

## THE EFFECT OF TERM LIMITS ON OKLAHOMA LEGISLATORS

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Term limits will have a dramatic effect on the membership of the Oklahoma Legislature. The Senate will be most affected. Groups that will gain descriptive representation from term limits include Republicans, women, and the young.

**With little controversy twenty-nine states** limited Governor's terms (Council of State Governments 1994), including Oklahoma, where a 1966 referendum limited governors to two terms. The controversy began in 1990 when initiatives were proposed in Oklahoma, California, and Colorado to limit state legislative terms. Oklahoma voters limited legislators to a twelve year maximum combined, House and Senate, lifetime service after November 18, 1992.

Executive term limits restricted the personal power and political longevity of individuals, governors and the President of the United States, but were not viewed as affecting the type of person elected or shifting the balance of power. Legislative term limitations, in contrast, were viewed by many, especially political activists, as a means by which the political balance would be affected and political direction changed.

The people of Oklahoma were seeking change in 1990 when they voted to limit legislative members' tenure to a lifetime maximum of twelve years. Nineteen other states quickly followed. Some argue term limits will weaken the legislative process. Others believe the process will be strengthened. Some argue that term limits will have little effect because very few legislators have lengthy tenures (Moncrief and Thompson 1992; Benjamin and Malbin 1992; Hibbing 1991). When scholars applied term limits retroactively to current legislative memberships they found that less than a third would be affected. Thus, they argue that rotation already exists for most legislative seats and term limits are not necessary.

Even if most members are not affected, however, the few prominent leaders who control the legislature will be, because these members typically have

long tenure. David Everson (1992) argues that these are the legislators that voters were targeting when they voted for term limits. Other scholars (Benjamin and Malbin 1992; Price 1992; Rosenthal 1992; Copeland and Rausch 1993) are less enthusiastic about the removal of leadership as this will cost legislatures continuity, experience, expertise, and institutional memory. Term limits may also increase the power of the executive, lobbyists, and staff relative to members (Fowler 1992).

Will legislative term limits affect the composition of the Oklahoma Legislature? How many long-term incumbent legislators does Oklahoma have? How many of the current legislative leaders have more than twelve years of experience? How many current committee chairs have tenure that exceed the limit? Which groups will be most affected by Oklahoma's term limits? If term limits punish certain groups, which groups would be most likely to gain influence?

The previous works that considered these questions for Oklahoma failed to consider the uniqueness of Oklahoma's term limits law. Cynthia Opheim (1994) and Benjamin and Malbin (1992) both applied a stricter standard to Oklahoma's legislators than the 1990 law required causing David Everson (1992) to argue that each state must be examined individually in light of its own unique conditions. Here the questions will be answered by applying Oklahoma's limit to the members of the current legislature.

Oklahoma's term limits law will not affect state legislative re-elections until 2004. The law allows those members who were serving on January 1, 1991 to finish their term before their 12 years began to accumulate toward the limit. Since legislative terms start in November, 15 days after the election, those elected in 1990 were allowed to finish that entire term before they were affected. This means that for House members continually elected from November 1990 their 12 year limited career will span from November 1992 until November 2004. For senators continually elected from November 1990 their 12 year limited career will span from November 1994 until November 2006.

We can only speculate about the political situation at that time. The best guess is that the political situation of Oklahoma in 2004 will somewhat resemble today's, just as today's resembles that of 1988, 1980 and even 1972. So for the purpose of analysis this work considers who would be eliminated and who would gain assuming term limits would affect the 1996 elections. Hopefully this approach will give insight into how, if at all, term limits will alter Oklahoma's legislative membership in 2004.

Term limits may prove a shock to the political system. Price (1992) speculated that electoral trends may change as a result of term limits because different types of candidates will be attracted to the legislature. If he is correct, projections will prove difficult. However, Fowler (1992) and Moncrief and Thomp-

son (1992) consider which groups are currently experiencing electoral success in open seats and argue that it is these groups which will benefit from term limits.

## CURRENT OKLAHOMA LEGISLATURE

All of Oklahoma's 48 State Senators and 101 State Representatives are members of one of the two major political parties. In the House there are 65 Democrats and 36 Republicans, in the Senate there are 35 Democrats and 13 Republicans. Now, as in the past, the Democratic Party dominates the Oklahoma Legislature. Only in 1921-22 did the Republicans manage majorities.

The two parties organize the leadership of both houses. The majority leaders are nominated in the party caucuses and elected by their respective house memberships. The Democratic Caucus by tradition limits the Speaker of the House to three terms. There is no such tradition in the Senate. Nevertheless, no President Pro Tempore has served more than three terms (Oklahoma Department of Libraries 1995a). The party leader has considerable influence in the elections of the other leadership positions by the party caucus and in the House the Speaker appoints the leadership positions below Majority Floor Leader. In Oklahoma there is a distinction between the leadership, the committee leadership, and the leadership team. The leadership positions for the majority include the floor leader and his or her lieutenants. The committee leadership includes the committee chairs, vice-chairs, sub-committee chairs, and sub-committee vice-chairs. The leadership team is an informal brain trust that the majority leader selects. They are his or her inner-circle or kitchen cabinet advisors. Membership in the leadership team is fluid.

Currently the majority House leadership includes 14 members and the minority House leadership includes 9 members. One sophomore member holds two of the majority's leadership positions. The Senate majority leadership includes 6 members, while the minority leadership includes 4. Oklahoma does not have a normal line of succession to majority leader like some other states.

Both houses operate extensive committee systems. Committee chairs are selected by the President Pro Tempore and the Speaker. The House has 27 standing committees, the Senate has 22, and there are 6 joint committees. All legislators except 6 senators and 36 representatives serve in a committee leadership position. Sixty percent of Senate majority members chair a committee and one Senator chairs two committees. Two House members chair two committees.

Representation can mean several different things. A black man, for ex-

ample, can represent white voters by defending their interests in the legislature. Descriptive representation refers to a representative who is like those he or she represents. A woman legislator, for example, provides descriptive representation for women whatever her position on women's issues.

Women and younger people are among those hypothesized to gain descriptive representation from the enactment of term limits (Moncrief and Thompson 1992). Currently there are 7 women in the Oklahoma Senate and 9 in the House. Eight members of the Senate and 10 members of the House are seniors, over the age of 62. Each group is underrepresented compared to its proportion in the population (Oklahoma Department of Commerce 1993).

Even though the Democratic Party controls large majorities in both houses the partisan make-up is still important to the functioning of the legislature as most legislation requires a super majority. By tradition, a majority of the bills passing through the Oklahoma Legislature are declared emergencies. Bills become law 90 days after the legislature adjourns unless they are declared an emergency, in which case they become law immediately upon the governor's signature (or a successful veto override). Budget bills almost always require the emergency clause to avoid havoc and the emergency clause is considered important to other bills as well. An emergency requires the support of a 2/3 vote in each house. If the governor vetoes an emergency clause 3/4 of both houses are required to override. For 6 of the past 10 years Oklahomans have experienced divided government. Republicans have controlled the governorship while Democrats have maintained large majorities in both houses. This has led to a record number of vetoes. A 2/3 vote in each house is required to override the governor's veto of a non-emergency bill. Further, due to a successful 1992 initiative, a vote of 3/4 of both houses is now required for the Oklahoma Legislature to pass a tax increase. Without this super majority the tax increase must be submitted to a referendum. These super majority requirements keep the partisan make-up of the legislature relevant. Even though the Democrats hold a large majority, House Republicans currently have one more vote than needed to sustain a gubernatorial veto or block an emergency. In the Senate Republicans have just enough votes to prevent veto overrides of emergency clauses or to prevent tax increases.

### EFFECTS OF TERM LIMITS

If Oklahoma's term limits were immediate and retroactive, Senate membership would be substantially more affected than the House's. Table 1 compares the effects on various groups within the House and Senate. It shows the Senate would lose proportionally more current members (44 percent) than the

House (20 percent). Half of the Senate leadership would be removed, only 32 percent of the House leadership would be affected. Both Houses would lose their majority and minority leader. The Senate would also lose more committee chairs (38 percent) while the House would lose 26 percent of the committee chairs. Clearly, the impact of term limits will be greater on the Senate than on the House.

Table 1 also shows that in the House, Democrats, men, and seniors would lose more numbers than Republicans, women and the young. In the Senate, term limits would effect these groups more or less equally. Democrats and Republicans would share the burden almost equally in the Senate with Democrats losing 43 percent of their members and Republicans losing 46 percent. In the House, Democrats would lose 23 percent, while Republicans would lose only 14 percent. Men and women would share the losses in the Senate almost

**TABLE 1**  
**Effect of Term Limitations on Current Oklahoma Legislators**  
**if the 12 Year Limits were Effective with the 1996 Elections**

<i>Group</i>	<i>Senate</i>			<i>House</i>		
	<i>Percent Over Limit</i>	<i>Percent Under Limit</i>	<i>Total (N)</i>	<i>Percent Over Limit</i>	<i>Percent Under Limit</i>	<i>Total (N)</i>
Leadership	50%	50%	(10)	32%	68%	(22)
Committee Chairs	38	62	(21)	26	74	(31)
Democrats	43	57	(35)	23	77	(65)
Republicans	46	54	(13)	14	86	(36)
Men	44	56	(41)	22	78	(92)
Women	43	57	(7)	0	100	(9)
Over 62	63	37	(8)	30	70	(10)
Under 62	40	60	(40)	19	81	(91)
Membership	44	56	(48)	20	80	(101)

SOURCE: Author's calculations from Oklahoma's Department of Libraries, 1995b.

equally. But, in the House no women currently exceed the twelve year limit, only men would be removed. Proportionally, seniors are the most affected group. Naturally, age and experience are strongly related. Currently, in the Senate age and experience are related with  $r = .354$ , and in the House with  $r = .314$ . Sixty-three percent of the senators over age 62 would be removed, while only 40 percent of younger senators exceed the limit. In the House only 30 percent of seniors exceed the 12 year limit, and 19 percent of younger members would be removed.

With term limits creating more open seats for some groups than others, it is appropriate to ask which groups are likely to win these open seats. Table 2 compares the characteristics of the 1994 freshman legislators and the current group of members that are over the 12 year limit. Only one new senator was elected in 1994, so all members serving their first term are considered freshmen here. Four Democrat men were newly elected to the Senate in 1992. They join the one Republican woman elected in 1994 to constitute the 45th Legislature's freshmen senators.

The immediate imposition of term limits would have little effect on the partisan or gender composition of the Senate. (The minor differences shown in Table 2 on these two characteristics are statistical artifacts that result from differences in group size.) Significant change would take place in the age composition of the Senate with younger Senators replacing those over 62. More significant changes would occur in the House. The party composition of the House would be altered to favor Republicans; 61 percent of the new House members would be Republicans compared to 25 percent of those leaving. In the House no women would be removed, while 17 percent of the freshmen would be women, producing dramatic gains for them. The age composition of the House would also become younger: 15 percent of those leaving would be over 62 compared to only 4 percent of the freshmen. In the competition for seats opened by term limits, Republicans, women, and younger members would make important gains in the House while there will be smaller changes in the Senate.

## DISCUSSION

Paradoxically, Senators would be much more affected than members of the House, although the group composition of the Senate will change less. If 20 House members with 12 or more years service were barred from seeking reelection Oklahoma could expect Republicans to have a net gain of 7 seats. This would bring their total to 43 of 101. The Senate is a bit more complicated. The partisan losses in the Senate are virtually equal and the mix of current first

TABLE 2

**Comparison of 1994 Freshmen State Legislators and Member  
over the 12 Year Limit in 1996**

<i>Group</i>	<i>Senate</i>		<i>House</i>	
	<i>Percent Over Limit</i>	<i>Percent Freshmen</i>	<i>Percent Over Limit</i>	<i>Percent Freshmen</i>
Democrats	71%	80%	75%	39%
Republicans	29	20	25	61
Men	86	80	100	83
Women	14	20	0	17
Over 62	24	0	15	4
Under 62	76	100	85	96
Total Percent	100	100	100	100
Total N	21	5	20	23

SOURCE: Author's calculations from Oklahoma Department of Libraries, 1995b.

termers would not change the balance of power in the Senate. However, in 1992 all of the newly elected senators were Democrats. In 1994 the only new senator was a Republican. In these data it is difficult to find the trend if the current mix of freshmen senators indicates who would be successful in the 21 open seats that an immediate application of term limits would create, Democrats may gain some seats in the Senate. If they gained just one seat, that would significantly alter the balance of power in favor of the Democrats.

However, the partisan shift in the House would substantially affect the traditional operations of the legislature. Democrats would not control the super majorities required to pass emergencies or override vetoes in the House. They would be required to negotiate with Republicans or use methods that do not require super majorities. In times of divided government, like the current situation, Democrats in the legislature would have to work with the Republican Governor.

Women could expect to gain representation. If they won 20 percent of the

21 seats opened by term limits in the Senate, women would gain 1 seat, bringing their total to 8 seats. In the House they would gain 4, for a total of 13. These changes would leave women still at about half of the national average of women's state legislative representation, currently at 20.7 percent (National Women's Political Caucus 1995).

Seniors, those over age 62, would lose representation in both the Senate and the House. Currently seniors make up 17 percent of the Senate; with immediate term limits they would only retain 3 senators. While one freshman in the House was a senior, three would be lost to term limits. This shift is occurring at the same time that the population is aging and senior issues are becoming more important.

If these electoral trends hold there will be a shift in the partisan balance of power in the House. The shift will be at least sufficient to alter Democrats' ability to control the super majorities that they are so accustomed to using. We have examined only the first election, subsequent elections should strengthen these trends. The loss of experienced leadership and committee chairs may also shift the structural balance of power toward the governor. Most observers find the structure of Oklahoma government leaves the governor very weak. While term limits are unlikely to create a strong executive, with less experienced leaders in the legislature, the governor's hand may be strengthened. To counter this, new leaders with limited tenures are likely to alter the rules and social norms of the legislature to facilitate their particular goals in the limited time available to them.



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