IMPACT OF TERM LIMITS: THE LEGISLATIVE STAFF PERSPECTIVE

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A Thesis

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Department of Government
Abstract

of

IMPACT OF TERM LIMITS: THE LEGISLATIVE STAFF PERSPECTIVE

by

Angela Jeanice Warden-Washington

Term limits have existed in California for almost twenty years and during that time, many political scientists have researched the topic. However, very little research exists on the subtopic of term limits and legislative staff. In an era of term limits it is important to see if term limits have caused positive or negative impacts to legislative staff and what implications that might have for policy and process.

For this research I conducted original in-person interviews with legislative staffers, supplemented by an on-line survey. Though this exploration may not be conclusive, it is one of the first attempts to analyze term limits through the lens of staff experience.

I find that the California Legislature has been negatively impacted by term limits. Legislative staff are turning over at a faster rate than during the era of pre-term limits. Staff are less experienced and have become overly reliant on lobbyists.

______________________________, Committee Chair
Kimberly Love Nalder, Ph.D.

______________________________
Date

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DEDICATION

To Damon, the Wardens, Washingtons and Jarretts for their ultimate support, dedication, prayers, encouragement and love - from the very beginning.
ACKNOWLEDGMENTS

I wish to acknowledge and thank Kimberly Love Nadler, Ph.D., my faculty advisor. Without her expertise and knowledge, I would have been lost. She went beyond the call of duty to guide me through this process and showed me the necessary tools needed in order to perform this research; I will be forever grateful to her. I also thank James H. Cox, Ph.D., the graduate coordinator for my department, without him, I would not have achieved this work. I thank Thad Kousser, Ph.D., a leading expert in the field of term limits who pointed me in the right direction as to where to find some of my data used in this research. Lastly, I thank all of the legislative staff of the California State Legislature who completed my on-line survey and took time out of their busy schedules to allow me to interview them in order to gather data.
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Chapter 1

INTRODUCTION

Term limits appear to be firmly established in the United States’ political system. Since 1990, 21 states have passed term limit laws.¹ Six of those states later repealed term limits either through legislative or court action.² Most agree with the definition of term limits; a legal restriction that limits the number of terms a person may serve in a particular elected office. Interestingly enough, California operates with a seemingly short period of terms for Legislators to serve (e.g. California Assembly Members can serve up to three two-year terms and California Senators can serve up to two four-year terms). This research will focus mainly on term limits in California. Term limits are prevalent and popular and there has been a great deal of research on the topic, but there is a dearth of research on the subject of term limits and the legislative staff; I will focus the majority of my attention to legislative staff.

Purpose

It is important to understand the effects of term limits on the legislative staffer to give a different perspective on term limits that has not received much research. I am interested in this subtopic of term limits because in conducting political science research, it is vital to not only draw from researchers of the past, but to contribute to the field with

¹The states with term limit laws are: Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming.
research that is new. By doing so, I will be able to advance the debate on term limits with an apparent subtopic that to date, has fallen under the investigation radar by most term limits scholars.

Has the legislative staff changed since the passage of *Proposition 140*? Did *Proposition 140* have an effect on the role of the legislative staff? That is to say, what are the effects of term limits from the lens of legislative staff? Have policy and process been impacted because of legislative term limits? Has the institution changed because of term limits?

Are there differences between nonpartisan, committee and personal staff? How does the legislative staff view themselves in an era pre and post term limits? Does their view differ from the public? I will seek to answer these vital questions as I conduct what appears to be relatively brand new research in the subtopic of term limits.

This topic is important because in the last couple of decades, term limits have been enacted in several states. This study will focus on the effects of legislative term limits in California. Special attention is given to California for a number of reasons, including, but not limited to the readily accepted notion that California is a trend setting state and a state different from most other states (namely in size, ideology and culture). California has a professional legislature, and as such can serve as a type of proxy for what might occur in larger, professionalized legislatures, and potentially even Congress. Additionally, it has been argued that term limits may have had the biggest impact in
California; therefore, it makes sense to place the emphasis of my research on California.³

This research will contribute in the investigation of whether or not term limits are a useful tool for the development of expert legislative staff or if they are a detriment. Hopefully, this exploration will continue the debate on whether or not term limits are an efficient way to rotate elected officials. Looking at the big picture, the other goal of this research is to aid in answering the question: are term limits good for democracy?"

**Exploration Statement**

The nature and scope of term limits have varied from one state to another, ranging from as little as six to as many as 12 years in office. Interestingly enough, term limits initiatives passed in almost every state where they appeared on the ballot, with many passing with little to no opposition. A statewide poll conducted in 1998, showed two in three Californians felt term limits were good and only one in six said term limits were bad for the state.⁴ Term limits are still popularly supported in California. According to a September 2009 Public Policy Institute of California statewide survey, 59 percent of Californians believe that term limits are a good thing for the state, and 64 percent of likely Californian voters tend to view term limits positively.⁵ It is interesting to note that in a period of almost 20 years, there has been continued public support of term limits.

Despite the fact that there is an overwhelming support for term limits among

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Californians, my prediction is that there will be an obvious decline in expert and seasoned legislative staff as a result of the enactment of legislative term limits. Additionally, I believe that legislative staff will feel that because of term limits the institution has negatively suffered in many ways, namely, by way of a lack of knowledge in the legislative process and an over-reliance on legislative advocates (i.e. lobbyists).

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6 There is a caveat: a hypothesis is generally tied closely to theory, but there is little theory on the subtopic I am researching. It should be noted that my thesis is more exploratory.
Chapter 2

BACKGROUND OF THE STUDY

While I will give a brief history of the implementation of term limits as a whole (meaning not specific for just one state), I will focus on a historical overview of term limits specific to California. As mentioned in the previous chapter, special attention is given to California for a number of reasons, including, but not limited to the readily accepted notion that California is a trend setting state, a state different from most other states (namely in size, ideology and culture). It is worthy to note just how and why term limits came about in California.

Historical Overview of Term Limits in the State of California

Passed on 06 November 1990, Proposition 140 changed California by creating term limits for legislators.\(^7\) Proposition 140 passed with 52.17 percent of the vote; 3,744,447 voters approved of it, and 3,432,666 voters rejected it (47.83 percent).\(^8\)

Proposition 140 limits state senators in California to two four-year terms for a total of eight years and in the Assembly, limits members to three two-year terms for a total of six years. An individual may potentially serve in both houses, with a total maximum of fourteen years as a state legislator.\(^9\) 1996 was the year that the full impact of term limits

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\(^7\) Bruce E. Cain and Thad Kousser. 2004. Adapting to Term Limits In California: Recent Experiences and New Directions. San Francisco: Public Policy Institute of California.


was felt in the Assembly, and 1998 in the Senate. How did Proposition 140 come about? It has been argued that in 1990 when voters adopted term limits, it was during a period of time in which the Speaker of the Assembly, Willie Brown, had maintained power for 10 years. This Speaker had been the target of a creative campaign all over the state during his preceding five election cycles and the Republicans used the Speaker as an example as to why the state legislature was not functioning as effectively as it (the legislature) should. Additionally, according to Van Vechten:

“Prop 140 symbolized a full-bodied brand of dissatisfaction with the state legislature. Its supporters decried the extravagantly supplied and overpaid tiny elite wielding almost limitless power over the lives of Californians and called for a return to the government of citizens representing their fellow citizens.”

The State Assembly has been tremendously affected as a result of the term limits initiative. In 1997, the California Assembly had 31 members in their first term, 33 members in their second term and 16 members in their third and final term. Out of 80 Assembly Members, 64 of them had less than four years of experience serving in the legislature and five of those Assembly Members served in the legislature prior to the enactment of term limits. Additionally, in 1997, the Speaker of the Assembly had only been an Assembly Member for roughly three and half years prior to becoming the

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11 Committee on the Future of Western Legislatures of the Council of State Government – WEST.
12 Ibid.
14 Committee on the Future of Western Legislatures of the Council of State Government – WEST.
15 Committee on the Future of Western Legislatures of the Council of State Government – WEST.
Speaker (and he served as Speaker for only a little over a year).\textsuperscript{16} According to a senior staffer of the Assembly Rules committee, California Legislators served, on average 15 to 20 years before deciding to retire and, served on average five to seven year before even becoming a chair of a committee, let alone President Pro Tempore or Speaker.\textsuperscript{17}

More than ever before, turnover is on the rise.\textsuperscript{18} California has now had over a decade of experience with legislative term limits and all the Assembly Members who held office in 1990, when \textit{Proposition 140} passed, were termed out of their Assembly seats by 1996 or their Senate seats by 1998.\textsuperscript{19} Interestingly enough, in 2008, 24 sitting Assembly Members – including the Former Speaker – a total of roughly 30 percent of the Assembly – were termed out (as of 30 November 2008).\textsuperscript{20} Ten sitting Senators – including the former Senate President Pro Tempore – a total of roughly 25 percent of the Senate – were termed out (as of 30 November 2008).\textsuperscript{21} There exists good numbers on the turnover of legislators, but little is known about turnover or the impact of the turnover on staff. With such high numbers of turnover for members of the Legislature, what, if any has the impact been on staff? Having briefly discussed the history of term limits in California, I will now turn to a more general discussion of term limits.

On Term Limits

\textsuperscript{16} The Speaker was Cruz Bustamante. He served as Speaker from December 1996 through February 1998. This information came as result of the author reviewing old Assembly leadership rosters.
\textsuperscript{17} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 14 October 2009.
\textsuperscript{20} These numbers came about as a result of the author taking the time to review the history of the current Assembly Members for the California Legislature and compiling a list of recently termed out Assembly Members.
\textsuperscript{21} These numbers came about as a result of the author taking the time to review the history of the current Senators for the California Legislature and compiling a list of recently termed out Senators.
The proponents of term limits seem to all agree that term limits are the best way for democracy to remain alive. That is to say, term limits contribute to a frequently revolving group of legislators (who in turn have a vast array of legislative bills that are different from their predecessors) thus enabling more voices to be heard because of the limited time legislators have in state office. Movements for legislative term limits have drawn the majority of their support from political conservatives. The proponents say that the establishment of term limits for politicians is a solution to the problem that has been caused by nontransferable political assets. In other words, when legislators reach their final year in office, the elections to replace them will be between two challengers, neither of who has large amounts of nontransferable capital. Now, newcomers are not discouraged from running for office based on the past investments that termed out legislators have made in garnering support. Public opinion polls demonstrate powerful support for term limits and voters have even implemented such sentiments by passing initiatives appearing on state ballots.

Proponents have also projected that there are more competitive elections because of increased numbers of open-seat contests and because of the decreased electoral advantage maintained by the long-term incumbency. They further argue that term

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25 Ibid.
limits will open up offices and let many capable people in. Proponents hold the belief that there are citizens who do not want to make a career out of politics but would actually be willing to serve for a few years if it was thought that they could change policy - currently, proponents feel that without term limits, there would be little chance citizens who do not want a political career would be able to become a legislator for a limited amount of time. It is also said that term limits will diminish campaign spending by reducing the value of incumbency both to officeholders and contributors.

Term limit supporters discount arguments that less experienced legislators will not have the expertise to effectively legislate. They believe sufficient information will be available from legislative advocates and bureaucrats; they believe that good legislators will have to treat information as they would with any other type of information (researching it to ascertain what is accurate and what is not).

The proponents of term limits fail to agree on how they expect term limits to influence legislative representation let alone how voters will respond to the enactment of term limits. One school, which Robert Kurfirst calls the “term limits populists,” parallels some of the sentiments of the Anti-Federalists in putting great stock in the notion of government of the people, which translates here into a faith in the wisdom and

29 Ibid.
30 Carey, et al., *Term Limits in the State Legislatures.*
31 Coyne and Fund, *Cleaning House.*
responsiveness of “citizen-legislators.” Their argument is that term limits undermine the opportunities for political careerists, and the resulting political amateurs in office will be more responsive to, and in tune with, the policies and values of those they represent. Their concern is more with the challenges that indefinite political service breeds than with the attentiveness of newly elected legislators to their electorates.

Legislators are not allowed to develop into a separate political class that uses the perquisites of office to get re-elected indefinitely while not necessarily attending to the problems that concern average citizens. These arguments are an extrapolation from the findings of the studies of the incumbency advantage in congressional elections. Therefore, for these term limits advocates, the need for re-election does not necessarily promote fidelity to constituency policy interests; rather the greater rotation in office term limits will insure that representatives are in touch with their constituencies.

A different school of thought among term limit advocates, those who Kurfirst calls “term limits republicans” makes completely different assumptions to arrive at almost exactly the opposite conclusion. Term limit republicanism is the view that careerism and the need for continued re-election keeps legislators too focused on the immediate concerns of their individual constituencies. Freed from these restraints,

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legislators would be allowed to engage in more deliberation over policy alternatives to arrive at the best, but perhaps not the most popular, policy solutions. This point of view has little sympathy for the localism (that constant concern with the voters back home) engenders. Statesmen with a less parochial focus better serve the public, they argue, and they expect that freedom from the threat of re-election will bring this about.

The arguments of term limits advocates do not yield straightforward hypotheses about the likely impact of term limits on representation or on legislative staff. But the large body of research on congressional elections can aid in bringing some clarity to the hypotheses. Underlying much of this work are the assumptions that politicians are ambitious and that they wish to retain some sort of political elected office. Much of this research is based on the spatial model of voting, which assumes that voters’ policy concerns play a significant role in their electoral decisions. The expectation then becomes that an effect of term limits would be the beginning of prospective new

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41 Mayhew, *Congress*.
legislators having an opportunity to serve in the legislature, versus long term standing (and current) legislators who have served for many years (and have no plans on retiring).

An assumption exists that legislators have their own preferences and that these are not necessarily the same as those they are elected to represent.\textsuperscript{44} A recurring question in these studies is whether the threat of re-election is sufficient to keep legislators focused on what their constituents want rather than what they would personally prefer. This perspective is important in order to accurately assess term limits. If these underlying assumptions are correct, then the removal of the possibility of re-election would take away the primary incentive legislators have for attending to the policy concerns of their constituents. If that is correct, at what point are constituents going to become more involved? Will they become more involved? And, does any of the aforementioned play an impact on legislative staff? Before these questions are addressed, it should be noted what some of the opponents of term limits are saying.

Opponents of term limits argue that term limits will hinder the choice of voters at the ballot box and that term limits will force valuable and experienced legislators out of office.\textsuperscript{45} However, some opponents of term limits warned that they would harm state legislatures by shifting influence from legislators to unelected, unaccountable staffers.\textsuperscript{46}

\textsuperscript{45} Coyne and Fund, \textit{Cleaning House}.
Opponents have also argued that as term-limited legislators run for new posts with new constituencies in which their name recognition is low, the demand for campaign funds will actually increase.\footnote{John Carey, et al. 1998. “The Effects of Term Limits on State Legislatures.” \textit{Legislative Studies Quarterly} 23:271-300; Carey, et al., \textit{Term Limits in the State Legislatures}.} Another argument in opposition to term limits is that as legislators approach their last term limit, they will no longer have to worry about what voters think and subsequently they may not vote in the best interest of their constituents.\footnote{John Carey. 1998. \textit{Term Limits and Legislative Representation}. Cambridge: Cambridge University Press.}

Opponents also argue that elected officials will just begin a game of musical chairs – no sooner are they sworn into office are they declaring what their plans are when they are termed out – they will announce they are running for this Senate seat or this state wide office. With this in place, term limits shift the power from legislators to legislative staffers and legislative advocates; gone are the days when the majority of legislators had institutional knowledge.

Going back to the questions raised earlier, at what point are constituents going to become more involved and will they become more involved? It should be noted that while reformers argued that term limits would increase voter participation and revitalize the electorate, there is research available that shows term limits reform might have far less effect on state legislative races when compared to gubernatorial, congressional or presidential races.\footnote{Kimberly Nalder. 2007. “The Effect of State Legislative Term Limits on Voter Turnout.” \textit{State Politics and Policy Quarterly} 7:187-210.} Let me be clear, the previously mentioned statements are crucial. I have sought to narrow down voter participation to voter turnout, rather than focusing on the possible changes in the behavior of politicians (whether elected or a candidate). The
key to political awareness is the ability to comprehend and digest political communication.\textsuperscript{50} Therefore, are citizens tending to become more politically aware and participating because of term limits, or are they becoming less engaged, that is to say, participating less because of term limits?

Voter Turnout

Various scholars have argued for and against term limits, but very few have actually broken down the various dynamics of term limits and addressed the effects of term limits on various issues. However, when viewing term limits through the lens of participation and democracy, it has been argued that voter turnout is a wonderful indicator of democratic quality.\textsuperscript{51} Voter turnout is correlated with socioeconomic status and can serve as an indirect indicator of political equality.\textsuperscript{52} It is from this that it can be observed that the higher the voter turnout, the higher the record of participation. Subsequently, the lower the voter turnout, the lower the record of participation.\textsuperscript{53}

It is interesting to note that because the concept of term limits is relatively new in the United States, when compared to other countries political scientists have really scrambled to predict the impacts of term limits in the states that have adopted them.\textsuperscript{54} Some analyses limited to United States cases only, have, at times, been speculative, due in part to lack of data.\textsuperscript{55} Said efforts have ignored the potential for comparative analysis

\textsuperscript{52} Ibid.
\textsuperscript{53} Ibid.
\textsuperscript{54} Carey, \textit{Term Limits and Legislative Representation}.
\textsuperscript{55} Ibid.
to shed light on term limits. Outside of the United States, countries exist that limit legislative terms constitutionally. Costa Rica is one of these countries. It would then appear that by studying the Costa Rican government, comparisons to the United States (namely California) and term limits would be able to be made. I will not make these comparisons in this paper, but would hope that interest would stem from those who are reading this paper (and perhaps they will endeavor to write such a paper).

Nalder hypothesized and researched on data as it pertains to public participation – specifically looking at voter turnout. In a nutshell, Nalder argues that term limits effect candidate name recognition and that it brings new candidates, incumbents or not, to voters more frequently. Nalder also argues that open-seat races after term limits may present a group of “less-recognized candidates” in comparison to incumbent-contested elections. She posits:

“the reduced turnout effects of term limits and open seats are both stronger in the presidential election years than in midterm elections, supporting the idea that the reduction in turnout is caused by a lack of name recognition.”

Under term limits, new candidates cycle through elections much more quickly and remaining candidates may be even less known to voters than candidates were before term limits. Nalder argues that because of the reasons previously discussed, with less and less recognizable names on the ballot, voters will be more and more less likely to vote. Aside from the comprehensive work Nalder completed as it pertains to term limits and voter turnout, not much more exists on said subtopic. As stated before, I am interested in

56 Carey, Term Limits and Legislative Representation.
57 Nalder, Effect of State Legislative Term Limits, 202.
58 Ibid.
59 Ibid.
a variety of subtopics that pertain to term limits; I gave a concise review of the limited research that exists on the subtopic of voter turnout, but what I am even more interested in, and will focus on in this research, is term limits and the California legislative staff.

Legislative Staff

Researchers have done a marvelous job in painting the picture of the pros and cons of term limits as a whole, namely focusing in on the Members of the Legislature, but have legislative term limits had an effect on the role of the legislative staff? It would appear that it is easier to view the effects of term limits on staff post passage of Proposition 140, because there has been ample time to assess the pros and cons of term limits as a whole, but in actuality, as previously mentioned, there is a tremendous lack of research on this subtopic of term limits.

I previously discussed the most commonly known aspect of Proposition 140, term limits; however, there was more to Proposition 140 than just term limits. Proposition 140 also included a significant cut in the size of the budget that the legislature uses to hire its staff. Thad Kousser. 2007. “Declaration of Professor Thad Kousser in Support of the Plaintiffs’ Declaratory Relief Action to Find Proposition 140 Revised the Constitution.” San Diego, CA. The ballot argument by proponents of Proposition 140 show that the budget cut was geared at removing the “political staffers” and reducing “patronage.” However, instead of reducing the size of the personal staffs, which typically provide partisan political advice to members, the Legislature eliminated many nonpartisan staff positions.

The importance of nonpartisan staff (i. e. the Chief Clerk’s Office and the Office

61 Thad Kousser. 2007. “Declaration of Professor Thad Kousser in Support of the Plaintiffs’ Declaratory Relief Action to Find Proposition 140 Revised the Constitution.” San Diego, CA.
62 Ibid.
63 Cain and Kousser. Adapting to Term Limits In California.
of Research) has grown in the post term limits era because nonpartisan staff has had to take on a dramatically more significant task of educating and training new legislators on both Legislative policy and process. Some believe the increased reliance on nonpartisan staff has not necessarily correlated to increased influence. But what about partisan and committee staff?

Because of the passage of Proposition 140, not only were nonpartisan staff levels reduced, but committee staff levels were reduced as well. The table below shows the number of committee consultants in the Legislature from 1980-2000.

Figure 1

![Number of Committee Consultants in the Legislature 1980-2000](image)

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66 Cain and Kousser. *Adapting to Term Limits In California*.
67 Ibid.
Interestingly enough, the total number of committee staff and the number assigned to each committee declined sharply after the passing of *Proposition 140*, however, committee staffing levels have begun to slightly increase.\(^{68}\) But what about the personal staff of the Legislature and those with a vast expanse of experience and expertise?

Virtually right after *Proposition 140* passed, spending caps forced the Legislature to reduce its annual budget from $214 million to $167.5 million, a 22 percent drop.\(^{69}\) Staff levels, however, diminished only 12.5 percent between 1988 and 1996, due in part to the fact that many of the most senior (and highest paid) staff left the Legislature during this period.\(^{70}\)

All in all, term limits have become a tremendous topic for debate. In sum, I have sought to give a brief review of term limits, discussing the key arguments made by the opponents and proponents of legislative term limits. I have looked at two subtopics that arguably have not been researched nearly as extensively as term limits as a whole; voter participation (namely voter turnout) and legislative staff (of which my research will focus on), to see what effects, if any, have resulted due to the enactment of term limits.

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\(^{68}\) Cain and Kousser. *Adapting to Term Limits In California*.

\(^{69}\) Ibid.

\(^{70}\) Ibid.
Chapter 3

METHODOLOGY

I mentioned in previous chapters that there is a considerable amount of research that has taken place on the subject of term limits, but that on the subtopic of legislative staff, there appears to be a tremendous lack of research. I decided to make it my undertaking to provide insight into the legislative staff and their perspective of term limits. Once I fully narrowed down my subtopic and my objective, I was left with a quandary, how would I actually go about getting the perspective of legislative staff?

While it may not be the norm to use interviews for a good majority of data gathering in this field, based on the topic – legislative staff – it was best to conduct a series of live interviews and an on-line survey as a means of data collection. Once I established that it was a necessity to have human subjects, I had to go through the rigorous process of deciding what exactly I would ask them; and how the said questions would help address my main questions as to what the legislative staff perspective is on term limits. In talking with my advisor, it was felt best that not only should I conduct live interviews, but an on-line survey as well. But just how would I go about drafting questions and a survey?

Upon coming up with a general idea of the types of questions I would need to ask (in order to fully obtain the perspective of legislative staff), I began the process of formulating my questions. I soon learned that writing a survey is definitely more complex than just jotting down the questions I wished to have respondents answer.\footnote{Loreen Wolfer. 2007. \textit{Real Research}. Boston, MA: Pearson Education, Inc.}
knew that I would need valid and reliable results in order to best collect and present my data. There were several key issues I found I would need to be mindful of when writing my questions (for both the survey and the live interview).

First, I needed to be aware of my audience, making sure that the questions were raised in a way that the human subjects could understand and feel comfortable answering. Next, I had to make sure to avoid confusing and or/vague wording so that the respondents would be able to fully comprehend what I would ask them to answer. Then, I had to make sure that I avoided biased questions in order to receive unbiased responses. I also had to write questions in such a way that I did not assume the respondents had prior knowledge; making sure I phrased my questions in a way that would make sense to the respondents. Additionally, I had to avoid asking a single question that actually asked two or more questions within them despite the fact that there could only be one answer. Lastly, I had to ensure that I had no leading questions. This was probably the hardest one for me to avoid in my initial attempts of drafting my questions because I was unintentionally wording some of my questions to elicit a specific response; which, had the leading questions not been caught, could have lead to a bias entering into my data.

After going through several drafts of questions, I had to make sure that the questions were in an organized and systematic order; as well as making sure that on the

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72 Wolfer. *Real Research.*
73 Ibid.
74 Ibid.
75 Ibid.
76 Ibid.
77 Ibid.
survey part of my questions, that the answer categories were exhaustive. Upon my final
draft of questions being approved by my faculty advisor, I was able to then submit all of
my questions and the actual compiled survey to the Human Subjects Committee on my
campus. The Committee was tasked to make sure that no harm or risk would occur to the
respondents. I received approval from the Committee - with a note from them saying
that they deemed my research no harm and no risk.

As I mentioned earlier my advisor felt it would be best, due to the nature of my
research and for the ease of hopefully attaining more responses, that the type of survey to
conduct would be an on-line survey. The Human Subjects Committee also needed
comprehensive paperwork on my on-line survey to make sure the respondents’ privacy
would be protected. Survey Monkey provided me with all the necessary security
protections that the Committee requires. I had approval of all my questions, my prepared
on-line survey and my consent to participate form (to hand out to all potential
respondents), but now I needed legislative staff to participate.

To fully comprehend whether or not legislative term limits have had an effect on
the role of the legislative staff, I outreached to several current key legislative staff,
employed by the California Assembly and Senate pre-term limits to see if they would be
willing to allow me to interview them. Additionally, I asked said people if they knew of
other current staff, who worked for the Legislature pre-term limits. Lastly, I placed an ad
in the Senate Daybook - a daily on-line publication sent to almost all Assembly and
Senate staff – seeking other long-term legislative staff willing to allow me to interview

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78 Wolfer. *Real Research.*
them on the subject of term limits. I was pleasantly surprised; many of my live interviews came as a direct result of staff responding to my ad. Once staff agreed to allow me to interview them, I sent them the on-line link to the survey and scheduled a time to interview them live. Additionally, in order to receive a greater response on the survey portion of my data, I asked several staff, who I did not interview, to complete the survey and send the survey link to other staff.

I conducted my live interviews with twenty senior staff. Staff is comprised of a mixture between Assembly and Senate, committee and personal, Democrats, non-partisan, Republicans, men and women. Additionally, staff ranged demographically from Asian/Pacific Islander, black, Latino and white. Staff interviewed were mostly those employed by the Legislature since the pre-term limits era. A few began working for the Legislature at the onset of term limits being enacted (1990) and/or the implementation of term limits going into effect (1996 – Assembly; 1998 – Senate). I felt it best to interview mostly staff that had been employed by the Legislature pre-term limits because my questions seek to see if there have been changes to the institution via the legislative staff post term limits. I am not discriminating against staff employed by the Legislature post term limits, but they would not have been able to provide first hand knowledge and experience of the environment of the institution in a pre-term limits era. Whereas I make the assumption that staff employed in the pre-term limits carried into the post term limits era will have a true sense of the implications of term limits on staff and have a much

79 I wanted to be able to interview at least one person from each demographic (Asian/Pacific Islander, black, Latino and white); I thought it would be great to have as much diversity in my respondents as possible and was curious to see if responses would vary based on different groups.
broader perspective (when compared to staff who only have worked for the Legislature post term limits).

The interviews, which were all confidential, unless staff gave me expressed written consent that I could cite their name and position in my research, took place between 12 October - 22 October 2009. The on-line survey concluded on 21 October 2009. Staff were asked 21 questions. On average, the interviews took 45 minutes to complete; the on-line survey, 15 minutes. Upon completion of conducting the live interviews, I was able to look for patterns within the responses.

However, I find that there are some limitations to my research in that I am basically relying on interviews for the overwhelming majority of my data. As previously discussed, with my research looking at the perspective of the legislative staff to see their take on the effects (if any) term limits has had on staff and the institution, there really is only one way to find out, by interviewing them. I also found that concrete data on staff numbers (including turn over) is beyond hard to come by. I put in a Legislative Open Records Request, seeking to secure hard numbers, but unfortunately, at the time of this publication, the request specific to staff turn over, could not be processed. A risk I find in my data is that some of the numbers I will use are anecdotal from staff.

I find the major risk factor involved is that the legislative staff biases could be reflected in the research, based on their responses. I tried to circumvent their potential biases from being learned by being very methodical in questions I prepared. Additionally, once I began the interview I was not allowed (per the Human Subjects Committee) to ask follow-up questions based on their responses. I only asked the
questions that had been previously approved. In conducting the research, I only recall one interview with just one question whereby I wanted to raise a follow-up question (based on the response to the initial question), but I followed protocol and did not ask. In doing this research, I have begun to see why so little research currently exists on the subject matter.

As I move into the data section, the reader will see the responses and the patterns, as well as, a comprehensive list of all questions asked – in the live interviews and the online survey.
Chapter 4
DATA ANALYSIS AND INTERPRETATION

Stated earlier, my hypothesis is that there will be an obvious decline in expert and seasoned legislative staff as a result of the enactment of legislative term limits. Additionally, I believe that legislative staff will feel that because of term limits the institution has negatively suffered in many ways, namely, by way of a lack of knowledge in the legislative process and an over reliance on legislative advocates (i.e. lobbyists). It will be interesting to see if the data will support or refute my hypothesis. The entire list of questions used during the live interviews and the on-line survey can be found in Appendix A and Appendix B.

I start by discussing the role of staff, and looking to see if differences exist between committee and personal staff. Within the context of staff, I look to see if staff have become over reliant on lobbyists and if, in looking at the power of staff, there has truly been a power shift from Members to staff, since the imposition of term limits. Next, comes the comparison of the Assembly and the Senate, looking to see if either House lost more experienced staff in the wake of Proposition 140 going into effect. This section also looks at staff turnover. Lastly, this chapter will look at what legislative staff feel about term limits and compare their thoughts to that of the public. I organized the chapter in such a way to be able to paint a picture of term limits and the legislative staff perspective, and yet look at the data to see whether or not term limits have positively or negatively affected legislative staff.

Committee versus Personal Staff: Are There Differences?
Peter Detwiler, Chief Consultant to the Senate Local Government Committee, said it best when he asked, “Who is my boss? Committee Staff tend to think of themselves as belonging to the House, not the Member and/or Chair of the Committee.” Although all committees have chairs, committee staffers apparently do not just “answer” to the chairs. Because of term limits, chairs of committees turn over on average every two to three years and committee staff have to start over each time they “receive” a new chair, learning the likes, dislikes and vision of the new chair.

According to senior staff for the Assembly Rules Committee, pre-term limits, committee staff had the same chair, on average, for eight to ten years, so they truly had opportunities to know the chair and have a genuine sense of the vision and the direction the chair wanted the committee to follow. Members (pre-term limits) were experts in the policy issue areas for which they chaired committees. Committee staff (post term limits) are not only to be experts in specific policy issue areas, writing bill analyses and suggesting potential amendments to legislation, they now have to more times than not, set the agenda for the chair of the committee (something that was virtually unheard of pre-term limits). A senior Assembly committee consultant shared an experience with a newly appointed chair - when asked what his role and vision were for the committee – he responded by saying, “I am ambitious, but have no agenda, that is what you are for; what will my agenda be?”

Additionally, committee staff are “tasked” with being available to any and all

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80 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 15 October 2009.
81 Ibid.
82 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 14 October 2009.
83 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 16 October 2009.
staff that may be in need of advice and expertise on a specific policy issue. Committee staff are now having to “walk” Members and staff through the committee process. One senior Assembly committee staffer stated, “We (committee staff) are having to do much more hand holding then we ever had to do pre-term limits.” Of all the committee staff interviewed, 100 percent of them felt that due to term limits, their roles became even more significant. One hundred percent of all committee staff interviewed also felt that there exists a tremendous difference between the committee staff and the personal staff. The overall tone from the committee staff is that pre-term limits committee and personal staff both had ample time to learn their boss and his/her policy issue areas; they knew their boss would be in office for a good period of time, so they could focus and become experts in specific issue areas. Now, however, in a term limited environment, the committee staff feel that personal staff has not had the same opportunities of learning because their boss is here today and gone tomorrow.

I gather that for committee staff, there is not necessarily just “one” boss that they answer to, there is a true sense of their boss being the institution, and they are available and answer to all that comprise of the institution. However, for personal staff, they know who their boss is, the member. The role of the personal staff is different from that of the committee staff. Personal staff, as stated by Jackie Koenig, Legislative Director for Assembly Member Pedro Nava, have had to become “utility players, taking on policy issues that require a mile wide knowledge base, and they barely have an inch deep of

84 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 15 October 2009.
knowledge for the issues.”

Koenig’s quote leads to another fascinating part of this data, 100 percent of respondents felt that personal staff, by far, have less experience now, than in the pre-term limits era. It is interesting to see why legislative staff feel personal staff are less experienced post term limits.

Do Personal Staff Rely on Lobbyists?

The perspective of the legislative staff is that in the wake of term limits, personal staff are less experienced. Pre-term limits, as observed Bill Bailey, Chief Republican Consultant for the Senate Rules Committee, “staff could stay with their boss for a long time, gaining much experience; now, and much to the detriment of young staff, their boss is not around long enough for them to truly gain much experience.” A senior staff member in the Office of the Chief Clerk of the Assembly stated, “Staff in the era of term limits are less experienced in the Legislative Process.” With the adaptation to term limits, there became a new and much needed concept of staff training.

Historically, staff training has been basically nonexistent and/or limited to seminars on how to prepare a bill and how to apply for sick leave, for example. New staff are now required to go through a set of classes; the content is tailored to their particular position and responsibilities. A major goal of the training classes is to potentially decrease staff dependence on legislative advocates (i.e. lobbyists). It is interesting to note the responses of legislative staff when I asked whether or not they felt

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85 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 13 October 2009.
86 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 21 October 2009.
87 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 13 October 2009.
88 Bowser. Coping with Term Limits.
89 Ibid.
staff, in the post term limits era, rely more heavily upon lobbyists for expertise in specific policy issues areas than they did pre-term limits. The chart below, based on the interviews with staff, shows that 65 percent of staff feel that staff definitely are over reliant on lobbyists post term limits and 35 percent of staff feel that the reliance on lobbyists, by staff, has remained the same since pre-term limits.

The chart above is a reflection of reality of legislative staff; many of whom stated strong sentiment about the fact that staff are having to overly rely on lobbyists for their expertise in policy issues. According to Kathryn Dresslar, Chief-of-Staff to Senate President Pro Tempore Senator Darrell Steinberg, “There is a growing number of
inexperienced staff and members who are deferring the law making process to lobbyists; who are now drafting bills, amendments, and statements in lieu of staff and Members.”\textsuperscript{90} Lynn Lorber, Principal Consultant, Senate Education Committee, stated “when I call staff asking for background on a particular bill, they refer me to the lobbyist.”\textsuperscript{91} Geoffrey Long, Chief Consultant, Assembly Appropriations Committee, stated he is “critical of staff that allow lobbyists to go to Legislative Counsel for them.”\textsuperscript{92} Long also stated, “It appears as if we have moved away from the in-house work of staff to that of lobbyists.”\textsuperscript{93} Dana Mitchell, Chief Consultant, Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee, stated “lobbyists have become de facto staff for the Legislature, even filling out background sheets for staff.”\textsuperscript{94} Dresslar, Lorber, Long and Mitchell feel that this practice (of lobbyists doing staff work) is completely unacceptable and bad protocol. Interestingly enough, one Senate committee consultant, who felt that staff are not over reliant on lobbyists post term limits, stated “staff and Members, post term limits, are more arrogant; they think they have all the answers and do not seek to ask questions from others who know the history.”\textsuperscript{95}

Power Shifts Since Term Limits

What about power? From the responses, it would appear that there has been a shift in power since the implementation of term limits. But to whom has the power gone?

Has the power shift been incremental? Fifty-five point seventeen percent of respondents

\textsuperscript{90} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 21 October 2009.
\textsuperscript{91} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 12 October 2009.
\textsuperscript{92} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 22 October 2009.
\textsuperscript{93} Ibid.
\textsuperscript{94} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 16 October 2009.
\textsuperscript{95} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 15 October 2009.
of the on-line survey I conducted, who answered this question, feel that post term limits a great deal of power has shifted to staff.\textsuperscript{96} Figure 3 below, based on the results of the on-line survey also shows that 20.69 percent of respondents feel that staff power, post term limits increased a little. One senior Assembly consultant commented, “The (power) shift from pre to post (term limits) has been significant in staff influence, but that it depends on the staff and the office; it is not universal.”\textsuperscript{97} Another senior Assembly consultant, who felt post term limits, staff is more powerful, stated “staff has more power than the elected member because they (staff) are the ones with the knowledge; they advise the

\begin{figure}[h]
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\includegraphics[width=\textwidth]{figure3.png}
\caption{How Would You Describe the Shift in Staff Power Post Term Limits?}
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\textsuperscript{96} The on-line survey had a total of 34 respondents, however, eight of the respondents declined to answer this question.
\textsuperscript{97} On-line survey response; 21 October 2009.
advise the members how to vote, something that NEVER used to happen.”

Some very senior staff felt that the shift in power has not necessarily gone from Members to staff, but overwhelmingly to lobbyists. One senior staffer in the Senate commented, on the on-line survey that, “The big shift in power has not necessarily been from members to staff, but from the Legislature to the Executive branch and to outside interests.” Additionally, 30 percent of staff interviewed stated that because of term limits a greater power shift has gone not only to lobbyists, but also to the Executive branch.

My interviews revealed that there exists a perception (that appears to be of utmost truth) that among staff, both committee and personal, the committee staff have more job security (even though all staff of the Legislature are “at will employees” meaning that they can be fired at any moment for any reason) and more power then they previously had pre-term limits and that personal staff are by far less experienced (even compared to the committee staff) post term limits, but with greater power. Ironically, the data show that there is a difference between committee staff and personal staff and the level of experience and expertise both have and/or lack. It can be clear that this is a direct result of the effects of term limits. The data shows that committee staff and personal staff definitely have distinct and differing roles as staff to the Legislature. Will differences exist between the Assembly and the Senate and staff experience?

Assembly versus Senate Staff: Has Either House Received Bigger Loss of Experienced

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100 This statement is based on the sentiment of legislative staff as expressed during the interviews.
Data shows, as referenced by Figure 4 below, that there was a decline in the number of committee staff working for the Legislature, leading up to the implementation of Proposition 140, (1996 in the Assembly and 1998 in the Senate), but it should be noted that there has been a slight increase in the number of committee staff in the last few years. Gregory Schmidt, Secretary of the Senate, when speaking of the directive of Proposition 140 to reduce staff, stated that, “there was a fundamental divergence of what to do with the staff between the Assembly and the Senate; the Assembly lost senior staff and kept younger, inexperienced staff, but the Senate kept senior staff and decided to hire less.” Schmidt stated, “right as term limits were going into effect, the Senate went from 1,100 staffers to 750, but now, they are back up to 900.” This is confirmed by data in Figure 4.

**Figure 4**

Number of Committee Consultants in the Legislature from 1980-2000.

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101 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 19 October 2009.
102 Ibid.
103 Cain and Kousser. *Adapting to Term Limits In California*. 
In the Senate, leaders have encouraged newly elected Members to retain existing Senate staffers in order to preserve policy expertise. This objective is not just for committee staff, but personal staff. According to Schmidt, the Senate Rules Committee has 100 percent control over whom the chairs of committees can hire. When a committee receives a new chair, the chair receives a letter stating that he/she must keep the existing committee staff for at least six months. If after that time, the chair wants to make changes to staff, he/she is welcome to discuss the issue with Schmidt prior to replacing the staff.\textsuperscript{104} When it comes to personal staff, Schmidt stated that “Members only have the ability to hire one-half of their entire staff; Rules will place the other half in appropriate offices.” Senate Rules Committee (the non legislative arm of the committee) has taken more of an active role in the hiring practices of staff in order to ensure that seasoned and experienced staff remain working for the Legislature. It appears as though the Senate truly wants to keep experienced staff around, but what about the Assembly?

According to Jon Waldie, Chief Administrative Officer for the Assembly, with the passage of \textit{Prop. 140}, many of the senior and experienced Assembly staff left the Legislature.\textsuperscript{105} Waldie attributes the staff mass exodus to the fact that before the enactment of term limits, despite staff being at will employees, they knew their boss would be in office for a long time, and that gave them enough of a sense of job stability.\textsuperscript{106} Now, staff lack that sense of stability and security because of term limits. Waldie suggested that for the Assembly staff, chief-of staff and scheduler positions tend

\textsuperscript{104} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 19 October 2009.
\textsuperscript{105} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 19 October 2009.
\textsuperscript{106} Ibid.
to not have problems with employment post term limits; however, legislative aide positions are extremely competitive.\textsuperscript{107} Often times new Members come in with an idea of who they want to hire, and instead of hiring existing staff, they bring new staff into the Legislature that worked on their campaigns and never before having worked in the Legislature.

The Assembly obviously does not have the same practice in place as a way to try and maintain senior and experienced staff as the Senate. Of the Assembly staff I interviewed, 100 percent of them felt that the only way for staff to remain in the Legislature, once their boss is termed out, is to prove themselves and develop a reputation, and only then will they have a better chance of remaining in the Legislature. With the fact that staff are at will employees, and every two to four years face the possibility of needing a new job, it would appear that the more experience they have, the more difficult it might be to remain in such an unpredictable and unstable work environment.

It should be noted that 100 percent of all committee staff interviewed felt that, despite term limits, they had a far greater chance of retaining employment in comparison to all personal staff, who all felt that they had no guarantees that they could remain employed in the Legislature once their boss was termed out. While I was not able to obtain all of the figures I wanted in terms of staff turnover pre and post term limits (see my comments in chapter 4 on this issue), I discovered via my interviews with senior Assembly Rules Committee staff that every two years Assembly Membership turns over

\textsuperscript{107} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 19 October 2009.
roughly 35 percent and the average tenure of Assembly staff is 2.5 years, whereas pre-term limits, staff remained in the Legislature on average of 20 years. I was not able to obtain data on Senate staff.

According to Rick Simpson, Deputy Chief-of-Staff to Assembly Speaker Karen Bass, post term limits, and because of Proposition 140, the consequences of experienced staff leaving the Legislature was more dramatic in the Assembly than the Senate. Simpson stated that, “the Assembly Office of Research was eliminated altogether.” The Assembly and Senate Offices of Research arguably had some of the best and brightest policy minds, with years of experience; it was a sad day when the Assembly forever closed the doors of their Office of Research. The Senate Office of Research still exists and the Senate relies heavily upon them for policy research and expertise.

Legislative Staff Turnover

One senior staff for the Assembly Rules Committee stated that, “staff is turning over greatly because they are getting tired of constantly having to look for their next job.” One hundred percent of legislative staff interviewed stated that experienced and non experienced staff are leaving the Legislature because they no longer want to deal with the stress of always having to look for a job; they want a better sense of security and

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108 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 16 October 2009; with senior staff of the Assembly Rules Committee.
110 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 16 October 2009; with Senate Office of Research consultant.
111 Ibid.
112 Ibid.
113 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 15 October 2009.
can make a much higher salary outside of the Legislature. Additionally, staff felt that the experienced senior staff (especially those that have worked for the Legislature pre-term limits) are leaving the Legislature because they are reaching retirement age. With the data showing overwhelmingly that post term limits the Legislature has less experienced staff, and it has already been proven that the Members are less experienced (in other research focusing on term limits and Members), has the institution been affected?

One hundred percent of legislative staff feel that staff (post term limits) are less familiar with the procedural methods to advance legislation then they were pre-term limits. According to Waldie, pre-term limits staff had the ability to learn and grown and receive mentoring from their boss who had been around for years; they had a learning curve.\footnote{\textit{Interview by Angela Jeanice Warden-Washington, Sacramento, California, 19 October 2009.}} Today, Waldie stated, “Members and staff are not given the same learning curve; they are expected to know everything and having to learn quickly is not the best method.”\footnote{Ibid.} Waldie expressed that there is a significant need to have institutional knowledge when creating and advancing policy, as well as following the procedural methods of the Legislature, but when staff (and Members) have to learn so much so quickly, they never have a chance to fully master anything and by the time they start to understand, their Member is termed out and they are looking for a new job.\footnote{Ibid.} That, Waldie said, is extremely bad for the institution.\footnote{Ibid.}

Simpson shared that by and large the less experienced staff are also less capable of helping to create policy and follow the legislative process because they do not ask

\begin{itemize}
\item \textit{Interview by Angela Jeanice Warden-Washington, Sacramento, California, 19 October 2009.}
\item Ibid.
\item Ibid.
\item Ibid.
\end{itemize}
questions; senior staff end up having to focus their energies on “fixing” the messes of the new staff that reflect negatively on the institution.\textsuperscript{118} A Senate consultant expressed that the institution has changed because of term limits because staff is now a reflection of the Members, changing even faster; and it (the institution) feels and seems less organized and less predictable.\textsuperscript{119} The consultant believes that staff need to be more versed in policy, but because of term limits staff are being hired based on their helping Members on campaigns, and they know nothing about policy; whereas they should be hired based on their policy knowledge and be versed in politics.\textsuperscript{120} The consultant stated, “Now staff is hired for the wrong reason, and it hurts the institution.”\textsuperscript{121}

An Assembly committee consultant feels that with a majority of new and inexperienced staff working in the Legislature, versus pre-term limits where new and young staff virtually did not exist, that the initial learning curve that staff are forced to grasp from day one, costs the institution.\textsuperscript{122} A Senate Rules Committee consultant reflected on the institution pre and post term limits:

“Pre-term limits the institution was respected and staff carried themselves with integrity, there was a sense of loyalty and a sense of pride, but everything changed dramatically with term limits. Now, the institution has changed, staff no longer carry themselves with integrity. What is tolerated now, would not have been tolerated back then. Today, staff have such a lack of knowledge of the rules and the bills that Members introduce lack substance and meaning.”\textsuperscript{123}

Dresslar stated, “The goal has now changed from public policy making to political

\textsuperscript{118} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 20 October 2009.
\textsuperscript{119} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 15 October 2009.
\textsuperscript{120} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 15 October 2009.
\textsuperscript{121} Ibid.
\textsuperscript{122} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 14 October 2009.
\textsuperscript{123} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 15 October 2009.
gamesmanship.”

Dresslar feels that staff should look at bills with an eye toward what is good for my boss and the state, not what is good for the lobbyists. Koenig believes that policy making has really taken the back burner post term-limits, which is bad for the institution which should focus on policy like it did pre-term limits. Lorber feels that the institution has not been protected nearly as jealously as it should; with term limits Members and staff continue to destroy it, not purposefully, but due to their lack of experience, and lack of institutional memory.

The data shows that as a whole, the Assembly lost more experienced staff when compared to the Senate in this post term limits era. But the Senate has not escaped having less experienced staff altogether. Laurie Paredes, daughter of former Senator H. L. “Bill” Richardson and Consultant to Senate Republican Leader Senator Dennis Hollingsworth, stated, “by and large staff is less experienced and staff has actually asked her ‘what does fiscal mean.’”

The data also shows that with the great loss of experienced staff in the Legislature, there are detrimental effects to the institution that affect how policy is created and advanced, via the Legislative process. I also find that the data shows that the lack of institutional memory on the part of the staff and Member creates a hostile environment overall and diminishes the usefulness of the institution to the state.

Impressions of the Value of Term Limits: Legislative Staff versus Public Opinion

124 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 21 October 2009.
125 Ibid.
126 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 13 October 2009.
127 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 12 October 2009.
128 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 21 October 2009.
One hundred percent of legislative staff interviewed feel term limits are overall bad for the institution and the state. Proponents of term limits argued that with term limits the Legislature would experience an influx of fresh and new ideas; and they were correct. However, as an Assembly committee staffer observed, when new Members came in and all the seasoned Members left, lost was the way of being able to put aside differences and vote and work for the common good of the state. One hundred percent of legislative staff interviewed felt that term limits created a tremendous partisan divide. This partisan rancor and failure to compromise is extremely damaging to the state. This can especially be felt during budget negotiations.

It is interesting to note the following facts about the impact of term limits (as of 2008): pre-term limits, a balanced state budget passed on average of 14 days late – since the implementation of term limits went into effect, the budget passage delay has increased to 32 days; pre-term limits, roughly 43 percent of proposed bills became law, now, only 33 percent become law; pre-term limits, there were approximately 750 registered lobbyists, now there are approximately 1074 (the increase being made up of Legislative staff and former Members); and post term limits, 70 percent of termed out lawmakers ran for another office. According to one Senate consultant, term limits are bad for democracy and term limits result in a lack of true relationship building between staff and Members; this consultant believes that relationships are vital in the Legislature in order to truly

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129 Interview by Angela Jeanice Warden-Washington, Sacramento, California, 14 October 2009.
130 2008 figures come from the Assembly Speaker’s Office.
accomplish anything of significance.footnote[131] Schmidt feels that term limits are overall bad because of the tremendous loss of institutional memory, experience, continuity and leadership that occurred post term limits.footnote[132] Schmidt believes that the Legislature is not able to really remain competitive with the Third House (lobbyists) and the Executive Branch. Often, lobbyists have 30-plus years of experience and staff and Members have one.footnote[133] Waldie reminisced about the pre-term limits era and how Members and staff worked together, and more bi-partisanship existed.footnote[134] Leadership got the votes they needed from both sides of the aisle because the perspective was that they (the Members) did not want to do any harm to the institution or the state.footnote[135] Post term limits, Waldie believes that the Legislature is completely partisan, now if someone from across the aisle votes with the majority party (on sensitive issues, like the budget), he/she is faced with a recall, even if the vote was in the best interest of the state.footnote[136] Waldie stated, “Partisanship has handicapped the Legislature.”footnote[137] Waldie’s sentiment can be evidenced by the February 2009 budget vote, whereby six republicans voted in favor of the budget and have since faced being recalled and censored. Additionally, the six republicans were reportedly told that the Republican Party would not financially support them in their up-
coming elections. Their own colleagues also publicly chastised them during the Republican convention (all of this just because they voted for the budget).\textsuperscript{138}

Bailey, who originally supported \textit{Proposition 140}, because he felt that some Members had truly been in the Legislature too long and were not really paying attention to their constituents, felt that term limits would remove the long serving career politicians.\textsuperscript{139} However, after continuing to work in the post term limits Legislature, he feels term limits are overall bad for the state because relationships are not able to be forged or built, members are looking for their next office as soon as they enter the legislature and inexperienced staff and members will never have enough time to be caught up to speed.\textsuperscript{140} Paredes feels term limits are overall bad for the state, stated that, “The baby was thrown out with the bath water.”\textsuperscript{141} Paredes explained that some Members needed to be replaced, but to have replaced all of them and forced so many seasoned and experienced staff away from the Legislature was terrible for the state; now the Legislature is in a “persistent state of turmoil.”\textsuperscript{142}

Simpson feels that term limits are overall bad and they have not served the public well because inexperienced Members, with inexperienced staff, are not able to truly serve well right off of the bat, and by the time they truly begin to get a feel for things, they are termed out.\textsuperscript{143} Simpson believes that if district constituents think their Member is

\begin{itemize}
  \item Information gathered from the voting records of the February 2009 budget vote and various periodicals on the Republican convention held in February of 2009.
  \item Interview by Angela Jeanice Warden-Washington, Sacramento, California, 21 October 2009.
  \item Ibid.
  \item Interview by Angela Jeanice Warden-Washington, Sacramento, California, 21 October 2009.
  \item Ibid.
  \item Interview by Angela Jeanice Warden-Washington, Sacramento, California, 20 October 2009.
\end{itemize}
meeting and serving their needs, why should the entire state decide the Member cannot come back if the district is inclined to re-elect the Member past six or eight years?\textsuperscript{144} “To disenfranchise the people of the district is outrageous,” stated Simpson.\textsuperscript{145} Perhaps Simpson summed up the sentiments of the staff best when he stated, “Voters should be incredibly offended by term limits.”\textsuperscript{146} But are they?

As stated in Chapter 1, according to a September 2009 Public Policy Institute of California statewide survey, 59 percent of Californians believe that term limits are a good thing for the state, and 64 percent of likely Californian voters view term limits positively.\textsuperscript{147} Yet, 15 percent of Californians and 17 percent of likely voters believe term limits is a bad thing.\textsuperscript{148} The table below shows how the respondents answered the question of whether or not term limits are a good thing or a bad thing for California, or if they make no difference at all.\textsuperscript{149}

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 & \textit{All Adults} & \textit{Party} & \textit{Likely Voters} \\
 &  & \textit{Dem} & \textit{Rep} & \textit{Ind} \\
\hline
\textit{Good thing} & 59\% & 59\% & 69\% & 63\% & 64\% \\
\hline
\textit{Bad thing} & 15\% & 16\% & 13\% & 14\% & 17\% \\
\hline
\end{tabular}
\caption{Figure 5}
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\textsuperscript{144} Interview by Angela Jeanice Warden-Washington, Sacramento, California, 20 October 2009.
\textsuperscript{145} Ibid.
\textsuperscript{146} Ibid.
\textsuperscript{147} Baldassare, et al. “PPIC Statewide Survey: Californians and Their Government.”
\textsuperscript{148} Ibid.
\textsuperscript{149} Ibid.
How is it that the public is so convinced that term limits are a good thing and the legislative staff, with the knowledge and in-house experience to see the effects of term limits see them in a completely different (and far more negative) manner then the public? Perhaps the public has their idea of term limits based on information they hear from the media and/or what they received during the Proposition 140 campaign and subsequent term limits ballot measures. Perhaps the public may have their views of term limits without the perspective of term limits and staff. Would the public still have high approval ratings for term limits if they knew that staff and lobbyists have gained more power because of term limits? Maybe if the public was more aware of just how term limits have completely changed the institution, at least from the staff perspective, they (the public) might be more prone to changing their views on term limits. It appears, however, that the public simply does not know what the results of their voting in favor of Proposition 140 have done to the California Legislature and the legislative staff.

One hundred percent of all legislative staff I interviewed cited the same rationale for the good of term limits; that term limits broke up the monopoly of the Legislature by creating a way for more diverse people to become Members. The diversity came about by way of more minorities, namely women, people of color and gays and lesbians. It is
interesting to note that more than half of the respondents stated that the diversity of the legislature would have occurred without term limits, because of the changing demographics of our society, but that term limits just pushed the process along faster.

Other respondents feel that the good of term limits created more possibilities for job growth for the staff, with the caveat that now the Legislature also has younger and less experienced staff in positions that truly should have more experienced staff (e.g. pre-term limits chief-of-staff positions were filled by 50-plus year olds who had worked in the Legislature at least 15 years prior to becoming a chief-of-staff; now you have 30-year old chiefs-of-staff who have only worked in the Legislature for just a few years.) Interestingly enough, 15 percent of the legislative staff interviewed felt that even though term limits are overall bad for the state, they are here to stay and there needs to be at least an extension of them, six years in the Assembly and eight in the Senate is simply not enough.

Ironically, even though the average Californian voter believes term limits is a good thing, some have argued that they need to be modified. According to the September 2009 Public Policy Institute of California statewide survey, over six in 10 Californians (65 percent) and likely voters (63 percent) think it would be a good idea to reduce the total number of years Member could serve to 12 years in one House (versus the potential of serving 14 years in both Houses.150 The data shows that even though the public and staff may not agree on if term limits are good or bad for the Legislature and the state as a whole, they somewhat agree on the notion that Members need to serve a longer period of

time in order to best meet the needs of the state. As a whole, I found that staff need more opportunities to learn, grow and gain more experience; however, in a term limited environment, it is extremely challenging. Perhaps if the public votes to allow more time for members to serve in one House, staff potentially will have more opportunities to learn and grow and the institution will be in a position to better serve the state.
Chapter 5

CONCLUSION

My exploration statement was that there would be an obvious decline in expert and seasoned legislative staff as a result of the enactment of legislative term limits. Additionally, I believed that legislative staff would feel that because of term limits the institution has negatively suffered in many ways, namely, by way of a lack of knowledge in the legislative process and an over reliance on legislative advocates (i.e. lobbyists). I feel that through an evaluation the limited research that exists on my subtopic of term limits and my and data, as referenced in Chapter 4, that my hypothesis was proven true. My data actually surpassed what I initially thought it had the potential of proving. I did not think that 100% of the legislative staff I interviewed would think that term limits were overall negative and that the institution suffered tremendously (and still suffers) because of the loss of so many expert and seasoned staff, all due to term limits.

I wanted to be able to interview at least one person from each demographic (Asian/Pacific Islander, black, Latino and white) as well as, men, women, Democrats and Republicans. I thought it would be great to have as much diversity in my respondents as possible and was curious to see if responses would vary based on different groups. I found that across the board on most of the questions, legislative staff of every demographic had similar responses. The reader should keep in mind that these interviews were confidential, so there was no way of staff knowing who was being interviewed, let alone when, to then “leak” the questions and persuade them to answer the questions a certain way.
I raised specific questions throughout this research. Has the legislative staff changed since the passage of Proposition 140? Did Proposition 140 have an effect on the role of the legislative staff? That is to say, what are the effects of term limits from the lens of legislative staff? Have policy and process been impacted because of legislative term limits? Has the institution changed because of term limits? Are there differences between nonpartisan, committee and personal staff? How does the legislative staff view themselves in an era pre and post term limits? Does their view differ from the public? I am confident that the reader will have noted that these questions were answered.

To recap, the legislative staff has changed; they are now younger and by far less experienced post term limits. Due to the fact that Members are less experienced, and with inexperienced staff, the data shows that institution has changed for the worse. Staffers have not been able to learn fast enough to gain the experience needed to have institutional memory. Additionally, the types of policies being enacted are not the same as pre-term limits when Members really had time to tackle the key policy issues affecting the state. Term limited Members are introducing bills that will not really address the major issues facing the state. Issues like the budget, water, education, health and prison reform. I showed that there is a tremendous difference between the role of the committee and personal staff and that the committee staff appear to have more power post term limits.

Three of the biggest implications to how term limits have affected the Legislature, via the lens of the staff were the dramatic increase in and over reliance of lobbyists. The data surprised me in that I was not expecting the lobbyists’ role and power to have
increased so significantly. And was rather shocked that the Legislature has so many inexperienced staff who actually allow the lobbyists to do their staff work because they lack the experience and knowledge. Secondly, the data on the public, that is to say the voters, was surprising. I did not expect such high percentage of the public to still be in support of term limits (almost 20 years after the passage of Proposition 140). Thirdly, I was fascinated with the major differences of the Assembly and the Senate. I would hope that in the near future, the Assembly would institute such rules that would help to potentially keep more senior and experienced staff. Additionally, it was amazing to note that the only good that staff found in term limits was an increase in diversity, which arguably would have taken place.

As stated in Chapter 3, I had some limitations in my research that I wish I could have avoided, but do to lack and inability to secure some data numbers, I was not able to present as strong of a case of the sharp increase in staff turnover with the passage and implementation of Proposition 140. My other major hurdle was having to rely heavily upon seasoned, senior experienced staff who all mostly worked in the Legislature pre-term limits or right at the beginning of the term limits. Qualitative data derived from interviews play a vital role in research, are not as commonly used in political science as they once were. I am thankful that such experienced and knowledgeable staff still remain in the Legislature (although they are few and far between today), and that they allowed me the opportunity to learn from their experiences. Because of them, I was able to show a true perspective of the impacts of term limits from the legislative staff point of view.

It is my sincere aspiration that this research will contribute in the arena of whether
or not term limits have helped or hindered the development of expert legislative staff. I am encouraged by my advancement in this subtopic of term limits, however small it may be, because, as evidenced by Chapters 1 and 2, not much data and/or research previously existed. I had hoped that I would have had a true hypothesis, but my thesis is more exploratory because so little is known about this subtopic. No theory currently exists on this topic, but perhaps this research will inspire others to explore this issue and create a theory that can be studied and developed into a hypothesis.

In the future, I would like to see someone expound further on my research in several areas, but namely in the area of lobbyists and their power to not only have bills introduced that may not have been introduced pre-term limits, but to perhaps seek out why (besides the obvious of inexperienced staff which I already show in this research) they are doing legislative staff work. Additionally, if concrete data numbers ever become available on staff turnover, I would suggest someone use this research and add the turnover numbers. It might also be interesting to see if there is a why to find out why public opinion is so different from the staff reality on term limits. Lastly, it might be nice to see further research on why the Assembly does not have the same hiring practices as the Senate.

Hopefully, someone will be able to use this research as part of his/her research to continue the debate of whether or not term limits, namely via the passage of Proposition 140 are an efficient way to best govern and run the golden state of California.
APPENDIX A

LIVE INTERVIEW QUESTIONS

1. In what ways, if any, has there been a power or workload shift between Members and staff since the imposition of term limits? Please explain.

2. Since the full implementation of term limits (1996 in the Assembly and 1998 in the Senate), have you observed a shift in power with the legislative advocates (i.e. lobbyists) having more ability to successfully state their agenda on Members and/or their staff? Please explain.

3. In the post-term limits era, do you feel that Members and/or their staff are relying more heavily upon lobbyists for advice and expertise in specific policy issue areas than they did in the pre-term limits era? Please explain.

4. Since the era of term limits do you think there has been a shift in how policy is made or what types of policies are being put in place? Please explain.

5. Do you find that staff are more or less experienced now as compared to before term limits? Please explain.

6. Because Proposition (Prop.) 140 also included staff reductions, workloads must have changed, but in what ways?

7. How has staff turnover and job security changed since the imposition of term limits? Please explain.

8. Do you find your working relationships with the Members, legislative staff, Governor’s staff and lobbyists have changed since the onset of term limits? Please explain.
9. Do you feel the way the institution is/was run has changed since the passage of Prop. 140? In what ways?

10. Do you feel that any changes to the institution are/were for the better? Do you feel the changes have affected how staff are able to perform their jobs? Please explain.

11. Since term limits, do you feel that staff need to be more versed in policy, politics or both? How do you feel that affects the role of the staff? Please explain.

12. Do you feel that staff are more or less familiar with the procedural methods to advance legislation then they were pre-term limits? Please explain.

13. Do you have mentors who will assist you in policy and administrative decisions? If so, how much experience does your mentor actually have in the legislative process? Do you feel that staff should have more experienced staff available to them to help mentor them? Please explain.

14. Do the types of people getting elected under term limits seem different than those elected prior to term limits, in terms of prior career, motivations, styles, etc.?

15. Do term limited Members hire different sorts of staffers? That is to say, are staffers in the era of term limits different demographically or otherwise? Please explain.

16. In the era of term limits, do you feel you are able to fully understand your Member’s political perspective? Was it different before term limits? Please explain.

17. What about your Member’s district? How well post term limits, do you feel you know your Member’s district? Was it different before term limits? Please explain.

18. Do you feel the overall tone and feel of the Capitol is different post term limits? Please explain.
19. In your opinion, do you think term limits have been overall good for the state or bad for the state? In what ways have they been good? In what ways have they been bad? Please explain.

20. Will you allow me to use some and/or all of your quotes?

21. Do you want to remain anonymous? Or will you allow me to cite your name and current role?
APPENDIX B

ON-LINE SURVEY QUESTIONS

1. By completing this survey, you are agreeing to participate in the research.
I agree ______ I do not agree ______

2. What is your gender?
Male ______ Female ______

3. What is your ethnicity?
Asian______ Black/African-American ______ Latino ______
Pacific Islander _____ Native American _______ White (non-Hispanic origin) ______
Other (please specify) __________

4. How long have you worked in the legislature?

5. How many Members and/or legislative committees have you worked for?
(If you have only worked for the Legislature post term limits, please answer b) only.)
a) pre-term limits? ________ b) post term limits? ________

6. What is your current role in the legislature?

7. What roles have you held as an employee of the California State Assembly and/or California State Senate?

8. How long were you in each classification you have held before being reclassified?
When answering this question, please specify if you worked in the building pre or post term limits.

9. I have held a legislative staff position for a Member from which party? If, at some point, you have worked for both sides of the aisle, please select both, then specify how
long you worked for either party.

Democrat _______ Republican ________ Both (Explain) _________

10. Do you see yourself as a career legislative staffer? Please explain why or why not.

Yes_________ No_______

11. After your current Member is termed out, where do you see yourself working in the next 4 years and why?

12. How would you best describe the shift in power staff had/has?

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</table>

13. Will you allow me to use quotations from your responses for professional presentations and publications? (Note: your quotations will remain anonymous).

Yes_______ No_______
REFERENCES


Kousser, Thad. 2007. “Declaration of Professor Thad Kousser in Support of the Plaintiffs’ Declaratory Relief Action to Find Proposition 140 Revised the Constitution.” San Diego, CA.


Rosenthal, Alan. 1998. The Decline of Representative Democracy – Process,


