

**LEGISLATIVE TERM LIMITS AND  
ELECTORAL COMPETITION IN OKLAHOMA:  
A PRELIMINARY ASSESSMENT**

DAVID RAUSCH  
West Texas A&M University

This paper examines the consequences of term limits on competition in primary and general elections for the Oklahoma House of Representatives. Term limits appear to have had little effect on competition. In fact, term limits may have a negative effect on competition in primary and general elections. Increased competition may only occur when incumbents are prohibited from seeking reelection.

**The term limit movement** is a 90s political phenomenon. While the U.S. Supreme Court's ruling in *U.S. Term Limits v. Thornton* (1995) forced advocates to consider new strategies for enacting congressional term limits, the Court allowed state legislative term limits to remain in force. From 1990 through 1997, voters in 22 states enacted state legislative term limits. While the speed at which term limits spread across the states is impressive, more impressive still is action by lower levels of government. Fagre (1995, 1) reports that "over 58 million Americans

live in localities with limits of various sorts, and more than 14,000 politicians serve in 2,791 term limit cities, counties and towns." The cities include Los Angeles, New York, Kansas City, Houston, Cincinnati, and San Antonio. In Orange County, California, for example, eleven out of 31 cities operate with term limits. Many of these cities have had term limits for a number of years (Petracca and O'Brien 1994, 183).

Recently a number of scholars have begun studying the consequences of term limits empirically (Farmer 1995; Opheim 1994; Thompson and Moncrief 1994; Petracca and O'Brien 1994; Rausch 1993; Copeland 1992). The present research continues the effort toward more completely understanding the consequences of term limits by examining the effect of term limits on competition for seats in the Oklahoma House of Representatives.

### TERM LIMITS IN OKLAHOMA

Since the process which led to Oklahoma becoming the first state to enact legislative term limits has been examined elsewhere (Copeland and Rausch 1993; McGuigan 1991), only a brief discussion is necessary. Learning that the members of a constitutional revision commission refused to consider legislative term limits in their deliberations, Lloyd Noble, a Tulsa oilman and unsuccessful Republican candidate for the state legislature, decided to organize a campaign to have a term limit initiative placed on the ballot. With mostly his own money and donations from his family, he successfully qualified an initiative which was approved by the voters in a run-off election on September 18, 1990. Voters supported the initiative by a two-to-one margin.

The initiative approved by Oklahoma voters differs from the limits enacted in other states. Oklahoma legislators are limited to twelve years of service, in either chamber or both. For example, "a member of the state house could serve four years in that body and seek election to the state senate where he or she would be able to serve only eight more years" (Copeland and Rausch 1993, 34-35). The ban on service is a lifetime ban. According to Farmer (1995, 2), "Oklahoma's term limits law will not affect state legislative re-elections until 2004."

To date, the only indication of the real impact of term limits on competition in Oklahoma legislative races are the biennial reports in the

Oklahoma City *Daily Oklahoman*. In 1992, the first election after term limits were imposed, the newspaper reported that 30 percent of the legislators seeking reelection had no opponent. In 35 of the 101 House races, no one filed to challenge the incumbent. Nine of these lucky incumbents were Republicans with the remainder being Democrats (Greiner 1992). There were fewer challengers in 1994. "Nearly 40 percent of the state legislators who were up for reelection" was unopposed. While the report is not clear on the breakdown between the House and the Senate, it indicated that the Republican Party "assembled the second-largest slate of candidates in the party's history" (Greiner 1994). In 1996, Greiner (1996) reported that 21 House members (11 Democrats and 10 Republicans) were unopposed. This evidence suggests that term limits may have little impact on the number of competitive races.

### DECLINING COMPETITION IN LEGISLATIVE RACES

Observers have been concerned about causes and consequences of declining rates of competition in congressional races (Mayhew 1974; Ferejohn 1977; Jacobson 1987) and a decline in the turnover rate (Witmer 1964; Polsby 1968; Price 1971; Bullock 1972; Fiorina, Rohde, and Wissel 1975) for a number of years. However, only recently has similar questions been considered in state legislative elections (see Weber, Tucker, and Brace 1991). Compared to congressional elections, more competition is found in state legislative elections, but there is great variation among the states. Jewell (1982) finds that, in the 1970s, competition was higher in the West and Midwest and lower in the South and Border States. In a longitudinal study of party competition in eight states, Ray and Havick (1981) discovered a general decline in competition over 80 years, interrupted only during periods of partisan realignment. A major shortcoming of the literature on state legislative electoral competition is the disparity of measures of competition (Weber, Tucker, and Brace 1991, 30).

A significant body of research examines intraparty competition in state legislative primary elections (Ragsdale 1985, 70). Using the number of candidates as a measure, Key (1956) finds that states with sharp competition between parties exhibit strong competition within parties.

Important for the present research, Jewell (1967) concludes that races with incumbents have less competition. He also finds that rural districts tend to be less competitive than metropolitan districts. Grau's (1981) study of lower houses confirms Jewell's findings: incumbents dampen competition by discouraging opponents from their own party as well as opponents from the opposing party. Therefore, previous research suggests that by limiting the number of times incumbents may seek reelection, states may experience more competitive primary and general elections for legislative seats.

Electoral competition increased legislative accountability. Through elections, citizens are linked to the legislative process (Ragsdale 1985, 58). The link is weakened when legislators are elected and reelected with little or no opposition. Term limit advocates regularly voice this concern:

What we have now is a system in which members of Congress are like the non-custodial parent in a divorced family: they visit on weekends, they come to see us on holidays, and they send money. But they don't live with us, and over time they become mere acquaintances rather than people who really know their constituents (Mitchell 1991, 5).

Discounting the hyperbole, the American system of elections was designed to take advantage of frequent elections. Through regular elections, citizens oversee the actions of elected public officials. If there is no competition in elections, our oversight capability is severely weakened. Of course, it is possible that less competition results from an increased linkage between an incumbent and his or her constituency.

Term limit advocates also voice a compelling argument about the relationship between competitive races and voter interest and turnout. Empirical analysis lends support to their position (see Dye 1966; Milbrath 1971; Patterson and Caldeira 1983). An individual voter is more likely to have a greater impact in a close election spurring additional interest in voting. Competitive elections also are more likely to generate more easily accessible information, reducing a potential voter's costs (see Holbrook and Van Dunk 1993, 955).

### WILL TERM LIMITS INCREASE COMPETITION?

Most of the speculation on the effects of term limits on electoral competition has been negative. Copeland and Rausch (1991) posit that term limits may decrease competition as potential candidates wait for an open seat. While term limits will create open seats at regular intervals, nothing has been done to increase the chances that a particular candidate will be elected from a particular district. Moncrief, et al. (1992) concur in this assessment.

The few empirical analyses of the effects of term limits on electoral competition are remarkable in their agreement that enacting term limits has so far not increased competition. Studying the Board of Supervisors of San Mateo County, California, a body combining executive and legislative functions and which has had term limits since 1980, Rausch (1993) finds that the number of candidates vying for seats on the Board has not increased and that limits seem to have caused a negative effect on margins of victory. Petracca and O'Brien (1994, 191) find that term limits "have not *increased* the number of individuals seeking to serve on city councils in Orange County (California)" (emphasis in original).

Armor (1994a) reports that term limits have altered the political environment in California. He believes California's legislature provides "a close analogy to Congressional races, both in size of districts and costs of campaigning (Armor 1994a, 1). He notes:

Although limits will not force any members of the California Assembly or Senate from office prior to 1996, an unexpected change occurred in 1992. Before, during and even after the election, one-quarter of the members of that legislature, 30 of the 120 members of the assembly and senate, resigned to take full-time jobs in the private sector, in education or in government (Armor 1994b, 79).

Armor also finds that fewer former legislative aides were elected to the legislature in 1992.

Armor does not address the question of electoral competition in California. However, Armor (1993) examines electoral competition in research on gubernatorial elections. Specifically, he seeks to determine "how term limits affect even the elections in which the incumbent is *not* limited" (Armor 1993, 15), a challenge to Copeland and Rausch's (1991)

speculation that competitive elections under term limits will occur only for open seats. He finds that, for governors, "*non*-limited elections in limited states are more competitive than elections in the other states. Better candidates with better fund-raising and better staffs run in *all* elections in limited states, not just in the open seats when an incumbent is barred from running again" (Armor 1993, 16). Strong potential challengers run in the election before the open seat in order to build name recognition on which to capitalize when the seat becomes vacant (Armor 1993, 16). Thus, gubernatorial elections are more competitive because governors typically serve two terms before being forced to step down.

Clucas (1994) also examines California's 1992 legislative elections. He finds that term limits has not "decreased competition for Assembly seats" measured by the number of candidates competing for the seats in the primary elections (Clucas 1994, 7). He also finds that open seats do not necessarily increase the fairness of general election campaigns based on campaign resources (Clucas 1994, 8). Even in open seat campaigns, money still matters. Although term limits may have the effect of bringing "new faces" to the legislature, Ruth Holton of California Common Cause argues that "those faces are going to be just as beholden to the same special interests that the old faces were beholden to" (quoted in Hull 1993).

In seeking to understand the effects of term limits on legislative campaigns, we must be aware of the influence of redistricting (Clucas 1994, 7). Legislative term limits in Colorado, California, and Oklahoma were enacted in 1990. But we must be cautious in attributing subsequent changes solely to this.

### WILL TERM LIMITS INCREASE COMPETITION IN OKLAHOMA?

Everson (1992) posits that the real impacts of term limits will depend on the degree of turnover in a state's legislature, whether or not the legislature is a "citizen" or "professional" legislature, and the length of the limits enacted. The Oklahoma legislature is clearly a citizen legislature with most lawmakers viewing "themselves as part-time, citizen legislators . . . large numbers of incumbents . . . regularly fail to win reelection."

(Morgan, England, and Humphreys 1991, 98). The legislature is limited by the increasing use of the citizen initiative and referendum. In recent years, voters have acted to constrain the legislature by setting constitutional limits on its session and by limiting the legislature's ability to raise taxes (Rausch 1994). It was through the initiative process that state legislative term limits were enacted.

This paper examines the effects of term limits on one aspect of the political environment in Oklahoma — competition in races for the Oklahoma House of Representatives. Oklahoma voters approved state legislative term limits in 1990. Data collected from voting records maintained by the State Election Board are used to test the argument that term limits increase electoral competition. I utilize two measures of competition. First, I examine the number of candidates for each state legislative seat in both primary and general elections. The second measure is margin of victory in primary and general elections. An effort was made to completely replicate Rausch (1993) and Clucas (1994), but pertinent longitudinal data on turnout and campaign financing are not easily accessible and vary in quality over time.

## ANALYSIS

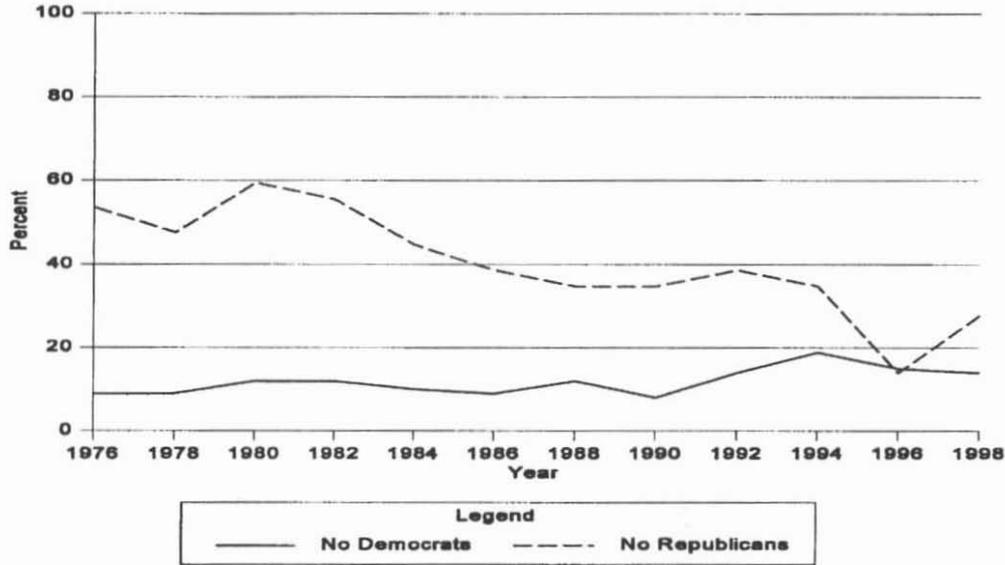
### PRIMARY ELECTIONS

The reports in the *Oklahoma City Daily Oklahoman* largely serve as the impetus for this research. Figure 1 illustrates the percentage of seats left unchallenged by each party. The trend shows that the Republican Party is now coming close to finding as many candidates as the Democratic Party. In 1996 the two parties were equal. In 1980, in contrast, nearly 60 percent of Oklahoma House races did not have a Republican candidate in the primary; therefore, the winner in the Democratic primary was elected to the House. From 1988 to 1996, the Republican Party has been giving away less than 40 percent of the seats and in 1998, less than 30 percent. Term limits were enacted as more Republicans were already entering legislative races.

Care must be exercised in drawing conclusions about term limit effects from these data. The Oklahoma Republican Party, like its national counterpart, has made an effort to recruit quality candidates for state

Figure 1

The percentage of Oklahoma House primary races without a party candidate (101 House Districts).



SOURCE: Author's calculations from Oklahoma State Election Board data.

House and Senate races. The increase in Republican candidates has been achieved before any Oklahoma legislator has been forced by term limits to vacate a seat.

The average number of candidates in each party's primary is presented in Figure 2. These data illustrate competition in primary elections. If term limits were having an effect, one would expect to see more candidates running in primaries. While the average for the Democratic Party remains above one candidate per district, there has been a decline in the number of multi-candidate races since the 1970s. The Republican trend line suggests that the party field at least one candidate in many more districts than in the past. Term limits may be having an effect here as potential Democratic candidates are deciding to sit on the sidelines until an incumbent is forced to forego reelection.

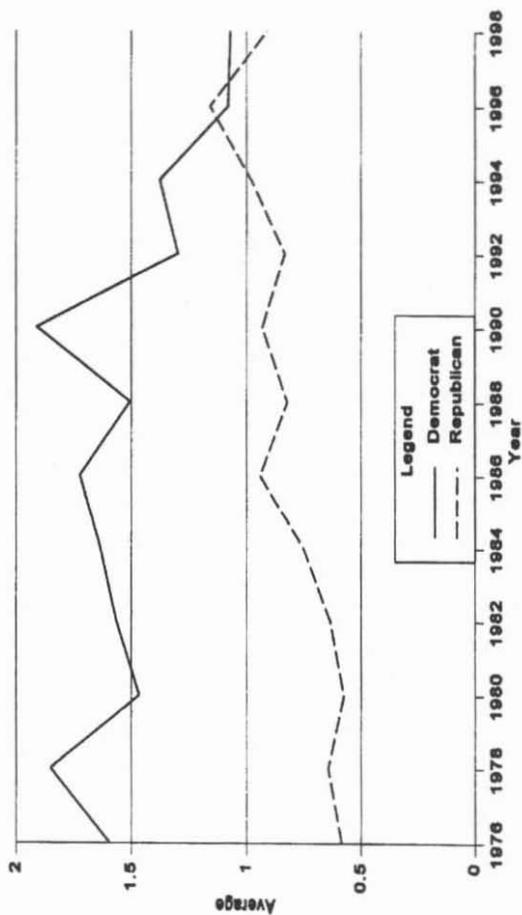
The second measure of competition is margin of victory. Figure 3 examines the average margin of victory in the Democratic and Republican primaries. For each election the number of districts included in the average differs depending upon the number of races with candidates. Candidates who were unopposed were coded as having received 100 percent of the vote.

The data show that the average primary contest for either party is won by a margin of more than fifty percent. Republican primary candidates tend to have less competitive races. It is possible that the party recruits one candidate and, in an effort to avoid intraparty battles, encourages other potential candidates to stay out of the race. One would expect both parties to discourage primary competition in favor of reserving resources for the interparty contest at the general election. Additional research is required to determine whether or not the Republican Party discourages primary competition. As the number of unopposed candidates in primaries increases, average margin of victory will approach 100 percent.

## GENERAL ELECTIONS

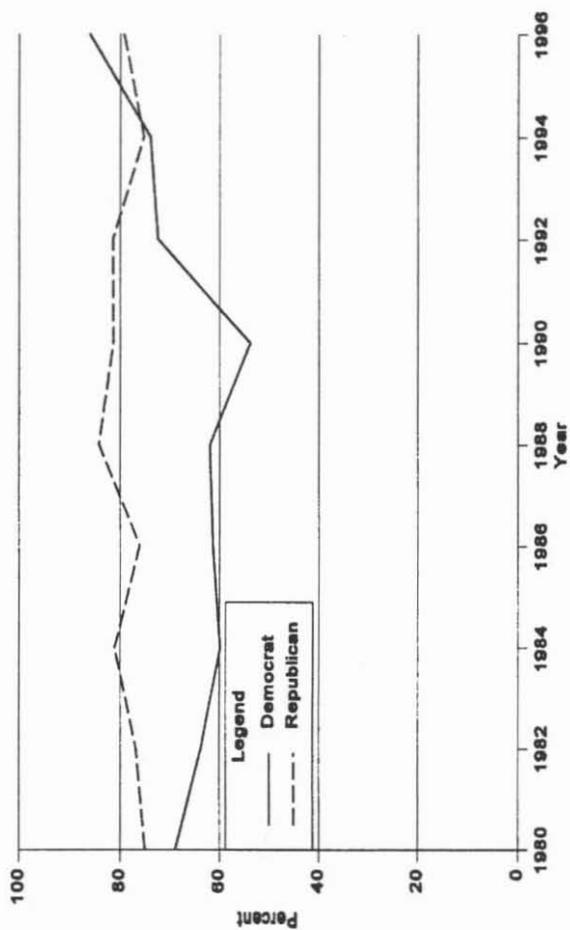
Since Lloyd Noble is a Republican and many of the contributors to the term limit campaign are Republicans, one hypothesis is that term limits were enacted to benefit the Republican Party. Noble's arguments do not indicate an anti-Democratic position as much as a dislike of the

Figure 2  
 Average number of candidates in Democratic and Republican primaries (101 House Districts).



SOURCE: Author's calculations from Oklahoma State Election Board data.

Figure 3  
 The average margin of victory in the Democratic and Republican Party primaries in Oklahoma  
 (101 House Districts).



SOURCE: Author's calculations from Oklahoma State Election Board data.

Legislature. In a post-election discussion, Noble related that he had "often thought . . . we [Oklahomans] could limit our state legislators via the initiative-petition process" (Noble 1992, 24). After his successful term limit effort, Noble helped direct the tax limitation initiative, State Question 640 (see Rausch 1994).

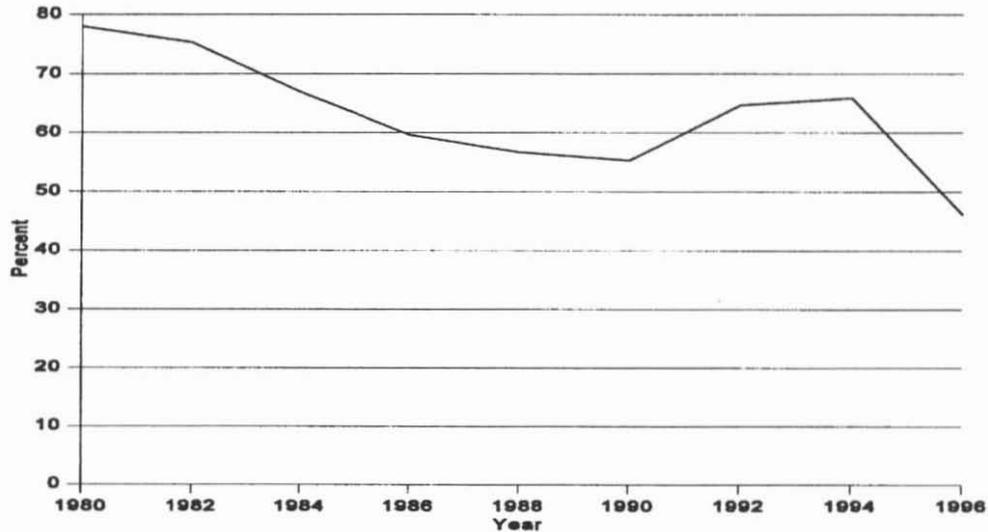
Noble's comments notwithstanding, term limits should have some impact on the number of seats won by the minority. This is a central concern of interparty competition. The data do not show a dramatic change in the number of seats won by the minority Republicans after term limits are enacted. After the 1980 elections, Republicans held 28 percent of the seats in the House of Representatives. In 1982, Republicans won only 24 percent of the seats. The party crossed the 30 percent threshold in 1984 taking 32 percent of the seats. In 1986, Republicans were victorious in 31 percent of the House districts. Republicans won 33 percent of the races in 1988, the high point for the decade of the 1980s. Prior to redistricting, the Republican Party won 32 percent of the seats in 1990. In both 1992 and 1994, Republicans were victorious in 35 percent of the districts. In fact, the percentage of seats won in 1994 is an accurate reflection of the percentage of registered Republicans in that year. The State Election Board reports that 33 percent of registered voters are Republican (Oklahoma State Election Board 1994, 1-2). In 1996, Republican candidates won in 35 percent of the districts.

Again, we should not hastily conclude that term limits have worked against Republicans. In 1992, candidates were running in districts drawn by the majority Democrats and although the redistricting effort took place after term limits were enacted in 1990, none of the legislators involved were immediately affected by the limits.

The average margin of victory in House races increased in 1990 after a decade of decline (see Figure 4). This finding suggests that term limits have caused a decrease in competition in general election contests. However, House races were much more competitive in 1996 with the average candidate winning by about 45 percent. Third party candidates have minimal effects on the reported margins of victory.

Figure 4

Margin of victory in general election contests for the Oklahoma House of Representatives  
(101 House Districts).



SOURCE: Author's calculations from Oklahoma State Election Board data.

## DISCUSSION AND CONCLUDING THOUGHTS

To the ardent supporter of term limits, Oklahoma's experience might be disheartening. However, these results are preliminary. There are other aspects of term limits not examined here. The number of incumbents seeking reelection has not been examined. Senate races were not included in this research because only one-half of the members are elected every two years, making it more difficult to track trends in the Senate. House members who run for the Senate and Senators who decide to go "down" to the "lower chamber" are not identified and analyzed. Additional research focusing on who leaves the House and who runs for the Senate will greatly improve our understanding of the impacts of term limits.

It is probable that term limits have not "kicked in" in Oklahoma. Term limit advocates have not clearly identified the time when change will occur in legislative bodies after the imposition of term limits. Most observers agree that it takes time for the effects of term limits to emerge, but there is little agreement on how much time is required. This paper is just one effort toward trying to identify when term limits have "kicked in."

Legislative term limits so far appear to have had little effect on electoral competition in Oklahoma. If Lloyd Noble's goal was to reform the Oklahoma Legislature into a citizen legislature, he may have labored under some misconceptions about the professional nature of the body or he advocated a term limit initiative that was too lenient. In the Oklahoma case at least, Everson (1992) is correct in suggesting that the impact of term limits differs depending on the level of professionalism in the legislature and the formulation of term limits.

There are many other aspects of term limits that can be explored in Oklahoma, the first state to enact term limits. In a "Hyde Park" discussion of term limits at the 1994 annual meeting of the American Political Science Association, one discussant suggested that term limits make voters feel good (Jost 1994). Through term limits, voters are able to "punish" the legislature without punishing individual legislators. This line of research should be pursued. We need to better understand how voters feel about their legislators and legislatures after voting for term limits. Do term limits serve as a palliative for voters? Do they actually

feel better after casting a vote for term limits? Are voters more efficacious after term limits?

Additionally, students of state politics can assist in raising the discussion of term limits to a much higher level. With the Republican tsunami in the 1994 congressional elections, term limits reached the top of the political agenda in the GOP "Contract with America." The Contract called for only a vote on a constitutional amendment limiting members of the U.S. House to six two-year terms or a substitute amendment limiting House members to three two-year terms (both amendments would limit Senators to two six-year terms). Political scientists should assist in the process of determining what limits are appropriate. By studying the different limits enacted on state legislatures, we may find an answer. Less professional legislative bodies may require more severe limits; the more professional bodies may only need "limited" limits. Additional study of the effects of term limits over long time periods in a variety of states will help us understand the consequences of legislative term limits.

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