Presidential Term Limit Contravention: Abolish, Extend, Fail, or Respect?

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Abstract

Since presidential term limits were (re)adopted by many states during the third wave of democratization, 221 presidents across Latin America, Africa, the Middle East, and Asia have reached the end of their term(s) in office. Of these, 30% have attempted to contravene term limits, resulting in either full abolition, one-term extensions, or failure. What explains these divergent trajectories? I argue that trends in electoral competition over time best predict term limit outcomes, with noncompetitive elections permitting full abolition, less competitive elections allowing for one-term extensions, and competitive elections leading to failed bids. This is because electoral trends provide informational cues to the president's co-partisan legislators and constitutional court judges (the actors who ultimately rule on constitutional term limit amendments) about the cost/benefit analysis that voting to uphold or repeal term limits would have on their own political survival. These findings suggest a linkage between political uncertainty and constitutional stability more generally.

Keywords

presidents and executive politics, constitutions, institutions and institutional change, quality of democracy, term limits

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During the rewriting of national constitutions in states across the world during the "third wave" of democratization (1970s-1990s), many drafters sought to rein in the power of presidents who had previously dominated political life in their polities. One almost universal constitutional provision that was adopted toward this end was a clause limiting the number of terms in office the president could serve in succession. While the precise tenure restriction varied across states and regions (with many Latin American states opting for a single term and African, Middle Eastern, and Asian countries generally setting two-term rules), the aim of these term limit laws were the same: to promote turnover in the executive office and foster horizontal accountability between government branches in the new democratic regime. At the time of adoption, these formal institutions promised to end the tradition of "presidents for life" that had undermined constitutionalism and the rule of law for so long.

However, since term limit laws were adopted into third-wave constitutions, the record of adherence to these rules has been decidedly mixed. Of the presidents in third-wave regions who have reached the end of their final constitutionally mandated term in office, nearly one third have attempted to circumvent term limit laws. Of those who attempted to contravene term limits, 33% were able to abolish tenure restrictions altogether, 45% secured a one-term extension, while 22% failed to change term limit laws and were compelled to step down as scheduled. Interestingly, in almost every case, changes to term limit laws have been made during settled (not transitional) political periods through the proper formal procedures for constitutional change, namely an amendment vote in the legislature, an interpretive decision by the constitutional court, or a popular referendum. This is in contrast to the informal use of brute force, questionable executive decrees, or authoritarian obfuscation that had characterized declarations of life presidencies in earlier eras, which has led Posner and Young (2007) to argue that term limit struggles have actually contributed to institutional adherence in young democracies. However, even though presidents who evade term limits through these legal channels are technically following the letter of the law, Omotola (2011) contends that they are running afoul of constitutionalism, tending toward personalism, and may actually be propagating new forms of neopatrimonialism by their abuse of state resources for their term extension campaigns. As Ginsburg, Melton, and Elkins (2011) contend, "[d]emocracy is ultimately about processes, not personalities, and there is something unseemly about rulers who reengineer higher law to facilitate personal ambition" (p. 1831).

This observed variation in the stability and enforcement (Levitsky & Murillo, 2009) of presidential term limit rules raises a series of interesting

puzzles. First, why are some presidents constrained by constitutional limits on executive tenure while others are able to circumvent these very same provisions in their countries' constitutions and remain in power? Furthermore, among the cases of successful contravention, why are some presidents able to fully abolish term limits whereas others must settle for only one additional term in office? Finally, what explains why some presidents fail in their attempt altogether? The answers have implications for theories of institutional change as they speak to a broader question: Under what conditions do formal constitutional rules, once adopted, become effective constraints on the power of the actors who *themselves* make the rules?

Much of the existing scholarship on term limit contravention focuses on traits of presidents that may affect their willingness to attempt to circumvent the rules, such as their popularity (Corrales, 2016), military background or party founder status (Dulani, 2011), and the value they have been able to capture from rent seeking while in office (Baturo, 2014). Other studies look beyond traits of the president and posit that variation in power asymmetries between the president and the opposition drive divergent term limit outcomes (Corrales, 2018). However, this literature has tended to undertheorize a key fact: that the decision to lift or uphold term limit laws ultimately lies in the hands of the president's own party (as the plurality in the national legislature) or constitutional court, as these are the two bodies that have the power to amend or interpret constitutional rules. In fact, when attempts to lift term limits fail, it is usually because the bid is derailed by the president's co-partisans in the legislature or by presidential appointees to the high court, which seems puzzling. Thus, the main goal of this article is to develop an expanded theory to explain the observed variation in term limit adherence that incorporates the strategic calculations and capacity of these two veto players.

To this end, I examine presidential term limit adherence from 1975 through mid-2018 across third-wave states with presidential or semi-presidential systems of government. The 221 president cases included in the analysis offer a rich source of variation in term limit adherence outcomes from the full abolition of term limits, one-term extensions, failed attempts at contravention, and no attempt to change term limit rules. By seeking to theorize and explain each of these different term limit outcomes separately, especially the understudied causes of failed attempts, and the differences between cases of full abolition versus one-term extensions, this study goes well beyond the explanatory scope of previous scholarship on term limit contravention (see, for example, Baturo, 2014; Corrales, 2016; Kouba, 2016; VonDoepp, 2005a).

Based on a series of statistical analyses informed by case-study vignettes, I argue that trends in interparty electoral competition best explain the

observable pattern of term limit adherence outcomes due to the affect that such competition has on intra-ruling party dynamics. Specifically, term limits are more likely to be challenged and ultimately relaxed when electoral competition has been consistently low or in decline over recent election cycles. Furthermore, when attempts at term limit contravention are further disaggregated, evidence shows that term limits tend to be fully abolished in the most noncompetitive polities, extended for one additional term in less competitive electoral environments, and that attempts fail when recent elections have trended more highly competitive. Echoing the robust scholarship linking electoral uncertainty to institutional choice (e.g., Chavez, 2004; Grzymala-Busse, 2007; Luong, 2002) and expanding upon recent findings relating ruling-party independence to term limit outcomes in Latin America in particular (Corrales, 2018; Kouba, 2016), I hypothesize that recent trends in electoral competition affect term limit outcomes specifically through the mechanism of informational cues these trends provide to either the legislators or constitutional court judges who are deciding the fate of term limit amendments. These cues provide both information about the ruling party's ability to win future presidential elections, and information about the degree of leverage the ruling party has over the future political careers of the legislators and judges to cajole them into voting the party line. In the end, it is the strategic calculations and professional vulnerabilities of ruling party legislators and appointed judges, rather than the interests of the president, that determine whether term limit laws are upheld or breached. Thus, this article's main contribution to the comparative literature on executive politics is that power asymmetries affect intra-ruling party dynamics surrounding questions of presidential power, not just ruling party–opposition dynamics as is generally assumed.

The article will proceed as follows. The first section briefly discusses the history of presidential term limits across the third-wave regions and describes in detail the recent observable variation in term limit adherence across the relevant country cases. The next section surveys the current literature that seeks to explain the recent trend of leaders circumventing term limit rules, followed by a third section that introduces my argument linking electoral competition to variation in term limit contravention outcomes based on brief comparative vignettes of Uganda and Zambia. Next, a series of statistical analyses test the relationship between electoral competition and the range of various term limit outcomes in third wave liberalizers: (a) successful contravention (vs. stepping down from office on schedule), (b) full abolition (vs. a one-term extension), and (c) failed attempts (vs. both successful attempts and non-attempts). Finally, the concluding section discusses implications of the findings.

Executive Term Limits in Theory and Practice Across Third-Wave Liberalizers

Presidential term limits are formal, legal restrictions on the maximum length of time that one person may serve in the office of president. Exact tenure restrictions differ across states: Some institute a lifetime cap while others only limit consecutive terms in office; term lengths vary between 4 and 7 years; and the total number of terms is generally capped at one or two, though a few states adhere to a three-term limit. In almost all cases, term limit provisions are enshrined in national constitutions. Even though presidential term limits are widespread among democratic states today, imposing tenure restrictions on the executive is not a necessary tenet of democracy (indeed, the United States did not adopt presidential term limits until 1951, 175 years after the establishment of the democratic system). In discussing the debate, Corrales and Penfold (2014, p. 158) note the classical liberal argument that term limits are actually antidemocratic in that they restrict voter choice, infringe on candidates' rights, and decrease lame duck presidents' accountability to citizens. Alternatively, some argue that in nascent democracies emerging from strongman rule, presidential term limits can strengthen democracy by promoting the rule of law over the rule of man, facilitate peaceful alternations of power across (and also within) parties, lower the chance of rebellion, and generally guard against the tyranny that unlimited incumbent advantage can enable (Ginsburg et al., 2011).

States in most developing regions (except for Latin America) adopted presidential term limits for the first time during the third wave of democratization. Independence constitutions written between the 1920s and 1960s in sub-Saharan African, North African, and Middle Eastern states generally followed their former British or French[1] colonial powers and did not formally place limits on executive tenure.[2] This resulted in life presidencies for many leaders, such as Houphouet-Boigny in Côte d'Ivoire, Bourguiba in Tunisia, and Hafez al-Assad in Syria. In South, Southeast, and East Asia, presidential term limits were also rarely included in independence or early constitutions of the 1930s-1970s. Only in the Philippines, Taiwan, and South Korea were they briefly adopted before being quickly erased by strongmen rulers who came to power in subsequent decades. Similarly, across Eastern Europe and Central Asia, first secretaries of the various Soviet republics were not subject to tenure restrictions, and most held on to the office until death. Latin America is the only region with a continuous history of executive term limits prior to the third wave. In response to the dictatorial rule of many nineteenth century leaders, most Latin American states enacted constitutional bans on reelection upon or in the decades following independence from Spain and Portugal

(e.g., Argentina, 1853; Colombia, 1821; Peru, 1822; Chile, 1971; Brazil, 1891) (Carey, 2003, p. 122). Yet these early tenure rules were flaunted by a number of civilian leaders in the 1920s-1930s and largely overturned by military juntas in the 1960s-1970s.

It was not until the democratic transitions of the 1970s-1990s that presidential term limits were widely adopted (or readopted in Latin American cases) across the global south. At that time, such limits were implemented in response to the highly uncertain electoral environment of third-wave transitions, often by outgoing single-party regimes as a type of institutional "insurance mechanism" (Ginsburg, 2003) to ensure that if the incumbent party lost the first multiparty presidential election, they would be able to compete for subsequent elections on equal footing (McKie, 2017). Yet despite the impressively widespread adoption of presidential term limits during this era, these new tenure laws began to be challenged in all regions as early as the mid-1990s, and the trend has gained momentum ever since. Maltz (2007) identified two different methods by which term limits have been relaxed: "hard contravention," which is the total abolition of tenure restrictions on the executive, and "soft contravention," where the number of consecutive terms a president can serve is extended for one additional term. Between 1975 and June 2018, a total of 221 presidents from third-wave regions reached the end of their constitutionally mandated final term in office. Of these, 69 presidents (31%) have attempted to circumvent term limits, with 23 succeeding at fully lifting term limits, 31 achieving one additional term in office, and 15 failing in their attempt. The remaining 69% of presidents chose to step down without incident in accordance with the term limit laws that were in force at the time they took office. While there is some regional variation in the frequency of attempts and the balance between the use of soft versus hard contravention, each of the third-wave regions feature instances of the full range of term limit outcomes. What explains this striking variation in the adherence to recently adopted term limit laws across third-wave cases?

Approaches to Explaining Constitutional Amendment of Term Limit Rules

The increasingly widespread contravention of presidential term limits constitutes a trend toward the passing of constitutional amendments largely in the absence of any exogenous shock that would otherwise precipitate constitutional reform.[3] Among the current scholarship that seeks to explore the phenomenon of challenges to presidential term limit rules, causal explanations for when amendments will be attempted and subsequently succeed fall primarily into a few distinct schools of thought.

Some scholars offer structural explanations for variation in term limit outcomes. For example, Reyntjens (2016) argues that as the level of democracy in a country increases, the likely hood of term limit contravention decreases. Others, such as Negretto (2013), posit that more restrictive reelection rules upon entry into office may depress attempts to extend time in power, as a norm against no reelection may be harder to break than extending the number of reelections from one to two. External constraints may also play a role, according to Dulani (2011) and Posner and Young (2018), who theorizes that term limits are less likely to be challenged in states that receive a higher level of foreign aid due to the government's fear of running afoul of good governance conditionalities on aid disbursements should term limits be lifted.

In an alternative to structural arguments, much of the resent scholarship on term limit contravention has taken a more actor-centric approach, and focuses primarily on one actor—the president herself or himself. These studies have argued that differences in traits of presidents drive the observed variation in term limit outcomes. For example, various scholars have argued that presidents who have a military background (Dulani, 2011), who are founders of their party (Baturo, 2014), who are younger (Posner & Young, 2018), and who are more popular, as measured as securing a higher share of the votes in previous election (Dulani, 2011; Posner & Young, 2018), are more likely to attempt to contravene term limits. Alternatively, Baturo (2014) argues that presidents cross-nationally are more likely to attempt to cling to power when they have been able to greatly enrich themselves in office and have immunity concerns. He theorizes that this is because presidents who have more to potentially lose from stepping down will exert greater effort to lift term limits and remain in office. Guliyev (2009) develops a similar resource-based argument to explain why presidents seek to contravene term limits across Eurasia. However, these arguments are incomplete because, while presidents may desire to lift term limits to keep capturing the spoils of office, they do not hold the power to pass or certify changes to term limit rules themselves. That power instead resides with legislatures and constitutional court judges.

Moving beyond the president to look at these actors who do hold the power to amend constitutions, the rich literature on bargaining and pacting during initial constitution-writing at the time of democratization (see, for example, Colomer, 1995; Geddes, 1996; Przeworski, 1991) offers a good starting point for thinking about how asymmetries in the power balance between regime incumbents and opposition parties may also affect later constitutional amendments such as changes to term limit laws. For example, Corrales (2016, 2018) maintains that the strength of the incumbent president vis-à-vis the opposition, measured as high public opinion approval ratings and the share of seats the president's party controls in the legislature, best

explains variation in term limit contravention across Latin American cases. He argues that all presidents want to maximize their power by "self-dealing" themselves fewer restrictions on term limits, but will only be able to achieve their goal if they have greater leverage over the opposition, who seek to impose greater restrictions on executive power (Corrales, 2018, pp. 195-196). However, in a number of failed attempts at term limit contravention, it is members of the president's own party (and not opposition) who ultimately block the amendment. This necessitates a shift in focus away from incumbent/opposition asymmetries and toward a focus on internal ruling party dynamics.

Yet the handful of previous, region-specific studies of term limit contravention that do focus on the principal–agent dynamics between the president and members of the ruling party have produced a number of divergent findings. In the Latin American context, Kouba (2016) argues that more institutionalized parties rein in presidential ambitions to extend terms, whereas VonDoepp (2005a) contends the exact opposite—that high party cohesion was necessary to compel ruling party MPs to acquiesce to presidents' wishes on the term limit amendment in some African cases. Corrales takes a middle path and suggests that the degree to which the ruling party is autonomous from their co-partisan president can affect term limit outcomes in *both* directions. He argues that less autonomous parties sometimes aid less popular presidents such as Fujimori in Peru and Ortega in Nicaragua in contravening term limits, whereas more autonomous parties often block popular presidents, such as Lagos of Chile and Duarte in Paraguay, from changing the constitution to extend their time in power (Corrales, 2018, pp. 213-214). However, none of these theories that link party institutionalization to term limit outcomes take into account the fact that, in some cases, judges, not legislators, ultimately rule on term limit challenges.[4]

Thus, to fully understand the variation in contravention outcomes across cases, we need to develop a comprehensive theory that can explain the actions of *both* ruling party MPs and constitutional court judges cross-regionally. After all, the logic of horizontal accountability would suggest that legislators and justices should generally prefer to limit the executive's power to ensure that parliaments and courts remain strong vis-à-vis the executive and thus avert the creation of a hyper-presidential system. However, the fact that these institutional bodies have voted to weaken tenure rules for nearly a quarter of post–third wave presidents necessitates exploring why these actors behave seemingly counterintuitively to facilitate an extension of executive power. To inform the building of a theory of term limit contravention that is centered around these actors who hold the ultimate power to change the constitution, the next section will present vignettes that explore the rationale of legislators

and the pressures on judges in Uganda and Zambia as they approached the vote on the amendment to abolish term limits from their constitutions.

Case Vignettes: Uganda and Zambia

Ten years after Uganda and Zambia adopted executive term limits into their constitutions for the first time, the presidents of both states attempted to use their ruling-party dominated legislatures to repeal constitutional limits on their tenure. However, their success differed markedly. In 2005, the Ugandan parliament, at the behest of President Yoweri Museveni, lifted the two-term limit placed on the executive by the 1995 constitution. Just 4 years prior in 2001, then-president of Zambia, Frederick Chiluba, had grudgingly stepped down after the National Assembly refused to repeal the term limit clause in the 1991 constitution. These divergent outcomes are surprising due to the many political, economic, and historic similarities between the two states.

Interviews in both countries with members of parliament who were involved in the term limit debate revealed that many ruling party legislators in both Kampala and Lusaka in theory wanted to uphold term limit laws due to their personal commitment to democratic principles such as turnover of office-holders and horizontal checks and balances (personal communication, October 2007-August 2008). However, their rational concerns about their party's (and by extension, their own) ability to compete for power and win reelection in the medium-to-long term is what ultimately drove MPs' votes on the term limit issue. To gauge their prospect for reelection, MPs assessed the recent trends in electoral competition between their party and opposition forces. Informants explained that electoral competition trends provided them with information on two important considerations regarding the term limit vote: first, the likelihood of an opposition party candidate winning the presidency in the near future and second, MPs' chances of successfully defecting to another party but retaining their seat should they be purged from the ruling party for voting against the term limit bill. In short, their decision about lifting executive term limits was predicated on the level of electoral competition they perceived between their party and opposition forces on the eve of the amendment vote.

In Uganda at the time of the term limit debate in 2005, the ruling NRM party had recreated a highly centralized de facto one-party political system that saw the NRM's vote share in the legislature rise from 57% in 1996 to around 80% in 2006.[5] With opposition parties racked by internal divisions and the NRMs' genuine popularity among citizens, this electoral trend seemed poised to continue. The NRM sustained party discipline through

patron–client linkages that emanated from President Museveni and were strictly enforced through credible threats of "decampaigning" of errant MPs. Decampaigning meant that the party would actively promote a primary challenger against their own sitting MP. Likewise, the party signaled to judges on the Supreme Court that they were vulnerable to removal if they were seen as opponents of the NRM government by passing a 2002 cabinet resolution that significantly reduced the experience requirements for appointment to the Court, thus making their replacement much easier (Dulani, 2011, p. 226). The low level of electoral competition and the credible threat of decampaigning led one Ugandan MP who was personally in favor of retaining term limits to lament "Some constituencies were not ripe to accept opposition to the NRM. So, . . . [m]any MPs realized that if they were to go with the opposition, they would lose their constituencies" (personal communication, January 17, 2008). Thus, with no viable opposition parties to defect to should they be purged from the NRM for choosing to break ranks with the party, Ugandan MPs were compelled to repeal the term limit clause in the constitution to retain their own positions within the party.

Alternatively, in Zambia, even though the ruling MMD party controlled more than two thirds of the seats in the legislature at the time, the amendment to lift term limits for Chiluba did not pass. This is because increasingly competitive elections created very different incentive structures for MMD MPs regarding the term limit question. As one MMD minister at the time reported, "Discipline in the MMD broke down and the party was fracturing as new [opposition] parties were growing. Twenty-two prominent [MMD] members left the party, and backbenchers went with who they thought would win" (personal communication, August 6, 2008). As a result, the MMD's vote share in elections decreased over time from nearly 75% in 1991 down to just 28% by 2001. In addition, President Chiluba's popularity had also fallen since his second election following his implication in a corruption scandal. Thus, many MMD MPs feared a scenario where they lifted term limits so Chiluba could run again only to have an opposition candidate win the presidency in the next election. Yet, even though the MMD party central committee attempted to compel MPs to support the abolition of term limits by threatening to decampaign any who did not vote the party line, the increasing competitiveness of elections provided MPs a way to circumvent that threat. According to an MP, elected representatives in Zambia

> are not bound to their so-called traditional parties. You could have been MMD for five years and you could leave MMD to join another party and you could be embraced in another party and vice versa. I think people are very free here to move between parties . . . and are able to be re-elected where chance affords

them. It doesn't exist here that you are suspect [if you switch parties]. (Personal communication, July 24, 2008)

Thus, with opposition parties growing in electoral strength, MMD MPs had the ability to vote against the MMD's term limit proposal and still win reelection to their seat under the banner of another party should the MMD attempt to decampaign them. In addition, the MMD members opposed to the term limit amendment reached out to the court for an injunction to stymie Chiluba's attempt in May 2001 to expel them from the party. This signaled to justices that a faction within MMD would protect their seats on the court no matter the ultimate outcome of the term limit debate.

Argument: Trends in Electoral Competition and Term Limit Contravention Outcomes

Based on the evidence from the Ugandan and Zambian cases above, and building on scholarship that has found electoral uncertainty to be a powerful causal factor in actors' choices of political institutions during constitutional moments in general (see Frye, 1997; Jung & Deering, 2015; Luong, 2002), I theorize that trends in electoral competition will best explain variation in term limit contravention cross-nationally. Overall, I maintain that term limits are more likely to be challenged and ultimately relaxed when electoral competition has been consistently low or in decline over the past few election cycles. In particular, term limits are more likely to be fully abolished in states with noncompetitive electoral trends but only extended for one term in states with less competitive elections. Furthermore, in states where elections have remained or grown more competitive over time, presidents are more likely to step down from power, either voluntarily or after a failed attempt to contravene term limits. The level of electoral competition can be caused by many diverse factors across different states,[6] and thus it is outside the scope of this article to theorize *why* states' electoral competitiveness changes or remains constant over time. Instead, my point of departure is simply to accept the current electoral competitiveness trend in each case as a given and consider the causal impact of electoral competitiveness on term limit amendment decisions across cases.

As illustrated in the vignettes above, there are two causal mechanisms that I suggest link trends in electoral competition to term limit contravention outcomes. Both of these mechanisms pinpoint ways in which electoral trends impact the strategic calculi of the ruling party legislators and judges who ultimately decide on term limit amendments. First, low or declining electoral competition creates the *perception* among these actors that the

ruling party will continue to win elections into the foreseeable future. This reduces any fear they may have that lifting term limits could inadvertently advantage an opposition party, because the low level of electoral uncertainty makes an opposition win highly unlikely. As such, the ruling party no longer needs the "insurance" that term limit laws originally provided at the time they were adopted (namely, that an opposition party would not enjoy unlimited incumbent advantage), and thus the term limit rule becomes expendable. Alternatively, a higher level of electoral competition compels ruling-party allied parliamentarians and judges to keep the insurance of term limits in place.[7]

However, even if term limit rules are no longer needed, this does not guarantee that ruling party legislators and affiliated judges would automatically vote to scrap them. Here, a second, interrelated causal mechanism linked to low electoral competition comes into play—the *leverage* the president and the party have over ruling party legislators and constitutional court justices. An electorally dominant party can threaten legislators with being "de-campaigned" in the next election or judges with being dismissed from the court if they do not vote the party line. Such a threat is effective because, as Mayhew (1974) famously maintained, legislators are primarily motivated by re-election. Likewise, many have argued that judges are similarly inclined to career protectionism (Baum, 1994; VonDoepp, 2005bb). Scribner (2010) shows that a central finding of the literature on judicial decision-making nascent democracies is that "political fragmentation affords judges greater political room for maneuver" whereas when a president enjoys majority congressional support "judges have an incentive to defer to the executive position rather than risk some form of reprisal" (p. 23), as was seen in the Ugandan case. In this way, low electoral competition creates an environment in which the party is able to blunt the veto-player power of these actors and cajole them into approving term limit amendments. Thus, to avoid censure from the party (and with no ability to switch parties due to low competition), legislators and justices agree to lift term limits to ensure their own political survival even if it weakens their collective institutional power vis-à-vis a strengthened executive.[8]

In terms of the presidents themselves, the degree of electoral uncertainty—and the resulting perception and leverage mechanisms—should also play a role in whether particular presidents begin a public campaign to attempt to lift term limits. I begin from the premise that all presidents would like to extend their tenure in office if they could do so at no cost,[9] but predict they will only make a public attempt at contravention if they have a reasonably certain chance of winning elections into the foreseeable future (perception)

and are fairly certain they can compel a successful coalition among legislators or justices who are willing to approve changes to presidential tenure restrictions (leverage). If they are uncertain of these things, they will step down to maintain the integrity of their party. However, I predict that the presidents who try but fail to get term limits lifted will be those in states with highly competitive elections but who have a compelling personal reason to attempt to relax term limits (e.g., fear of prosecution once out of office), which makes them more concerned with their own freedom than their party's integrity, despite the reputational costs this might entail.

It is important to note that, while the theory developed above has intellectual links with the idea from the traditional pacting literature that power asymmetries drive constitutional outcomes (Colomer, 1995; Corrales, 2018; Przeworski, 1991), it is *not* actually arguing that these power asymmetries are important because they affect the bargaining relations between the ruling party and the opposition. Instead, my argument is novel in positing that, in the term limit amendment cases, the power asymmetry affects the intra-ruling party dynamics between the president, ruling party legislators, and the judiciary. This implies that electoral uncertainty can shape institutional choices even in cases where one party has enough seats in the legislature to pass amendments unilaterally without needing to bargain with opposition forces (as in Zambia). The next section designs a test of this electoral uncertainty hypothesis against other possible explanations for variation in term limit adherence across the universe of cases.

Data Analysis

To assess whether trends in the competitiveness of elections are consistent with the observed variation in presidential term limit contravention, I estimate a series of cross-national statistical models of executive term limit contravention attempts and outcomes. The unit of analysis in this study is the individual national president of a sovereign state who meets the following case criteria:

a. She or he is an elected[10] head of state in a presidential or semi-presidential system, as classified by Elgie (2013, 2016);
b. in a state that is an "electoral democracy," meaning that opposition parties are legally allowed to, and do, contest elections and where elections are (generally) held on a regular basis per electoral law[11];
c. in a region that was part of the third wave of democratization, namely, Latin America; Sub-Saharan Africa; Central, South, Southeast, and East Asia; Eastern and Southern Europe; and the Middle East/North Africa;

d. who reached the end of her final term as mandated by the constitution at the time of entry into the office[12] between January 1975 (the start of the third wave[13]) and June 2018.

In all, there are 221 presidents across third-wave regions who fit the case selection criteria. Some individual presidents are included twice as two separate observations if they served two nonconsecutive times in office (e.g., Preval in Haiti) or if they first extended their tenure for one additional term and then later, during their extended term, term limits were abolished completely (e.g., Niyazov in Turkmenistan). Online Appendix A contains the complete list of the presidents included in the analysis.

To capture the full range of term limit outcomes for the dependent variable, each president included in the analysis was coded into one of four term limits contravention categories: (a) no attempt to contravene, (b) failed attempt to contravene,[14] (c) successful contravention—one additional term, and (d) successful contravention—full abolition.[15] Data for the coding were drawn from constitutional texts collected by the author and by the Comparative Constitutions Project (Elkins, Ginsburg, & Melton, 2014), country legislative gazettes, court rulings, and media accounts of the same. In this study, during the statistical analysis, these categories will often be combined in various configurations to estimate different outcomes of interest (e.g., one-term extension and full abolition combined to estimate "successful contravention"). These various dependent variable specifications will be discussed in the subsequent sections prior to each subsequent model estimation.

Electoral competition, the key explanatory variable of interest, has historically been modeled by measures based on a single electoral cycle, such as the effective number of parliamentary parties (ENPP), the margin of victory (MoV) between the top two parties, or Pedersen's (1979) electoral volatility index. However, these static measures do not fully capture the directional trends in competition over time or accurately reflect the realities of competition in the noninstitutionalized party systems that dominate third-wave states, where election boycotts and party switching make indicators based on one snapshot in time potentially misleading.

To overcome these limitations of classical electoral competition measures, I construct a new measure, *Trends in electoral competition*, which accounts for changes over time in both the direction and degree of electoral strength[16] of parties. Specifically, this indicator classifies cases based on the changes in the MoV between the president's party and the opposition party that garners the most votes over the span of the three most recent legislative elections (ending with the election just after the incumbent president either steps down or extends/abolishes term limits[17]). The competitiveness of legislative rather

presidential elections is analyzed for two reasons: (a) the difficulty in systematically comparing results of one-round plurality to two-round majority executive elections across cases and (b) the perceptions of party strength and leverage over MPs (the causal mechanisms) are more informed by legislative poll numbers than presidential vote totals.[18]

To capture the *degree* of competition, I calculate the MoV for each election by subtracting the percentage points of votes[19] won by the top vote-getting opposition party from the percentage points of votes won by the president's party in each of the three electoral contests. Then, the MoV values from the three elections are assessed in sequence to identify the *directional trend* of competition over time. Based on the observed trend, I then classify each case into one of three categories:

> *Noncompetitive*: The president's party enjoyed a MoV greater than 25%[20] in each of the three legislative elections. Future outcomes in the same vein are highly certain.
> *Less competitive*: The MoV in at least one of the three elections was below 25% in favor of the president's party (but did not fall below 10% in either of the two most recent elections). Future outcomes in the same vein are fairly certain, though less so than in the noncompetitive category.
> *Competitive*: An opposition party came within 10% of the president's party in at least one of the two most recent elections and may have even taken over the legislative majority in some cases (which would produce a negative MoV value). Presidents who were Independents (who have no affiliated party in the legislature[21] and thus a MoV of −100% in legislative elections) are also included in this category. Future outcomes are highly uncertain.

As a robustness check, I also develop and test two alternative specifications of this variable in the statistical analyses. The first alternative specification uses the same three-category coding but changes the cutoff points to 15% and 5% (instead of 25% and 10%), which narrows the scope of elections considered "competitive" and "less competitive." The second alternative specification changes the measure into a continuous variable (rather than a categorical variable) by calculating the average of the MoV values from the three relevant elections.[22]

In addition to trends in electoral competition, a number of alternative explanatory variables linked to earlier studies cited in the literature review are also estimated in the statistical models (Online Appendix B contains the full information on the specification and data sources for all variables). First, to assess the impact of particulars about the president himself or

herself on term limit outcomes, indicators for whether the president was the *party founder*, the *fate of previous presidents* (namely if any over the past 15 years have been prosecuted and jailed, exiled, or even killed once out of office), and the *value of holding presidential office* (the income-generating capacity of the presidency through rent seeking) are included. Second, to assess the effects of foreign and domestic reputational factors, respectively, on term limit outcomes, the degree of *aid dependence* and *economic performance* during the president's time in office are estimated in the statistical models.[23]

All of the statistical models also include a number of control variables that relate to the broader political environment in the country at the end of the president's original term in office. These include the *term limit rule at entry* (one or two terms), *percentage of seats in the legislature* controlled by the president's party, the *degree of horizontal accountability* the other branches of government exert over the executive, the degree to which the state has *free and fair elections*, and the *level of democracy*. While some of these variables may look as if they would be highly collinear with the *trends in electoral competition* variable and each other, a test of variance inflation factors (VIFs) shows that all variables have a VIF score well below 5, which is the common rule of thumb to indicate a problematic level of endogeneity and multicollinearity (see full VIF test results and a variable correlation matrix in Online Appendix C).

Explaining Successful Term Limit Contravention

I employ a series of probit regression models to estimate successful term limit contravention (an aggregate category that combines full abolition and single-term extensions). Probit was selected because the additional tests further disaggregating outcomes presented later in the article employ two-step Heckman selection models that necessitate the use of probit due to the test's assumption of bivariate normality (Bushway, Johnson, & Slocum, 2007, p. 162). Model 1 includes the categorical trend in electoral competition variable and all of the control variables that relate to the broader political environment of each case (term limit rule at entry, president's party's legislative seat share, degree of horizontal accountability, free and fair elections, and level of democracy). Model 2 is identical to the first except that it drops the level of democracy variable as a check against endogeneity and multicollinearity with other political variables. Next, all of the explanatory predictors related to traits of the sitting president are added to Model 3; while in Model 4, the two explanatory variables for domestic (economic performance) and international (aid dependence) reputational factors are estimated along with the controls. Finally, Model 5 includes all explanatory

Table 1. Determinants of Successful Term Limit Contravention Across Third-Wave States, January 1975 to June 2018.

	Model 1	Model 2	Model 3	Model 4	Model 5
Dependent variable: Successful term limit contravention (One-term extension and full abolition combined)					
Trend in electoral competition					
Noncompetitive	1.487***	1.565***	1.428***	1.548***	1.492***
	(0. 41)	(0.40)	(0.42)	(0.42)	(0.43)
Less competitive	1.255***	1.292***	1.202***	1.243***	1.206***
	(0.32)	(0.32)	(0.34)	(0.34)	(0.35)
Term limit rule at entry	0.352	0.367	0.290	0.445	0.385
	(0.27)	(0.27)	(0.28)	(0.28)	(0.29)
Legislative seat share	−0.004	−0.004	−0.004	−0.005	−0.005
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Horizontal accountability	−0.752***	−0.805***	−0.771***	−0.762***	−0.797***
	(0.20)	(0.19)	(0.23)	(0.22)	(0.25)
Free and fair elections	−0.096	−0.145	−0.166	−0.141	−0.209
	(0.21)	(0.20)	(0.21)	(0.21)	(0.22)
Level of democracy	0.044		0.054	0.061	0.067
	(0.06)		(0.07)	(0.06)	(0.07)
Party founder			0.502*		0.465
			(0.29)		(0.29)
Fate of previous presidents			−0.213		−0.179
			(0.27)		(0.27)
Executive corruption			−0.248		−0.300
			(0.89)		(0.90)
Economic performance				−0.043	−0.044
				(0.04)	(0.04)
Aid dependence				−0.028	−0.024
				(0.02)	(0.02)
Constant	−1.644**	−1.304**	−1.407*	−1.538**	−1.256
	(0.73)	(0.56)	(0.85)	(0.77)	(0.90)
N	219	219	219	219	219

Probit regression. Standard errors in parentheses.
*$p \leq .10$. **$p \leq .05$. ***$p \leq .01$. All tests are two-tailed.

and control variables, and is the main model upon which the Heckman tests in subsequent sections of the article will be based. As a robustness check, I estimate this series of tests again using the two alternative specifications for the trends in electoral competition variable discussed earlier. See Online Appendix D for those similar results.

The results of the series of models estimating successful contravention of presidential term limits are presented in Table 1. The results clearly
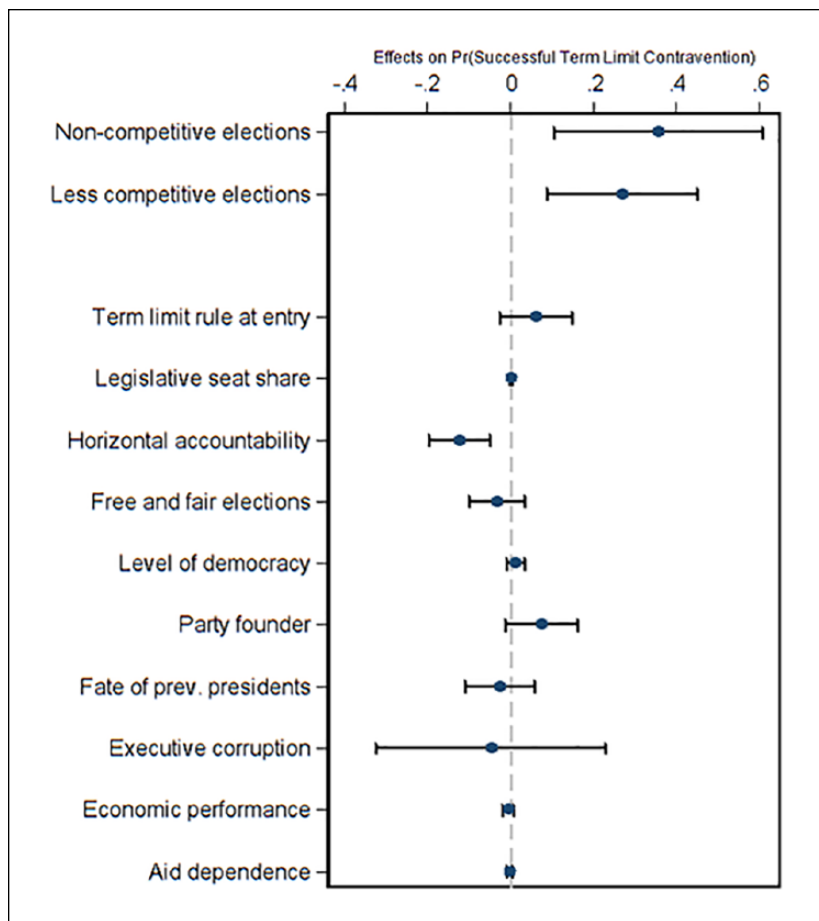
Figure 1. Change in predicted probabilities of successful term limit contravention, with 95% confidence intervals.
Graph shows average marginal effects in predicted probability of successful term limit contravention per one unit change in the variable value. Results based on probit regression Model 5 specified in Table 1.

demonstrate that recent trends in electoral competition is the most signifi-cant factor driving the variation in respect to term limit laws, with the categorical predictors for noncompetitive and less competitive electoral trends and 99% level across all five models. This indicates that lower and/ or declining levels of electoral competition make term limit contravention more likely to occur. In fact, when moving between extremes on the

three-category scale from competitive to noncompetitive elections in Model 5, the change in predicted probability of contravening term limits increases 35.5 percentage points when all other indicators are held at the mean. Similarly, moving from competitive elections to the middle category of less competitive elections produces a 27 percentage point increase in the predicted probability of contravention (see Figure 1 for changes in predicted probabilities with confidence intervals for all variables). This signals that term limits are not only relaxed in states where elections are highly skewed but also in states where the ruling party tends to win, albeit consistently, by as little as 10 percentage points over their nearest competitor, which is the lower boundary between less competitive and competitive elections in this indicator.

The initial successful contravention models estimated in Table 1 also show that term limits are more likely to be lifted or extended when horizontal accountability (judicial and legislative constraints on the executive) is low. The indicator for horizontal accountability is significant at the 99% level across all models, and every one-unit increase in the horizontal accountability score decreases the predicted probability of relaxing term limits by over 12 percentage points. While horizontal accountability is not conceptually identical to the degree of leverage that party leadership has over co-partisan MPs and judges, which I theorize is key to these actors' term limit decision calculations, there are clearly some linkages between the two. Presidents with more leverage over the career trajectories of party legislators and sympathetic constitutional court justices will also likely face a lesser degree of horizontal accountability from the parliament and judiciary as a whole. Thus, this finding aligns with the expected observable implications of the causal mechanisms presented in the theoretical argument. Apart from the horizontal accountability indicator, the coefficients for the other control predictors included in the models in Table 1 were generally in the expected direction though not significant, except for the party founder being marginally significant in Model 3 only. Overall, the percent of cases correctly predicted by the full model is 87.21%, which represents a 48.15% proportional reduction in error over the modal category.

Explaining Full Abolition Versus Single Extension of Term Limits

In the initial model above, the "contravention" category lumped together cases of single-term extensions with cases of total term limit abolition. However, the argument could be made that altering term limit laws to allow for one additional term in office is a less egregious breach of the rule of law

than scrapping tenure restrictions all together. Thus, this raises the question of whether there are different factors at play that cause presidents to attempt—and legislators and judges to approve—tenure extensions but not full abolition, and vice versa. Therefore, this section disaggregates successful contravention cases to explain these divergent outcomes. To do so, I employ a two-step Heckman selection procedure that fits a maximum-likelihood probit model with sample selection (Heckman, 1976). In the first stage, the selection model uses the same dependent variable employed in Model 5 of the original probit test above to separate presidents into adherence versus successful contravention categories. Next, the second stage disaggregates cases of successful contravention to form a new dependent variable specification, one additional term versus full abolition, and estimates a subsequent outcome model to identify the factors that correlate with full abolition. As the Heckman approach has been found to be "sensitive to correlation among covariates in the outcome and selection equations" (Marra & Radice, 2013), the selection equation must contain at least one variable that is not in the outcome equation (StataCorp, 2013). Thus, the aid dependence variable is left out of the outcome model on theoretical grounds because losing aid from donors should be similarly feared both by presidents who extend and who abolish term limits, and is thus not likely to explain divergent outcomes.

Just as I found that declining trends in electoral competition explain when term limits are relaxed in general, I hypothesize that trends in electoral competition will also explain the variation in the degree of contravention, namely whether term limits are only extended for one additional term or removed from the constitution all together. Specifically, term limits are more likely to be merely extended when electoral trends are less competitive and more likely to be abolished when elections have been consistently noncompetitive over time. The logic behind this hypothesis is that while members of ruling parties and allied judges in less competitive systems may feel confident their party will win the presidency in the immediate future, they are less certain of the party's ability to retain its dominance in the longer term. Thus, they are willing to extend incumbent advantage for their party's president in the short term but still retain a maximum tenure restriction for the executive as an insurance mechanism in case an opposition party should capture the presidency in the more distant future.

Table 2 presents the results of the two-step Heckman probit model estimation, with the second step modeling extend-versus-abolish term limit outcomes in the top portion of the table. As hypothesized, the indicator for less competitive elections, the middle category of the electoral trends variable, is significant at the 90% level with the negative sign on the coefficient signaling that term limits are less likely to be fully abolished in polities with less competitive elections than in states with consistent noncompetitive elections.

Table 2. Determinants of Full Abolition (Versus Single Term Extension) of Term Limits Across Third-Wave States, January 1975 to June 2018.

Outcome model	
Dependent variable: Full abolition of term limits	
Trend in electoral competition	
Noncompetitive	0.050
	(0.85)
Less competitive	−1.025*
	(0.59)
Term limit rule at entry	0.672
	(0.57)
Legislative seat share	0.002
	(0.01)
Horizontal accountability	−0.146
	(0.40)
Free and fair elections	−0.171
	(0.38)
Level of democracy	−0.122
	(0.12)
Party founder	−0.759
	(0.47)
Fate of previous presidents	0.834**
	(0.41)
Executive corruption	−1.819
	(1.71)
Economic performance	0.049
	(0.05)
Constant	1.617
	(1.48)
N	54
Selection model	
Dependent variable: Successful contravention	
Trend in electoral competition	
Noncompetitive	1.533***
	(0.44)
Less competitive	1.199***
	(0.34)

(continued)

Table 2. (continued)

Selection model	
Term limit rule at entry	0.303
	(0.29)
Legislative seat share	−0.007
	(0.01)
Horizontal accountability	−0.775***
	(0.24)
Free and fair elections	−0.260
	(0.22)
Level of democracy	0.091
	(0.07)
Party founder	0.448
	(0.30)
Fate of previous presidents	−0.023
	(0.27)
Executive corruption	−0.463
	(0.90)
Economic performance	−0.043
	(0.04)
Aid dependence	−0.020
	(0.02)
Constant	−1.187
	(0.91)
N	219

Heckman probit with sample selection. Standard errors in parentheses.
*$p \leq .10$. **$p \leq .05$. ***$p \leq .01$. All tests are two-tailed.

Specifically, calculating predicted probabilities shows that there is a 40% reduction in probability that term limits will be abolished moving from non-competitive to less competitive elections. Indeed, among the 32 cases in which term limits were only extended for one term, 16 (50%) were states with less competitive electoral trends, whereas only 25% had consistently noncompetitive elections. This contrasts sharply with the trend in cases of full term limit abolition, where elections were less competitive in only 17% (four out of 23) cases. Instead, the vast majority (70%) of cases in which term limits have been abolished were categorized as noncompetitive.

In addition to trends in electoral competition, the indicator for the fate of previous presidents is significant at the 95% level. The predicted probability of fully abolishing term limits increases by nearly 21 percentage points when

a former president has been prosecuted, jailed, or driven into exile within the past 15 years. The logic in this result seems clear—presidents who have a higher fear of future persecution based on historical precedent will press to remain in office indefinitely (and are willing to risk any negative reputational costs in order to try) as merely extending for one term would only delay, not avoid, possible reprisals. None of the remaining control indicators were significant predictors of term limit abolition over extension, though, interestingly, the coefficient for party founder was just above the 90% significance level with a negative sign, signaling that presidents who are party founders may be more likely than non-founders to extend term limits, but not necessarily more likely to lift them. See Online Appendix E for a graph showing the change in predicted probability of abolishing term limits for all variables.

Overall, the model specified here underpredicts term limit extensions and overpredicts full abolition, with a result of 67% correctly predicted cases. This suggests that, while trends in electoral competition and the fate of previous presidents explain a lot of the variation, there are other factors not included in this model that need to be identified to fully understand under what conditions presidents and their parties chose to merely extend rather than fully abolish term limits.

Explaining Failed Attempts at Term Limit Contravention

Thus far, the focus of the analysis has been on explaining and disaggregating successful term limit contravention. Such a focus is warranted because approximately 80% of formal bids to relax term limits are successful, signaling that presidents and their parties generally attempt to contravene term limits only when they are highly certain of success. However, the fact remains that about 20% of term limit challenges fail, so the question lingers as to why a minority of attempts are unsuccessful. This section aims to address the puzzle of failed term limit contravention bids.

To explore the causes of failed attempts, I estimate two different Heckman probit two-step models. The first compares failed attempts to successful attempts while the second compares failed attempts to non-attempts. In the first two-step test, a new dependent variable indicating "no attempt" versus "attempt" (which includes abolish, extend, and failed cases) is constructed for use in the first step, which selects all attempted cases into the outcome model. Next, the outcome model employs a dichotomous dependent variable that classifies cases as "failed attempt" versus "successful attempt" (which combines both extensions and full abolition) and estimates factors that predict failed attempts. For the second Heckman two-step test, the selection model employs the original dependent variable used previously to separate

presidents into step down versus successful contravention categories. Next, in the outcome model, the step down cases are disaggregated to form a new dependent variable specification for "failed attempt" versus "no attempt," and the model is estimated to identify the factors that correlate with failure. Both models include the full set of control and alternative explanatory variables.

Once again, I hypothesize that the degree and direction of electoral competition will affect the probability of failure in the cases where presidents formally attempt to contravene term limits. Specifically, I predict elections will trend more competitive in failed cases than in successful cases, signaling that presidents' co-partisans reject the bids to relax term limit rules when there is a reasonable chance an opposition party could win the next election and benefit from unlimited incumbent advantage. However, the role that electoral competitiveness plays in failed attempts versus non-attempts is less theoretically predictable. Are failed attempts "borderline" cases of medium-level of electoral competitiveness where strategic presidents thought they might have a chance, but not be guaranteed, to succeed in lengthening their stay in office? or Are failed attempts a result of presidents making desperate bids to extend their stay in office for personal reasons despite highly competitive recent elections?

The results of the first Heckman test estimating failed bids compared with successful cases of term limit contravention are presented in Table 3, Model 1. As hypothesized, the results show that trends in electoral competition is a strong predictor, with elections in failed cases trending more competitive than elections in cases where term limits are relaxed. Both noncompetitive and less competitive categories are significant at the 99% level, and the predicted probability of having noncompetitive or less competitive elections decreases by 36 and 30 percentage points, respectively, in cases of failed contravention. In addition to electoral trends, the results of Model 1 also reveal that failed term limit contravention cases differ in other key ways from successful cases. Notably, presidents in failed cases are subject to stronger horizontal accountability than those who flout term limit laws, with this predictor significant at the 99% level. Finally, the indicator for economic performance is positive and significant at the 95% level, signaling that presidents who preside over a period of economic growth in their country may think this will help them overcome the barrier of high electoral competition enough to win a relaxation of term limits. All told, the model correctly predicted the failure-versus-success outcome in 75% of cases.

The second Heckman test, which estimates failed attempts compared to cases where no formal challenge was ever made to term limit laws, is presented in Table 3, Model 2. The results show that there is not a meaningful difference between the trends in electoral competition between failed bids

Table 3. Determinants of Failed Cases of Term Limit Contravention Across Third-Wave States, January 1975 to June 2018.

	Outcome Model 1	Outcome Model 2
	Dependent variable: Failed attempt (vs. successful contravention)	Dependent variable: Failed attempt (vs. non-attempt)
Trend in electoral competition		
Noncompetitive	−1.637***	0.599
	(0.43)	(0.73)
Less competitive	−1.414***	0.076
	(0.41)	(0.44)
Term limit rule at entry	−0.168	0.536
	(0.36)	(0.36)
Legislative seat share	0.010	−0.001
	(0.01)	(0.01)
Horizontal accountability	1.437***	0.293
	(0.42)	(0.29)
Free and fair elections	−0.136	0.076
	(0.29)	(0.33)
Level of democracy	−0.077	0.078
	(0.08)	(0.09)
Party founder	−0.273	0.294
	(0.26)	(0.35)
Fate of previous presidents	0.354	0.905**
	(0.30)	(0.38)
Executive corruption	0.333	−0.049
	(1.26)	(0.97)
Economic performance	0.119**	0.060
	(0.06)	(0.05)
Constant	0.664	−3.776***
	(1.13)	(1.16)
N	69	165

Table 3. (continued)

	Selection Model 1	Selection Model 2
	Dependent variable: Attempt at contravention	Dependent variable: Step down
Trend in electoral competition		
Noncompetitive	1.494***	−1.556***
	(0.43)	(0.44)
Less competitive	1.081***	−1.163***
	(0.32)	(0.35)
Term limit rule at entry	0.614**	−0.382
	(0.26)	(0.28)
Legislative seat share	−0.003	0.004
	(0.01)	(0.01)
Horizontal accountability	−0.434*	0.798***
	(0.23)	(0.24)
Free and fair elections	−0.171	0.226
	(0.21)	(0.22)
Level of democracy	0.089	−0.053
	(0.06)	(0.07)
Party founder	0.452*	−0.595**
	(0.26)	(0.29)
Fate of previous presidents	0.318	0.183
	(0.24)	(0.28)
Executive corruption	−0.067	0.201
	(0.78)	(0.85)
Economic performance	0.009	0.033
	(0.04)	(0.04)
Aid dependence	−0.025	0.028
	(0.02)	(0.02)
Constant	−2.068**	1.271
	(0.85)	(0.84)
N	219	219

Heckman probit with sample selection. Standard errors in parentheses.
* $p \leq .10$. **$p \leq .05$. ***$p \leq .01$. All tests are two-tailed.

and non-attempts, as the indicators for both noncompetitive and less competitive electoral trends are not statistically significant. Indeed, as Figure 2 demonstrates, the majority of cases in both groups are classified as having competitive elections over the past few electoral cycles. The fate of previous
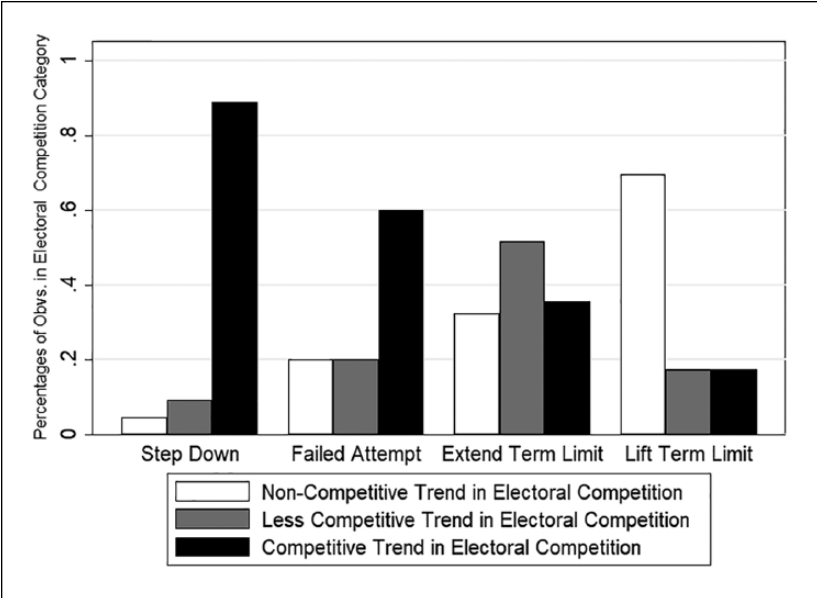
Figure 2. Term limit outcomes, by trends in electoral competition categories.

presidents is the only predictor in Model 2 that is statically significant at the 95% level. The positive sign on the coefficient indicates that in states where a recent predecessor was prosecuted, exiled, or killed after leaving office, presidents are more likely to try to relax term limits than presidents in states where former executives have not faced persecution, with an increase in predicted probability of nearly 12 percentage points (see Online Appendix E for a graph showing the change in predicted probability of a failed attempt for all variables in both models in Table 3). Overall, the percent of cases correctly predicted by the outcome model is over 91%.

Taken together, the results from the above two models indicate that cases of failed term limit contravention attempts tend to occur when a president in a state with highly competitive elections has a compelling reason to attempt to relax term limits despite the higher degree of horizontal accountability that the competitive electoral environment affords party MPs or affiliated justices over the executive. That compelling reason may be positive (having high popular support due to strong economic performance while in office) or negative (fear of being persecuted once out of office). However, these attempts generally fail because the president's co-partisan MPs and judges view contravening term limit laws as too risky due to the high likelihood of an

opposition winning the presidency in competitive elections, and thus vote or rule against the change.

Discussion and Conclusion

Overall, the results of the above series of statistical analyses show that variation in term limit adherence is not simply a product of structural factors such as the tenure rule on entry into office or the level of democracy. Nor is the variation driven by the particular attributes of each president such as whether they were the founder of their party or the extent to which they were able to enrich themselves while in office, as has been previously suggested.[24] Instead, term limit contravention is a more complex story of constitutional change undertaken in times of low electoral uncertainty due to the long-range view and limited independence that low competition creates for the legislators or judges who have the final say on constitutional amendments and interpretation of constitutional law.

Despite the generally strong correlation between trends in electoral competition and term limit outcomes demonstrated here, exceptions where term limits were upheld even in the presence of sustained noncompetitive elections may come to mind for regional specialists, most notably the string of PRI presidents over seven decades in Mexico and CCM presidents since Nyrerere in Tanzania. Both of these cases feature long-established hegemonic parties that relied on an intra-party elite power-sharing deal based on routinized executive succession (and guaranteed non-persecution of previous presidents) as part of their formula for avoiding factional splits within the party and maintaining their dominance (Magaloni, 2008, p. 726). However, these types of sustained power-sharing agreements are increasingly difficult to maintain long-term in multiparty electoral contexts, and Mexico (where the PRI did lose power in 2000) and Tanzania are true outliers that are unlikely to be replicated.

Overall, the findings presented here offer key insights into broader questions about the strength and stability of formal institutions in developing countries and the underpinnings of constitutionalism in all polities. First, formal institutions have traditionally been viewed as exogenous independent variables that drive political outcomes through stable, self-enforcing frameworks (North, 1990). Accordingly, it is assumed that they are rarely altered once established because of the vested interests that are created and the corresponding high cost of enacting changes (Elster, Offe, & Preuss, 1998, p. 29). However, the evidence on term limit contravention patterns here suggests that, in newly liberalized states, institutions are just as likely, if not more so, to be endogenous dependent variables that are themselves instrumentally shaped by power dynamics on the ground. This echoes the turn within comparative politics scholarship to examine the causal directions of institutions (Weyland, 2002, p. 68). Furthermore, it begs the question of at what point, if ever, do institutions

become entrenched enough *in and of themselves* that a change in the underlying power dynamics will not lead to a change in the enforcement of the rule. Thus, a future fruitful avenue for research could be the identification of that "tipping point" at which a particular institution goes from *being shaped by* power relations to *shaping* the nature of power.

Second and relatedly, the findings here reinforce that the level of electoral competition in a polity is a key factor underpinning variation in constitutional stability. As much recent comparative research has demonstrated, low levels of electoral competition can undermine constitutionalism in myriad ways, from weakening incentives for judicial autonomy (Chavez, 2004) to promoting the adoption of extreme power-concentrating executive institutions (Negretto, 2013). It is only when competition is robust (Grzymala-Busse, 2007), where one or more opposition parties has the *potential* to replace the incumbent party as perceived by members of the ruling party, that constitutional rules such as term limits are routinely respected. This raises a question as to whether there are connections between levels of competition and rates of constitutional amendment more generally, a factor that has often been ignored in studies of constitutional stability. Instead, when seeking to explain the occurrence of amendments, past studies tend to focus more on amendment rules, the number of veto players, and the extent to which the initial drafting of the constitution was sufficiently participatory. If so, the connection between electoral competition and constitutional stability should be viewed as the key link that creates the affinity between democracy and the rule of law.

Acknowledgments

Declaration of Conflicting Interests

Funding

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Supplemental Material

Supplemental material for this article is available online at the *CPS* website http://journals.sagepub.com/doi/suppl/10.1177/0010414019830737

Notes

1. France did not adopt presidential term limits until 2008.
2. However, there were a few exceptions. Tunisia, Rwanda, Togo, Somalia, Congo-Leópoldville, Nigeria, Ghana, Egypt, and Syria all briefly adopted term limits at some point between independence and 1990 before being repealed by subsequent single-party or military rulers.
3. Note that my focus on constitutional change through piecemeal amendment is conceptually and theoretically distinct from studies of full constitutional redrafting. For work on the survival of constitutional regimes see Elkins, Ginsburg, and Melton (2009).
4. Generally, judges become the arbiters of term limit decisions when a new constitution is promulgated during the president's time in office, so the court must decide whether or not the president's previous term(s) count under the term limit rule in the revised constitution.
5. Uganda was officially a "no-party" system from 1986 to 2006. As a result, no official data exist on the seat share of parties during this time. However, estimates by close observers of Ugandan politics and declarations of NRM seat shares by President Museveni himself in 2001 allow us to approximate the seat share of the NRM in the 1996 and 2001 elections.
6. Some of the many factors that can affect opposition party strength and the level of electoral competition include institutional design (electoral system, ballot access rules), the extent of local-level organization of parties (Scheiner, 2006), the nature of cleavages in the state, the resource base and mobilizing structures parties can draw on (LeBas, 2011), and the degree to which parties have roots in society (Mainwaring & Scully, 1995), among others.
7. The Zambia vignette, and the results of the statistical tests later in the article, suggest that the "perception" mechanism works in this causal direction rather than supporting the alternative hypothesis that fear of electoral defeat in competitive elections would push the president's co-partisans to lift term limits in hopes that retaining incumbent advantage would help the party stay in power. Often if a party's MoV (margin of victory) has been declining, it is because the president is losing popular support and thus might now win even with incumbent advantage, thus making such a strategy unlikely to work.
8. The Ugandan vignette demonstrates that the "leverage" mechanism works in this causal direction, rather than supporting the alternative hypothesis that other ruling party elites could use this leverage to compel backbenchers to vote against

lifting term limits to open opportunities for them to become the party's presidential candidate in the next election. Instead, Kategaya and other cabinet ministers in Uganda who attempted to whip votes against the term limit amendment were driven out of the party.

9. This is perhaps more true than ever due to the growing number of former presidents across all regions who have been persecuted once out of office (Conaghan, 2012), which drives sitting presidents to try to avoid a similar fate. However, recognizing that the strength of the preference to stay in office may vary, in the statistical analysis I do partially control for this variation by including indicators for differences in the income-generating capacity of the office, which Baturo (2014) suggests affects presidents' term limit preference.

10. Either by popular vote or a vote in the legislature, whichever is mandated in the constitution.

11. "Electoral democracies" includes states that have been classified as "competitive authoritarian." They are included because there is observable variation in term limit outcomes even among these cases.

12. The only exceptions are Compaoré (Burkina Faso) and Lugo (Paraguay), who are included because their attempts to contravene term limits occurred before they resigned.

13. I constrain the cases to presidents who leave office after the advent of the third wave of democratization to hold constant the broader pro-democracy international environment.

14. To qualify as a "failed" attempt, there must be evidence that an "official" action was taken toward the altering of term limit rules, such as the introduction of a bill in parliament or the filing of a constitutional court petition. Using this criteria distinguishes true cases of failed attempts from the (likely numerous) cases where presidents and their parties considered an attempt to amend tenure restrictions but ultimately decided not to take any official actions toward that end.

15. A president does not have to win a subsequent term in office to be categorized as relaxing term limits; she or he simply needs to secure the right to contest additional elections (e.g., Wade in Senegal [2012]).

16. The idea of taking into account both the "degree and direction of change" in the strength of competing political groups comes from Luong (2002).

17. The election just after the president steps down or contravenes term limits is included because it is the truest reflection of the balance of electoral strength between parties during the time the decision on term limit contravention would have been made (as this decision is generally made only a year or two before this election). Often, the previous election was long enough ago that stopping with that data point would not adequately capture instances where the public's party preferences shifted between elections following a scandal, economic downturn, and so on. This updated information would also have been what legislators and judges were working with when deciding on term limit amendments.

18. Electoral data were collected from various global and regional sources including the Inter-Parliamentary Union (2016) election archives and the Election Guide of the International Foundation for Election Systems (2016), among others.

19. For the few cases where vote share data are not available, seat share data were used instead.

20. The threshold is set at 25% because, looking across the data, this is roughly the tipping point in terms of electoral trajectories. If the first election was won by a MoV of more than 25%, it was generally the case that elections remained similarly uncompetitive, whereas cases in which the first MoV was lower than 25% were more apt to see elections become increasingly competitive over time (though there are clearly exceptions).

21. There are only nine instances of truly independent presidents: Kocharyan (Armenia), Kuchma (Ukraine), Karzai (Afghanistan), Kučan (Slovenia), Yeltsin (Russia), Eanes (Portugal), Adamkus (Lithuania), and Nakamura and Remengesau (both of Palau). Some post-communist presidents (e.g., Lukashenko in Belarus, Akayev in Kyrgyzstan) are/were independents on paper, but since virtually all legislators in office during their presidencies were also independents and were in close alliance with the president as if they were in the same party, these cases are coded as "noncompetitive" due to the continual dominance of the presidential-aligned legislators over the three relevant elections.

22. The original categorical measure for trends in electoral competition is, in my view, a better measure than this alternative continuous measure because the continuous measure cannot adequately capture the directional trend of elections over time. For example, two cases, Menem in Argentina (1994) and Arias in Costa Rica (1990) have similar values of 9.33% and 9.67%, respectively, when the continuous average MoV specification is used. However, this masks the very stark differences in electoral trends between these cases. While Menem's JP party's electoral MoV trended up over time from −9% to 16% to 21%, Arias' NLP party's electoral fortunes trended down from 26% to 7% to −4%. Clearly Menem's party's positive electoral trajectory is much more conducive to contravening term limits than Arias' party's negative trajectory, which helps explain why Menem did manage to extend for one additional term while Arias voluntarily stepped down after his one term in office. Thus, the categorical coding for the trends in electoral competition variable, which would differently classify the Menem case as "less competitive" and Arias case as "competitive" is better able to reflect reality than the continuous coding.

23. Unfortunately, the public approval rating of each president (which Corrales, 2016, found to be key in explaining variation in term limit contravention across Latin American cases) is not used here because no reliable, comparable, cross-national data on presidential approval ratings exist. Instead, I use economic performance as a proxy for domestic reputation based on the idea that a president would have an easier time gaining public support for staying in office if the economy is strong/improving.

24. As mentioned previously, in his earlier study of term limits, Baturo (2014) concluded that the "value of holding political office" drives variation in term limit adherence based on the results of his main statistical model (Table 6.1, p. 159). However, in a later model (Table 6.3, p. 173) in which he leaves out the indicators for the value of holding office and instead disaggregates indicators for constraints on the president, Baturo finds electoral competition (measured as

the percentage of seats held by opposition parties) to be statistically significant in explaining term limit outcomes. Curiously, he never estimates a model that includes both indicators. While, for reasons discussed earlier, I cannot exactly replicate Baturo's indicator for the value of holding office, when I approximate it with V-Dem's "executive corruption" indicator and include it in my models along with the trend in electoral competition variable, the value of holding office is not statistically significant.

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