it accounts for these shifts that exist independent of other factors.

“Term Limit Enacted” and “Term Limit Implemented” are binary dummy variables coded as “0” meaning no and “1” means yes. In addition, there is a variable “Term Limits Enacted but Not Implemented” to consider the time period after enactment but before implementation. Just as before, “0” meaning no and “1” means yes. The gap variable is measured by the difference between the proportion of the population that is not white and the proportion of the legislature that is not white. If the gap is positive, it means there is a higher proportion of the state’s population that is nonwhite than the legislature’s population. Because of this, a gap closer to 0 is the ideal—the further from 0 it is, the more out of balance. While there are some gaps where the legislature is over-representative (8.9% of cases measured), these are far from the norm.

Presidential vote share is reported as the Democratic percentage of the vote. Because of how the Democratic party has a more racially diverse coalition, the impact should be negative on the gap—as there are more Democrats in the state, there should be a smaller descriptive representation gap. This assumes that the party would be electing members representative of

their coalition in that election—which fits into the idea of term limits transitioning nominated members as to being more descriptively representative of their party’s coalition.

Unemployment is measured as the percentage reported by the Bureau of Labor Statistics. While the ideal would be to get unemployment in the time of the election (i.e. November of the given year), the BLS report that covers enough of a time period only reports annual totals. Year is measured by the year of the prior election for that session—1990 would be 1988 (or 1989 in Virginia) and so on. While this would not capture every member perfectly due to the staggering of seats, it is the best possible proxy given that the state’s do not report which individual members are nonwhite and could not trace their exact election year.

The state variable is coded as a factor in R because it is a categorical variable that does not naturally translate to quantitative format. This allows the model to consider each state independently and generate individual results for each state. The state variable is treated as a factor with Delaware, the first start, being the benchmark of comparison. In the data tables in the “Appendix” section, all of the coefficients for the various states are relative to Delaware and only have use in relation to the Delaware case.

Some states reported the demographics of their state legislature delineated by chamber. Some states only reported one specific chamber. In total, there were 195 datapoints from state houses and 226 from state senates—Maryland reported their information as a total legislature and Nebraska is a Unicameral, so these two are both coded as “Legislatures”. While this is not considered in the main model, consideration is given to the chamber to see what differences may exist in the gap between the chambers.

Results

Hypotheses

In both of the cases—enacted and implemented—the relationships, while varying in strength, are all of the same class of significance and direction. The full output results are found in the Appendix section. The term limit variable has a negative, significant relationship with the descriptive representation gap which is the predicted result based on the existing literature and theory surrounding term limits. Other factors may have a stronger relationship with the descriptive representation gap, which may indicate that term limits are not the most effective tool for closing the descriptive representation gaps at the state levels as their proponents argued. Nevertheless, there being a significant relationship existing in the predicted direction does provide a level of evidence for the assertions made by term limit proponents—which has not been the case for the majority of these assertions. The results indicate that the presence of term limits are linked to a shrinking descriptive representation gap, which would be a positive outcome of term limits.

Presidential vote share has a stronger relationship ($\sim .2$ for enacted, $\sim .21$ for implemented) compared to the term limit factor. This coefficient is positive, which means as the Democratic vote share in the state goes up there is a noted increase in the size of the gap. Election year, in both cases, has a significant relationship but it is even smaller ($\sim .004$ for enacted and implemented) than term limits. Figure 2 conveys this by displaying the gap over time. Unemployment rate was not significant at the .05 level in either case, though was significant at a .1 threshold for enactment. In both cases, unemployment rate has the largest coefficient value ($\sim .25$ in enacted, $\sim .23$ in implemented). This implies that, based on unemployment rate being a proxy of economic health, in poor economic conditions (rising unemployment) the descriptive representation gap grows. Exploring if this holds in other samples and what is the mechanism behind this would be a positive contribution to the existing literature of descriptive

representation. The state variables, as described earlier, try to capture the idiosyncratic factors of each state which are not represented in the existing control variables. In all cases and tests, relative to the benchmark of Delaware, the states had a negative and significant relationship with the descriptive representation gap variable. This means that all of the states—for some unidentified reason outside of the purview of the model—have smaller descriptive representation gaps when compared to Delaware.

Additional Test—Enacted but not Implemented

When comparing the enacted but not implemented results to the existing cases, a few observations emerge. The term limit variable, while barely missing significance at the .05 threshold (with a value of .052), acts in the opposite direction from the other two. As term limits are enacted but not implemented, a positive association is noted with the descriptive representation gap variable. This differs from the enactment and implementation variables which have a negative relationship. However, the coefficient is smaller than the previous two ($\sim .01$)—indicating a relatively weak relationship. One possible reason for the relatively weaker relationship compared to the other term limit variables occurring could be the relatively few cases of enactment without implementation—as this only captures a few years within the term limit states data. The relationship may indicate that the underlying assumption to the idea of enactment, and not implementation, driving changes in legislature composition may be flawed. Legislators and prospective candidates may not value the chance of indefinite careers highly enough to not run for office if they cannot run indefinitely—meaning that this additional cost (term limits) does not tilt the scales so much to outweigh the personal benefits of running for office. This would also imply that legislators and the candidates are less anticipatory than assumed; only responding to changes to the institution when the changes actually happen.

The control variables all bare similar results compared to the other two cases — unemployment lacks significance (in this case at both a .05 and .1 threshold), election year has a negligible relationship, and presidential vote acts as before. The coefficient for unemployment is larger than the coefficient for presidential vote share, which differs from the previous two cases. The state factor variables all act as before, with the same having significant relationships and in the same directions. The underlying ideas on why these relationships are occurring in the way they do should hold from the previous two cases to this one—no circumstances have changed beyond how term limits are measured.

Figures 3 visualize the descriptive representation gap one over nonwhite population and the other over presidential vote share respectively. There are two interesting clusters of data points—one with a negative gap and the other around .6 nonwhite population with a relatively stagnant gap that break the trend. The negative gap means that there are more nonwhite legislators as a proportion of the legislature than the total population. This cluster is populated by New Mexico’s state legislature in the 1990s. Because of how much this differs from the other datapoints; it bears further discussion. It is possible that New Mexico’s rapid increase in nonwhite population (going from 22.5% to 31.4% in the measured years of 1990 to 2000, a change of 8.84%, which is the largest rate change over that subperiod) has something to do with these datapoints having an abnormal relationship compared to the rest of the sample.

The .6 nonwhite population data points with a stagnant gap is also New Mexico, this time in the 2010s period. Of all the states in the sample with reported totals on demographics of legislators, New Mexico has the highest proportion of their population that is nonwhite. This could represent a possible source of future investigation if states with majority nonwhite populations have negative or negligible descriptive representation gaps. However, it also could

be the case that there is something unique to New Mexico that makes them be a state with a lower gap compared to others. Studying other majority nonwhite states, such as Hawaii, would be valuable in determining what impact this has on descriptive representation—as Figure 3 demonstrates, the gap increases with population until a certain point where it falls off. The implication from the graph would be that there comes a point where the population becomes so diverse that descriptive representation appears to be occurring more successfully.

Figure 4 shows the descriptive representation gap as a function of partisan affiliation. The gap increasing as the Democratic vote share of a state goes up seems contradictory to a few assumptions about American politics: more diverse states should be more Democratic, more Democratic states should have more liberal views on race, and more diverse states should be electing more diverse politicians because of the pool of potential candidates being more diverse. When looking at this sample of states, as shown in Figure 1, as nonwhite population increases there is an increase in the Democratic presidential vote share. Figure 5 also shows that more Democratic datapoints are associated in this sample with more diverse states. Yet, the more Democratic datapoints are associated with a larger descriptive representation gap. The likely mechanism at work here is that Democratic states are more diverse in terms of their proportion, so they have a greater capacity to lag behind in the gap. A hypothetical state with 40% of their population as nonwhite with a 20% nonwhite legislature has a larger gap than a state with a 20% nonwhite population and a 1% nonwhite legislature. Further research would be needed to fully explore why this is occurring.

Figures 6 and 7 are box plots showing the distribution of the gaps between the two legislative chambers. With one exception of Florida's 2016 senate—which had no reported nonwhite members despite Florida's population being 44% nonwhite—senates are not

significantly more or less descriptively representative of their states than houses on balance. The range for senates when excluding the outlier is .456 (becoming .583 if 2016 Florida Senate is included) and the range for the houses is .468. The median gap for state senates is .089 (unchanged by including or excluding the Florida case) and the median gap for houses is .076. The average value across the chambers are .082 for state houses and .098 for senates when excluding Florida 2016 (when including it the value is .1)—a greater difference exists amongst the averages (.016-.18) than the medians (.013) or the ranges (.012 if the outlier is excluded), but none of these are substantial. These findings within this sample gives credence to why there is not substantial literature exploring descriptive representation difference between houses of state legislatures as there is nothing to indicate that patterns on descriptive representation behave differently across the legislative chambers.

Discussion

Limitations

The limitations on the outcomes of the research stem from two wider groups: those from the input data and those from the methodological choices in order to arrive at the outcomes. In the former category areas such as sampling and estimation for missing values require further discussion. In the latter, the choice to use a gap variable to measure the descriptive representation poses questions as well as does the choice to measure using an assumption of a linear relationship. In all cases, reasons for these fit into various categories: lack of data for certain states in certain time periods, assumptions based on existing research, or missing a better alternative.

One of the largest limitations on the research is the sample of states used for analysis. As explained in the “Data” subsection of “Methods”, the data needed for this research is not kept by

a majority of states nor is it covered in every legislative session within the time period. There is significant variance from states to state in how they record—or if they record at all—the demographics of their legislature. Ideally, all 50 states would have records of this data going back to cover the entire time period to give greater assurance about the conclusions found within the dataset. However, only a small proportion of states have this information on file and even fewer states have it over the entire time period studied. Some states, like California, did have the information but only accessible in a physical location and could not be distributed over the Internet or through the mail. Because each state is their own government with their own rules and behaviors, issues arise when trying to construct a dataset of all states for information that would only be counted on the state level like demographics of legislators.

Even within the states that did report data, there is variance in what years they cover and how much information they collect. Some states within the sample like Texas stopped collecting information on demographics of state legislators after the 2004 session. Others, like New Mexico, did not begin collecting information until 1996. Finally, some like Massachusetts and Washington, relied on external information collected by the NCSL for their own research into demographics and descriptive representation which had a similar—but not the same—time period. Unfortunately, while the NCSL would disclose this information to the individual states upon request, attempts to contact the NCSL to obtain their dataset on demographics of state legislators proved to be unfruitful to obtain a complete record of the information they keep on demographics of state legislatures.

In addition, some states recorded information on all nonwhite legislators whereas others only collected information on a certain ethnicity or a couple of ethnicities. All of these are treated equally for the research in order to easily map it to a model. However, this could be a

source of error or inaccuracy in the findings of the research as not all states are using the same information to be put in as the input data. Treating them all as the same is done because of the limited sample size. If more states had reported some information on the demographics of their state legislature, it would have been more feasible to separate the states based on how they reported it. In absence of this the best possible outcome was to treat all the states equally. Nevertheless, the states' information covers different pools. Ohio only counted African-American legislators which contrasts to New Mexico only considered African-American and Hispanic legislators which contrasts to Montana which counts legislators of all ethnicities and reports them separately. This caveat is important to consider on the use of these findings because of how the total state population input considers all nonwhite population whereas some of the legislatures only consider specific nonwhite groups. However, because it is necessary to rely on the information provided by the states, it would be impossible to run a survey of every legislator dating back to 1990 on their racial identity and it would be improper to assume racial identity based on pictures or rosters.

As the map shows, the states which did have data tend to be geographically clustered in the Midwest as defined by the Census Bureau. While there a few states on the coasts or in other areas, a plurality of the states (8/17) occupy one geographic region—with four South Atlantic states, two Mountain states, one Pacific state, one West South Central state, and one New England State. It is possible that some factor within the Midwest region could impact the results and make them not as representative as the nation as a whole when compared to a hypothetical sample of states more geographically representative of the nation.

Two reasons the sample of states turned out to be relatively geographically clustered could be that these states are more prone to keep records on the demographics of their state

legislature for some tradition/cultural/historical reason unique to this region. It is also possible that the sampling could be because, as a student at a Midwest school, these states may have been more willing to work with me and disclose information that they otherwise would not. In contacting with the states, a few of the individuals did mention having a personal connection with the University of Nebraska-Lincoln. This could have motivated the individuals to look for the records which would have biased the sample.

Continuing with input data, the estimation of missing values for nonwhite population is another major limitation on the research. Because of the Census Bureau only reporting data for a portion of the years (1990, 2000, and 2008 onwards), the remaining years are estimated assuming a rate of constant, linear growth. If a state had a nonwhite population of 15% in 1990 and 20% in 2000, then the four two-year cycles in-between are assumed to grow at a constant rate of 1% a year. This is obviously not how population trends work in practice, but in the absence of the actual data this is the best possible compromise in order to estimate the information and be able to calculate the gap variable based off of it.

Regardless of the merits of using this as the measure of descriptive representation, the fact that there are missing values for both sides of the gap variable means that this specific gap itself is limited in its use. However, the choice to use the gap variable to measure descriptive representation makes sense as it is discussed in this particular research. As the goal of the research is to compare the population of the state to the legislature, the idea of the gap is the best metric to test descriptive representation within each state and see what factors may have a relationship with it. From this perspective, the ideal descriptive representation gap would be 0. However, there are other ways of testing descriptive representation. On a theoretical level, the argument exists that a positive descriptive representation gap would not be less-than-ideal—as it

is treated within this research—because it is impossible to “overrepresent” groups that have historically been without power. From this perspective, the way the gap variable is treated would limit the use of it depending on how descriptive representation is considered on a theoretical level.

Conclusion

When assessing the value of term limits as an institutional design choice to shift the composition of state legislature, the results give evidence to both sides of the debate arguing whether or not term limits can increase descriptive representation within state legislatures. A significant, negative relationship exists for both the tests on the enactment and the implementation of term limits with relation to the descriptive representation gap variable—which indicates that as term limits are enacted/implemented, there is an association with a decline in the descriptive representation gap. In how descriptive representation is measured in this research, that association would indicate a more descriptively representative body.

As the term limit movement has slowed down significantly since the 1990s and early 2000s, research can now further assess their impact on the behavior of legislators and the composition of the bodies. There are now decades of datapoints that can be used to establish trends before, during, and after enactment and implementation of term limits. These datapoints can provide greater support for identified relationships with term limits and certain conditions within a legislature such as political ideology or demographics of legislators. Future research investigating the relationship between term limits and descriptive representation can take advantage of this to obtain greater confidence in the findings. Future research should also seek to obtain a greater sample of states that is more geographically representative of the nation as a whole. The greater sample size would give more certainty about the findings. In addition, a

larger sample size would give more clarity on patterns across legislative chambers within the states. This also could be used to explore differences in the demographics of people who are elected to state houses versus state senates—whether there are any differences at the state-level that mirror those observed at the federal level in the dichotomy of individuals elected to the House of Representatives versus the Senate.

If the underlying assumption for term limits having a relationship with improving descriptive representation within a legislature is the increase in the number of open seat elections without an incumbency advantage, other conditions within a state could be studied to see if these lead to an increase in open seat elections. In addition, it is possible that this assumption is unfounded and needs to be tested further. Future research could look at a sample of states to assess whether there are more descriptively representative results following open seat elections. Similarly, as this research focused at the state level, future research could investigate descriptive representation at a district-level in a pool of states. With increasing consideration of district-design following court cases and public debate on gerrymandering, this research may have value in seeing if there are factors of district-design choices (geographic compactness, prioritizing making coalitions of racial groups) that aid or hinder descriptive representation.

Further research could also explore the economic side of the descriptive representation—are there certain economic factors associated with more or less descriptive representation in legislatures? While this research is inconclusive on that question, it could be that unemployment is not the best proxy variable to use or that there should be multiple economic indicators used in tests: inflation, consumer price index, or interest rates could be other factors to consider. If economic slowdowns lead to a default to the racial status quo of politicians, this would be a troubling finding for the long-term prospects of overcoming an unrepresentative legislature.

Increased exploration of partisanship with descriptive representation also may be needed—as the results from this research contradict the assumption that Democratic voters would be more likely to vote for nonwhite members; though as explained earlier this could be a result of these states having higher nonwhite populations which increases the size of the gap.

Term limits have been a major shift in state legislatures over the last few decades. They have been the largest change on state legislatures since the trend of professionalization of state legislatures in the 70s. Analyzing their impact on all facets of government within the states is crucial as they are felt for generations to come in the outcomes of the state legislative process. How they impact who runs for office, what laws come out of the state, and how power is divvied up within the state government are key questions to answer as term limits become more entrenched within the past.

States and Years Covered

<i>States</i>	<i>Years</i>	<i>Chambers</i>
Delaware	1990-2018	House and Senate
Florida	1990-2016	Senate
Iowa	1990-2018	House and Senate
Illinois	1990-2018	House and Senate
Kansas	1990-2016	House and Senate
Massachusetts	1992, 1994, 2000-2004, 2008, 2010, 2016	House and Senate
Maryland	1990-2018	Legislature
Minnesota	1990-2018	House and Senate
Missouri	1990-2018	House and Senate
Montana	1990-2018	House and Senate
Nebraska	1990-2018	Legislature
New Mexico	1994-2018	House and Senate
Ohio	1990-2018	House and Senate
Texas	1990-2004	House and Senate
Virginia	1990-2018	Senate
Washington	1992, 1994, 2000-2004, 2008, 2010, 2016	House and Senate
Wisconsin	1990-2018	House and Senate

Data Tables

Table 1: Term Limits Enacted

	<i>Estimate</i>	<i>Std. Error</i>	<i>t value</i>	<i>Pr(> t)</i>	
Intercept	-8.291112	0.527786	-15.71	< 2e-16	***
Term Limits Enacted	-0.035794	0.009528	-3.757	0.0002	***
Presidential Vote	0.205884	0.052368	3.932	0.0001	***
Unemployment Rate	0.254381	0.151166	1.683	0.09323	.
Election Year	0.004187	0.00027	15.495	< 2e-16	***
<i>States</i>					
Florida	-0.089596	0.014646	-6.118	2.4E-09	***
Iowa	-0.141917	0.009696	-14.64	< 2e-16	***
Illinois	-0.073998	0.009832	-7.526	3.8E-13	***
Kansas	-0.06479	0.012252	-5.288	2.1E-07	***
Massachusetts	-0.085711	0.011852	-7.232	2.6E-12	***
Maryland	-0.064815	0.011818	-5.485	7.6E-08	***
Minnesota	-0.114635	0.009635	-11.9	< 2e-16	***
Missouri	-0.094382	0.012671	-7.449	6.3E-13	***
Montana	-0.109644	0.013373	-8.199	3.7E-15	***
Nebraska	-0.056432	0.01509	-3.74	0.00021	***
New Mexico	-0.202942	0.010234	-19.83	< 2e-16	***
Ohio	-0.139024	0.012702	-10.95	< 2e-16	***
Texas	-0.159919	0.013038	-12.27	< 2e-16	***
Virginia	-0.028969	0.012249	-2.365	0.01852	*
Washington	-0.029926	0.011179	-2.677	0.00775	**
Wisconsin	-0.141352	0.00968	-14.6	< 2e-16	***

For States: Delaware used as benchmark

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

Residual standard error: 0.03698 on 382 degrees of freedom (50 observations deleted due to missingness)

Multiple R-squared: 0.7888, Adjusted R-squared: 0.7778

F-statistic: 71.35 on 20 and 382 DF, p-value: < 2.2e-16

Table 2: Term Limits Implemented

	<i>Estimate</i>	<i>Std. Error</i>	<i>t value</i>	<i>Pr(> t)</i>	
Intercept	-8.987645	0.553374	-16.24	< 2e-16	***
Term Limits Enacted	-0.040992	0.007787	-5.264	2E-07	***
Presidential Vote	0.213827	0.050687	4.219	3E-05	***
Unemployment Rate	0.236354	0.148619	1.59	0.1126	
Election Year	0.004533	0.000282	16.055	< 2e-16	***
<i>States</i>					
Florida	-0.095785	0.013058	-7.335	1E-12	***
Iowa	-0.141872	0.009532	-14.88	< 2e-16	***
Illinois	-0.073875	0.009667	-7.642	2E-13	***
Kansas	-0.063327	0.011978	-5.287	2E-07	***
Massachusetts	-0.085838	0.011642	-7.373	1E-12	***
Maryland	-0.065069	0.011616	-5.602	4E-08	***
Minnesota	-0.114519	0.009472	-12.09	< 2e-16	***
Missouri	-0.102898	0.010717	-9.601	< 2e-16	***
Montana	-0.114999	0.011935	-9.636	< 2e-16	***
Nebraska	-0.060467	0.014489	-4.173	4E-05	***
New Mexico	-0.203221	0.010059	-20.2	< 2e-16	***
Ohio	-0.144793	0.010917	-13.26	< 2e-16	***
Texas	-0.156326	0.012802	-12.21	< 2e-16	***
Virginia	-0.028863	0.012028	-2.4	0.0169	*
Washington	-0.033494	0.010952	-3.058	0.0024	**
Wisconsin	-0.141108	0.009514	-14.83	< 2e-16	***

For States: Delaware used as benchmark

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

Residual standard error: 0.03636 on 382 degrees of freedom

(50 observations deleted due to missingness)

Multiple R-squared: 0.7958, Adjusted R-squared: 0.7851

F-statistic: 74.45 on 20 and 382 DF, p-value: < 2.2e-16

Table 3: Term Limits Enacted but not Implemented

	<i>Estimate</i>	<i>Std. Error</i>	<i>t value</i>	<i>Pr(> t)</i>	
Intercept	-7.782383	0.51005	-15.26	< 2e-16	***
Term Limits Enacted	0.014967	0.007698	1.944	0.0526	.
Presidential Vote	0.254026	0.051852	4.899	1E-06	***
Unemployment Rate	0.236907	0.153196	1.546	0.1228	
Election Year	0.00392	0.000261	15.051	< 2e-16	***
<i>States</i>					
Florida	-0.121495	0.012897	-9.42	< 2e-16	***
Iowa	-0.140865	0.009821	-14.34	< 2e-16	***
Illinois	-0.074642	0.009962	-7.493	5E-13	***
Kansas	-0.058078	0.012322	-4.713	3E-06	***
Massachusetts	-0.088598	0.011988	-7.391	9E-13	***
Maryland	-0.066387	0.011969	-5.546	5E-08	***
Minnesota	-0.113563	0.00976	-11.64	< 2e-16	***
Missouri	-0.127136	0.010621	-11.97	< 2e-16	***
Montana	-0.138744	0.011756	-11.8	< 2e-16	***
Nebraska	-0.072974	0.01484	-4.917	1E-06	***
New Mexico	-0.201039	0.010358	-19.41	< 2e-16	***
Ohio	-0.171061	0.010505	-16.28	< 2e-16	***
Texas	-0.155797	0.013213	-11.79	< 2e-16	***
Virginia	-0.025533	0.012381	-2.062	0.0399	*
Washington	-0.034988	0.011313	-3.093	0.0021	**
Wisconsin	-0.139888	0.009803	-14.27	< 2e-16	***

For States: Delaware used as benchmark

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

Residual standard error: 0.03747 on 382 degrees of freedom

(50 observations deleted due to missingness)

Multiple R-squared: 0.7832, Adjusted R-squared: 0.7718

F-statistic: 68.99 on 20 and 382 DF, p-value: < 2.2e-16

Graphs

Figure 1: Presidential vote over Nonwhite Population

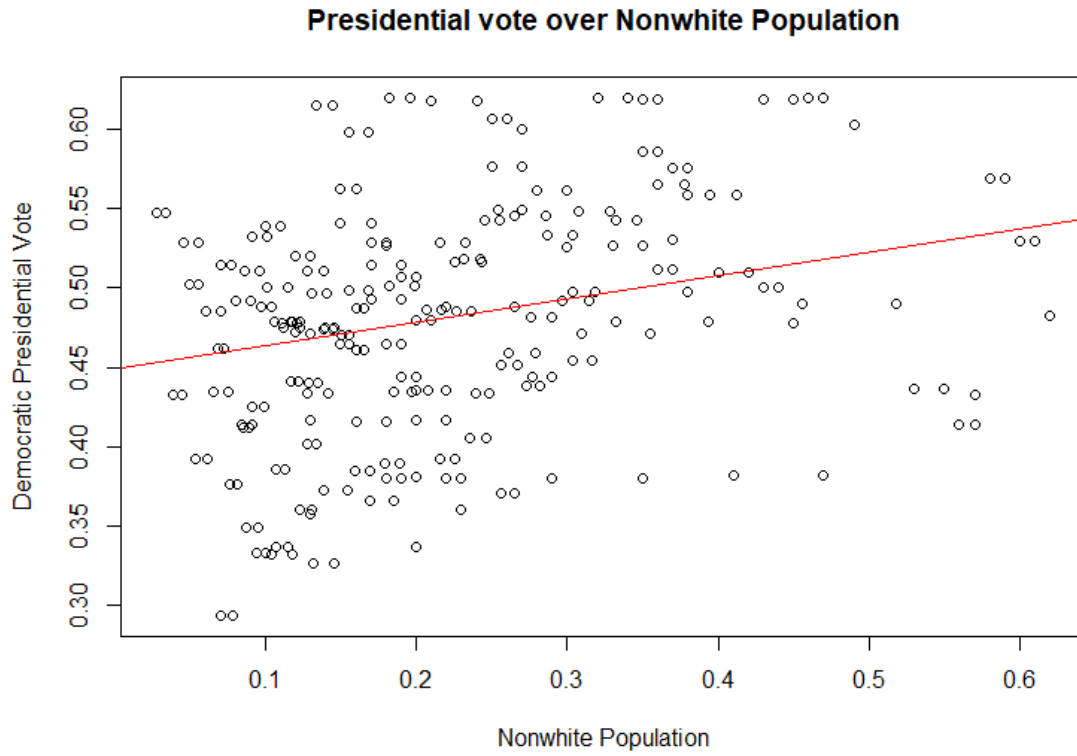


Figure 2: Descriptive Representation Gap over Time

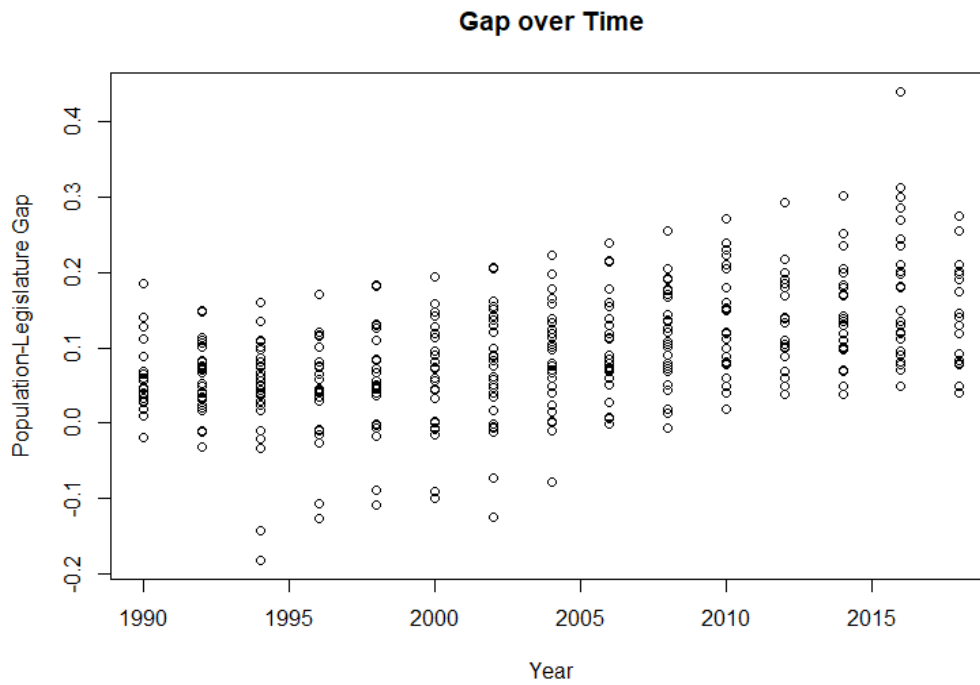


Figure 3: Descriptive Representation Gap over Nonwhite Population

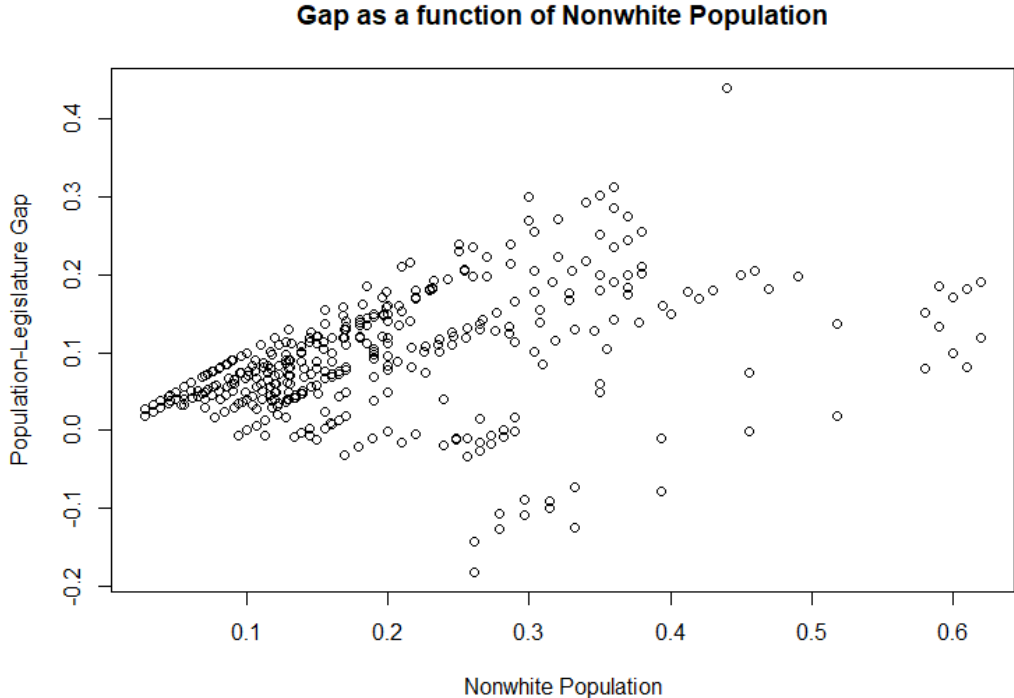


Figure 4: Descriptive Representation Gap over Presidential Vote Share

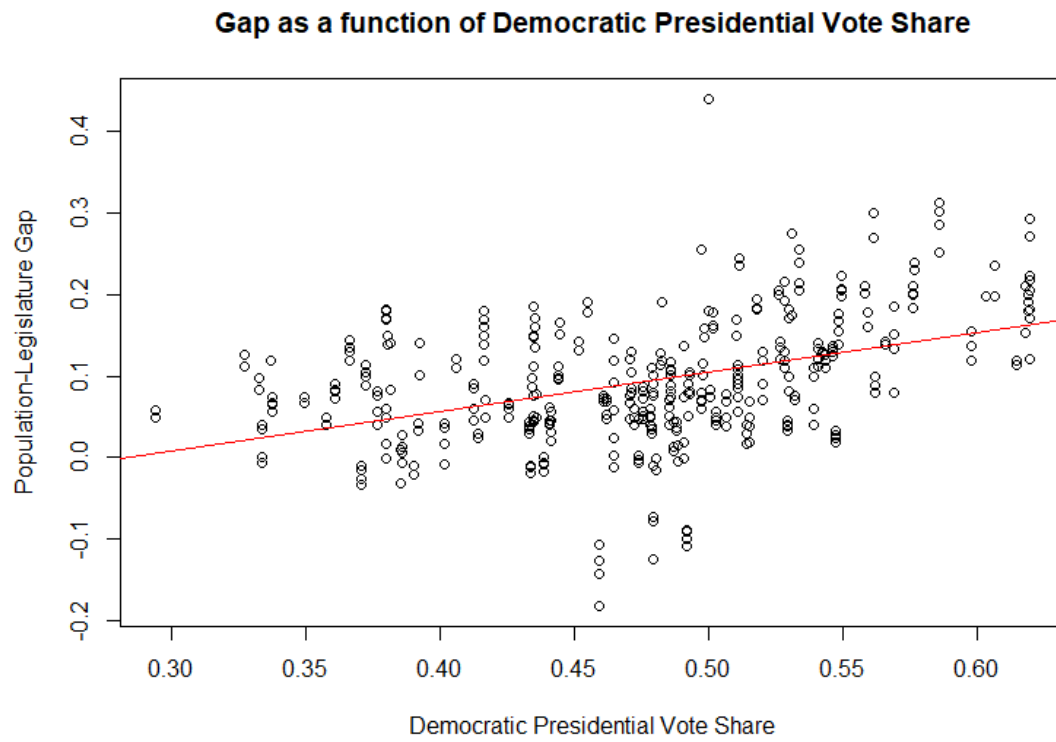


Figure 5: Nonwhite Population over Democratic Presidential Vote

Nonwhite Population over Democratic Presidential Vote

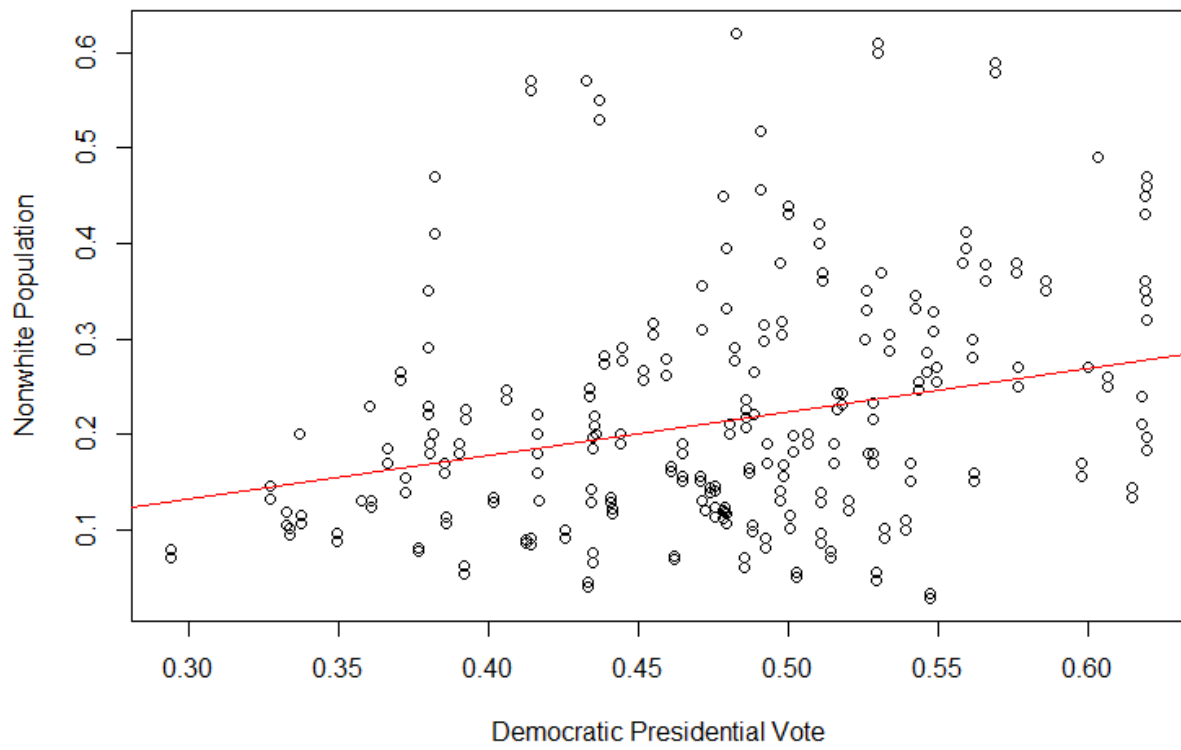


Figure 6: Box Plot of House Descriptive Representation Gaps

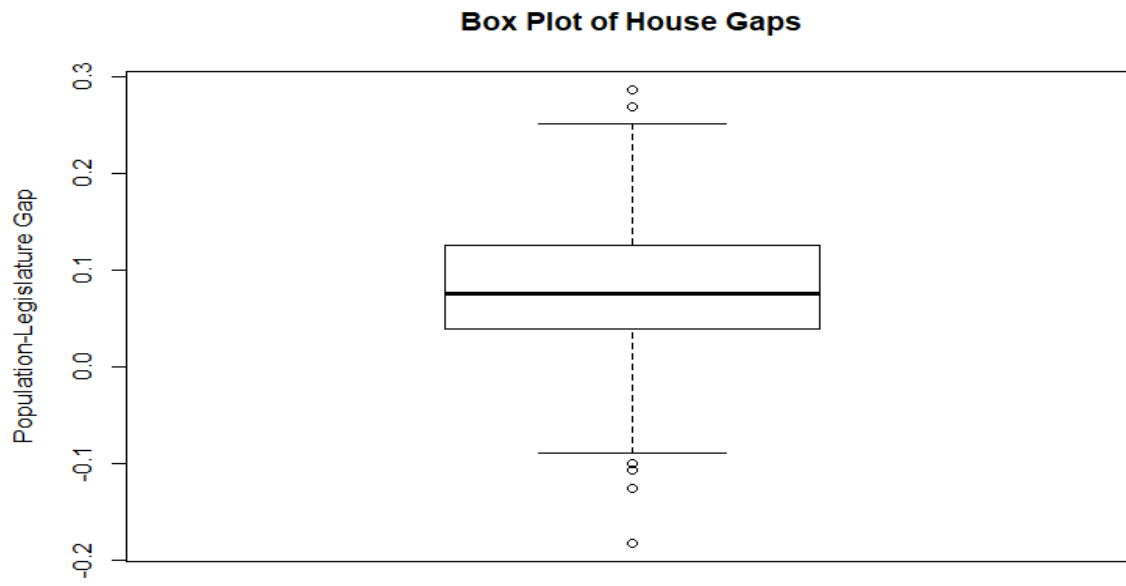
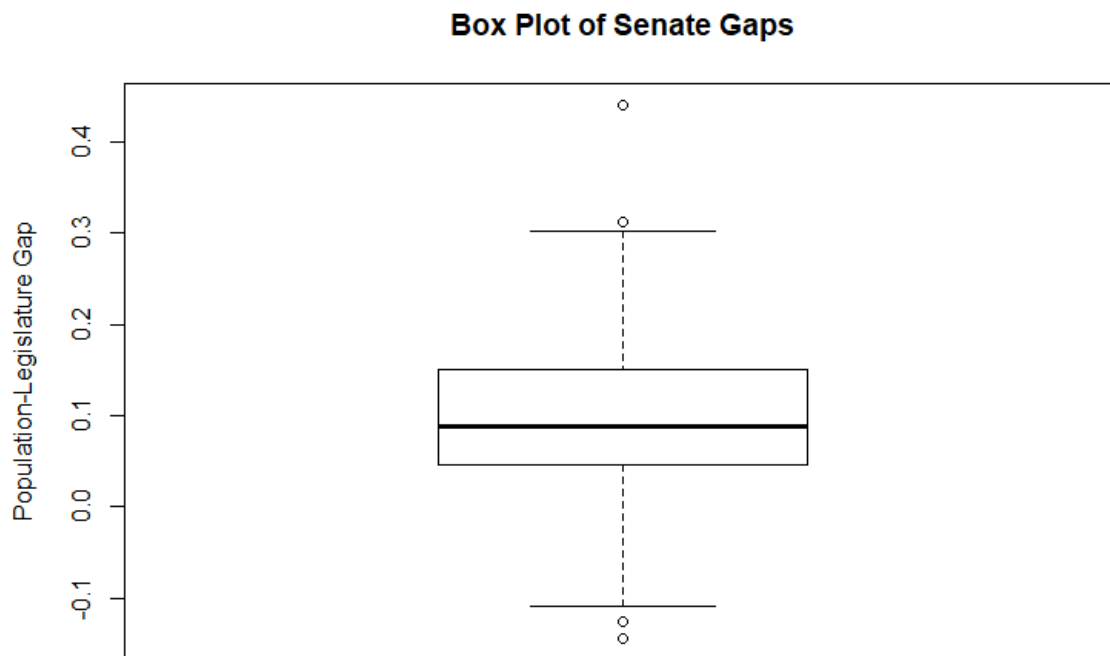


Figure 7: Box Plot of Senate Descriptive Representation Gaps



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