

ARTICLE

“Still Doin’ Time”: An Analysis of the Conditional Effects of Legislative Term Limits on State Incarceration Rates

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Abstract

A vast body of work investigates the consequences of legislative term limits for public policy. However, considerably less research has delved into their effects in noneconomic policy domains. In this article, we develop the argument that implemented term limits increase the effect that a state government’s ideology has on the state’s incarceration rate. When analyzing incarceration rates among all states between 1979 and 2017, we find evidence to support our theoretical expectation. Specifically, for states with term limits, we find that an increase in state government conservatism is associated with a higher incarceration rate. Conversely, for non-term-limited states, we find that the policy preferences of the state government have little influence on the incarceration rate. These findings deepen our insight into how institutional design can affect public policy.

Keywords: American politics; term limits; criminal justice; public policy; incarceration

“Arkansas has the fifth highest incarceration rate in the country—a per capita rate of 942 per 100,000 people that greatly exceeds that of all independent democracies around the world, including the broader United States,” an *Arkansas Times* article began, “[b]ut Gov. Sarah Sanders, Attorney General Tim Griffin and legislative leaders aren’t settling for fifth place in the contest over who can spend the most taxpayer dollars locking away the most people for the longest amount of time.”¹ The article goes on to describe how the Arkansas legislature is drafting a truth-in-sentencing policy that would limit the possibility of parole for inmates who are convicted of certain crimes.² Advocates of the criminal justice policy assert that it will help fight crime by keeping criminals off the streets.³ Experts expect that the policy would increase Arkansas’s incarceration rate,⁴ which is already well above the national average.⁵ Arkansas’s tendency to implement punitive criminal justice policies that result in a high incarceration rate stands in

stark contrast to those of other states. For instance, in Massachusetts, the incarceration rate is 275 inmates per 100,000 people.⁶ Even more, the Massachusetts legislature still actively strives to lower its incarceration rate, with the state recently scrapping a few “mandatory minimum”⁷ sentence laws for non-violent crimes.⁸ These two divergent examples raise the following question: What political factors account for a state’s incarceration rate?

Scholars suggest that the government’s policy preferences⁹, public opinion¹⁰, and racial demographics¹¹ partially explain the number of inmates imprisoned within a state. One political factor that has not been taken into consideration is state legislative term limits. Currently, 16 states have implemented legislative term limits.¹² A well-established body of works that focuses on term limits finds that these laws influence the policy-making process and policy outcomes. For example, one study finds that term limits are associated with an increase in state government debt.¹³ However, most prior research focuses primarily on economic policy outcomes. We suggest that if term limits can broadly influence the policy adoption process and they can influence economic policy outcomes, then term limits have the potential to also influence noneconomic policy domains, such as criminal justice.

Building on the literature that outlines how term limits strengthen the influence of chamber leadership, we assert that legislative term limits should strengthen the effect that a state government’s ideology has on a state’s incarceration rate. When analyzing incarceration rates among all states between 1979 and 2017, we find evidence to support our theoretical expectation. Specifically, for states with term limits, we find that an increase in conservatism is associated with an increase in the number of inmates. Conversely, for states without term limits, we find that the policy preferences of the government have little effect on the state’s incarceration rate.

This analysis contributes to the literature by advancing our understanding of the implications that term limits have on public policy in several ways. First, as previously mentioned, scholars have thoroughly analyzed the influence that term limits have on economic policy outcomes. However, considerably less research has delved into the influence that legislative term limits can have on noneconomic domains. Our results suggest that term limits can affect a broad array of policy areas. Second, toward the end of the twentieth century, the number of incarcerated inmates increased dramatically.¹⁴ This has resulted in a robust discussion within the public about the appropriate criminal justice policies to implement¹⁵ and influenced American culture.¹⁶ Our findings suggest that term limits have a polarizing effect on the imprisonment rate. Conservative states with term limits tend to experience an increase in the number of inmates serving. Conversely, liberal states frequently experience declines in their imprisonment rates. Third, this research highlights the issue of disparate justice among the US states, where individuals may receive varying punishments depending on their state of residence. Our findings suggest that institutional design and the policy preferences of lawmakers may enhance this uneven distribution of justice across the United States. Finally, several studies find that electoral considerations can influence criminal justice policy outcomes. One could reasonably argue that term limits potentially dampen the electoral incentive for lawmakers

to implement punitive policies that result in a higher incarceration rate. Our results suggest this is not the case for more-conservative states. Taken together, these findings deepen our insight into how institutional design can influence public policy.

State Context and Justice

One pillar of a healthy democracy is the presence of elections.¹⁷ Consequently, there is a flourishing of literature investigating how elections influence policy responsiveness and the policy-making process.¹⁸ In this section, we briefly outline two subsets of studies that are relevant to our research question: (1) the influence that elections have on criminal justice policies and (2) the effects of legislative term limits on the policy-making process.

First, a vein of relevant research finds that electoral considerations encourage policy makers to pursue punitive criminal justice policies.¹⁹ For instance, lawmakers who support more punitive criminal justice policies are sometimes awarded by their constituents in the next elections.²⁰ This pattern emerges because punitive criminal justice policies tend to be popular among the public.²¹ Furthermore, research finds that more competitive legislative elections are associated with conservative states experiencing an increase in their incarceration rates.²² Conservative states enact these more punitive criminal justice policies, which result in higher incarceration rates, in an effort to please their constituents and boost their reelection efforts.²³ After all, policy makers who cannot get the crime rate under control are potentially punished in their next election.²⁴ Thus, there appears to be an electoral connection stemming from criminal justice policies.

A second important body of works analyzes the implications of term limits.²⁵ Regarding the influence that term limits have on public policy, most studies focus on the implications that term limits have on fiscal policy outcomes. For instance, the implementation of term limits corresponds with lower state bond ratings.²⁶ This pattern emerges because the lack of policy expertise in term-limited chambers results in the lawmakers adopting less sound fiscal policies. Likewise, states with term limits correspond with lower general fund balances.²⁷ Term limits have also been shown to incentivize lawmakers to spend more lavishly.²⁸ Although a great deal of scholarly attention has been devoted to the influence that term limits have on fiscal policy outcomes, considerably less research focuses on their effects in noneconomic policy areas. The scant research in this area has shown that term limits result in an increase in the likelihood of policy congruence between voter preferences and policy outputs.²⁹ This pattern occurs because terms limits cause lawmakers to represent their constituent's policy preferences more accurately.³⁰ In another prominent example, term limits are shown to undermine policy innovation within a state.³¹

Although these two impressive veins of literature deepen our understanding of term limits, public policy, and elections, there is still a great deal to learn. For instance, whereas there appears to be a connection between competitive elections and punitive criminal justice policy outcomes, it is unclear what the policy

implications are when the electoral connection is completely severed via term limits. One could reasonably assume that the dampened electoral incentives could result in lawmakers pursuing less-punitive criminal justice policies, resulting in lower incarceration rates. However, other studies suggest that term limits can strengthen interest groups and influential leaders in a state who may wish to adopt more punitive policies.³² Furthermore, most research on the policy implications of term limits tends to focus on fiscal policy outcomes. Few studies examine whether legislative term limits influence noneconomic policy outcomes. The purpose of this study is to address some of these gaps in the literature by analyzing the relationship between legislative term limits and a state’s incarceration rate.

Linking Legislative Term Limits to State Incarceration Rates

Polling and other evidence suggest that term limits tend to be broadly popular with the public.³³ Since the implementation of term limits, scholars have uncovered numerous empirical patterns. For instance, legislative term limits have resulted in legislators devoting less attention to cultivating the “personal vote” with their constituents.³⁴ After all, as lawmakers in term-limited states will be in office for only a short period, there is little incentive for them to focus on constituency-oriented activities. In another prominent example, legislative term limits have been shown to increase voter participation³⁵ and competitive elections.³⁶ Students of legislative politics have also shown that term limits influence policy outputs.³⁷ In this section, we outline how legislative term limits, conditioned on the government’s policy preferences, may affect the incarceration rate within a state.

Before outlining how term limits influence policy outcomes, it is important to briefly outline the history of term limits. Peverill Squire notes that in colonial America one of the earliest experimentations with legislative term limits was in Pennsylvania.³⁸ Moreover, Edward López points out that “de jure term limits” were embedded in the Articles of Confederation and that term limits “almost entirely disappeared until the 1990s.”³⁹ Specifically, in the early to mid-1990s, numerous states adopted legislative term limits via citizen initiatives.⁴⁰ It should be noted that there is considerable variation in terms of the provisions within the laws among the states with implemented term limits. Some states, such as Oklahoma, have a lifetime ban, and other states, such as Ohio, have consecutive bans.⁴¹ Moreover, there is variation among term-limit laws in terms of time. Maine limits lawmakers to eight years, and Louisiana has a limit of 12 years.⁴² A few states, such as Utah, had their term limits laws repealed.⁴³ Currently, 16 states have term limits, with North Dakota being the most recent state to adopt term limits in 2022.⁴⁴

The way in which legislative term limits influence incarceration rates might not work the same way for every state. In particular, the state government’s ideology could be a critical factor. Previous research finds that ideology is a powerful factor in terms of political behavior and policy outcomes.⁴⁵ We assert that more-conservative state governments should be associated with higher

incarceration rates.⁴⁶ Conservative lawmakers often attempt to reinforce the image to the public that they will maintain “law and order.”⁴⁷ Thus, it is not surprising that more-conservative states are noted for their support of fighting crime by advocating for more punitive criminal justice policies and for having higher incarceration rates.⁴⁸ For instance, more-conservative states are associated with quickly adopting “Three Strikes” laws, which require that repeat offenders receive minimum mandatory sentences.⁴⁹ Furthermore, more-conservative state governments have been shown to fund legal defense programs at lower levels than do more-liberal states.⁵⁰ These and other state policies partially explain why conservative states are associated with higher incarceration rates. Conversely, liberal governments are more likely to implement rehabilitation policies, such as those states that have advocated for the decriminalization of drugs.⁵¹ Furthermore, research shows that more-liberal governments are more likely to support prison furlough programs.⁵² Thus, more-conservative governments should be associated with higher incarceration rates relative to liberal governments.

However, how exactly might legislative term limits affect a state’s incarceration rate? We assert that the presence of legislative term limits should enhance the influence that the state government’s ideology has on a state’s incarceration rate. Legislative term limits are known to empower the chamber leaders in a state.⁵³ One consequence of term limits is that they deprive legislators of their own institutional and policy knowledge.⁵⁴ Because state lawmakers do not have their own expertise to rely on when making policy decisions, they are forced to depend on other political actors, such as their party’s leadership, for decision making.⁵⁵ Previous research has shown that the implementation of term limits has resulted in lawmakers delegating more procedural tools to control the lawmaking process to their leadership relative to non-term-limited states.⁵⁶

It is important to recognize that party leaders themselves are termed out of office; however, as noted by Christopher Mooney, lawmakers delegate procedural power to their leadership to overcome “collective action problems” in the legislature.⁵⁷ Lawmakers without the institutional knowledge and experience, due to term limits⁵⁸, cannot easily usher in their policy agenda, which is a paramount objective for many lawmakers.⁵⁹ Furthermore, there is evidence that term limits result in party leadership having more influence over the recruitment of candidates and the candidate’s success in fund-raising.⁶⁰ This might result in states adopting more ideologically consistent policies. Therefore, we suggest that lawmakers in term-limited states are more likely to delegate power to their party leaders.

We suggest that the strong chamber leaders that emerge in states with term limits will try to steer the legislature to implement more policies that are consistent with their ideology.⁶¹ Chamber leaders help to maintain more ideologically consistent policies in the hopes of protecting their party’s brand and to help their colleague’s reelection chances.⁶² In the case of criminal justice policies, we expect that more-conservative state governments with term limits should pursue more-punitive criminal justice policies and, thus, be associated with a higher incarceration rate. On the other hand, more-liberal states with term limits should be less inclined to support policies that result in an increase in the

prison population. Conversely, for states without term limits, the legislators have their own experiences and policy expertise that they can rely on. This gives the legislators, in this political context, the luxury of not having to rely on their party leaders in the decision-making process and not being incentivized to adopt more ideologically consistent policies. Thus, we should observe ideology having a weaker effect in non-term-limited states. This discussion leads us to the following theoretical expectation:

Term Limits Hypothesis: The state government’s ideology will have a larger effect on state incarceration rates for states with legislative term limits than on states without term limits.

However, it is also possible that we may find that the effect that term limits have on a state’s incarceration rate does not vary by the state government’s preferences. Several scholars find that criminal justice is a unique policy area with low levels of polarization and that the policy-making process tends to be bipartisan.⁶³ Furthermore, combating crime is widely considered an issue in which there is a broad consensus among politicians and the public.⁶⁴ Therefore, lawmakers in term-limited states may have little incentive to pursue policy outcomes (i.e., state incarceration rates) that are consistent with their ideology. If this is the case, then we would find that the effect of legislative term limits does not vary by a state government’s ideology. However, if we do indeed find that the effect of term limits on state incarceration rates does vary by state ideology, this would suggest that term limits can influence a wide array of policy domains.

Data and Methods

We have presented our theoretical rationale for the influence that term limits potentially have on criminal justice policy, and now we turn to an empirical investigation of our rationale. Our data consist of information relating to the incarceration rates of each US state from 1979 to 2017. Specifically, we use panel data, with our unit of analysis consisting of a state in a given year.

Dependent Variable

Our dependent variable, *incarceration rate*, is measured as the count of prisoners serving a minimum one-year sentence in a state correctional facility per 100,000 population in a state. This data is from the Bureau of Justice Statistics.⁶⁵ The average value is 292.99, and the standard deviation is 144.01. The minimum value is 34, and the maximum value is 870. Because our dependent variable is a nonnegative continuous variable, we estimate our coefficients with a linear model.⁶⁶

Main Independent Variables

Our main independent variables are the government liberalism, legislative term limits, and an interaction between the two. For *government liberalism*, we use

William Berry and his colleagues' state ideology scores.⁶⁷ The creators of these ideology scores use the state's congressional delegation's NOMINATE Common Space scores⁶⁸ to approximate the ideological preferences of the state government actors. We use this measure as suggested by previous researchers and considering the lengthy time span we are analyzing.⁶⁹ Higher values indicate that the state government is more liberal. The average value is 49.18. The minimum value is 17.51 and the maximum value is 73.62.

Regarding *legislative term limits*, it is important to use a measure that captures the variation of term limit laws across the United States. We use Travis Baker and David Hedge's continuous measure of term limits.⁷⁰ This measure incorporates the level of turnover, type of term limit ban, and the ability of legislators to recycle through the chambers. Higher values indicate a more stringent term-limit law. States without term limits are coded as zero.⁷¹ We code the term-limits variable based on when the term limit law is implemented.⁷² We analyze the implementation of term limits rather than their adoption because the literature suggests that it is the implementation of term limits that influences the policy-making process.⁷³ All our explanatory variables are lagged by one year. Finally, we test the interaction between the legislative term limits and government liberalism variables to determine whether the effect that term limits have on the state incarceration rate varies based on the policy preferences of the state government.

Additional Explanatory Variables

We control for other factors that could be associated with a state's incarceration rate, and several of these variables come from the *Correlates of State Policy* database.⁷⁴ Previous research has found that the public's policy preferences can influence the level of incarceration in a state.⁷⁵ Specifically, more-liberal citizens should elect and put pressure on their state government to be less supportive of punitive criminal justice policies. The *citizen liberalism* variable controls for the ideology of the public. This variable is coded so that higher values indicate a more-liberal public.⁷⁶ We expect the coefficient to be negatively signed and statistically significant.

Michael Olson and Jon Rogowski find that *legislative professionalism* can enhance the influence of legislative term limits.⁷⁷ Therefore, we use Peverill Squire's measure of legislative professionalism, which includes a state's legislator salary, calendar length, and staffers.⁷⁸ Squire provides measures in the following years: 1979, 1986, 1996, 2003⁷⁹, and 2015.⁸⁰ Higher values indicate that the legislature is more professionalized. We also control for the level of *interest-group activity* in the state legislature. This is measured by taking the total number of registered interest groups that relate to the criminal justice system (i.e., police, fire departments, and correctional workers) and divide it by the total number of groups that are formally registered with the state government.⁸¹ Higher values indicate that law enforcement agencies might have more influence within the state. This measurement of interest-group activity is similar to the one developed Daniel Lewis and his colleagues.⁸²

States with a higher percentage of *non-White* individuals in the population have been shown to be associated with higher state imprisonment rates.⁸³ This variable is measured as the percentage of non-White individuals living in the state.⁸⁴ We expect the coefficient for this variable to be statistically significant and positively signed.⁸⁵

States with higher crime rates might be associated with higher incarceration rates. We account for this factor with two different variables. The *violent crime rate* variable is the violent crime rate per 100,000. Higher values indicate a higher violent crime rate.⁸⁶ The *property crime rate* variable is the property crime rate per 100,000. Higher values indicate a higher property crime rate.⁸⁷ We expect both coefficients to be statistically significant and positively signed.

A poor economy can increase the crime rate in a state,⁸⁸ which in turn may affect the number of inmates in a state. Therefore, we include multiple economic indicators in our models. The *unemployment rate* is the percentage of a state’s labor force that is currently not working.⁸⁹ We also control for the *state’s minimum wage*.⁹⁰ Higher values are associated with a higher state minimum wage. The *poverty rate* is the percentage of a state population that lives in poverty.⁹¹ We control for the *income per capita* in a state. Higher values indicate that the average state citizen is wealthier. Finally, the *economy size* variable is a state’s GSP.⁹² Higher values indicate a stronger state economy.⁹³

Previous research has found that the current incarceration rate in a state influences future incarceration rates.⁹⁴ Therefore, we include a lagged dependent variable. This variable, *incarceration rate*_{*t*-1}, also accounts for autocorrelation in the model and unobserved heterogeneity that is correlated with the units.⁹⁵ We also estimate our model with state and year fixed effects. We present in parenthesis robust standard errors that are clustered on each state.

Findings

The estimates from our linear model are presented in Table 1. First, we will interpret the interaction components. The interaction component for legislative term limits is statistically significant and positively signed. When the state government variable equals zero, this indicates that an increase in values for the legislative term limits variable is associated with an increase in the state incarceration rate. For the state government liberalism variable, it is not statistically significant. For non-term-limited states (i.e., when the legislative term limits variable equals 0), this indicates that an increase in state government liberalism does not affect their incarceration rates.

Importantly, our interactive legislative term limits × government liberalism variable is significant and negatively signed. This indicates that legislative term limits have a polarizing effect. Conservative state governments with term limits are associated with an increase in their incarceration rates. Conversely, more-liberal state governments with term limits tend to have a lower incarceration rate.

The effect of our interactive variable on incarceration rates can be seen graphically in Figure 1. Figure 1 demonstrates the predicted incarceration rate

Table I. State Incarceration Rates, 1979–2017

Variable	Model I Coefficient (SE)
Legislative Term Limits × Government Liberalism	-0.423* (0.147)
Legislative term limits	25.356* (7.995)
Government liberalism	0.085 (0.060)
Citizen liberalism	-0.197* (0.092)
Legislative professionalism	19.592* (10.481)
% Non-White	10.412 (16.727)
Income per capita	-0.031 (2.467)
Economy size	-0.235 (0.442)
State minimum wage	1.259* (0.682)
Unemployment rate	-0.853* (0.465)
Poverty rate	-0.104 (0.234)
Violent crime rate	0.022* (0.006)
Property crime rate	0.001 (0.001)
Interest group activity	0.024 (0.439)
Incarceration rate _{t-1}	0.921* (0.011)
Constant	-1.747 (7.486)

(Continued)

Table I *Continued*

Variable	Model I Coefficient (SE)
BIC	16,725
Number of observations	1,950

Note: Unit of analysis is a state in a given year. Dependent variable is the number of inmates in a state prison (per 100,000). All explanatory variables are lagged by one year. The coefficients are estimated from a linear model. The model includes state and year fixed effects. Presented in parenthesis are robust standard errors clustered on each state.
 * $p \leq .05$ (all one-tailed tests).

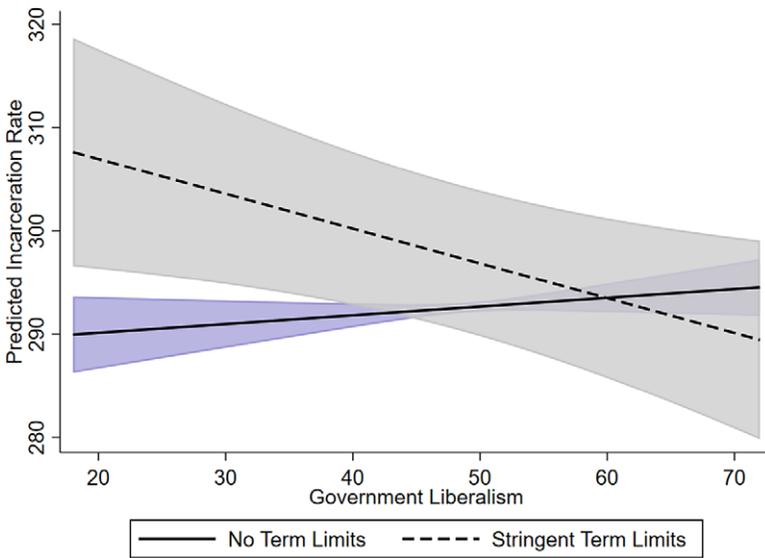


Figure 1. Predicted Incarceration Rates. This figure is derived from the estimates presented in Model 1. The solid line represents states without term limits. The dashed line represents the legislative term limit set at its maximum value. Higher values of government liberalism correspond with greater government liberalism. All control variables are held constant. Shaded areas represent 95% confidence band.

across a range of state government ideology scores. We also plot states without term limits (i.e., solid line and light purple confidence band) and states with the most stringent term limit policy (i.e., dashed line and gray confidence band). For states with the most stringent term-limit policy, the most conservative state government is associated with an incarceration rate of 308. When we shift the state government liberalism variable to the most liberal value, it falls to 289. Conversely, for states without term limits, the most conservative state governments correspond to an incarceration rate of 290. The most liberal state governments without term limits tend to have an incarceration rate of 295.

Most of our additional explanatory variables perform as expected. States with more-liberal citizens, lower minimum wage, higher unemployment rate⁹⁶, and

fewer violent crimes tend to have a lower incarceration rate. We also find that more-professionalized legislatures are associated with a higher incarceration rate. Conversely, none of the remaining variables appear to have a significant effect on the incarceration rate within a state.

Robustness Check: Alternative Models

It is important that our results remain robust to various model specifications and alternative measures of legislative term limits. In this section, we conduct three additional robustness tests with the results displayed in [Table 2](#). Unless stated otherwise, we use the same variables and methods as described above. It should also be noted that we have conducted an additional robustness check with data provided by Boris Shor and Nolan McCarty.⁹⁷ The results are placed in the Appendix ([Table A1](#)).⁹⁸

First, we use the traditional measure of legislative term limits: a dichotomous measure of term limits. States with implemented legislative term limits are coded as one and all other observations are coded as zero. The results are displayed in Model 2 of [Table 2](#). The legislative term limits \times government liberalism interaction is still significant and negatively signed.

Second, Marjorie Sarbaugh-Thompson has created various measures of legislative term limits.⁹⁹ We use her measurement that includes chamber turnover, ability to recycle within chambers, and type of ban, weighted by each chamber.¹⁰⁰ Higher values indicate a more-stringent term-limit law. The results are shown in Model 3. Again, our interactive variable is correctly signed and statistically significant with this alternative measurement.

Finally, like Susan Miller and her colleagues, we conduct a test that is similar to a “placebo test.”¹⁰¹ This test analyzes whether unobserved state factors that are correlated with the implementation of term limits could be influencing our findings. For this analysis, we limit our data to all states before 1990. We use this period because 1990 was the year the first state adopted term limits. Next, we coded each state that eventually implemented term limits as “one” and all other observations as “zero.” If this new term limit \times state ideology interaction is statistically significant, then this would imply that an unmeasured state attribute that is associated with the implementation of term limits might be influencing a state’s incarceration rate rather than term limits; thus, we would have a spurious finding. However, if the new term limit \times state ideology interaction is nonsignificant, this would strengthen the claim that term limits are influencing our findings. The results are shown in Model 4. The interaction is not statistically significant. This placebo test casts doubt on the notion that some other state factor that is correlated with the implementation of term limits is driving our findings.

It should be noted that we have also estimated a model in which the dependent variable involves correctional expenditures with data from the US Census. The results are presented in Appendix B ([Table B1](#)). We find little evidence that term limits have an effect with this measure. We suggest that this

Table 2. Additional Alternative Model Specifications

Variable	Model 2 Coefficient (SE)	Model 3 Coefficient (SE)	Model 4 Coefficient (SE)
Legislative Term Limits × Government Liberalism	-0.261* (0.079)	-0.184* (0.083)	-0.108 (0.126)
Legislative term limits	14.345* (3.819)	11.680* (5.040)	8.352 (7.118)
Government liberalism	0.092 (0.060)	0.060 (0.061)	-0.025 (0.091)
Citizen liberalism	-0.201* (0.092)	-0.193* (0.092)	-0.075 (0.076)
Legislative professionalism	18.526* (10.142)	18.415* (10.748)	7.586 (10.057)
% Non-White	8.229 (17.074)	11.997 (16.821)	10.291* (5.573)
Income per capita	-0.174 (2.423)	-0.156 (2.455)	19.407* (5.883)
Economy size	-0.170 (0.436)	-0.312 (0.458)	-2.782* (1.414)
State minimum wage	1.291* (0.681)	1.251* (0.674)	0.545 (1.321)
Unemployment rate	-0.855* (0.468)	-0.866* (0.458)	0.376 (0.428)
Poverty rate	0.111 (0.232)	0.095 (0.234)	0.164 (0.243)
Violent crime rate	0.022* (0.006)	0.022* (0.006)	0.010* (0.005)
Property crime rate	0.001 (0.001)	0.001 (0.001)	-0.001 (0.001)
Interest group activity	0.053 (0.437)	-0.003 (0.441)	-0.123 (0.598)
Incarceration rate _{t-1}	0.921* (0.011)	0.921* (0.011)	1.006* (0.014)
Constant	-1.875 (7.441)	0.839 (7.521)	-14.680* (-14.680)

(Continued)

Table 2 *Continued*

Variable	Model 2 Coefficient (SE)	Model 3 Coefficient (SE)	Model 4 Coefficient (SE)
BIC	16,724	16,731	4,621
Number of observations	1,950	1,950	550

Note: Unit of analysis is a state in a given year. Dependent variable is the number of inmates in a state prison (per 100,000). All explanatory variables are lagged by one year. Coefficients estimated from a linear model. Models 2 and 3 include state and year fixed effects. Model 4 only includes year fixed effects. Presented in parenthesis are robust standard errors clustered on each state. Model 2 uses a dichotomous term limits measure. Model 3 includes Sarbaugh-Thompson's measure of term limits. Model 4 is the placebo test.

* $p \leq 0.05$ (all one-tailed tests).

pattern emerges due to the increase in the use of private facilities in the United States.¹⁰² Private facilities are not reflected in the expenditure data.

Discussion and Conclusion

A *Politico* article highlighting Oklahoma's incarceration policy asserts that "Oklahoma had the highest incarceration rate in the United States. If it were a country, it would have led the world. That year there were 1,079 people incarcerated in Oklahoma facilities, including jails and state and federal prisons, per every 100,000 people in the state."¹⁰³ Although in recent years the incarceration rate in Oklahoma has slightly decreased relative to its earlier peak,¹⁰⁴ several indicators suggest that the imprisonment rate is starting to increase again in more recent years.¹⁰⁵ What political factors might have incentivized the state to implement policies that would result in this incarceration rate? Our findings suggest that legislative term limits and the policy preferences of the state government are two components that help to explain the high number of inmates serving in the Oklahoma's correctional facilities.

In this article, we develop the theoretical argument that term limits should increase the influence that state ideology has on the incarceration rate. Because the lawmakers have less independent policy expertise and knowledge because of term limits, the legislators are forced to rely more heavily on the chamber's leadership. As chamber leaders wish to improve their party's reputation with the voters via a unified front, this should result in the state enacting more policies, including criminal justice policies, that are consistent with their ideology. When analyzing state incarceration rates between 1979 and 2017, we find evidence to support our theoretical expectation. Specifically, for term-limited states, we find that an increase in conservatism is associated with a higher incarceration rate. Conversely, we find that the government's ideology has little effect for states without term limits. Our findings are fairly robust to alternative model and measurement specifications.

Before concluding, it is important to discuss an important limitation to our study. Our results do not indicate which specific state policies influence the size of a state's prison population. It is certainly possible that term limits cause states

to implement certain criminal justice policies more frequently that influence the incarceration rate. We encourage future scholars to analyze which specific criminal justice policies are enacted by term-limited states and their effects on the incarceration rate in greater detail.

These findings deepen our insight into the criminal justice system and political institutions in four ways. First, the United States tends to have a larger prison population relative to that of other countries, with significant variation among the states.¹⁰⁶ The high incarceration rate in the United States has resulted in an increased interest from scholars, activists, and the general public.¹⁰⁷ In particular, critics of such policies assert that the criminal justice policies are not cost effective and raise important ethical considerations. Our findings suggest that advocates of criminal justice reform may struggle to advance their cause in conservative states with term limits. Instead, they may find more success in conservative states without term limits.

Second, scholars have noted a connection between punitive criminal justice policies and electoral considerations.¹⁰⁸ In particular, electoral factors may incentivize lawmakers to pursue more punitive policies that might result in a higher incarceration rate. Our findings suggest that electoral connections that are severely diminished via legislative term limits result in more policies being implemented that result in a higher incarceration rate in conservative states. However, such diminished connections would result in a decrease in the inmate population for more-liberal states.

Third, our research question addresses the potential issue of potential unequal justice across the US states. It is possible that individuals are receiving more punitive rulings, in part, simply because of their state of residence. In other words, an individual who is convicted of a certain offense in Louisiana may face a different penalty than might an individual in Washington with nearly identical circumstances.¹⁰⁹ In fact, there is some historical research to support this claim.¹¹⁰ Our findings suggest, depending on the ideological context of the state government, that term limits may be exacerbating this issue.

Finally, scholars of legislative term limits have devoted considerable attention to the implications of term limits. Regarding the effects on policy, most scholarly attention has been devoted to the consequences of fiscal policy. Considerably less research focuses on the effects for noneconomic policies. Our findings help to fill this void. We find that term limits do influence noneconomic policy domains. Specifically, term limits influence criminal justice policy outcomes. We encourage future scholars to analyze the effects in other noneconomic policy domains and to determine whether term limits have a polarizing effect in those domains as well. For instance, it is unclear whether term limits might influence education policies or cultural issues. We encourage future scholars to analyze these and other noneconomic policy domains in greater detail.

We also believe that these findings pave the way for new areas of research. Scholars of term limits have found considerable variation in turnover among state legislatures.¹¹¹ We believe that the effect of the term-limit policy is not due to only the turnover rate. For instance, we believe that lawmakers anticipate the turnover that will occur due to the term-limit law and that this partially

motivates their behavior. We encourage future scholars to more precisely capture the mechanisms that are driving these findings. Taken together, there is still a great deal to learn about the implications of term limits on public policy.

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