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Term Limits and Interest Groups: Predictions for California

Elizabeth A. Capell

Elizabeth Capell completed her doctorate in political science from Berkeley in 1988. She has worked in and around California state government since 1977 and is currently Director of Government Relations for the California Nurses Association.

Proposition 140, an initiative narrowly passed by California voters in November, 1990, imposed sharp limits on the terms of California legislators.¹ At the time Proposition 140 passed, 70 of the 120 legislators exceeded the limits set by the initiative. Because the California Legislature was a mature, professionalized legislature with relatively low turnover, the limits imposed by Proposition 140 will have a dramatic impact on that legislature as an institution.

Internal structures such as leadership, committees, parties, and staff will be weakened or made external. This weakening of legislative structures will require most external players, including interest groups, to invest greater resources in return for reduced effectiveness and diminished predictability. Put simply, the cost of doing business will increase while the return will decline. I predict that interest groups will respond by increasing

1. Proposition 140 contained other provisions, including a substantial reduction in the legislative budget and elimination of pensions for legislators.

will not be around long enough to punish untrustworthy lobbyists.

But if most political scientists are right, then why did most interest groups oppose term limits and why do virtually all lobbyists rue the prospect of them? Unceasing uncertainty, the grief of repeatedly educating cadres of new legislators, the lowering of the political skill quotient, the need for far greater resources to reach more legislators more quickly, the weakening of leadership structures which have enhanced predictability, the lack of party structures which assured efficient use of interest group resources (lobbying, campaign money, grassroots efforts), the inability to enforce the rules of the game, the diminished quality of staff and the lack of established relationships are all cited by lobbyists. The destabilization of an entire institution is dreaded by those around it. Customs are bound to be attenuated by the rapid turnover. Lobbyists will lose the pleasure of working with seasoned professionals on difficult issues. Instead, lobbyists will be constantly reteaching the basics and getting lucky as a result of the ignorance of green legislators.

On some of these points, lobbyists agree with the advocates for term limits: term limits will disrupt long-established relationships and make it harder for interest groups to do business. Where lobbyists diverge is on the next points of analysis: how interest groups will respond, which groups will be advantaged, and why.

changes that, forcing wider distribution of campaign contributions as well as greater reliance on grassroots contacts in order to cultivate potential legislators before they run.

Grassroots activity is resource-intensive. It requires the resources to identify individuals active in an association or company at the local level, to educate these people about the organization message, to train them to be communicate it effectively, and to develop their political skills as grassroots activists. It requires the resources to coordinate all this and to deal with the inevitable turnover of volunteers as well as the glitches caused by having lots of people spread over a large area doing something in their spare time. Groups that lack resources or the capacity to get them if needed are disadvantaged in such an environment.

B. Response: Discourage Participation.

Prediction: Increased cost plus diminished return deter groups with few resources or with little interest.

The logical inference from a combination of increased costs and decreased return is that some groups will be deterred from participating. Two types of groups are likely to be deterred: those with less at stake in state government and those with fewer resources to tap. Most businesses that are not in state-regulated industries will fall into the first category; public interest groups will usually lack resources. Groups with modest resources are likely to find the game so difficult to play that even if they muster

Money for personal gain is an effective, time-honored way to cheat in American politics. Although this has not been a pervasive problem in California politics, the recent indictments and convictions of state legislators and a lobbyist demonstrate that the temptation and the opportunity persist.

If candidates come and go in a matter of a few years, the temptation to cheat by accepting money is bound to increase--and the chance of catching cheaters will decline. In the indictments mentioned above, it was a long pattern of abuses which drew the attention of the Federal Bureau of Investigation. The lack of job security will also tempt incumbents to feather their own nests.

2. Campaign Contributions

Campaign contributions are another way of helping one's friends. In the eyes of most political scientists and politicians, campaign contributions do not count as cheating. But they do in the eyes of most voters. It is unclear as yet whether term limits will mean that contested elections are less frequent because candidates will wait until a seat comes open or whether contests will be more frequent as candidates position themselves for future elections and the control of the party leaders over potential candidates diminishes.

If groups invest earlier and more often in campaign contributions, the total amount available in individual

every two years, a third or even a sixth of the legislators could find such positions.

Only large, relatively wealthy organizations will be able to absorb former legislators. Again, the rich will get richer as the groups with resources are best able to assist legislators in future employment.

4. Assistance with other office

Promises of help running for another, usually higher, office can come close to cheating. Running for other office will distract legislators from their current job. Groups that contribute to a legislator in their role as chair of a particular committee may not be interested in contributing to the same legislator to assist in a campaign for another office. The group may be indifferent to the other office. They may wish to support another candidate. They may wish the legislator would focus on legislating, instead of running for an unrelated post.

A flock of legislators is running for statewide office in 1994. Yet other legislators have run for local office, particularly for the Boards of Supervisors in larger counties or Los Angeles City Council. Many assemblymembers are trying to make the jump to the Senate.

5. Something Else.

I am convinced that some clever legislator or unscrupulous lobbyist will find some other way to bamboozle or cheat the process. My powers of invention fail in this department but I predict with serene confidence that

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