

The Effect of State Legislative Term Limits on Turnover in U.S. House Races

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Although the Supreme Court struck down state-imposed Congressional term limits, the argument over term limits at the state level remains an important issue as the American people seek avenues to improve their legislative institutions. There is an extensive literature examining the impact of state-level legislative term limits on the competitiveness of state legislature elections and turnover rates. However, there is little research on the impact of state legislative limits on congressional elections. This paper will rectify the absence by examining the effects of state-level term limits on next-level turnover rates. I hypothesize that congressional turnover will be higher in states with state level legislative term limits than states without term limits.

Congress's approval rating has been abysmally low for the last several years and shows no sign of a recovery anytime soon (Congress and the Public). Of course low congressional approval is not a recent phenomenon. In the 1990s, in response to growing public dissatisfaction with Congress, several states approved limits to congressional terms. However, in *U.S. Term Limits, Inc. v. Thornton* (1995), the Supreme Court struck down state-imposed congressional term limits, eliminating one of the most popular means through which the American people had hoped to correct what they perceived to be flaws in their government.

Although the Court's decision prevents states from imposing term limits on Congress, states can enact term limits on their individual legislatures. Indeed, as of 2013, 15 states have some form of state legislative term limits in place. State-level term limits have a variety of predicted effects on the legislatures themselves, ranging from the economic to motivational, and there is significant literature in term limit theory that deals with those issues. Some of the more subtle aspects of legislative term limits, however, have been relatively neglected by scholarship. Because state legislators are, by definition, "quality candidates", state legislative term limits have the potential to impact the competitiveness of congressional elections. State level legislative term limits may therefore allow citizens to affect the makeup of Congress.

Literature Review

Term limits are a complex issue which have been researched and debated for over 30 years. No new argument could be made without being properly rooted in this expansive tradition. In the proceeding section, I will examine some of the most significant findings of term limit literature. First will be a review of the general arguments surrounding term limits, as well as a brief look at the term limit movement prior to the Thornton decision. After that, I will address the effects of term limits on Congress prior to and immediately following the Thornton ruling. Next will be a look into the existing instances of state-level legislative term limits, the new arguments surrounding the subject, and its various institutional effects, followed by an examination of

candidate and representative qualities and decision making. Finally, the impact of term limits on candidate and legislator decision making will focus the literature on the puzzle I have presented.

By the 1990s, voters had seen enough scandals and abuses to begin seeking an institutional change to Congress. Congressional disapproval rose to higher than it had ever been before, nearly 78%, while “the cost of campaigning is daunting to would-be challengers, who face entrenched incumbents sitting on vast war chests... The idea is that term limits will function as anti-trust laws for politics” (Calamita, 559-561). Eliminating the advantages and staying power of incumbents were the core goals of the resulting movement in the mid-1990s, and these issues were seen as inseparable from the campaign-finance reform movement. (Theilmann and Whillhite). It was predicted that “a three-term limit would decrease average stays in Congress from 13.2 years to 3.8 years [and] increase average turnover from 17 percent of Congress to 37 percent” (*The House Under Term Limits* 714). A study conducted by the American National Election Survey in 1992 indicated about 83 percent of the public favored term limits (Southwell and Waguespack). Even those normally considered politically alienated—cynical and inefficacious individuals—tended to support term limits (Southwell).

The term limit movement was largely led by the Republican minority in Congress, which included term limits as a core promise of the “Contract with America” election platform. Despite Republican support for term limits, the party was predicted to only modestly benefit, winning between 5 and 14 seats (*The House Under Term Limits* 714). Term-limited offices were predicted to be no less valuable to potential candidates, and perhaps even see their value increase as leadership positions would be more often rotated and available earlier in a Congress member’s career (*An Analysis of the Impact*). Leadership roles had been an issue of particular importance in the early/mid 1990s as only 1 of the 110 freshmen representatives served on the Joint Reform Committee that was tasked with (and failed in) addressing the public’s demand for change (Mason). Term limits were seen as a solution to the leadership issue as well.

The term limit argument was dramatically changed after the Supreme Court struck down state-imposed congressional term limits in the Thornton decision. Using the states that adapted congressional term limits as models, it seems that between eight and ten additional states would have likely incorporated similar measures had the Supreme Court not struck down such limits (Lopez and Jewell). Members of Congress had their views on term limits changed by the decision as well. Those in term-limited states were much more likely to favor term limits before the case was decided. Afterward, however, they were just as likely to vote against term limits as their counterparts who were never been limited. This is a result of a power imbalance created when only some states had term limits. Those who were limited were at a disadvantage to those who were not, so they sought to impose it on all members. Likewise, those who were not limited hoped to maintain their superior position. However, “Thornton took away the strategic imperative, leaving constituent interests to then play a larger role in explaining the second vote” (*Congressional Voting on Term Limits*).\

Since the Thornton decision, research on term limits has largely focused on the impact of limits on politics at the state level. Lopez, for example, found no direct correlation between term limits and decreased state spending, but did find that the value of term limited offices is lower than non-limited ones. As a result, he suggested that efforts to reform legislative politics

shift their focus to campaign finance reform (Lopez 2003). Multiple studies have found that term limits have potential negative effects on budget balance and bond rating. (Cummins; Lewis). A study of the admittedly extreme case of Florida found that those experiencing term limits were more likely to oppose them, and claimed that lobbyist and legislator opinions concerning term limits were not governed by self-interest (Weissert and Karen).

Others have warned against the erosion of the current system, as it fosters development and quality over time (Mondak). Although less directly critical, some consider term limits to be a short-term solution to much more complex problems (Richardson, Konisky, and Milyo). Despite the higher levels of term limit approval among Republicans, the party generally in the minority, there was no relationship found between term limits and increased minority party victories (*Minority Party Gains*). Of course some new scholarship does not take a stance, but rather hopes to study and learn. As Christopher Mooney observes, “the reform’s theoretical and methodological advantages will yield a greater contribution to our understanding of politics, policymaking, and political behavior than any new institution since the direct initiative (Mooney 219-220).

Of particular importance among modern term limit theory are the various institutional effects of such a measure. Another study looking at the unique case of Florida found that, while term limits successfully increased turnover rates, “it is increasingly clear that potential challengers for a seat will likely wait for the seat to open, rather than compete against a popular and well-funded sitting legislator. Ironically, rather than hurting incumbents, term limits, at least during the length of the term, are likely to keep an incumbent safe” (Prier and Wagner, 118). While term-limited incumbents might enjoy more security, it comes at the price of decreased power in the legislative branch compared to the executive (Carey). Bureaucracies, however, see their importance and influence increased by term limits, as the consistent influx of new legislators requires an informed and helpful staff (Nicholson-Crotty and Miller). An examination of six states—Oregon, Colorado, Maine, and California with term limits, Illinois and New Mexico without—showed bill complexity generally declining when term limits were implemented. California was the exception, however, and “one supported explanation is that the presence of large staffs can insulate legislators from the effects that term limits would otherwise bring by shortening their time horizons” (Kousser 425).

Term limits have implications for candidates and legislators as well. First, it is important to understand how these individuals make decisions. Classic ambition literature plays an important role in establishing an understanding of candidates’ decisions. No two politicians act exactly alike or experience the same environment and circumstances, so adherence to one’s constituency cannot be uniformly addressed. That said, candidates and representatives hold many things in common, and so-called “safe-seats” generally require a tremendous amount of work to maintain (Fenno).

Political ambition seems to develop over time, and “as a politician invests in one office, even if he has little desire at the time to seek higher offices, he is altering his evaluation of other offices in a potential career sequence” (Black 159). It has been demonstrated that office value, chance of success, and being a risk-taker all influence a candidate’s decision to run for office (Rhode). Regarding tenure, junior congressional members are significantly less involved than their senior counterparts (Hibbing). On the financial side, wages after leaving office are

significantly increased with congressional experience. Non-monetary perks of office are also significant enough to be a major factor when considering running for reelection. Incumbents also experience selection bias when considering running for reelection or higher office (Diermember, Keane, and Merlo).

Regarding elections, it has been demonstrated that running unopposed it likely to result in legislators who are less active as law makers (Konisky and Michiko). Running opposed, on the other hand, makes incumbents appear as stronger candidates, while weakening the appeal of challengers (Jacobson 1978). Once elected, there are serious implications for officials considering running again in the future. Individuals who have been previously elected are viewed by the public as quality candidates, even though the effects of a previous victory may be indirect, indicative of the factors which got them elected in the first place (Maisel, Stone, and Maestas 1999). Furthermore, institutions from which candidates emerge have “an important influence on the choice that citizens have in House elections”, especially where professional legislatures are concerned (Maestas, Maisel, and Stone 1999).

Despite the variety of actions and behaviors exhibited by legislators and candidates, general patterns do exist. As such, introducing term limits has the potential to produce fairly uniform changes. Term limits encourage state legislators to run for the U.S. House of Representatives, while “in states without term limits, the risks are much greater for state legislators who run for Congress because they are sacrificing their current positions to do so” (*The Impact of Term Limits* 656). Term limits also decrease the number of same-party challengers to termed-out legislators running at the next level, while increasing the likelihood of challenging an incumbent (Birkhead, Uriarte, and Bianco). Additionally, term limited legislators are less likely to seek reelection, and those who are termed out are less likely to win at the next level than those who leave early (Lazarus). These factors all support the rational entry model, which theorizes that candidates consider the opportunity costs of running for office. Limiting terms significantly decreases the opportunity cost of challenging an incumbent in Congress. So, “by increasing the supply of challengers who are willing and able to mount strong campaigns, term limits in state legislatures may increase electoral competition for the United States House of Representatives” (Steen 442-443).

Research Question and Design

Despite an extensive literature surrounding the term limit question, the effects of state-level legislative term limits on next level turnover have been largely neglected. Do state-level legislative term limits increase turnover at the congressional level? The goal of this study, then, is to address the effects state-level legislative term limits may have on congressional turnover. This will be accomplished by comparing U.S. House election statistics in states that have instituted term limits to those which have not instituted term limits from the 104th to 112th Congress.

As of January 2013, fifteen states have enacted some form of legislative term limit (see Table 1). Table 2 breaks down each state by type of term limit imposed—consecutive or lifetime—as well as the length of the limit. Six states have repealed term limits they had previously installed. The states which have repealed term limits are listed in Table 3.

Table 1: Term Limited States¹

State	House			Senate		
	Year Enacted	Limit	Year of Impact	Limit	Year of Impact	% Voted Yes
CALIFORNIA	1990	12	1996	12	1998	52.2
COLORADO	1990	8	1998	8	1998	71
OKLAHOMA	1990	12	2004	12	2004	67.3
ARIZONA	1992	8	2000	8	2000	74.2
ARKANSAS	1992	6	1998	8	2000	59.9
FLORIDA	1992	8	2000	8	2000	76.8
MICHIGAN	1992	6	1998	8	2002	58.8
MISSOURI	1992	8	2002	8	2002	75
MONTANA	1992	8	2000	8	2000	67
OHIO	1992	8	2000	8	2000	68.4
SOUTH DAKOTA	1992	8	2000	8	2000	63.5
MAINE	1993	8	1996	8	1996	67.6
LOUISIANA	1995	12	2007	12	2007	76
NEVADA	1996	12	2010	12	2010	70.4
NEBRASKA	2000	n/a	n/a	8	2006	56

Table 2: Type of Term Limits²

Limit in Years	Consecutive	Lifetime Ban
6 house / 8 senate	--	AR, MI
8 total	NE	--
8 house / 8 senate	AZ, CO, FL, ME, MT, OH, SD	MO
12 total	--	CA, OK
12 house / 12 senate	LA	NV

¹ Bowser, Jennie D. "The Term Limited States." *Chart of Term Limits States*. N.p., Jan. 2013. Web. 18 Dec. 2013.

Data obtained from <http://www.ncsl.org/research/about-state-legislatures/chart-of-term-limits-states.aspx>

² Id.

Table 3: Repealed Term Limits³

State	Year Repealed	Year Enacted	Who Repealed?
MASSACHUSETTS	1997	1994	State Supreme Court
WASHINGTON	1998	1992	State Supreme Court
IDAHO	2002	1994	Legislature
OREGON	2002	1992	State Supreme Court
UTAH	2003	1994	Legislature
WYOMING	2004	1992	State Supreme Court

The central hypothesis of my study is as follows: *the presence of state-level legislative term limits will increase the turnover rates in the House of Representatives*. In assessing the hypothesis, there are also a number of potential confounds. The “swing state”, or rather swing district, quality and nation-wide ideological shifts could also affect turnover rates. Both party and the professionalism of a legislature could have a significant impact. Ideological strength, too, could affect my results. Furthermore, states which have enacted legislative term limits might have been more prone to extreme legislative longevity than non-limited states, or experience other fundamental differences from their non-limited counterparts. Despite these intervening factors, however, a general trend may emerge.

Data⁴

My data set consisted of the election results in all U.S. House districts from the 104th to 112th Congresses and was manipulated using IBM SPSS Statistics software. The 104th was chosen as a starting point because it was the first year of impact for state-level legislative term limits. The variables and classifications used in the analysis are available in Appendix 1.

Analyses and Results

The first and most basic test of my hypothesis was a cross-tabulation analysis comparing turnover in the House with the presence of state-level legislative term limits (see Table 5). 16.7 percent of seats in states with term limits were turned over compared to 15.2 percent in states without term limits. The 1.5 percent difference between these figures was not statistically significant at 0.286.

³ Id.

⁴ Data obtained from DW-Nominate at <http://voteview.com/dwnomin.htm>

Table 5: Seat Turned Over * Term Limits Dummy Crosstabulation

				Term Limits Dummy		Total
				No	Yes	
Seat Turned Over	No	Count	2106	866	2972	
		% within Term Limits Dummy	84.8%	83.3%	84.4%	
	Yes	Count	378	173	551	
		% within Term Limits Dummy	15.2%	16.7%	15.6%	
Total		Count	2484	1039	3523	
		% within Term Limits Dummy	100.0%	100.0%	100.0%	

A binary logistic regression with term limits, party, professionalism, swing years, and ideological strength as covariates and turnover as the dependent variable, however, indicate that term limits were a significant factor at 0.003 significance (see Table 6).

Table 6: Variables in the Equation

	B	S.E.	Wald	Df	Sig.	Exp(B)
party	.006	.001	33.050	1	.000***	1.007
professionalism	.172	.048	12.788	1	.000***	1.187
Swing	.670	.119	31.573	1	.000***	1.955
termlimits	.332	.112	8.857	1	.003**	1.394
ideostr5	-.277	.040	47.017	1	.000***	.758
Constant	-2.519	.200	157.798	1	.000***	.081

a. Variable(s) entered on step 1: party, professionalism, Swing, termlimits, ideostr5.

b. *** Sig <.001; ** Sig <.01

Unfortunately, Figure 1 reveals a potential problem with the analysis. A huge spike in turnover accompanied the 107th Congress, and turnover was much higher for term limited seats during that Congress. The most likely explanation is that the term of the 107th Congress included a redistricting year. Turnover numbers were much higher as a result of the redrawn districts. A second analysis that excludes this problematic year is therefore appropriate. The crosstabulation that excludes the 107th Congress, Table 7, reveals a situation opposite that of Table 5. 13.7 percent of seats in states with term limits were turned over compared to 14.3 percent in states without term limits. Like the first crosstab, the 0.6 percent difference between these figures was not statistically significant at 0.650.

Figure 1: State Legislative Turnover, 104th through 111th Congress by Term Limits

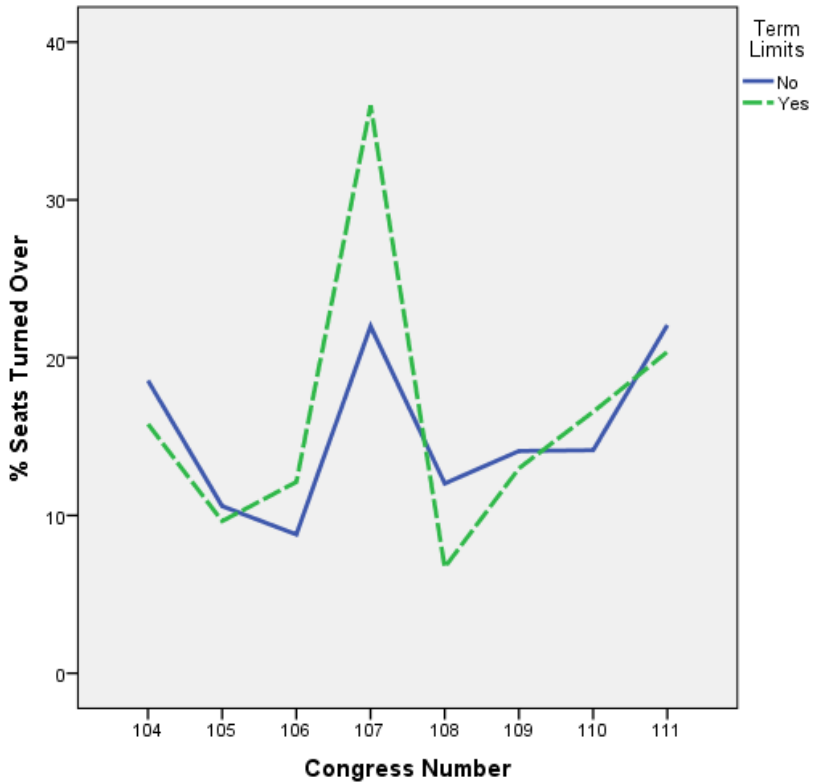


Table 7: Seat Turned Over * Term Limits Dummy Crosstabulation (Excluding Election for 107th Congress)

			Term Limits		Total
			No	Yes	
Seat Turned Over	No	Count	1879	777	2656
		% within Term Limits Dummy	85.7%	86.3%	85.9%
	Yes	Count	314	123	437
		% within Term Limits Dummy	14.3%	13.7%	14.1%
Total	Count	2193	900	3093	
	% within Term Limits Dummy	100.0%	100.0%	100.0%	

Finally, a second binary logistic regression with term limits, party, professionalism, swing years, and ideological strength as covariates and turnover as the dependent variable under the new conditions places term limits as not significant at 0.091.

Table 8: Model 2 (Excluding 107th Congressional Election)

	B	S.E.	Wald	df	Sig.	Exp(B)
Party	.007	.001	31.714	1	.000	1.007
Professionalism	.229	.053	18.436	1	.000	1.258
Swing	.875	.124	49.755	1	.000	2.399
Step 1 ^b termlimits	.215	.127	2.857	1	.091	1.240
ideostr5	-.333	.046	53.222	1	.000	.717
Constant	-2.770	.227	148.533	1	.000	.063

a. exclude = 0 (FILTER) = Selected

b. Variable(s) entered on step 1: party, professionalism, Swing, termlimits, ideostr5.

Discussion

My final analysis indicates that state-level legislative term limits are not a significant factor in U.S. House turnover rates. It reaffirms that several factors, namely party, professionalism of a state legislature, swing years, and ideological strength, all have a significant impact on those turnover rates. This study concludes with a suggestion that more data be collected and more tests run. Given my results and the literature, however, it is highly unlikely that the adoption of state-level legislative term limits is a good way to increase turnover in the U.S. House.

The second regression analysis took a critical factor into account in the form of redistricting during the 107th Congress. As a result, it is the more important of the two. The 0.091 significance level is outside the more acceptable 95 percent threshold considering the large sample used in the study. I fail to reject the null hypothesis. Party, professionalism, swing years, and ideological strength all remained highly significant. The shift of term limits from significant to insignificant factor in turnover suggests there may be a relationship between states with term limits and U.S. House turnover during redistricting years. With only 1 Congressional term of data on the subject, however, it would be reckless to make many assumptions.

There were some factors that I failed to take into account. Both length of incumbency and the competitiveness of districts play a role in turnover, and accounting for these would have resulted in a more accurate picture of the effects of term limits. Comparing each state with term limits to itself before instituting said limits could have provided another level of understanding. Future studies should incorporate all of these.

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Appendix 1: Key Variables

state	String	7	0	State Name	None	None	7	Left	Nominal
district	Numeric	12	0	District Number	None	None	2	Right	Scale
congress	Numeric	12	0	Congress Number	None	None	2	Right	Scale
name	String	11	0	Member Name	None	None	8	Left	Nominal
Turnover	Numeric	8	0	Seat Turned Over	{0, No}...	9	2	Right	Nominal
idnumber	Numeric	12	0	ICPSR ID	None	None	5	Right	Scale
statecode	Numeric	12	0	State Code	None	None	3	Right	Scale
party	Numeric	12	0	Party Code	{100, Democrat}...	328	3	Right	Scale
partisanship	Numeric	12	4	DWNominate Score	None	None	4	Right	Scale
termlimits	Numeric	8	0	Term Limits Dummy	{0, No}...	9	8	Right	Nominal
professionalism	Numeric	8	2	Professionalism	{1.00, Very High}...	9	3	Right	Nominal
ideostr	Numeric	8	2	Ideological Strength	None	None	3	Right	Scale
Swing	Numeric	8	2	Swing Year	{.00, No}...	None	2	Right	Nominal
ideostr5	Numeric	5	0	Ideological Strength (Binned)	{1, Very weak}...	None	2	Right	Ordinal
exclude	Numeric	8	2	Years Excluded	{.00, Included}...	9	3	Right	Nominal
filter_\$	Numeric	1	0	exclude = 0 (FILTER)	{0, Not Selected}...	None	10	Right	Nominal

