State Politics & Policy Quarterly

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Incumbents Out, Party In? Term Limits and Partisan Redistricting in State Legislatures

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ABSTRACT

How do term limits affect the electoral changes caused by state legislative redistricting? To answer this question, we compare the success of majority parties in the redistricting process in legislatures with and without term limits. We hypothesize that majority parties use the districts of term-limited members to redistribute supporters from safe districts to more competitive ones. We find that, indeed, the majority party changes district lines more in districts with term-limited legislators. Furthermore, the majority party is more strategic in reallocating voters for partisan gain in term-limited districts. Thus, our findings suggest that term limits make the redistricting process more partisan and that a reform intended to remove incumbents from the legislature actually strengthens the majority party.

> It's ironic that one of the few things that the U.S. Supreme Court has consistently upheld as a factor you can use in redrawing districts is incumbency, and we're going to be redrawing state legislative districts right after term limits take effect in the Senate. We won't have any incumbents in those districts.
>
> —Arkansas Attorney General Mark Pryor[1]

IN THE 2001–02 REDISTRICTING CYCLE, state legislative term limits affected redistricting for the first time as 321 legislators in 11 states were being forced to retire after the legislative session in which their states were redrawing district lines. Absent term limits, redistricting often pits legislators' own electoral goals against those of their party (Gelman and King 1994; Jewell 1962). As the majority party tries to reconfigure districts for partisan gain, it is constrained by its incumbent members who are unwilling to sacrifice their personal supporters from their current districts for the common good of the party. Term limits produce a group of districts that are effectively

without an incumbent, thus fundamentally changing the political dynamic of redistricting.

What is the impact on state legislative redistricting of this change caused by term limits? Specifically, what is the relative success of majority parties in redistricting in legislatures with and without term limits? We hypothesize that majority parties use the districts of term-limited members to redistribute supporters from safe districts to more competitive ones. We find that, indeed, majority parties change district lines more extensively in districts with term-limited state legislators. Furthermore, majority parties are more strategic in reallocating voters in term-limited districts. Thus, our findings suggest that term limits make the redistricting process more partisan and that a reform intended to remove incumbents from the legislature actually strengthens the majority party.

REDISTRICTING FOR PARTISAN GAIN

Legislative redistricting plans in the United States tend to focus on incumbency protection and partisan gain (Gelman and King 1994). When one party controls the redistricting process, it can try to draw district lines to favor its fellow partisans. Such partisan gerrymanders can be effective in increasing a party's share of seats (Basehart and Comer 1995; Squire 1995; Gelman and King 1994; Basehart and Comer 1991; Cain 1985), even if these partisan effects dissipate over the course of the decade in which the plan is in effect (Campagna 1991; Squire 1985). However, even under the most partisan redistricting plans, the majority party rarely increases its legislative majority by more than 10 percent, and seat gains are often much smaller (Basehart and Comer 1991). And while most states give the responsibility of redistricting to their legislatures, some use special commissions and nonpartisan or bipartisan panels (McDonald 2004). Bipartisan or nonpartisan redistricting reduces or eliminates the ability of the majority party to gain seats through redistricting (Butler and Cain 1992).

One reason majority parties rarely achieve large gains through redistricting is that even when a single party has complete control over the process, it faces constraints on its actions from incumbents on both sides of the aisle. Typically, political parties play a substantial role in state legislative policymaking because of a congruence between the electoral goals of their legislative members and the policy goals of the party overall. Party leaders structure policy conflict to make it electorally rewarding for members to support party programs in the legislature (Wright and Schaffner 2002; Hedlund and Hamm 1996; Jewell and Morehouse 2001). But partisan redistricting plans may con-

flict directly with legislators' individual electoral goals in at least two ways. First, incumbents are highly risk averse with a perhaps irrational fear of losing the next election (Fenno 1978; Mayhew 1974). Thus, they prefer a district made up of 100 percent of their party's voters. However, from the party's perspective, every vote over 50 percent is wasted. The party would prefer to distribute its voters more evenly among districts to provide for a larger number of seats won statewide (Cox and Katz 2002).[2] Second, even regardless of their constituents' party affiliations, incumbents are loath to exchange them for new constituents, both out of fear of the unknown and because incumbents have spent a good deal of time and effort cultivating favor and name recognition among their constituents (Fenno 1978). Incumbents invest heavily in their constituents, and exchanging them for new constituents in a redistricting plan wastes that investment.

TERM LIMITS AND REDISTRICTING

Thus, a state legislative party must reconcile two, often conflicting, goals during the redistricting process: maximizing its incumbents' chances of winning re-election and increasing the party's overall electoral advantage in the state (Gelman and King 1994; Cain 1985). The first goal is best satisfied on average by keeping the old districts intact as much as possible, given the constraints of changing demography and mandated redistricting criteria. The second goal is most easily satisfied by the party redistributing its supporters freely to maximize its statewide seat share. Doing this will likely make some incumbents' re-election less secure, but it could bolster the chances of the party's candidates in competitive areas. Of course, some safe incumbents may be able to see the party's perspective and give up some supporters for the common good, but such altruism may be limited (Gelman and King 1994). Therefore, the party may look especially to districts being vacated by incumbents for voters to distribute strategically. In these districts, the conflict between the re-election of the individual legislator and the common good of the party does not exist. The number of such districts is likely to be much greater in states with term limits.

Term limits may fundamentally alter a legislator's behavior, particularly since constituents are no longer able to sanction him or her by withholding their votes in future elections (Alchian and Demsetz 1972). At the very least, a term-limited legislator will no longer be concerned with returning to his or her current seat. Rather, these members must either pursue a career outside of politics or run for a different office. As a result, term limits may affect the redistricting process in two ways. First, it creates a group of legislators who

cannot run for re-election in their current seat but who may like the redistricting process to create favorable state senate or congressional districts in which they might run for higher office. Second, term limits create a group of seats with no returning incumbents interested in defending their districts' boundaries. We discuss each of these potential effects below.

Drawing Lines and Moving On?

During the 2001–02 redistricting cycle, the press reported a variety of instances of the interaction between term limits and redistricting that resulted in some lawmakers trying to extend their political careers in another elected office. For example, the *Associated Press* (Cohen 2000) reported that because of term limits in Michigan, "Some lawmakers are trying to jump from one chamber to the other." A California Republican consultant asked in the *San Francisco Chronicle* (Wildermuth 2001), "You want to know a new definition of [an] Assembly member? Congressional candidate." Officeholders often look for avenues to run for higher office (Schlesinger 1966), so it should not be surprising if this behavior was more common among legislators being forced to vacate their seats. Yet, while there are anecdotes about term-limited state legislators using the redistricting process to create advantageous state senate or congressional districts for themselves, this possibility has not been evaluated systematically.

In the 2002 elections, 322 legislators in 11 states were prohibited from running for re-election due to term limits. Over one-third of those legislators (110) ran for a different office that year.[3] Table 1 presents the distribution of seats that these legislators ran for and their success rate in each. Over half of the term-limited legislators running for a different office were members of the state house who ran for seats in the state's upper chamber. Another 13 term-limited state legislators ran for a United States House seat, seven of these coming from the state senate. Eight state senators chose to run for seats in their state's lower chamber. Thus, 84 state legislators, just 26 percent of those being forced to retire, ran for seats for which redistricting was required in 2001–02.[4] Furthermore, of these 84 legislators, only 24 may have even potentially affected the redistricting process. For instance, Montana and Maine did not redistrict their state legislatures before the 2002 elections. Judges drew the state legislative map in Missouri and the congressional map in Arizona. Even when the process was controlled by the legislature, only members of the legislature's majority party likely could have an impact on it. There is little reason for the party controlling redistricting to allow rival party members to produce favorable districts for themselves in other chambers.

In the last two columns of Table 1, we break down the offices and success

Table 1. Offices Sought by Term-Limited Legislators, 2002

Office	All Term-Limited Legislators		Term-Limited Legislators with Potential Redistricting Influence[a]	
	Ran	Percentage Winning	Ran	Percentage Winning
State house	8	75%	4	50%
State senate	63	49%	13	62%
United States House	13	31%	7	29%
Other office	26	40%	n/a	n/a
Total	110		24	

Source: National Conference of State Legislatures.

Note: Total number of term-limited legislators forced from their seats in 2002 was 322.

[a] Legislator with potential redistricting influence is defined as a majority party legislator in a state that redistricted before 2002 and where the legislature controlled the process. Other offices are not applicable here because they were statewide positions not subject to redistricting.

rates of the 24 term-limited legislators who may have had influence over the redistricting process.[5] These legislators were actually less likely than the larger pool of all term-limited incumbents to win their races for the state house or Congress (although the differences are small), while they were more successful in their campaigns for the state senate. Yet, only 12 term-limited state legislators won an election in 2002 for another office in a district that they may have been influential in drawing. Thus, anecdotes aside, term-limited members generally do not appear to have had a hand in drawing districts that would be favorable for their efforts to move on to a new office. The progressive electoral goals of term-limited legislators appeared to play little, if any, role in the outcomes of the redistricting process in 2002.

Open Seats and Partisan Redistricting

If term-limited legislators' electoral goals have little influence in redistricting, what impact do the parties' goals of increasing seat shares have in redistricting under term limits? Legislators tend to be risk averse during the redistricting process, resisting efforts to change their districts, particularly when these new districts may contain fewer partisan supporters. While altruistic legislators in safe districts may be convinced to sacrifice some of their partisan constituents for the benefit of party candidates in nearby areas, their willingness to do so is likely limited. Under this constraint, redistricting plans often only change district boundaries marginally, perhaps helping to account for the high incidence of incumbent re-election even after partisan redistricting plans are enacted (Basehart and Comer 1991; Owen and Grofman 1988). Because most legislators resist change to their districts, redistricting tends

to produce little change in the status quo (Niemi and Jackman 1991; Glazer, Grofman, and Robbins 1987; Cain 1985).

But term limits remove legislators' personal re-election concerns from their decision calculus, leaving only considerations about the welfare of the party. Term-limited incumbents have nothing to lose in allowing their districts to be redrawn to benefit other party members. Thus, term limits produce a group of seats in each legislative chamber where the majority party may draw district lines without objections from incumbents. Therefore, we hypothesize that majority parties will be more successful in their redistricting efforts in states that limit state legislative terms.

EXAMINING REDISTRICTING EFFECTS

We use a combination of aggregate and district-level data to examine the impact of term limits on the level of partisanship in redistricting outcomes. We begin by assessing the percentage of seats gained or lost by the majority party in each state legislative chamber that held elections in 2001 or 2002. This initial comparison includes all state legislative chambers that 1) completed their redistricting before the 2001–02 elections and 2) held legislative elections in 2001 or 2002.

An important consideration in assessing the partisan impact of redistricting is the redistricting method a state uses, whether a nonpartisan or bipartisan commission or panel, a panel or commission under partisan control, or the regular legislative process (McDonald 2004).[6] We account for these different methods by separating the states in each analysis into three different groups. All states are included in the first group, regardless of redistricting method. Thus, this group includes states where the majority party may have complete control over the process and where it has no control. Accordingly, we expect to find the weakest effects of term limits for this group of states. In the second group, we include only states where the party controlling the legislature also controls the redistricting process. States that use redistricting panels and commissions controlled by the majority party are included in this group, as are states where the legislature has direct redistricting responsibility and is under unified party control (with both legislative chambers and the governorship controlled by the same party). We expect to find stronger evidence of term limits effects on partisan redistricting in these states. In the third group, we only include states with legislatures that are directly responsible for redistricting and are under unified party control. Thus, this group further excludes states that delegate redistricting responsibility to a

partisan commission or board. Since majority party legislators should have the most control over redistricting in these states, the impact of term limits on partisan redistricting should be strongest.

First, we compare the percentage of seats gained or lost by the majority party in states with and without term limits. Second, we examine individual districts in states with term limits to compare how redistricting affected districts with and without term-limited members. Of the 11 states with effective term limits in 2002, we exclude Montana and Maine, because they had not redistricted their legislatures before the election, Missouri, whose plan was produced by a panel of judges, and Arkansas, due to data collection problems. Accordingly, this district-level analysis is limited to seven states: Arizona, California, Colorado, Florida, Michigan, Ohio, and South Dakota. In Arizona, Colorado, and Ohio, commissions controlled the redistricting process. However, the commissions in Colorado and Ohio were composed of partisan appointees and may have considered partisan considerations as a result.[7] In the remaining four states redistricting was controlled directly by the state legislatures, all of which were under unified party control at the time.

The unit of observation for our district-level analysis is a state legislative district before the redistricting process. We measure change in these districts in two ways, spatial and partisan. Our spatial measure of change uses Geographic Information Systems (GIS) analysis to measure the percentage of the area of a district left intact after the redistricting process (see Appendix for details). For example, if a district's boundaries were not changed at all by redistricting, the value of this spatial variable would be 100 percent. In addition, a score of 100 percent could mean that the district was underpopulated and gained parts of other districts without losing any of its original area. If a district was drawn so that it included only two-thirds of a given old district, then the value for the spatial variable for the old district would be 66 percent. This indicates that one-third of the old district was drawn into other districts. In our seven-state dataset, the spatial change variable ranged from 27.02 percent to 100 percent, with a mean of 74.46 percent. Thus, on average, in our dataset, about three-fourths of a legislative district was left intact after redistricting.

We also assess the change in the partisan makeup of each district before and after redistricting. Our measure of partisan change is the percentage of the vote that the majority party's 2000 presidential candidate would have won in the new district subtracted from the percentage of that vote in the pre-2002 district. In other words, the Republican Party controlled the Florida redistricting, so the measure of partisanship for its state house districts is the change in the percentage of the 2000 vote for Bush in the old district compared to

what it would have been in the new district. On the other hand, Democrats controlled the California redistricting, so the partisan change measure there is the change in the percentage of the 2000 vote won by Gore. In our seven-state dataset, the average majority party change in a district was +.93 percent, and that value ranged from –39.01 percent to +30.06 percent.[8]

ANALYSIS

We present our analysis in two stages. First, we compare majority party seat loss and gain in states with and without term limits. Second, we conduct the district-level analysis, assessing how majority parties use term-limited districts strategically to achieve partisan goals.

Redistricting and Majority Party Seat Gain and Loss

Table 2 presents the average percentage of state legislative seats gained or lost by the majority party in states with and without term limits following the elections of 2001–02. The percentages in the first row are for all states that redistricted before the 2002 elections.[9] These indicate that there was a small difference between the average success for the majority party in states with and without term limits. In term-limited states, the majority party averaged a seat increase of .9 percent, as compared to a .7 percent seat loss in states without term limits. Thus, the average majority party was 1.6 percent better off in states with term limits following the next election after term limits.

Comparing seat change across all chambers could conceal term limits effects due to differences in how states redistrict their legislatures. We hypothesized that term limits influence how districts are drawn for partisan gain, but also that when the majority party does not control this process, the partisan impact will be muted. The comparisons for the second and third state groupings (in rows two and three of Table 2) support this hypothesis. When the majority party had control over redistricting, it was between 3.1

Table 2. Majority Party Seat Gains and Losses after 2001–02 Elections in Chambers with and without Term Limits

Comparison	States with Term Limits	States without Term Limits	Difference
All chambers	0.9%	– 0.7%	1.6%
Process controlled by majority party	0.7%	– 2.4%	3.1%
Process controlled by legislature	1.1%	– 2.4%	3.5%

Note: See Appendix for a list of states included in each group.

percent and 3.5 percent better off after the first post-redistricting elections in states with term limits than in states without them.

Thus, despite the open seats created by term limits, majority parties in states with term limits fared better in post-redistricting elections than majority parties in states without them. While examining the percentage of seats changing hands in this way may be a rather blunt measure of redistricting effects, this analysis suggests that while term limits may force many incumbents from office, they may actually benefit the majority party. But how would such an effect come about? We turn to this question in the next section.

Redistricting in States with Term Limits

The party controlling state legislative redistricting may find it easier to draw lines to advantage itself when they can do so without incumbents and their individualistic goals getting in the way. Term limits help clear out some incumbents, but does the majority party take advantage of this situation?[10] To begin to answer this question, Table 3 presents three models estimating influences on the extent to which legislative districts are left intact geographically after redistricting, one for each of our subset of states.[11]

In addition to assessing the impact of term limits, we control for two variables that might affect the percentage of a district left intact after redistricting. First, we estimate the impact of the degree to which an old district deviated from the ideal population for new districts. This is measured as a percentage of the ideal population contained in the old district, and the values range from 63 to 236. We control for this population variance since

Table 3. Models of the Percentage of a District Left Intact after 2001–02 Redistricting

	All States with Term Limits	Majority-Controlled Process	Legislature-Controlled Process
Term-limited legislator	−3.49**	−3.74**	−3.95*
	(.91)	(.93)	(1.21)
Population deviation	−.22***	−.25***	−.26*
	(.25)	(.50)	(.68)
2000 majority party vote	.10	.16**	.15*
	(.06)	(.05)	(.04)
Intercept	90.33***	92.04***	89.26**
	(4.63)	(6.50)	(9.65)
N	756	595	428
R-squared	.04	.04	.04

* $p<.10$, ** $p<.05$, *** $p<.01$.

Note: Least squares coefficients are reported, with observations weighted according to the size of each state's legislature. Robust standard errors are reported in parentheses to account for clustering of observations by state. Refer to Appendix for a list of states included in each model.

underpopulated districts are more likely to be held intact (since they will simply take on additional area) than overpopulated districts (which will have to be divided into multiple districts). The negative and statistically significant coefficients for this variable in this table confirm this relationship. Second, we control for the majority party presidential vote in each district before redistricting. In each of the three models, these coefficients are positive, and in the second and third columns, they are statistically significant. This indicates a tendency for districts' boundaries to be left more intact when they already favor the majority party.

The key coefficients to test our hypothesis are those for the dummy variable indicating whether a term-limited legislator represented the district. The coefficients are negative and statistically significant in each of the three models, indicating that districts were left less intact after the redistricting process when the legislator from that district was being term limited. The coefficients indicate that, on average, a term-limited member's district was left between 3.5 percent and 4.0 percent less intact than a district represented by an incumbent who was not term limited. Thus, a state legislative district was changed more in redistricting when the legislator from that district was a term-limited lame duck. The differences are not very large, but given the geographic and legal constraints under which district lines are drawn, they are substantively significant. With such a change, the majority may be able to tip the partisan balance in that district enough to win or retain the seat. Note that this effect is greatest in states where the majority party controls the process and where the legislature is directly responsible for drawing district lines. Thus, the majority party appears to treat districts represented by term-limited legislators differently than those represented by legislators who can still run for re-election. But do they use these districts to increase their partisan advantage? We turn to this question next.

Table 4 presents six models, two for each of our three groupings of states, whose dependent variable is the change in party vote in a district after redistricting. For each grouping, we analyze seats with a term-limited incumbent and all other seats independently to determine whether the former type of district was treated differently in the 2001–02 redistricting process. We include an independent variable for the percentage of the vote won by the majority party in the old district and a dummy variable for whether the majority party held that seat before the 2001–02 elections. If the majority party is drawing districts to gain a partisan advantage, it will be more likely to draw their supporters out of districts where it already holds more of an advantage. Additionally, we expect the majority party to be more likely to add its voters to seats that they already hold compared to those held by the minority party.[12]

Table 4. Models of Change in Party Vote after 2001–02 Redistricting

|	All States with Term Limits		Majority-Controlled Process		Legislature-Controlled Process	
	Seats without Limited Incumbents	Seats with Limited Incumbents	Seats without Limited Incumbents	Seats with Limited Incumbents	Seats without Limited Incumbents	Seats with Limited Incumbents
2000 majority party vote	-.11***	-.16**	-.09***	-.15*	-.09**	-.15*
	(.02)	(.06)	(.02)	(.07)	(.03)	(.07)
Majority party seat	1.04	2.80**	1.26	2.90*	.76	3.34*
	(.64)	(1.03)	(.66)	(1.19)	(.70)	(1.18)
Intercept	5.69***	6.56**	4.33***	5.77*	4.53**	5.82
	(.86)	(2.06)	(.92)	(2.27)	(.86)	(2.59)
N	673	152	533	131	384	113
R-squared	.06	.07	.06	.06	.07	.06

* $p < .10$, ** $p < .05$, *** $p < .01$.

Note: Least squares coefficients are reported, with observations weighted according to the size of each state's legislature. Robust standard errors are reported in parentheses to account for clustering of observations by state. Refer to Appendix for a list of states included in each model.

The results in Table 4 support our hypothesis that districts represented by term-limited incumbents were treated differently in the redistricting process. The majority party was more likely to subtract its partisans from a district when it held a greater margin in the district and to add these voters when the district included more minority party voters. Moreover, the majority party vote coefficients are larger for term-limited districts than for districts not being forcibly vacated. Thus, these partisan redistricting plans were more likely to shift majority party voters from the districts of their term-limited incumbents and reallocate them where they would be more valuable. In addition, the coefficients for the majority party seat dummy variables are positive and statistically significant for each of the models of term-limited seats, while the coefficients are smaller and lack statistical significance for non-term-limited seats.

Figure 1 graphs the predicted change in majority party vote produced by the models in Table 4 for the states where redistricting was under majority party control (the second grouping of states). The X-axis indicates the share of the vote won by the majority party's presidential candidate in the old

Figure 1. Predicted Majority Party Vote Change after 2001–02 Redistricting
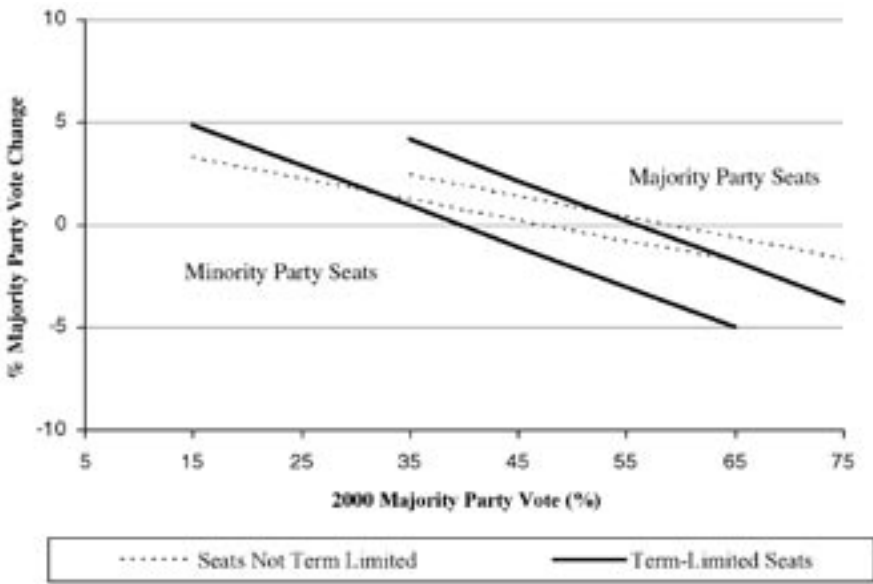
Note: Estimates produced from the regression equations for the states where redistricting was under majority party control in Table 4.

district, and the Y-axis is the predicted change in the majority party's share of the vote after redistricting. Note that the slopes for the term-limited seats are steeper than those for seats that were not being vacated by a term-limited legislator. In all states in the analysis, the party controlling redistricting tended to add their partisans to districts where they had less control and subtract their partisans from districts where they held a greater advantage, but they pursued this strategy to a greater extent with the seats being vacated by term-limited legislators.

When drawing district lines for partisan gain, the majority party prefers to move some of its party's voters from safe districts into districts where it is less advantaged. However, risk-averse incumbents can be expected to resist attempts to remove too many of their partisans from their districts. Figure 1 illustrates that term limits make this type of redistribution more practical by breaking the conflict between party and incumbent incentives and goals. Compare the lines that represent the seats held by members of the majority party before redistricting. When more than 55 percent of the voters in a majority-held district voted for that party's presidential candidate, the majority party subtracted partisans from the district. However, the majority party took more voters from districts being represented by a term-limited legislator. On the other hand, majority parties added more of their partisans to majority party districts that were more competitive. But since such a seat would be more vulnerable without an incumbent running for re-election, they added more partisans to competitive districts that were represented by term-limited legislators. Thus, the party controlling redistricting acted strategically in adding or subtracting their supporters from districts that they held before the process began, but particularly so when these districts were being vacated by a term-limited legislator.

Another difference between how term-limited and non-term-limited seats were treated in the redistricting process has to do with whether a seat was held by the majority party. In the models in Table 4, the coefficients for the majority party seat dummy variable for the seats with term-limited incumbents are statistically significant and more than twice the size of the parallel coefficients for the seats without term-limited incumbents, none of which were statistically significant. Figure 1 illustrates this difference. The majority party added 3.21 percent more voters to districts where their own incumbents were being term limited than in districts held by the minority party. This suggests that the majority party put a priority on maintaining control of seats being vacated by their own party members rather than trying to capture districts where minority party incumbents were term limited out. This strategy may have been motivated by the notion that it would be more

difficult for the party to retain its seats without the benefit of an incumbency advantage. Thus, our findings show that majority parties treated term-limited districts differently in several ways during the redistricting process.

CONCLUSION

Term limits affect the redistricting process by removing the re-election goals of a subset of legislators participating in the process. Perhaps contrary to the predictions and goals of term-limits advocates, the majority party actually fares better after redistricting when it controls the process in states with term limits than in states without them. Typically, state legislators are torn in redistricting between their personal re-election goals and the goals of their party to expand its seat share in the chamber. In such a situation, even the majority party can find it difficult to persuade its safer incumbents to part with a substantial share of their supporters. Term limits remove the re-election goal from a group of legislators, thus creating a subset of seats where the majority party can redraw district lines without objections. Indeed, our analyses indicate that districts represented by term-limited legislators are held less intact than districts where incumbents are able to run for re-election and that the majority party more aggressively redistributes partisans to and from these districts.

Our findings speak to the ongoing policy debate about term limits. A growing body of scholarship criticizes term limits for disrupting the relationships between legislators and constituents (Farmer 2002; Weintraub 2002; Moncrief et al. 1992; Hibbing 1991). More specifically, some scholars argue that partisan redistricting plans harm the quality of representation by exaggerating the translation of the majority party vote into legislative seats (Cain 1985; see Gelman and King 1994 for an alternative view). Our findings suggest that term limits allow the majority party to be even more aggressive in their partisan redistricting than they could otherwise be.

One of the recurring themes in the study of electoral reform is that they often have unintended consequences. For example, the nonpartisan ballot was introduced to make democracy more pure (Hofstadter 1955), yet the reform has led to low voter turnout and increased incumbency advantage (Schaffner, Streb, and Wright 2001). Likewise, while for many years the United States Supreme Court mandated that states draw majority-minority districts to increase racial minority representation, many scholars have found that these minorities received less substantive representation as a result (Overby and Cosgrove 1996). Term limits were introduced to increase turnover in state legislatures, thus making the institution more accessible to citizens

(Petracca 1993; Will 1992). Yet, ironically, this reform that was created to remove incumbents from office appears to increase the electoral advantage of the majority party through redistricting. Less constrained by incumbents defending their districts, the majority party is able to redraw districts more freely to increase their chances of maintaining control over the legislature. Given the strength of parties in state legislatures (Wright and Schaffner 2002), the policy impact of entrenching the majority party's position in the legislature likely outweighs any policy impact of rotating individual members of that party in and out of the legislature.

APPENDIX: DATA COLLECTION FOR THE DISTRICT-LEVEL ANALYSIS

States Included in Analyses

	States with Term Limits	States without Term Limits
All chambers	AZ, AR, CA, CO, FL, MI, OH, SD	AK, AL, CT, DE, GA, HI, ID, IL, IN, IA, KS, KY, LA, MD, MA, MS, NV, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY
Process controlled by majority party	AR, CA, CO, FL, MI, OH, SD	AK, AL, CT, DE, GA, IL, IN, IA, KS, KY, LA, MD, MA, MS, NV, NH, NM, NY, NC, ND, OK, OR, RI, SC, TN, TX, UT, VT, VA, WV, WI, WY
Process controlled by legislature	CA, FL, MI, SD	AL, CT, DE, GA, IL, IN, IA, KS, KY, LA, MD, MA, MS, NV, NH, NM, NY, NC, ND, OK, OR, RI, SC, TN, TX, UT, VT, VA, WV, WI, WY

This table, which mirrors Table 2, lists the states included in each of our analyses. Maine, Missouri, Minnesota, Montana, and North Carolina were excluded from all analyses. Maine and Montana were excluded because they had not completed their redistricting before the 2001–02 elections. Missouri, Minnesota, and North Carolina were excluded because their maps were drawn by judges.

Data Measurement

Spatial Data: We develop an area-percent variable that indicates how much of an old district's geographic area fell within a new district. First, we gathered shapefiles for each state's old and new districts. Using ARCGIS, we then formed a data layer that matched the old and new districts together, forming polygons of all overlapped boundaries. Finally, we calculated the area from the old, new, and overlapped districts, calculating the percentage of how much overlap existed between the old and new districts. South Dakota did

not have shapefiles available, so we compared precincts instead of districts by calculating the number of precincts in the old and new districts and the number of precincts in districts that overlapped one another. When we created an identical measure for Ohio, we found a .94 correlation between the spatial and precinct measures. Furthermore, excluding South Dakota from our analyses did not change our substantive conclusions.

Presidential Vote Data: Most states provided the 2000 presidential vote data for their old and new districts. However, we had to create this measure for Michigan, Ohio, and South Dakota by merging the 2000 presidential vote by precinct and then aggregating that information to the new district boundaries. For both South Dakota and Ohio, we found the relevant precinct lists in the redistricting bills. Michigan's bill only listed counties, cities, and townships in each new district, rather than precincts. This was only a minor problem because the Michigan legislature follows the districting principle of not splitting political subdivisions, if possible (National Conference of State Legislatures 1999). Overall, the Michigan mapmakers avoided splitting cities and townships except in the Detroit metropolitan area and a few other minor exceptions. For almost all districts, we were able to aggregate up from the city and township list with completely accurate precinct-level election results. However, we had to approximate results in a few Detroit area districts. Excluding these approximated districts from our analysis did not change our substantive conclusions.

ENDNOTES

1. Quoted in *The Arkansas Democrat-Gazette* (Thompson 2000).
2. In this respect, partisan redistricting resembles a collective action problem (Jewell 1962). All party members want the collective good of a redistricting plan that will increase their party's seat share, but individual members are not willing to pay for this good by giving up their own electoral security.
3. These figures are based on data provided directly to the authors by the National Conference of State Legislatures. Some state legislators may also have retired early to run for another office in anticipation of their terms ending.
4. Another 26 of these legislators ran for other offices, such as governor, for which legislative redistricting was not a factor.
5. These are the majority party legislators in states that redistricted before 2002 and

where the legislature controlled the process.

6. Minnesota, Missouri, and North Carolina are excluded from all our analyses because judges produced their state legislative redistricting plans. However, including these states in our analyses does not change our substantive conclusions in a significant way.

7. Democrats controlled the Colorado process, but the state house was under Republican control. Thus, we exclude the Colorado House from the second and third state groupings.

8. Theoretically, the mean of our majority party change measure should be exactly 0. However, our analysis is missing some new districts where no plurality of an old district exists. In addition, some new districts are included twice where pluralities of two old districts fall within the lines of a single new district. This tended to happen when an old district was heavily divided so that the largest part of that district held intact did not constitute a majority of the new district or when two old districts lost enough population to be combined into one new district.

9. Minnesota, Missouri, and North Carolina were excluded from this analysis because state courts produced their redistricting plans, and Maine and Montana were excluded because they did not redistrict before their 2002 elections.

10. In defining term-limited districts, we include all those with incumbents being forced out in their next election. In some cases, state senators who did not have to run in 2002 were being termed out in 2004. We do not examine all districts with open seats because the lack of an incumbent may be endogenous to the redistricting process. That is, an incumbent may retire if his or her district is redrawn in an unfavorable way. Term-limited legislators are forced to retire from the chamber regardless of redistricting.

11. Two potential problems arise with pooling seats from different states in these analyses. First, different states have chambers of different sizes, which would cause some chambers to have more weight in the regression model than others. To control for this, we weight our data so that seats from larger chambers are given less weight in the model than seats from smaller chambers. Second, because each state's redistricting plan is produced separately, observations may not be independent within states, although they will be independent across states. We account for this clustering by using robust standard errors.

12. The majority party may also add its partisans to competitive districts. We included a variable measuring the competitiveness of each district (the absolute value of the difference in the vote for Bush and Gore in 2000), but that variable's coefficient was not statistically significant in the models presented in Table 4, so we excluded it from the analysis.

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