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**Publication Date**

2022

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UNIVERSITY OF CALIFORNIA  
Los Angeles

The Hourglass of Representation: Constraint and Representation in State Legislatures

A dissertation submitted in partial satisfaction  
of the requirements for the degree  
Doctor of Philosophy in Political Science

by

Erik Hanson

2022

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## ABSTRACT OF THE DISSERTATION

The Hourglass of Representation: Constraint and Representation in State Legislatures

by

Erik Hanson

Doctor of Philosophy in Political Science

University of California, Los Angeles, 2022

Professor Lorrie Frasure, Chair

How does institutional differences across state legislatures representation and the political pathways of women, people of color, and working class state legislators? While some studies have focused on institutional elements of state legislatures, few have focused on how representational pathways are affected for individual legislators. Futhermore, studies that have focused on legislator pathways have generally analyzed one particular state legislature. This project will contribute to the literature on state legislatures by taking a mixed methods, interstate, and institutional approach to studying representation. The theoretical framework for analyzing the constraint among legislators is an Hourglass of Representation, in which legislators (and particularly people of color legislators) are pinched between bottom up pressures from their district along with social movements and interest groups, and top down forces, including the leadership structure and culture of the legislature and state-level political and institutional forces. I argue that people of color, women, and working class legislators are particularly constrained by this situation both because the bottom up forces facing them are more intense and the roadblocks facing them for obtaining power and advancing agendas are more severe.

There are three key contributions this dissertation makes to the Political Science literature on representation in state legislatures. The first study contains an analysis of legislator interaction with constituents, including constituent work, in-district legislator events, and other forms of legislative styles that emerge among legislators. This work is related to

Richard Fenno's *Homestyle* and related work on credit claiming and the personal vote for a representative. It is in conversation with, and expands on the work found in (*Homestyle*) by using a variety of methods to analyze legislator activities. Furthermore, it is one of relatively few studies which studies both legislative lawmaking and constituent services in the same project. Additionally, it combines legislative activity with their subsequent progressive advancement to Congress and other legislative bodies or elected offices. In the course of this research, I argue that many people of color legislators place a greater effort on *Homestyle* Politics than would be predicted simply from electoral incentives. This is in part that many people of color legislators face unique pressures from their district; frequently their districts are among the most left-leaning in the state legislature, they are likely to be indebted to ideological groups who helped them run for office and originally recruited them, and also these districts operate in a context of hostility from the state government at large. To address this question, I assembled a unique data set of legislator communication via public twitter accounts in 2016 and 2017.

The second study contains an analysis of visible and less visible legislative actions to secure substantive representation for people of color groups. There will be a discussion of how focusing on latter stages in the legislative process may obscure the unique legislative styles of people of color legislators. It also contains a cross-state analysis of the varying role of legislative institutions and their effects on the opportunities and trade offs legislators are faced with. Discussion of how some forms of constraint on legislators are relatively identity neutral, while others more strongly inhibit the choices of women, people of color, or particularly women of color. To address this question, I assembled a unique data set of bill and resolution sponsorship, including its eventual passage in the legislature, among all state legislatures in 2016 and 2017 via [legiscan.com](http://legiscan.com).

The third study continues the legislative institutional argument by looking at the role of state party and legislative institutions on equality of access to legislative office and progressive advancement to Congress. This is followed by a discussion of how these sources of constraint occur at many stages in the career of a legislator. Many of these forms of constraint most negatively affect legislators wanting to advance radical redistributive politics across class

and racial lines, along with advocating for those in which there is a consensus across both political parties of marginality (non-citizens, criminals, prisoners, people expressing anti-American or irreligious viewpoints, etc.) To address this question, I assembled a unique data set of the occupational backgrounds and electoral history of all state legislators and members of Congress for the year 2020 from existing public data.

Three key findings were found from the aforementioned studies, and they are as follows:

State legislators from non-white backgrounds, particularly Black legislators devote more effort to constituency service and particularly constituent service events. Furthermore, these legislatures showed much higher levels of tailoring events and information to diverse groups of constituents rather than relying on generic information, another sign of legislative effort. This may come from group consciousness held by the legislator in some cases, although it also may be informed by the constraint faced by these legislators in other avenues. Legislators constrained from taking action in the legislative arena (e.g. committee work) may devote more attention to activities where they have more autonomy.

Legislators from legislatures with higher variation in legislative activity are less likely to ascend to higher office, including moving from the state house to the state senate. The variation in legislative activity is theorized to be reflective of inequality within the legislature in power and open avenues for lawmaking. Although in theory a legislature with no variation in legislative activity could also be a sign of legislative constraint, this was not found to be the case within any legislature. Future work will explore other measures of legislative success besides election to higher office and reelection.

Members of Congress with past legislative experience were far more likely to come from legislatures with more professionalized state legislatures. Professionalized state legislatures were also more likely to show lower levels of legislative inequality and constraint. However, it is important to note that even in the "best" state legislatures on these measures, the legislatures were still quite unequal in legislative power and the constraint facing their members. Furthermore, they all showed evidence of bias in recruitment networks that made it less likely for legislators of nontraditional backgrounds to run for higher office and win.

This dissertation contributes to the growing understanding of the role of formal and informal political institutions on the representation of marginalized groups and the political pathways of legislators in unequal legislative environments. Furthermore, it makes a contribution to the literature on credit claiming, electoral threat, and homestyle politics literature in Political Science.

The dissertation of Erik Hanson is approved.

Nadia Brown

Kathleen Bawn

Matthew Alejandro Barreto

Lorrie Frasure, Committee Chair

University of California, Los Angeles

2022



*Natalie Kay Hanson (nee Naslund), 1948-2017*

## ACKNOWLEDGMENTS

This project could not have come about without the wonderful support of so many people, who I have the tremendous privilege of being able to thank here. With apologies in advance to anyone I neglect to include, I would first like to thank my wonderful dissertation committee, Matt Barreto, Kathleen Bawn, Nadia Brown, and my extremely generous dissertation chair, Lorrie Frasure. More than anyone, she helped get this project off the ground and supported its duration. Additionally, I would like to thank Natalie Masuoka and John Zaller for their wonderful mentorship. Additionally, I would like to thank Michael Chwe, Jeff Lewis, David Sears, and the late Mark Sawyer for their mentorship and supporting me along the way. I would also like to thank my research assistants, whose brilliance greatly assisted with my thesis; Ashley Ku, Allyson Marquez, and Devin Shields. Additionally, I would like to thank my wonderful dissertation writing group. Perhaps more than anyone in the program, you have helped this project come to its completion. Thank you so much to Ashley Blum, Alex Diones, Angie Gutierrez, Vivien Leung, Christine Slaughter, and Joy Wilke. Furthermore, I would like to thank coauthors and research collaborators, who helped make graduate school such an amazing experience, including, Nestor de la Torre, Alex Munoz, Ana Oaxaca, Chase Privett, and Michael Strawbridge. Furthermore, I would like to thank the amazing residents of the Klugie, the Political Science department's best graduate student office. Over the years, I have been lucky enough to work alongside Shakari Byerly, Angie Gutierrez, Michael Herndon, Chelsea Jones, Jessica Lee, Gregory Leslie, Ana Oaxaca, Angela Ocampo, Shawn Patterson, Evangel Penumaka, Tye Rush, Christine Slaughter, Izul de la Vega, and Bryan Wilcox-Archuleta. Furthermore, including those already acknowledged, I would like to thank other graduate students who helped make my time here so special: Maxim Ananyev, Kye Barker, Ayo Lanionu, James Lee, Anthony Norton, Yana Otlan, Francesca Parente, Joseph Perry, Tyler Reny, Marcel Roman, Aaron Rudkin, Luke Sonnet, Jessica Stewart, Adria Tinnin, Andrea Vilan, Antonio Vitalone, and Tamar Zeilberger. I am also extremely thankful for friends and family who have helped make the dissertation an exciting journey. The late Natalie Hanson, Art Hanson, Amy Sanborn, and Katie Morell have never failed to lift my

spirits, along with their partners James Sanborn and Morris Morell, and their children Jade Morell, Izzabelle Morell, Zoe Morell, and Michael Sanborn. Furthermore, I would like to thank Janae Adams, Oriah Amit, Rebecca Bonner, Dorian Brefort, Tracey Brown, Phillip Celentino, Ryan Cook, Robert Dulebohn, Mike Erickson, Vlad Ghica, Farheen Jamil, Claire Liburdi, Gemma Repiso, Alex Reycliffs, Elizabeth Wall-Weiler, Will Wiltschko, and Arlene Zhao. Lastly, I am incredibly thankful for my partner Nhu Phong.

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## VITA

- 2012           Lansing Community College, Associate of Arts in Political Science
- 2014           University of Michigan, Ann Arbor, Bachelor of Arts in Political Science
- 2019           University of California, Los Angeles, Master of Arts in Political Science

## PUBLICATIONS

Brown, Nadia, Erik Hanson, Natalie Masuoka, and Michael Strawbridge. 2022. "Representation in State Legislatures and the Response to COVID-19." Conditionally accepted in Routledge Companion to Gender and COVID-19

# Chapter 1

## Introduction

In September of 2018 State Representative Kiah Morris of Vermont resigned from office, citing racial harassment Domonoske (2018). State Rep. Morris also cited the low pay and institutional benefits for such a time consuming job. Like many state legislatures, Vermont's legislature is disproportionately white, male, contains legislators of an upper class background, and is part time with low pay for those who choose to run for office. Additionally, like perhaps many state legislatures, at least some (if not all) women of color who ran for office in the state faced disproportionate targeting and harassment. This study is motivated by the puzzling phenomenon: despite remarkable gains in descriptive representation among people of color, women, and to a lesser extent working class individuals, tangible political power has not increased as quickly. This is not to discount the importance of descriptive representation, because without it such gains would be nearly impossible. However, one assumption that I believe to be incorrect is that once elected, every member within a legislature is on a level playing field. Contrary to this position, legislatures are highly unequal environments, and furthermore stratified along race, gender, and class lines. This means that legislators have unequal levels of autonomy

in pursuing their goals of representation. While this study is about representation, it is also inherently a study about power. To what extent do legislators have the power to pursue their legislative goals and serve their constituents? This is a topic I hope to analyze in this study. While power is sometimes considered the ability to control or practice authority over others, I prefer the characterization of power as the ability to pursue and achieve one's goals without impediment, to be able to act freely and genuinely. This conception is somewhat indebted to Guillermo Caballero's discussion on this topic Caballero (2021).

It's a conception of power that relates well to power within groups or communities rather than a single individual, and this type of power can be easily compared with the relative amount of constraint versus autonomy a legislator faces in a statehouse.

To focus the investigation in response to the puzzle, I ask the following question: In what legislative environments are legislators better able to pursue their goals of substantive representation, and how is the ability to pursue these goals stratified along race, gender and class lines? In this dissertation I plan to investigate the constraint that non-white, women, and working class legislators face in pursuing the goals of the communities they represent. This research will engage in this body of scholarship by investigating the effect of the partisan environment, election and policy making rules, and political culture in state legislatures on the level of constraint faced by non-white, women, and working class state legislators to pursue and deliver substantive representation for marginalized groups in the United States.

The theoretical framework for analyzing the constraint among legislators is an 'Hourglass of Representation,' in which legislators (and particularly people of color legislators) are pinched between 'bottom up' pressures from their district along with social movements and interest groups, and 'top down' forces, including the leadership structure and culture

of the legislature along with state-level political and institutional forces. I argue that people of color, women, and working class legislators are particularly constrained by this situation, both because the bottom up forces facing them are more intense and the roadblocks facing them for obtaining power and advancing agendas are more severe.

A goal of the dissertation is to map out and understand how representation works across state legislatures, and what effect these different forms of representation have on the day to day life of residents, despite the higher profile of federal policies and court decisions. First, I expand on the literature on the representation of people of color by engaging in one of the first studies of this type to cover all fifty states and analyze the various legislative actions that make people of color legislators distinctive. Second, I connect those important legislative actions to institutional factors across the states that give legislators more or less constraint to pursue distinctive policy agendas. This relative level of constraint interacts with several variables that affect the relative power of underrepresented groups across the states. Lastly, I plan to investigate how political movements, parties, policies, and legislators interact with each other across states and levels of government (state and federal).

This dissertation engages with a growing body of work in political science that goes beyond both Congress and roll call votes. While every vote matters, it certainly has a different context depending on the motivations of who is on the ballot, the relative power and constraint faced by legislators, and the power of racial and ethnic groups, immigrants, working people, and the poor in the state. Depending on the combination of the above factors, an individual may have significant differences in their expectation of an improvement in their material conditions. By looking beyond Congress, I am able to observe a variety of institutional environments and social contexts within a state. By looking beyond roll call votes, I will be able to get around some of the party control and

agenda setting effects that make studying the individual motivations of a legislator so difficult.

Additionally, I will address the urgency of investigating representation in state legislatures. Given that Congress is either in gridlock or often passing legislation harmful to people of color, the poor, and women, state legislatures and local communities can be important sites of resistance and positive change. This particular dynamic came into sharp relief during the Trump presidential administration from 2017-2021, in which state governments often led the way in working to undermine and divert harmful legislation, legal attacks from the federal government, or detrimental changes to the administration of federal programs. The heterogeneity of these different levels of government mean that some of these governmental bodies will be much more hostile to underrepresented groups and others will be areas of empowerment for these groups. However, it is important to note that state legislatures and local municipalities cannot be discussed interchangeably. First of all, municipalities are creatures of the state: while they are extremely important for a variety of normative and practical reasons, in recent years we have seen greater levels of conflict between state legislatures and cities, with state legislatures nearly always dominating. In Michigan, we have seen the state legislature take away most governmental powers from all of the majority black cities in the state and appoint emergency managers Hawthorne (2017).

In a variety of states with Republican controlled state legislatures, local communities have been prevented from increasing the minimum wage, protecting the rights of LGBT individuals, and passing sanctuary city laws Riverstone-Newell (2017).

Clearly, while cities are extremely important and the area where people of color have made perhaps the greatest gains in descriptive representation, they are not able to operate independently of the state they find themselves in (for better or for worse). Furthermore,



representation in state legislatures functions differently from both local and Congressional representation and has been studied less in the literature than the other two main levels of government in the United States. The treatment of representation in state legislatures will be compared to that of municipal and Congressional representation in the first chapter. Furthermore, the literature on the representation of people of color, working people, and women will be discussed.

## **State Legislatures as a Site of Resistance**

While the historical trajectory of state legislatures seems to be one of diminished importance relative to their 1800s peak of political power, at the same time most state legislatures have grown significantly in their sophistication and range of policies and services offered compared to past. The increasing professionalization of state legislatures has made them produce greater levels of policy output than in the past, and furthermore with the nationalization of political parties they have become political battlegrounds. State legislatures that may have been ignored in the past by national level political actors are now seeing a greater amount of political resources applied to them. In particular, decennial redistricting fights have seen the state level parties thoroughly dominated by the national level parties.

Furthermore, while state legislatures are no longer as autonomous as they once were, they still have been effective at working to defy federal legislation that they disagree with and pursue alternative course of action on policies. While it is still difficult for a legislature to directly defy a federal law, there are many ways to circumvent it. This has been demonstrated recently in the defiance of many Republican legislatures to the expansion of Medicaid under the Affordable Care Act and some Democratic legislatures in response to Donald Trump's immigration and environmental legislation Alexander Hertel-Fernandez

and Lynch (2016). For example, California has now been declared a ‘sanctuary state’ in opposition to national level crackdowns on immigrants Loren Collingwood (2019).

## **State Legislatures as a Site of Oppression**

While legislatures can be ‘laboratories for democracy’ they can also work to oppress their own people. State legislatures in the South created an undemocratic one-party regime for a roughly one hundred year period, which worked to prolong slavery by another name for as long as possible Mickey (2015). Furthermore, since this time period- many states both Southern and non-Southern have worked to stop the full effects of civil rights legislation. To list the many forms of oppression that has come from state legislatures would be too long for a single book. In particular, while state legislatures have less autonomy and police power than Congress, they also enjoy less oversight in their actions than the federal government. Many state legislatures, particularly smaller states, do not receive national news coverage, and it seems that in some ways the overton window of acceptable policies is wider than at the federal government, for better and for worse. Furthermore, state legislatures are more susceptible to the influence of outside activists and lobbyists. At the moment, the strength of these groups seem to be stronger in the conservative movement, and they have been very effective in drafting model legislation for various conservative causes Loren Collingwood (2018). Additionally, even state legislatures that pursue admirable goals have fallen victim to corruption and nepotism coming from a ‘closed shop’ political environment, a prime example being the Illinois state legislature Ostrogorski (1910).

While much has been written about machine politics and ‘bossism’ in cities, state legislatures have also at times been controlled by one or a few key political actors for decades. One potential benefit of state legislature professionalism is that it has reduced some of

the informal networks along with preferential hiring practices that help sustain political families and bosses. However, state legislatures still vary significantly in how open they are to political newcomers and those who want to go against ‘how things are done around here.’

Whether state legislatures are a positive or negative influence on an individual’s life is a composite of several different interactions. On one level, there are personal decisions that legislators make. These can be value-based decisions, decisions of strategy, decisions of personal conduct and temperament, to name some of the most important. Furthermore, these individual decisions interact with all the other decisions other legislators are making. Additionally, these decisions are nested within legislative institutions that may aid or hinder the advancement of positive change, and a local and national level political context that also works in a positive or negative direction. What is perhaps most frustrating about studying representation is that it is hard to isolate the effects of an individual legislator when all their actions are constrained by the actions of others and the internal and external institutions and governmental structures that they interact with. It is perhaps also one of the most frustrating aspects of being a legislator, knowing that while their political power is elevated from the average individual in the state, it can sometimes feel quite limited relative to their expectations. However, it is important to note that institutions are not impenetrable. They often bend, stretch, and operate in new ways based on the collective decisions of individual actors. The law is not absolute. A classic example is that of speed limits. While the law may say 65 miles per hour, if almost everyone decides to drive 68 miles per hour, in most cases this means that effectively the speed limit is now 68. While the law may constrain legislatures and other political and governmental institutions, the law is not absolute either. Legal decisions are often not without the possibility of a different legal interpretation, and throughout the years,

the same court has answered the same question in a different way depending on the composition of its judges.

## **Relationships with Other Levels of Government**

While legislatures are often thought of as delimited or closed environments outside of lobbyists and perhaps the president in the case of studies of Congressional representation, in fact legislatures have significant levels of interaction with other levels of government. While Congress is somewhat insulated from other levels of government through the Supremacy Clause, state legislatures operate in a federal context. Despite federal law being somewhat insulated from being overruled by the states, there still is a significant amount of influence that state level actors can make from statewide political leaders, representatives, and especially Senators. The influence can be particularly strong on issues where there is a consensus or near consensus between both political parties within a state, such as Iowa and support for agricultural subsidies. Additionally, as local governments are creatures of the state, state legislatures sometimes figure quite heavily in the administration of cities and other types of municipalities within their state. Whether there is harmony or conflict between city leaders and state government can have a significant effect on the agenda of a state legislature. Furthermore, while local communities are subject to the state, in some legislatures the relationship is more complicated. In states like Illinois, New York, and Nevada, the population of the major city and surrounding metropolitan area has had a high enough proportion that they are somewhat dominant over the agenda of a state. Furthermore, state constitutions vary significantly in how much local autonomy is given, which has important implications for the policy agenda of a state legislature. For example, New York City must seek approval from the state legislature for a wide variety of policy actions, while Tennessee cities have a large

amount of autonomy in their governance. However, despite the variance in local autonomy, states often work to preempt local regulations that are in conflict with state level goals Riverstone-Newell (2017).

## **Social Movements in State Legislatures**

While the Civil Rights movement for African Americans in the 1950s and 1960s primarily focused its attention on federal government expansion of civil rights protections and enforcement of existing protections, there have been many other social movements that have focused their attention on local or state-level actors Morris (1984). At the local level, immigrant rights groups have worked to make their city sanctuaries for undocumented immigrants and groups like Black Lives Matter have worked to make city police departments less lethal Morse (2016). Media usually focuses its attention on the national significance of social movements or the dramatic and often radical nature of social movements in large cities. However, there are also state-based social movements that are both aided and hindered by the relative dearth of attention.

This chapter will contain a review of literature relevant to the dissertation. I will discuss various theories of representation, including responsiveness and convergence, pluralism, homestyle politics, credit claiming, descriptive representation, symbolic, and substantive representation Warren Miller (1963), Dahl (1961). I will also discuss some of the barriers towards full representation that has faced various groups throughout United States history, although by necessity this cannot be a truly complete history; that would require its own book. This includes racial discrimination, one party rule in the South and non-competitive party systems in various other parts of the country, features of the United States and individual states' constitutions, among a variety of other topics Schumpeter (1942), Key (1950), Woodward (1955).

## Literature

Scholarship on political representation in the United States has largely focused attention on members of Congress. This may be particularly true when it comes to the political representation of racial and ethnic groups. From the 1960s civil rights gains to controversy over the enforcement of the Voting Rights Act and the debate over ‘majority minority’ congressional districts, Congress has served as the benchmark for the study of political representation. Increasingly, the decision-making process of state legislators and the political representation of people of color and women have been studied, along with the effects of political networks and recruitment. However, there is comparatively little work analyzing the representation of underrepresented groups in state legislatures. Furthermore, most scholarship on people of color representation in state legislatures have focused on a particular state legislature, or if interstate, usually focuses on a particular legislator’s action.

## Legislators as Reelection Seekers

Perhaps the dominant conception of legislators in studies of representation is as single minded seekers of reelection Mayhew (1974). In perhaps the furthest end of this logical argument, legislators from different parties will converge and fully overlap in their political positions in order to appeal to the median voter Downs (1957). Other scholars that have slightly relaxed this theoretical assumption still take as a given the need for a legislator to not step too far outside the preferences of his or her electoral district, lest they receive a strong challenge in the next election Brandice Canes-Wrone (2002). Electoral threat has been shown to have strong effects on strategies of representation, and it has

been theorized to come from several sources. In some cases the electoral threat has been thought to come from the residents of a district themselves, and it is this idea that the ideas of congruence and responsiveness are based on. Under this logic, legislators that are out of step with their electoral districts will lose reelection Heinz Eulau (1978). In traditional theories of Congressional politics, legislators assured to secure reelection will spend less time in their electoral districts and less attention will be paid to constituent services Fenno (1978). On the other hand, other scholars have noted that legislators act as if they are under electoral threat even when they usually are not Mayhew (1974). This may come from a past electoral scare or it could be an irrational behavior on the part of the representative. Therefore, legislators who face a strong electoral challenger will respond by spending a greater time on constituency services along with other strategies to appeal to their constituents in ideologically neutral ways. This can include developing strong relationships with members of the local community and also diverting funds to the electoral district Fenno (1978), Ferejohn (1974), Arnold (1979), Fiorina (1989). However, in recent decades this theory has come under increasing criticism due to the complete lack of convergence shown between the two major political parties and the relatively weak level of responsiveness shown by the typical legislator to the preferences of their electoral district as compared to the effects of political party David Lee (2004). Many scholars now argue that the attentive publics that hold legislators accountable for their political positions is significantly smaller than the full population of voters (and even primary voters) within a typical electoral district. Although in many ways informed in its assumptions by the electoral threat literature, many scholars believe electoral threat arises from special interest groups and political activists rather than the public at large Arnold (1990). Under this framework, there is no need for a legislator to match the preferences of their district as long as they remain in good favor of the groups that could potentially cause their defeat in the next election. Furthermore, scholars have disagreed

on how ‘local’ these important groups are, with some scholars stating that these groups have a state and national level focus, while others persuasively argue that these organized groups are largely local to the district Kathleen Bawn (2012), Bishin (2009). This theory also finds support in the copious amount of research investigating the low information retained by the average voter on public officials Lupia (1992).

## Representation and Trust in State Government

Something that is perhaps implied but rarely explicitly discussed in the trust in government literature is its relationship to representation at the state level. Presumably, if people are being represented well it should affect their trust in (or perceived legitimacy of) government. While there is a well known disconnect between how people feel about their member of Congress as compared to Congress at large, this study has been rarely replicated at the state level. An exception is in *What is it about Government that Americans Dislike?* by John Hibbing and Elizabeth Theiss-Morse, which contains explorations of how trust in government operates differently at the state level John Hibbing (2001). It is remarkable that until relatively recently state legislatures were widely considered less trustworthy than Congress, particularly in the authoritarian and white supremacist state legislatures of the South. However, starting in the 1960s and 70s perceptions began to change, in part because of substantive changes by state legislatures in their process of elections, drawing of districts, and professionalism. However, while the aforementioned work and other studies have noted the overall trend in perceptions of state legislatures, there has been comparatively less research on the role of individual representation rather than the collective representation at large. This may be due to the wide variation across state legislatures in district size, party competition, and other institutional factors (such



as single member versus multi member districts). However, there may be reason to believe that individual level representation is less important in state legislative contexts, given that recognition of state representatives by the public is much lower than it is for members of Congress. However, it does seem that for state legislators facing scandal, recall attempts, or other forms of removal from office, knowledge about their misdeeds is quite high. In some points of view, it looks like the only way to be well known in a state legislature is to be notorious. However, I believe this viewpoint depends greatly on how one defines the concept of “known.” In terms of name recognition, members of Congress are certainly better known. However, this likely comes largely from greater media coverage rather than greater face to face contact. Therefore, I would question that if one were to define “known” as having met the representative at a community event, face-to-face while campaigning, or some other mechanism, I think it is likely that members of Congress and state legislatures are much more equivalent than often theorized.

## Debates on Representation

Nearly as long as representative democracy existed, political thinkers have discussed the proper role of the representative and the relative limits of the democratic system to produce ‘true’ representation. Some of the major cleavages in this debate include that of the trustee versus delegate model, and the relative importance of descriptive, substantive, and symbolic representation. Furthermore, scholars have discussed the relative merits of a representative system at all. What does it mean to ‘do democracy,’ and what is the relative value of a representative in comparison to other governmental systems?

Several scholars have argued that descriptive representation is required, but not sufficient for a just system of representation Williams (1998). On the other hand, other

scholars have argued that in the modern political context, descriptive and symbolic representation has little significance in comparison to the raw political power of substantive representation. A significant section of this debate in the 1990s and 2000s was focused on the relative value of majority Black congressional districts for the representation of Black Americans. While many scholars argued that descriptive representation is critical for substantive representation Whitby (1997), Casellas (2007), Chapman (2002), others argued that by the drawing of majority Black congressional districts, more Republicans would be elected overall to the detriment of Black representation Charles Cameron (1996) Other scholars took a moderate viewpoint, stating that regardless of the substantive debate over representation, Black members of Congress could be elected in districts with a lower percentage of Black residents than often used when creating the districts Lublin (1997).

Although this dissertation does not engage with the debate on the drawing of Congressional districts directly, it does engage with a long line of Political Science scholarship that determines the unique value of legislators beyond roll call votes and party id. In other words, this past and current scholarship states that when evaluating the representation of majority groups it is important to evaluate the wide variety of activities legislators take in their positions Christian Grose (2007), Brown (2014). Furthermore, this scholarship recognizes the value of legislators from different backgrounds just because they may vote differently on legislation, but also because of changes that can be introduced from deliberation, introducing ideas and legislation that others hadn't thought of, changing political cultures and so forth Rosenthal (2000), Marianne Githens (1977).

## Representational Inequalities

Another burgeoning literature in Political Science is that of representational inequalities. However, unlike many of the previous literature discussed, the focus here is on collective representation. Several scholars have decried increasing income inequality in the United States, starting in the 1970s. Scholars have attacked the origins of this growing divide, and the answers are varied Bartels (2010), Gilens and Page (2014).

While some broader economic forces may be outside the control of the United States, there are other areas that are under direct or indirect influence from political actors. For example, the declining average wages for Americans when adjusted for inflation, declining union membership, gutted social safety net, and deregulation of business and financial industries have in part come about due to an increasing focus of the needs of business and the wealthy from policymakers. Furthermore, racial inequality has not seen significant improvements from this decade either. While in some areas the government has increased or maintained civil rights laws, in other areas there have been significant retraction of the scope of legal protections for non-white racial and ethnic groups. Furthermore, despite a larger non-white middle class and upper middle class than in the past, the severe rise in policing, imprisonment, violence, and economic abandonment have made many racial minorities' lives significantly worse. Some of the most significant improvements have occurred among LGBTQI individuals and the significant increase in rights and legal protections for these groups. For women, the picture is more mixed. While workplace protections and civil rights laws have been significantly improved during this time period, in other areas, such as abortion rights and maternal health care and leave, there has also been a significant drawback in progress. What could be the cause of stalled progress in the reduction of inequality? Additionally, how do we square these results with the fact

that on the matter of descriptive representation, there has been significant improvements and moves toward parity among all groups, with the exception of the representation of poor and working class candidates? It may be in part due to the nature of the legislative systems of the United States. Most legislative bodies among the states and Congress are designed against political action, and many state constitutions (and the national constitution) are biased against redistribution. Additionally, the rise of a mobilized business class in the 1970s has led to a significant entrenchment of business interests in both legislation and in the legal system. Groups such as The Federalist Society have led to activist judges working to reestablish the right of business over the rights of individuals or communities. The truce that business forged with the government from the 1940s through the 1960s, in part because of the growing influence of labor, threat of the Soviet Union, and strong national economy had unraveled by the late 1970s, and therefore in many respects laws regarding business and legal interpretations are increasingly headed towards a pre-New Deal environment.

Additionally, an important question to address is to what extent are inequalities in representation divorced from inequalities in society? Can government be thought to be separate from society, as a force from above that can either 'push' inequality in a positive or negative direction? Or despite efforts to the contrary, is government unable to impose societal changes contrary to what society desires as a whole? Lastly, is representational inequalities a reflection of a variety of factors, such as government processes and norms, economic conditions, and societal values? The argument of this dissertation largely engages with the last option, for a number of reasons. First, government certainly has the power to change culture from above- many aspects of life in the United States that are taken as natural were in fact imposed from above at some point in time. Although often vigorously contested in the beginning, they are usually accepted as a fact of

life. However, this statement does come with a caveat- some societal norms are harder to change than others- many governments that have attempted to impose religious beliefs for example, have found religion to be particularly immobile to government pressure. Additionally, governments certainly have the ability to exercise significant control over the economy, including the ability to make winners and losers, increase or decrease inequalities, etc. However, likewise there are certainly limits to changes in economic conditions that can be made without the coordination of several countries.

However, despite these limits on some aspects of government to affect culture and the economy, it is important to realize that the government is not merely a reflection of society back at itself. Governmental actors make conscious decisions to try to create the society they find best, and the results are often quite distorted from what might be considered the average opinion in society.

This chapter will contain the theoretical argument and will explain the unique focus of group consciousness held by political elites. Given that we know these attitudes are important for mass level political behavior and attitudes, it is plausible that they affect the choices that people of color legislators make separate from the general career, ego, or ideological motivations of legislators as a whole. Something that I hope to illustrate is also not just the presence of group consciousness, but also the level of constraint and autonomy a legislator faces to pursue a distinctive policy agenda.

## **Group Consciousness and Representation**

Those possessing group consciousness are thought to have salient group identification, a preference for one's own group, a recognition that their group's current status and subsequent dissatisfaction, and a belief that their group's status is attributable to to inequities

in the social system Arthur Miller (1981). Elevated levels of legislator engagement, constituent service tailored to the diverse needs of the residents in a district, and behind the scenes legislator activity are all believed to come from the group consciousness held by people of color legislator, particularly African American representatives Broockman (2013), Minta (2009), Minta (2011), Canon (1999), Grose (2011), Tyson (1972), Tate (2004), Whitby (1997). These positive interactions with representatives may lead constituents to have higher levels of trust in government. Additionally, seeing members of systematically oppressed racial and ethnic groups in leadership positions may lead racial and ethnic groups to have higher levels of belonging and belief in the fairness of the United States political system. Seminal texts in the study of African American legislators have found that African American Republicans do not display much of the behavior and traits consistent with those holding group consciousness Brown (2014), Rouse (2013), Tate (2004).

Additionally, an emerging literature in people of color representation has focused on the distinct role that people of color representatives play in advocating for their constituents beyond what provides them an electoral benefit. Elevated levels of legislator engagement, constituent service tailored to the diverse needs of the residents in a district, and behind the scenes legislator activity are all believed to come from the group consciousness held by the legislator Broockman (2013), Minta (2009), Minta (2011). Those possessing group consciousness are thought to have salient group identification, a preference for one's own group, a recognition that their group's current status and subsequent dissatisfaction, and a belief that their group's status is attributable to inequities in the social system Arthur Miller (1981). Until recently, scholars have largely focused their attention on the influence of group consciousness on mass political behavior, but this project contributes to a growing literature that analyzes group consciousness held by elite political actors.

However, it is important to consider how group consciousness held by some but perhaps not all people of color legislators is only one of several reasons that people of color legislators adopt distinctive legislative styles. While many people of color legislators may hold group consciousness, it is important to consider how legislatures are ‘race-gendered’ institutions that may force women of color to adopt distinctive legislative styles Hawkesworth (2003). While the ‘race-gendered’ nature of legislatures and generally oppressive nature of United States society may manifest itself in different ways, it undoubtedly affects perceptions of legislators towards an institution that was not designed with anyone but white men as an expected population. The real barriers toward advancement to legislative leadership positions and higher elected office (Senators, Governors, Presidents) faced by women of color that are distinct from those faced by men of color may also interact with the perceptions of the legitimacy of the institution to produce distinctive legislative styles. Therefore, it is vital to further investigate the role of gender in this work on legislator engagement in state legislatures.

## **Legislators and Legislatures are Social**

Perhaps one of the most common claims in legislative studies, and to a lesser degree in studies of representation, is that politicians are single minded seekers of reelection. This model has many benefits, and it is certainly closer to truth than the converse, that politicians don’t care at all about reelection. Furthermore, treating politicians as all having the same motivations and goals makes modeling of legislative behavior significantly easier. However, it still leaves questions unanswered: if politicians only care about getting reelected, why enter politics at all? There must be some prior motivation to the first election for someone to choose to get involved in politics. Especially since from

the outset, entering political advocacy or running for office is fairly unrewarding work. While this is not necessarily true for reelection campaigns, initial elections often require significant sacrifice, an uncertain outcome, significant physical and mental challenges, and so on. Additionally, although being a politician does occasionally bring prestige, many other aspects of the job and working conditions are a decrease from a legislator's prior employment on average. Many politicians are recruited to run for office by political actors within the district or political party. It also makes all representation incidental to the primary goal of reelection. It is often claimed that winning reelection is proof that effective representation is occurring. In other words, if a legislator is not effectively representing their constituents they will not be reelected. Although this may be true for legislators that are extremely out of step with their district, most legislators can have a fairly comfortable reelection even when only representing the interests of their political party or certain key groups within the district. In the space between perfectly aligning ones actions with the preferences of their district and being so out of step as to lose reelection, there is quite a lot of space to maneuver and choices to make. Furthermore, all the prior statements assume free and fair elections, which often do not occur in many state legislatures. Many legislative districts are drawn to be noncompetitive, and in addition many state parties and individual campaigns engage in electioneering and voter suppression. Furthermore, public knowledge about state politics and the positions of their state legislators is generally significantly lower than members of Congress. While several studies have found that lack of public knowledge allows members of Congress to pursue their own agendas, this effect is likely magnified for state legislators.



## Discussion and Conclusion

The first chapter reviews theories of representation, covering descriptive, substantive, and symbolic theories along with the influence of representation for those with non-dominant identities. This conception of representation as a dynamic process is juxtaposed with existing theory and related to its contributions and future advancement. Additionally, the next chapter explores the role of group consciousness in legislative actions. Is it true that the legislators that go above and beyond in their legislative activity are simply more ambitious? Or is it that they are in a vulnerable position of reelection? Or rather, do some state legislators have intrinsic motivation to serve their constituents, independent of these other factors? The next theoretical chapter addresses these questions and outlines the argument. Furthermore, it describes the research design for the dissertation.

## Chapter 2

# Theories of Representation and the Role of Constraint

### Constraint and Autonomy

Even under optimal conditions, once elected a legislator faces several competing demands for their time and attention. Furthermore, implicitly or explicitly a legislator can find themselves avoiding the pursuit of certain political issues or ‘going against’ the party on a particular issue. Therefore, I believe that many legislators are quite ideological and would exhibit a greater range of policies and conduct more actions if they were in a situation of full autonomy. In other words, beyond the full observed population of actions taken by a legislator and policies that a legislator is pursuing are additional things that a legislator wants to do. According to this theoretical framework, legislators face a set of actions in which they face greater or lesser amounts of constraint. In other words, the amount of autonomy a legislator has in choosing to execute an action towards representation is substantively important, because legislators operating under greater

autonomy may have greater opportunity to pursue distinctive policy agendas. Legislator constraint is an important part of figuring out the puzzle of representation. Intrinsic motivation, district preferences, or social movements can all force a legislator to take action, and at times legislators conduct distinct legislative actions that are divergent from their own political party. Of special interest are actions that may help reduce racial inequality, which is a divergent goal that non-white legislators often hold. However, legislators are frequently constrained by the legislatures they reside in, whether it be from pressures from their own political party, institutional rules that reduce legislator actions, discrimination or tokenization from fellow legislators, or a whole host of other reasons. Listed below are a variety of legislator actions ranked by the level of constraint legislators face when attempting to take a divergent path. Constraint generally decreases

Table 2.1: Levels of Constraint

Level of Constraint	Legislator Action
High	endorsements, participating in a direct action/boycott, roll call votes, state/national party decisions
Medium	resolutions, sponsorship/co-sponsorship, bureaucratic oversight, earmarks (level of constraint varies from state to state)
Low	in district legislator events, constituency service, open floor debate, letters, e-newsletters, hiring decisions for legislative staff

*Note: Author's conception*

as focus shifts from state/national to district level, and it generally increases as number of actors increase. Also, state legislatures have lawmaking rules that vary the level of constraint. Additionally, even beyond the well discussed effects of professionalism, states may have political cultures that encourage or discourage particularism. Additionally, it is likely that in every state the level of constraint a legislator faces in their actions is lower than that of Congress. However, this comes with the lower prestige and political power

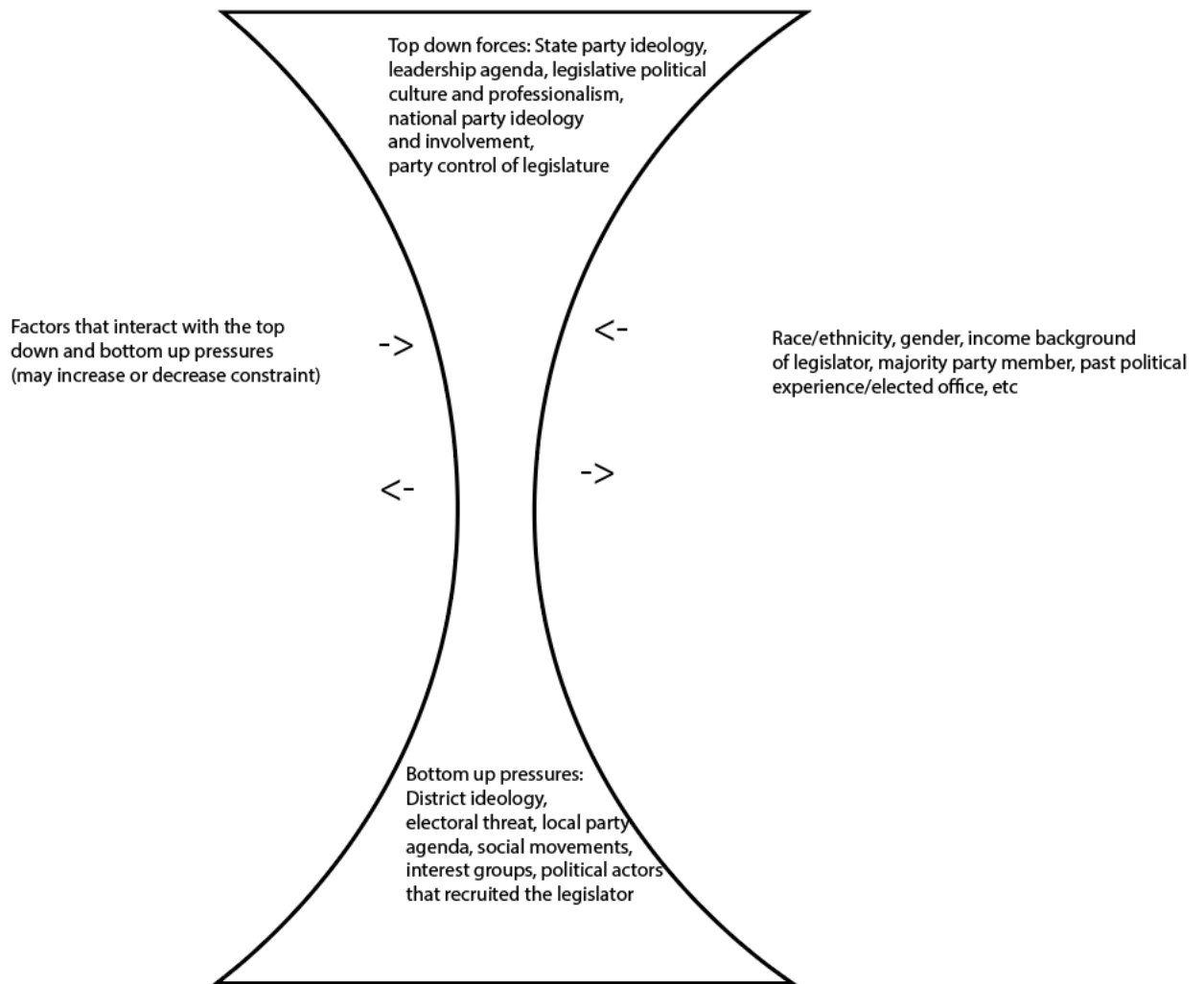
of state legislators, along with being constrained by federal laws. It is likely that as the professionalism of a state legislature increases (in other words the more like Congress the legislature becomes), legislators will be more constrained in their actions. However, there may be a cross cutting effect as the political culture of a state legislature may be less discriminatory towards women and non-white legislators as the professionalism of the legislature increases. While professionalism may have a negative effect on class diversity, it is possible that it might help weaken the influence of ‘old school style’ politics and the subsequent negative effects on women and people of color.

## **Institutional Variables Affecting Constraint**

### **Professionalism, Party Control over Nominations, and Openness of the Political System**

The professionalism of a state legislature and party control over nominations are highly interrelated, and this has consequences for the openness of the political system. Congressional paralysis on several important political problems have caused state legislatures to become more active than ever before. This trend is perhaps both a cause and consequence of the increasing professionalization of state legislatures, which over the last few decades transformed many part time and parochial legislatures into policy focused legislative bodies. Unless state political parties place a particular emphasis on recruiting middle and low income candidates, states with high levels of professionalism will likely have campaigns that exclude these individuals due to the high cost of becoming a candidate. This effect particularly influences the decisions of women and people of

## The Hourglass of Representation



These three factors interact to produce the constraint that a legislator operates under. Contrary to some theories of legislative activity, constraint is observable and measured as the variation of legislative activity, the actions legislators do not take, and the legislator actions that are unsuccessful.

Figure 2.1: The Hourglass of Representation

color in their decisions to run for office. Therefore, there are eight possible results from these three variables: I argue that the most favorable environment for the recruitment of middle and lower class candidates, women, and people of color would be: high party control over nomination, low professionalism/cost of campaigning, and a party that makes special efforts to recruit these candidates. The least favorable environment would be as follows: low party control over nomination, high professionalism/cost of campaigning, and a party that does not make special efforts to recruit these candidates. Therefore, as state legislatures on average become more professionalized over time and as the costs of political campaigns within a state rise, unless political parties make special efforts to recruit diverse candidates the representation of people of color may not grow despite increasing diversity within individual states. Additionally, while parties having control over nominations is sometimes necessary for this recruitment to be successful, it may make it more difficult for people of color legislators to pursue independent policy goals from the goals of the political party at large.

While some state level political parties may meet this standard for racial diversity at the leadership class (California Democratic Party, HI Dem, NM Dem, MS Dem), there are few if any state political parties that meet this standard for the leadership class in terms of gender and class background. Therefore, the ideal policy situation does not exist in most states and is unlikely to exist without a large shift in race and gender attitudes along with power relations.

# Political Culture and Legislatures as Race-Gendered Institutions

It is important to realize that state legislatures, like all political institutions, are race-gendered Iva Deutchman (1992), Hawkesworth (2003). This is due to the historical development of the institutions themselves; until recently these were places that were made nearly exclusively for white men, and whatever number of people who didn't share these identities in the institutions were not large enough to transform the institutions. When looking at the entire history and institutional memory of state legislatures, these groups are a recent addition. While it is important to note that while all state legislatures are biased against members that are not wealthy white men, this argument states that this varies significantly across state legislatures. Relevant factors include the relationship between these groups and political parties, the balance of power between political parties, the overall diversity of the state and state legislature, and the historical entrance of non wealthy white male legislators into the state legislature. It is important to note that the proportion of state legislators with a given identity is a fairly weak measure of the actual power and autonomy these groups wield within a legislature. Some illustrative examples may be helpful to describe the dynamics of this relationship. For example, Mississippi has the highest proportion of African American state legislators out of any state, but for the last two decades have been largely shut out of power due to persistent Republican Party majorities in the state legislature. Additionally, despite the overwhelming support for the Democratic Party among African Americans in Mississippi, there are few African Americans with leadership positions in the party; in fact the only two African American gubernatorial candidates since Reconstruction were 'sacrifice' candidates that received little support from the party in their campaigns.

## **Model: An 'Hourglass' of Representation**

The model can be imagined as an hourglass, in which a legislator faces competing district forces ('bottom up') and party/institutional pressures ('top down'), coming to a point of the individual legislator. These two competing forces interact with the characteristics of the legislator. When controlling for political party and ideology, some of the most important variables that affect this three level interaction include: Race and legislator background (Legislator), professionalism and party control (legislature), and electoral threat and median income (district). (The intensity of district forces on legislator decision making varies from district to district and across states, while the intensity of party/institutional pressures varies from political party and state legislatures.)

### **Argument**

There is a growing literature demonstrating the importance of people of color representatives because of the informal actions they take for their constituents, one of which being constituency work Rouse (2013), Minta (2011), Brown (2014). I argue that there may be an important interaction between district preferences, legislator characteristics, and state level constraints on patterns of representation outside of voting record. Almost all studies of representation have looked at members of Congress. State legislatures are quite different in levels of professionalism, staff and resources allocated to service provision and size of electoral district, all of which could plausibly affect strategies of representation and legislator engagement. I build on a literature arguing that people of color representatives provide qualitatively different and often better substantive representation than white representatives because of informal actions taken in legislatures to advance preferences and improved constituency outcomes among people of color. Fur-



thermore, this result comes from a group consciousness held by the representative. In other words, while legislators of the same party often vote in a relatively similar way when adjusting for the preferences of the district, people of color legislators and some women and working class legislators also pursue distinctive policy agendas through these informal channels. I argue that people of color representatives will tailor their legislative activities to provide informal actions on behalf of a racial or ethnic group. I also argue that these actions often have an indirect effect of improving constituency services and perceptions of belonging among people of color constituents. I plan to focus on legislator actions that are less visible and under less party constraint than roll call voting. Roll call voting unarguably makes a substantive difference in the lives of constituents but is mostly controlled by political party membership. Furthermore, beyond direct electoral campaigning it is the most visible action a legislator takes. Therefore, it is very difficult to discern the intentions behind a legislator's voting record except in the rare cases where they strongly diverge from either their political party or the preferences of their district. A legislator may vote a certain way out of a genuine desire to serve their constituents, out of ideological constraint enforced by their party membership, or solely to win reelection. In many cases, it is likely a combination of all three of these motivations. However, by focusing on legislator actions outside of roll call voting I can analyze situations in which reelection concerns and party constraint have a less significant role. These motivations are certainly not absent, but I predict they decrease in correlation with decreases in publicity. In other words, the more 'behind the scenes' a legislator action is, the more likely it will be consistent with their intrinsic motivations. Of course, the less publicized a legislator action is, the harder it is to measure in a systematic way. Indeed, there are actions that may be some of the best measures of legislator intent that can't be measured without the legislator agreeing for a researcher to be present in every private meeting, listen in on every phone call, and so on. One way to get around this roadblock is the

legislator interview, which will be explored in greater detail in the appendix. The next section outlines the research design and methods used to address the questions posed in this dissertation.

## **Intrinsic Motivation, or Lack of Ambition?**

Much of the theoretical attention in this dissertation will be directed towards legislators who act distinctly from other legislators within their political party in the state legislature. While it may seem odd to direct attention towards outliers in the population of state legislators, this is actually critical for unpacking insights about representation, both within state legislatures and more broadly. Legislators consistently face trade offs and forks in the road in their day to day activities but also in declaring their legislative priorities. In this conception, the legislators who are consistent party members tell an important part of the story, but not the whole story. To return to the theoretical concept of constraint and the Hourglass of Representation, legislators are often quite constrained in their decisions. In theory, they can make any decision they'd like, but in practice that could mean losing reelection, being stripped of committee assignments, losing the endorsements of key political actors within the state, political interests funding political challenges against the legislator, and so on. Therefore, in practice, many legislators must find a balance between the demands of their political district (bottom up pressures) and the demands of influential members of the legislature and party leaders in the state (top down pressures). Furthermore, they must balance these often competing pressures with institutional factors, varying by the state, that make certain political decisions nearly impossible, at least from a practical political standpoint. Therefore, many politicians find it easiest to go basically 'in the middle' or the path of least constraint or resistance,

and generally support party leadership, perhaps only deviating on a couple key issues. It should be noted that these legislators have the ability to make other decisions, which is exemplified by outliers within the state legislature. Furthermore, although characterizing these legislators as outliers may imply that they are inconsequential or few in number, but in many state legislatures this is not the case. However, it could reasonably describe some state legislatures with a high degree of party loyalty, such as New Jersey. In some state legislatures these outliers are organized either formally in a caucus or form an identifiable voting bloc within the legislature on key issues. However, it is important to consider whether these legislators are operating from a position of intrinsic motivation, or does it come from a lack of ambition for progressive advancement in a political career. If a legislator doesn't really care about losing their reelection, or advancing to higher positions within the legislature, or higher levels of political office, it is reasonable to think that they may not operate under the same political calculus of other legislators. However, although there are certainly examples of legislators who acted with careless disregard for their own political career, this seems to be quite rare. First, as descriptive data will later show, there are many distinctive legislators who also display significant ambition, both in running for higher office, but also in vying for higher positions within the legislature. Secondly, there are many legislators who display little ambition, who are also traditional party line voters. To give a telling example, if reelection was the only motivation, there must be a consideration of term limits on the behavior of state legislatures. Many state legislatures are term limited, and as will be discussed in greater detail for most this is effectively an end to their political career. If reelection was the only concern that would stop legislators from acting on their true values, there would be significantly more cases of legislators changing their positions in their last term in office than what is observed.

## **Inequality within Legislatures**

### **Power In and Out of the Legislature**

The characterization of power is two fold in this dissertation. It is defined in both personal and structural terms. At the individual level, power is defined as being able to pursue one's goals without excessive roadblocks and interference. One critical aspect of this is that this conception of power does not require one to control others. In other words, this definition of power is very similar to self-determination. This concept has been largely applied to groups, particularly in a liberation context or in the concept of nation-states. However, self-determination can also be applied in a modified form to the individual level. It is important to realize that no individual acts completely independently from others, and this is perhaps even less true in a legislature. However, it is clear that legislatures are stratified by the ability for its members to pursue their goals and represent their constituents. Many legislators operate under considerable constraint in their ability to enact change. Additionally, structural power will be largely defined at the state and national level. Like other scholars, I have found that pluralistic approaches to democratic theory pays too little attention to the broader structural context Lowi (1964). In other words, although political groups may compete in state politics, there are structural differences that may cause some groups to have a near permanent advantage. In some cases, such groups can be quite influential even if in terms of political mobilization and swaying public opinion they are less effective than the groups they oppose. In rare cases, they may be able to work largely behind the scenes through effective lobbying and the profound influence they may have on the state economy. Furthermore, it should be stated that constraint does not always mean that there is a substantive loss in represen-

tation. A legislature in which there was no constraint on legislative behavior would likely be quite chaotic. Instead, constraint leads to qualitatively different legislative outcomes than would occur in situations where there was less constraint. However, it is likely that areas of high constraint lead to negative outcomes in representation, which not all legislators face. Individually, this is a reflection of a lack of political power to achieve one's legislative goals. Collectively, it would mean a paralyzed legislature. Furthermore, the definition of power defined in this book is the ability to achieve one's goals and generally operate and live without excessive interference. To clarify, it does not necessarily mean the ability to force others to carry out tasks, although in some cases that may be necessary to achieve particular goals.

## **Legislative Priorities for State Political Parties**

### **Electoral Rules and Other Institutional Mechanisms**

As stated earlier, it's also extremely important to think about how institutional differences across the states can work to increase or decrease constraint that legislators face. Term limits, campaign finance laws, lobbying regulations, the presence or absence of referendums and recalls, gubernatorial powers, state Supreme Court rules, regulations, and level of influence of key industries and/or regions on the state, are all quite important for determining factors relating to constraint.

## Electoral Districts in the States

Electoral districts are both a bottom up pressure that legislators face, and an institutional variable that varies across the states in its effects on legislators. Legislatures vary significantly in the size and political competitiveness of their electoral districts. These districts vary in size from California, with approximately 468,000 residents per district in the lower house, to New Hampshire, with an average of 3300 residents. In general Congressional districts are less ideologically homogeneous than state legislative districts. Furthermore, as seen in the districts below, most legislators who are not White or Native American represent very liberal districts. There are also significant considerations

Table 2.2: District Ideology by Legislator Identity

Legislator Identity	District Ideology Average
National Average	-.0800
White	-.03373
Black	-.3603
Latina/o	-.3100
Asian American	-.3544
Native American	-.03978
Native Hawaiian	-.36894

*Note: Data drawn from the American Ideology Project, years 2016 and 2017 (Tausanovitch and Warshaw 2015)*

for representation in the few state legislatures that have multi-member legislative districts. Maryland, Vermont, New Hampshire, Maine, Massachusetts, Arizona, Idaho, New

Jersey, North Dakota, South Dakota, and Washington all have multi-member electoral districts. In all cases except Massachusetts and Vermont, such multi-member districts are for the lower house only. The states also vary significantly in the average political competitiveness of a state electoral district, which is partially but not entirely determined by gerrymandering. As can be seen in the tables below, states vary significantly on this variable. The majority of states contain partisan districtmaking, with little oversight from other bodies of government. Although there is often strong scrutiny and frequent legal challenges, it is infrequent that a legislature would need to redraw their districts. This was not always the case, but in *Shelby County v. Holder* (2013) and further expanded in *Abbott v. Perez* (2018), Southern states along with Arizona and Alaska will no longer need to submit preclearance approval of their district maps Horner (2020).

There has been a growing trend among some states to avoid the partisan drawing of districts, using alternatives such as the drawing of the districts through a judicial panel or citizen committee. However, in the majority of states partisan districtmaking, and subsequent gerrymandering, is on the rise. It is also important to note that the partisan drawing of districts is not evenly distributed across the states. Partisan drawing of districts is more common in Republican controlled state legislatures, as liberal states have been more likely to implement reforms. Hawaii, California, Washington, Idaho, Arizona, Colorado, Michigan, Virginia, New Jersey, and New York have either implemented a non partisan commission or a hybrid model. Nine out of the ten states (all except Idaho) voted for Joe Biden in the 2020 presidential election, and in only two states (Arizona and Idaho) was there unified Republican control of the legislature and governorship at the time of redistricting in 2021.

There is strong evidence that state legislative districts are on average more politically homogeneous than Congress, particularly in states that have partisan drawing of districts.

Table 2.3: Average Margin of Victory for State Legislators by State

State	Average Margin of Victory
Alabama	74.86
Alaska	66.69
Arizona	74.64
Arkansas	84.76
California	56.18
Colorado	64.4
Connecticut	70.18
Delaware	76.85
Florida	66.17
Georgia	84.41
Hawaii	74.64
Idaho	73.24
Illinois	80.72
Indiana	72.06
Iowa	69.98
Kansas	68.81
Kentucky	75.51
Louisiana	75.98
Maine	63.49
Maryland	67.95
Massachusetts	85.76
Michigan	58.37
Minnesota	63.09

*Note: Data drawn from state election boards, years 2016 and 2017*



Table 2.4: Average Margin of Victory for State Legislators by State

State	Average Margin of Victory
Mississippi	76.05
Missouri	75.94
Montana	67.43
Nebraska	62.49
Nevada	64.19
New Hampshire	64.71
New Jersey	66.4
New Mexico	78.76
New York	77.05
North Carolina	73.51
North Dakota	69.13
Ohio	69.6
Oklahoma	67.17
Oregon	69.4
Pennsylvania	76.76
Rhode Island	73.28
South Carolina	81.89
South Dakota	71.36
Tennessee	75.45
Texas	75.39
Utah	75.1
Vermont	76.84
Virginia	72.94
Washington	69.37
West Virginia	59.81
Wisconsin	72.92
Wyoming	68.87

*Note: Data drawn from state election boards, years 2016 and 2017*

However, this does not necessarily translate into a stronger incumbency advantage. On average, state legislators have less financial resources and political capital to defend their districts, which makes them particularly vulnerable to primary challenges. Furthermore, retaining a state legislative district is generally less of a priority for state and national level political parties than defending a Congressional district.

## **The Nationalization of Political Parties**

The mechanism for the nationalization of political parties is unclear. The momentum may be coming from activists and more liberal/conservative members of the party, while in other cases it may be state party leaders, or forces completely outside of state control.

Generally the forces for the nationalization of political parties is coming from Washington DC and associated spending on House and Senate campaigns. There are also forces that are completely outside the control of political parties, including changes in communication and technology. It is easier than ever for an activist or donor to be informed about state legislative and even local races. Additionally, donation management systems like Act Blue make it easier than ever to donate and otherwise get involved in these campaigns. However, there is some movement within state level political parties for these changes. Among states that are hot spots for fundraising and donations, such as California, New York, Texas, and Florida, there may be a perception that an increasingly unified political party will let these states set the political agenda. This may somewhat displace the substantial importance of swing states in the mind of party leaders. Furthermore, money is so significant in the course of political campaigns that state party leaders are unlikely to turn down the growing trend of the national party subsidizing their campaigns. Additionally, the growing importance of gerrymandering on the national landscape has

increasingly made the control of state legislatures of supreme importance for national party leaders. Furthermore, the significant gridlock found in Congress has shifted party attention increasingly towards Presidential and state level campaigns, where there are less institutional roadblocks to making policy changes. However, this is not to say Congressional campaigns are unimportant. Although they have been surpassed by presidential campaigns in spending, they still greatly dwarf the aggregate spending of state level campaigns.

## **Should we Care About Representation in State Legislatures?**

Why should we care about representation in state legislatures? With the decline of state level political parties relative to the national, and the subsequent nationalization of political parties, it may seem unimportant to focus attention on the states. Furthermore, even if one rejects that premise, other scholars have theorized that there is little in representation beyond party control. In other words, whichever party controls the legislature pursues their party agenda, with a divided legislature meaning gridlock. Others may complicate the picture by focusing on the need for super majorities in some states and the varying importance in gubernatorial powers across the states. However, this position assumes a Westphalian system that does not yet exist in any state, although it comes close to describing Congress, particularly from 2010 to the present day (2021). However, this description is less accurate when describing state legislatures. Legislators within a given political party are not uniform in their interests, strategies, or position within a political party. This statement holds true for any state legislature, and in some the differences are extremely high.

Furthermore, state governments have a tremendous effect on the lives of ordinary people. Compared to a unitary system or even a federal system with less devolution of powers, there are many areas of government where the states take a leading role. Furthermore, even if the overall effect was fairly low, it is unarguably quite high for those in poverty, with disabilities, the undocumented, and individuals with a non-dominant ethnoracial-religious identity (white Christian). Therefore, we should pay attention to state legislative representation, with a special focus on those whom government outcomes most directly affect across the states. This perspective, that government decisions have the greatest effect on vulnerable or otherwise non-dominant groups, informs the representational focus of this dissertation.

Lastly, there are relatively unexplored differences between members of Congress and legislators from other levels of government. Compared to members of Congress, significantly less research has explored the motivations of state legislators, their strategies of representation, or a wide variety of related topics. Arguably some elements of the results and theories in this dissertation are also relevant to Congress, but many aspects are not. I suspect that many common assumptions about legislators being ‘superhuman’ in their disposition and drive for reelection is affected by the observation of members of Congress, who are near the upper level of achievement in obtaining political power. Congress differs in numerous ways from state legislatures, but the following are arguably the most important to the concept of constraint as described in the dissertation. Members of Congress have significantly more resources and staff. They also operate under much more media coverage and scrutiny from the general public. They also undergo more institutional changes; in other words they are much less static than Congress, which often only updates its rules roughly every 40 years. Additionally, although the political cultures vary widely, all state legislatures have a significantly different political culture from Congress.

Lastly, although members of state legislatures have high reelection rates, they also face greater vulnerability. The generally smaller campaign budgets and other resources of state legislators make them more vulnerable to challengers, on the off chance that a extremely well funded candidate decides to run against them, a national party organization or interest group decides to intervene in the district, or national news media turns their attention on the legislator.

Furthermore, it should be noted that because of the unique aspects of state legislatures, this dissertation is not solely utilizing the variation that can be found from fifty state legislatures in order to gain statistical power and generalize to make a statement about representation universally. Instead, these results and the theories they inform are conditional to state legislatures, with perhaps some aspects that translate to Congress. Additionally, they are not applicable to all state legislatures. As will be discussed in greater detail later, there are some legislatures that are very unique, and not as applicable to the generalized theory of constraint. Hawaii is an example of where the theories explored in this dissertation don't work that well. Why? Hawaii has a political leadership that is largely Asian American and contains legislators largely of that background. In recent years, it has also been dominated by the Democratic Party, which has led to a surprising uniformity of goals from the leadership to rank and file to the districts. In other words, legislators don't feel a lot of constraint from top down pressures, and to a lesser extent, bottom up pressures. Lastly, the institutional variation across state legislatures is not simply to gain statistical power, rather it is a key element of the theory of constraint as outlined in the dissertation.

## State Legislative Political Culture and the Interaction of State and Local Politics

The political culture of a state legislature is also extremely important for establishing pathways of representation. Significant volumes of scholarship have characterized so called “good ole boy” political networks in state legislatures, particularly in the South. The “machine” state legislature and the professionalized state legislature have also been characterized. Although for much of this scholarship, the work has not been comparative in nature.

Additionally, although this work did a strong job characterizing how political culture affects the choices available to a legislator, particularly among women legislators, this work generally did not observe how this effect interacted with state level institutional factors including the political party external to the legislature and the effects of district preferences and policy agendas. Even though state and local politics are often grouped together from a methodological standpoint in Political Science, the two political environments are quite distinct. Furthermore, states vary widely in how much influence local politics influences state politics. Additionally, while some states find local politics to be a fertile place to start a political career in a state legislature, this is the exception rather than the rule.

However, this is not to suggest that local politics are completely insignificant to state level political affairs. Depending on the state, there can sometimes be significant cooperation or conflict both between the legislature and the municipalities, and between state level and local political parties. Future work will explore this dynamic more fully through state legislators, and perhaps local and state level elected officials and party leaders.

# Research Design

In this project I plan to:

- i. investigate a variety of actions that make women, people of color, and working class state legislators distinctive,
- ii. analyze institutional trends across state legislatures that affect the constraint faced by legislators to pursue distinctive policy agendas and advance to higher levels of office, including Congress,
- iii. evaluate the political, demographic, and social environment of states that affect the relative power of people of color, women, immigrants, workers, and the poor.

To address these questions I plan to use a variety of quantitative methods. The appendix will discuss qualitative research to occur at a later date.

As many scholars observe, state legislatures provide more variation that make it attractive for quantitative analysis of several variables related to representation. While study of state legislatures is not new, the greater availability of data has made it possible to study multiple legislatures in one study rather than focusing on a specific state.

## Methodology and Data

Below is a table of variables of analysis, followed by a more detailed discussion of the variables in the subsequent sections.

Table 2.5: Variables of Analysis in the Dissertation

Variable	Type	Time period	Source
State Legislator Basic Information	Qualitative	2016-2017	Legislative web sites
District Ideology	Quantitative	2016/2017	American Ideology Project (Tausanovitch and Warshaw 2015)
Legislator Ideology	Quantitative	2016/2017	American Legislatures Project (Shor and Mccarty 2015)
Bill Sponsorship	Quantitative	2016/2017	Legiscan
Bills Passed	Quantitative	2016/2017	Legiscan
Constituent Events	Quantitative	2016/2017	Twitter
Constituent Event Content	Qualitative	2016/2017	Twitter
Most recent election vote received	Quantitative	2016/2017	State election boards
Past political office	Binary	2016/2017	Ballotpedia, legislative, and personal websites
Past/current occupation	Qualitative	2016/2017	Ballotpedia, legislative, and personal websites
Future elected office	Binary	2016-2022	State election boards
State level population and demographics	Quantitative	2017	US Census Bureau
District level population and demographics	Quantitative	2016/2017	US Census Bureau and Proximity
Average campaign spending by state	Quantitative	2010-2012	Ballotpedia
Average newspaper readership by state	Quantitative	2019	Statista
Year entering/leaving state legislature	Quantitative	2016-2022	Legislative websites
Lost/won reelection	Quantitative	2016-2022	State election boards
Legislature professionalism score and related variables	Quantitative	2016/2017	Squire Index (Squire 2017)
Legislature demographic characteristics	Quantitative	2016/2017	Legislative websites
Legislature polarization	Quantitative	2016/2017	American Legislatures Project (Shor and Mccarty 2015)
Legislature party control	Quantitative	2016/2017	Legislative websites
Legislature demographic characteristics	Quantitative	2016/2017	Legislative websites
Legislator social media use	Quantitative	2016/2017	Twitter and Facebook
Proportion largest city/metropolitan area	Quantitative	2016/2017	U.S. Census Bureau
Proportion of state GDP largest industry	Quantitative	2022	U.S Bureau of Labor Statistics
Member of Congress Electoral and Occupational background	Qualitative	2021	Legislative web sites



## **Legislator Characteristics**

### *Legislator Race and Ethnicity*

This will be determined through caucus membership. Almost all scholars of representation believe the race of the representative is important, although whether it is less, equal to, or more important than political party depends on who you ask. Scholars have approached the relative importance of descriptive representation from several different angles, and the particular variable of analysis often significantly influences the results found. Some scholars have looked at the secondary benefits of descriptive representation, including greater political knowledge and activity for those represented by someone of their own racial or ethnic group Lawrence Bobo (1990). Other scholars have focused on the positive role that a variety of perspectives brings to the policymaking process Brown (2014). On this, I argue that the relative salience (is race or party more important?) is highly contextual, depending on the interaction of legislator characteristics, district preferences, and state effects.

## **State Legislator Ideology and Political Party**

Ideology and party membership is an extremely important legislative characteristic, and would be included in most studies of representation.

Consider moving this middle section to literature review

An interesting characteristic of state legislatures is that some state Democratic and Republican parties are significantly more liberal or conservative than their national partners, which could have significant effects on certain types of legislation. In other words, it is likely that there are some political issues that are taken up by state legislatures that

would be ‘off the table’ in Congress.

The American Legislatures project is the best measure for state legislator ideology, and much more reliable than political party alone Boris Shor (2011). The ideology scores are produced in a process similar to DW Nominate. Party membership will also be recorded from legislative websites.

## **Pre-Political Record**

When investigating pre-political record, I ask the following questions: what was their profession and did they have prior political experience. I may find substantial differences in the pre-political records across different states and/or race of legislators. There is some initial evidence that African American legislators are more likely to be drawn from working-class backgrounds (or be ‘first generation’ middle class) and recruited by relatively more ideological political networks Tate (2004), Carnes (2018). Future work will explore , group/interest/actor recruitment in greater detail.

## **Progressive Ambition**

Progressive ambition is the desire for a legislator to run for higher office, and it is an important part of how we think about representation. It is likely that a legislator with progressive ambition will be slightly more constrained in their political decisions to stay in the good graces of donors, the state and national party, and other groups. However, there may be a crosscutting effect; legislators viewed by the party leaders as a ‘rising star’ may receive more institutional support and perhaps also influence the party overall. The time period of this project (2017-2022) has allowed for many state legislators under observation to run running for higher office (and in some cases leave the state legislature).

# State Characteristics

## State Legislature Professionalism

Professionalism is a key variable, and is a core part of the argument. Even when controlling for racial and political makeup of state legislatures and states, there will be strong differences in legislative output and legislator constraint because of institutional differences in the structure of legislatures. One of the core aspects of the theoretical framework is that increases in professionalism has cross cutting effects: it may make the statehouse more likely to engage in policy innovation, but may simultaneously make legislators less responsive to their districts. However, while responsiveness decreases, legislators are better able to serve constituents through increased staff sizes and district outreach. The most reliable state legislature professionalism measure is the Squire Index Squire (2007). It uses the following data to calculate professionalism scores for state legislatures:

-Legislator pay State Governments (2005)

-Days in session State Governments (2005)

-Staff Per Legislator (National Conference of State Legislatures 2004)

The data used for the Squire Index is current as of 2015 in the case of staff per legislator and current as of 2017 in the case of legislator pay and days in session State Governments (2005), State Governments (2017). The author scales these three variables to Congress (i.e state legislature x is in session for y days, which is z percent of how many days Congress is in session). In the case of legislative staff, Squire uses all staff in a legislative session (permanent and temporary). As for legislative pay Squire uses the annual salary in “the 42 states that pay them, averaging the salary for Maine which pays a higher sum in the first year of the legislature than in the second year. In the seven states that pay per

diems and the one state that pays a weekly wage, salary was calculated for the number of days or weeks the legislature was in regular session” Squire (2017) The data collection for ‘legislative days in session’ is more involved; it appears that the author hand coded the data himself after discovering inaccuracies in the legislative session data provided by the National Conference of State Legislatures Squire (2017) .

What is surprising is the extremely wide variation in these three variables, which seem to greatly affect the amount of resources available to legislators and may also affect the overall volume of legislation a state legislature can address (see Appendix). I argue that the institutional variation between state legislatures dwarfs that of the differences between the House of Representatives and the Senate. With the exception of length of term and district size, the difference between state legislatures equals or exceeds that of the difference between Houses of Congress, including legislative staff, party competition, political culture, legislative pay, length of legislative sessions, general demographics, legislator pre-political backgrounds, level of political experience, and many more. Therefore, state legislatures provide a better site of analyzing patterns of representation and contributing to longstanding debates in both the general field of representation and descriptive representation for people of color in achieving substantive representational outcomes. It is possible that this work may not generalize to members of Congress; however, it is even more likely that existing research focusing on members of Congress do not generalize to members of state legislatures. In a state like California there are institutions, political cultures, and other variables approaching equivalence to Congress. On the other, using Congress as a springboard to generalize to state legislatures is unlikely to work well because several, perhaps even half of all state legislatures are so distinct from Congress that they are difficult to compare. Additionally, as Michael Minta notes in *Oversight*, comparing the representative styles of white and non-white members of Congress are dif-

difficult to compare due to the non overlapping nature of their district demographics Minta (2011). At the time of writing, Steve Cohen was the only white member of Congress to represent a majority African American district and there are very few non-white members of Congress representing districts that were not a plurality or majority of their own race or ethnicity. However, in the case of state legislatures, while the general trend still holds, legislators tend to represent districts with a wider variety of district demographics.

Table 2.6: State Legislative District Demographics: Proportion Same Race by Race/Ethnicity of State Legislator

Representative Race and Ethnicity	Majority Same Race District(Percent)	Plurality Same Race District	Non-plurality Same Race District	Less than 25 Percent Same Race District
African American	433(62.03)	78(11.17)	187(26.79)	129(18.48)
Asian American	23(22.16)	18(17.31)	63(60.58)	54(51.92)
Latina/o	167(60.07)	23(8.27)	87(31.29)	53(19.06)
Native American	22(51.16)	1(2.33)	20(46.51)	20(46.51)
Native Hawaiian	0(0)	0(0)	5(100)	4(80.00)
White	5778(92.57)	248(3.97)	216(3.46)	60(0.96)

*Note: Data drawn from US Census Bureau data assembled by Proximity and state legislative websites, years 2016 and 2017 (Proximity2017)*

## State Legislature Polarization

Polarization is important to measure because it is a good signal for the level of constraint political actors face. This variable is measured as part of the American legislatures project along with legislator ideology Boris Shor (2015). In highly polarized legislatures legislator voting behavior, and to a lesser extent other actions, are more constrained by party membership than district preferences. It is likely that this variable also interacts

with partisan control. California is one of the most polarized state legislatures, but given that Democrats have a super majority there is less of an imperative to enforce party discipline. In polarized states like Wisconsin this is probably a much more important consideration.

## **Party Control**

Party control is an extremely important variable to measure because it is vital for determining the level of power a legislator has. A legislator in which their political party has been in a minority status for the last several years has very little influence over legislation, particularly in more polarized state legislatures and legislatures that grant minority parties very little powers. Additionally, it is important to observe if party control is trending in a particular direction, as this often affects a legislator's perception of the right choice to make.

## **State Legislature Racial Demographics and Presence of Racial/Ethnic Caucuses**

Another variable to consider is the relative amount of various racial and ethnic groups within a state legislature. A legislator who is the only one of a given racial or ethnic group may act very differently then if there is a large presence of a given racial/ethnic group and it has an organized and powerful caucus, even when holding other variables constant. It may also be illuminating to investigate the difference between the proportion of legislators in a legislature and the racial demographics of a state. A state in which a given group is dramatically 'over represented' or 'underrepresented' may reveal significant information about a state's political climate and racial acceptance. Additionally, whether people of

color legislators are organized into a caucus and the threshold at which this occurs can speak to the political power of racial groups in a state and the political coherence and organizing strength of a given racial group.

## **Political Culture**

This could be one of the most difficult sets of data to collect, as objective measures on the political culture of a state are quite difficult to find. However, it is quite important to find this information as the political culture of a state legislature is related to the concept of the legislature as a race gendered institution and helps determine the prospect of advancing distinctive policy agendas. This may be supplemented by news coverage of the state legislatures and data on the presence of non-white men in leadership positions and on prestigious committees. While there are a wide variety of aspects of political culture that can be potentially analyzed, I am most interested in a particular variable: how open is the legislature to newcomers? Legislatures that are described as ‘old school,’ ‘old boy networks,’ or ‘machine driven’ are likely to be hostile to new legislators or groups that may upset these established coalitions. These types of networks are detrimental to the advancement of women and people of color in a legislature on average, although it is possible that in some legislatures historically oppressed groups have taken control of these networks.

## **Other Institutional Variables**

I’m also considering looking at other institutional elements of state legislatures. These include the following:

-whether the state has open, closed, or jungle primaries

- different legislative rules and differences in agenda power
- whether they allow referendums or recalls and the volume in which these occur
- amount of autonomy provided to local communities and municipalities
- if states also have public financing of elections, which are sometimes combined with more severe limits on campaign spending.

## **District Preferences and Characteristics**

### **District Level Party Control and State Level Party Competition**

This variable will be assembled through public election records. In particular, one effect I'm trying to pick up on is how it is very different to represent a liberal district in a state that is overwhelmingly liberal versus a state that is very conservative. Even though the districts are perhaps similar in ideology, they exist in very different state level contexts.

### **District Ideology**

The data provided by the American Ideology project is the best measure of district preferences and a very important measure in the analysis Chris Tausanovitch (2015). This measure will be one of the key variables in the analysis of district preferences, with party control and social movement analysis taking a secondary role.

### **State and District Level Racial Demographics**

This variable will be a combination of the current racial demographics in a district and the rate of demographic change. The reason for this calculation is that although legisla-



tors are responsive to demographic change, they also look ahead to the future in order to consider the consequences of being incongruous from the preferences of their future district. There may also be an interaction between the state and district demographics that can either amplify or reduce the effect of demographic responsiveness.

## **Other Governmental Actors**

It is possible that state legislators also take cues from other governmental actors, including local elected officials and members of Congress. In particular, determining how these groups respond to social movements in their district could be very illuminating for a state legislator when deciding which interests to prioritize. It is possible that legislators are also responding to the actions of Governors, Senators, and Presidents, but given that all state legislators in a give state would receive similar cues it is unclear what effect this would have on state legislator behavior.

## **Dependent Variable: Legislator Actions**

### **In-District Legislator Events**

I define legislator events under a framework of credit claiming and constituency service. Credit claiming is the process in which representatives send messages to their constituents on what the representative is doing to help them. It is defined as statements to constituents on expenditures that are flowing to an electoral district Justin Grimmer and Westwood (2012). These actions are key to building a personal vote for a representative, and are theorized to be relatively equally distributed among the constituents in a district and a preferred technique by ideological moderates in legislatures. However,

it is important to note that credit claiming is not the only way that legislators build a personal vote for themselves. Two other critical aims when building a personal vote is strategic ways to present themselves to their constituents (presentation of self) and how they explain their activities within the legislature Christian Grose and Houweling (2014). However, although this is not traditionally included in the classic model of the personal vote, another important way for legislators to build a personal vote is to engage with their constituents, and to provide services as information. Although this might be traditionally included under ‘presentation of self,’ I argue that it is theoretically distinct, in that it constrains less strategic and more informational ways of interacting with constituents. Additionally, while these activities are similar to credit claiming, there are important distinctions as well. While credit claiming is often addressed to the whole district or all supporters, these constituent events that will be analyzed or more targeted in their scope. The messages are largely directed towards only towards those who would find them personally helpful, rather than the district at large. Twitter data and other social media will be used to inform what types of events legislators are holding for their constituents. I will measure both the volume of events and the extent to which their purpose is constituent services, promotional, or ideological. In the past, I have looked at legislator events that are tailored to a specific racial or ethnic group, and I hope to use these events along with constituent service and ideological events that are tailored to a more general audience. In the theoretical framework, there is still a strong distinction between these events and purely promotional ones (ribbon cutting ceremonies, meet and greets, town halls) even though they aren’t tailored to a specific group.

## **Dependent Variable: E-Newsletters**

Emails that legislators send to their constituents, also known as ‘E-Newsletters’ will also be an important part of the analysis. These emails provide a secondary source of event data that I can use to verify the results of twitter and other social media events.

## **Dependent Variable: Legislator Website Event Data**

Legislator websites contain information on news and events within the legislative district. These websites can be personal, run by the state’s political party, or hosted by the state government.

## **Dependent Variable: Bill and Resolution Sponsorship and Cosponsorship**

I will record the sponsor and cosponsor(s) of bills and resolutions and if the bill or resolution was enacted. I will look at the overall level of legislative activity and the proportion of bills and resolutions that specifically address racial issues and political issues (like police brutality) that disproportionately affect people of color

## **Dependent Variable: Public Record of Bills Passed in State Legislatures**

This last measure could be difficult, given that states are often engaging in different debates and often a large portion of legislation is of a technical nature and unlikely to draw large ideological cleavages or make an important difference in the lives of the

constituents in a district. Therefore, I may focus on the implementation of federal policies. All states must engage in these activities, but states show wide variations in whether they tilt the implementation in a more progressive/redistributionist direction or the converse. Therefore, state unemployment, TANF, Medicaid, and other social welfare policies will be the categories of legislation analyzed.

## **Dependent Variable: Future Elected Office**

Lastly, I will record whether state legislators display advancement to higher office in their future elected positions, including advancement to Congress. However, beyond Congress other forms of progressive advancement, including higher Houses within the state legislature, state level political positions, and depending on the population of the political entity, sometimes mayoral, city council, and county commission positions.

## **Hypotheses**

### *State Legislature and Institutional Hypotheses*

#### *Hypothesis 1a*

As professionalism increases, policy output increases along with in-district legislator engagement. As it increases, the level of political constraint a legislator faces will increase and the less responsive they will be to district preferences.

#### *Hypothesis 1b*

As polarization increases, the level of political constraint a legislator faces will increase and responsiveness will decrease, with a null effect for in-district legislator engagement and policy output.

*Hypothesis 1c*

As professionalism increases, the state's Congressional delegation will be more likely to have legislators drawn from the state legislature.

*Hypothesis 1d*

Legislators with low levels of passed legislation (constraint) will show higher levels of activity in other areas (constituency work, resolution sponsorship, and other activities).

*Hypothesis 1e*

Legislators with policy preferences incongruent with their electoral district (constraint) will show higher levels of bill sponsorship and lower levels of focus on their home district, including constituency work.

Here are some hypothetical examples to demonstrate the hypotheses:

-A non-professional state legislature with low levels of polarization and a high degree of party control will show the most responsiveness for district preferences and the lowest level of party and institutional constraint for the majority party.

-A professionalized state legislature will have the greatest amount of substantive policy output and innovation. It may have the greatest ability to engage in redistribution and other policies that address racial inequality, although the ideology and party control of a state legislature will have more of an effect on the latter variable.

-A professionalized state legislature with a low level of party control for either party (not necessarily polarized) will focus the most on in-district legislator engagement and constituent services.

Moving on to hypotheses 1d and 1e, these hypotheses reflect the theory of constraint. When constrained or blocked in pursuing particular areas of their role as a legislator,

legislators will attempt to make up for lower levels of activity in one area with higher levels of activity in other areas. Therefore, one key contention of this theory is that legislative styles that at times have been attributed to personality or political history, are not entirely but also informed by the constraint that the legislator faces. Therefore, these outcomes are reactive rather than being inherent into the political conception of representation that the legislator believes in.

### *District Characteristics Hypotheses*

#### *Hypothesis 2a*

As the same-race population of the district increases, a legislator will be more likely to pursue a distinctive policy agenda and constituent events tailored to that community.

#### *Hypothesis 2b*

As other non-white populations increase within a district, this also make a legislator more likely to pursue a distinctive policy agenda and constituent events tailored to that community.

#### *Hypothesis 2c*

As a district becomes more liberal/left a legislator will be more likely to pursue a distinctive policy agenda.

Why is the connection for race more salient to legislator responsiveness to the district rather than the party? It is certainly not true in all cases, but people of color legislators generally represent districts quite divergent from the mean district represented by their political party. On average the districts are more diverse, liberal/left, and may take distinct political positions that are not well integrated to the left/right dynamic (libertarian beliefs related to law enforcement or more socially conservative political attitudes, for example). Therefore, to some degree a people of color legislator will always face

pressure from their political party to take actions closer to the party than what perfect responsiveness to their district would entail.

As will be discussed in greater detail in chapter three, a measurable outcome of legislator constraint is the variance shown across different avenues of legislative activity for legislators. A legislator with high levels of variance can be considered to show high levels of constraint. Furthermore, changes in the political environment of the legislator (changes in legislative majority, electoral district, house of legislature, committee assignments, among others) should lead to changes in legislative activity consistent with the hypotheses above.

## **Results from Prior Research**

In previous work I have found strong evidence that people of color legislators display distinctive legislative styles in the types of in-district legislator events they hold for their constituents. While white legislators display a strong responsiveness to the demographics of their district, African American and Latina/o legislators display responsiveness for only out group constituents. In the case of constituents for which legislators share the race/ethnicity, the proportion of these events tailored to the constituents are significantly higher than other legislators and remain high even if there are very few ingroup constituents in their district. I have found similar results among members of Congress, and have also found that the level of racially tailored constituent events are also reflected in patterns of bill and resolution sponsorship targeted towards specific racial and ethnic groups. In other words, the types of events that legislators held appeared to be linked to the substantive representation of people of color through the types of bills and resolutions the legislator decided to focus on. Furthermore, a similar study focusing on events

containing immigration services and information was found to be linked to the proportion noncitizen among Latina/o but not other types of legislators. While undocumented immigrants exist among all racial and ethnic groups, I believe this result shows a similar effect of group consciousness towards immigrants that many Latina/o legislators face due to Latina/o immigration looming largest in the popular conception of immigration and the particular demonization that this group has faced among conservative white organizations and figures.

## **Discussion and Conclusion**

This chapter outlines the theoretical contributions that I plan to make in the dissertation. I also have outlined a way to test these claims. While I showed preliminary evidence to support many of the claims of this dissertation, there remain missing gaps. I plan to use a variety of methods to test various components of the project. Because our collective knowledge is relatively limited in this area, its hard to fully map out the political implications of this research. However, I hope that by understanding the representation of marginalized groups I can contribute to the development of strategies for their liberation. I expect that some of these strategies may include changes in electoral laws, party recruitment for candidates, and the alteration or destruction of several institutions in the United States political and legal system. This dissertation offers a framework to understand the representation of people of color that fully considers the wide heterogeneity within the many states in the United States.

The next chapter contains an analysis of constituency work among state legislatures, with a special focus on the distinctive constituency work styles of non-white and women state legislators.



# Chapter 3

## Constituent Engagement and Services

### Introduction

The first empirical chapter contains an analysis of legislator interaction with constituents, including constituent work, in-district legislator events, and other forms of ‘legislative styles’ that emerge among legislators. This work is related to Richard Fenno’s *Homestyle* and related work on credit claiming and the personal vote for a representative. I argue that many people of color legislators place a greater effort on Homestyle Politics than would be predicted simply from electoral incentives. This is in part because many people of color legislators face unique pressures from their district; frequently their districts are among the most left-leaning in the state legislature, they are likely to be indebted to ideological groups who helped them run for office and originally recruited them, and also these districts operate in a context of hostility from the state government at large.

In 2017 California state legislator Tony Thurmond held roughly 33 in-district legislator events. Many of the events focused on economic empowerment, policing, and civil rights issues that were tailored to appeal to the needs of African American and working class constituents within the state legislative district. On the other hand, only twenty miles away California state legislator Jim Frazier held only roughly 7 events in their legislative district, and most of the events featured little policy or service provision content, instead broadly inviting people to meet and talk with the representative. At first glance, it appears that these two legislators are representing their districts in very different ways, with the former representative providing considerably more effort in regards to constituent engagement and service provision. This is despite the two districts being quite similar in demographics (Tony Thurmond's district: 40.01 percent white, 13.78 percent African American, 22.34 percent Latina/o, 18.26 Asian American; Jim Frazier's district: 43.12 percent white, 12.04 percent African American, 27.91 percent Latina/o, 10.57 percent Asian American.) In other words, the former district's legislator is applying greater effort to earn the support of their constituents and serve their individual needs. A major theory that has worked to address these varying dynamics in legislator engagement is "home style" politics. Additionally, an emerging literature in the representation of people of color has focused on the distinct role that non-white representatives play in advocating for their constituents beyond what provides them an electoral benefit.

This chapter addresses two interrelated questions:

1. Do people of color legislators engage with their constituents and provide constituency services beyond what would be predicted through electoral motivations?
2. How well do theories of legislator engagement, including group consciousness held by elite political actors, explain these activities in state legislatures?

This study analyzes theories related to legislator engagement and constituent service pro-

vision, conducting text analysis on the event-related content of twitter accounts operated by state legislators. I found that the effects predicted by theories of legislator engagement often considered to be universal to politicians are actually contextual to the interaction between the identity of legislator and the demographics and preferences of the electoral district.

## Previous Scholarship

Legislator engagement or ‘Home Style’ politics is the process in which representatives communicate and build relationships with their constituents to signal what the representative is doing to serve their interests on capitol hill Fenno (1978), Fenno (2003). These actions are key to building a personal vote for a representative, and although there are exceptions, are theorized to be relatively equally distributed among the constituents in a district and a preferred technique by ideological moderates in legislatures Fiorina (1989), Bruce Cain (1987). These actions include hosting town hall meetings, legislative meet and greets, attending community events, giving speeches at graduation ceremonies, and many more. Legislator engagement has been thought to contribute to representational outcomes in both symbolic and substantive ways. Legislators who make a strong effort to reach out to constituents may help foster a sense of belonging and trust in government, particularly among racial or ethnic groups if a special effort is made to reach them Brown (2014), Tate (2004). In addition, at times legislator engagement events contain a significant component of constituent service provision and may help contribute to gains in substantive outcomes for constituents, particularly those low in socioeconomic status Broockman (2013), Uslander (1985). Legislator engagement has been investigated in classics of Political Science literature and also has been increasingly adopted in a revived

analysis of credit claiming in American Politics Mayhew (1974), Justin Grimmer and Westwood (2012). Homestyle politics and legislator engagement has also perhaps taken on a new urgency with the rise of the COVID-19 pandemic. In the face of often conflicting messages from the national and state government, state legislators were an important conduit for sharing health related information. Especially since this information was city and county specific, this was an area that was particularly important for state legislators to engage in Michael Strawbridge and Masuoka (2022).

Additionally, with the advent of social media it has never been easier for legislators to share what they are up to within the district. The only danger is that sometimes messages that were intended for a local audience end up being tied into state level and national conversations, which likely was not intended.

This theory provides one of the most comprehensive explanations for why legislators act the way they do when they are in their legislative district. In this explanation there are voters within a district that will always support or oppose a candidate, and these voters are primarily policy oriented. The other portion of voters are theorized to be very responsive to how a legislator presents themselves to their constituents, with a particular electoral benefit given to legislators that provide constituency services, have frequent personal interactions with their constituents, and tailor their presentation to the demographic background of the district.

The theory, while valuable, has two elements that provide ample room for expansion using modern methods and data: first, it strictly focuses on the electoral motivations of legislators and treats it in a uniform manner. Under this theory all legislators perceive electoral threat from either a general election defeat or primary challenger. This is despite strong variations in electoral threat from district to district and the emerging evidence that legislators are often motivated in their actions by loyalty to party, ideology, and

group consciousness, in addition to reelection concerns. Furthermore, the vast majority of African American and Latina/o legislators represent districts that are politically noncompetitive, and while primary challenges occasionally occur they are usually not a serious threat to reelection.

In fact, across the most recent cycles for electoral races, African American state legislators faced a median of 77.81 percent of the vote received and Latina/o state legislators received 71.47, while white state legislators faced the significantly more threatening 64.8 percent. Given the general lack of electoral threat faced by most African American and Latina/o state legislators, existing theory would predict that they wouldn't do anything to stay reelected. Second, it does little to explain the variation in the number of the events or in the content of the events held, despite the substantive differences in legislator strategies and constituent outcomes that can be observed along the range of the variation.

In a pre-digital age, obtaining information on the full population of events for all legislators and then transcribing the content for each event by hand would be extremely time consuming and overwhelmingly difficult. However, although still somewhat difficult, it is now possible through social media, legislator websites, and legislator e-newsletters to obtain a much richer picture of the types of events held by legislators. Additionally, using text analysis via keywords to categorize events makes organizing the events (numbering in the tens of thousands) much more practical, although less accurate than the hand coding approach.

Another weakness of past literature on home style politics is that the theories were considered to be universal but were largely created using data on white members of Congress. Furthermore, previous academics who shadowed legislators were mostly white academics shadowing white representatives Mayhew (1974), Fenno (1978), Arnold (1990), Hall (1996). This is a possible oversight given the emerging distinctiveness of people of

color legislators, particularly in regards to non-roll call vote activities and constituent services. Additionally, by only focusing on members of Congress, the full spectrum of legislators that can be observed in all levels of government are ignored, instead focusing on those who have reached the pinnacle of political power and professionalism within the legislative system. There are many reasons to expect that members of Congress may act quite differently than legislators at different levels of government, given their larger staffs, higher name recognition, and many other variables relevant to their methods of interaction with constituents Squire (2007).

There are a lot of reasons why we would not expect Congressional behavior to be consistent with state legislators. There are both strong general differences between state legislators and members of Congress, along with a wide degree of variation between states in not only professionalism, but also level of party competition and various demographics. In the collection of data on state legislatures, I can observe several factors that make them quite distinct from Congress. We gain greater insight because state legislator representation functions differently than at the Congressional level. It is likely an incorrect assumption that Congressional studies of representation generalize beyond that institution. Furthermore, it is theoretically interesting to study representation in an electoral system that is more open access in who can run for office. State legislators with less wealth and political experience are more likely to be able to win office than congressional candidates, which likely affects the ways representation is approached. While at the national level the Republican and Democratic Parties have been competitive and fairly evenly divided in control over the U.S. Senate and House over the last 25 years, in many states one political party is fairly dominant. States also vary greatly in the level of political polarization between the two main political parties. Additionally, several states have a greater proportion of third party and independent elected officials in

office then exist at the national level, and some state Republican and Democratic parties are significantly to the left or right of their national counterparts. Lastly, state legislatures vary greatly in their proportion of non-white elected officials, with some states containing almost 100 percent white elected officials (Maine, New Hampshire, North Dakota, Wyoming, Vermont) to other states in which non-white elected officials are the majority (Hawaii and California). A corollary to this is that some states have a much stronger party-race association than others. In states like Alabama and Mississippi, over 80 percent of white voters vote for Republican candidates and over 90 percent of African American voters vote for Democratic candidates Weisberg (2015).

These voting patterns are borne out in representation, in which elected Democratic officials are majority African American and the Republican Party has an all white representation. On the other hand, states such as New Mexico have a closer than average percent of Latina/os represented in the Republican and Democratic Parties.

As can be seen in the tables below, the states with the biggest difference between the proportion of the legislature that is white and the state proportion of whites is Delaware, Oklahoma, Texas, New Mexico, and Nevada. It is important to note that in all cases, this proportion of whites is overrepresented compared to their proportion in the state. The states with the smallest difference include Vermont, West Virginia, Ohio, Maine, Hawaii, New Hampshire, Missouri, Kentucky, and Montana. However, a caveat should be noted for the cases of Vermont, West Virginia, Maine, New Hampshire, and Kentucky. All of these states are more than 90 percent white, so for all it would be difficult for whites to have greater descriptive representation than they already do. In all cases but particularly the latter, the proportion is a helpful measure but may obscure the differences in the power dynamic within the state legislature. For example, no southern states besides Oklahoma and Texas are particularly overrepresented among whites, but this obscures

how a largely white Republican party is a dominant political party in nearly all the states.

Table 3.1: State Legislature Demographics: State Percent White vs. State Legislature Percent White

State	State White	Percent	Legislature cent White	Per-	Legislature	State
				Difference		
Alabama	66.19		76.43		10.24	
Alaska	61.93		83.33		21.37	
Arizona	56.15		70.00		13.85	
Arkansas	73.37		88.15		14.78	
California	38.56		57.50			
Colorado	68.78		80		11.22	
Connecticut	68.67		83.42		14.75	
Delaware	63.50		91.94		28.43	
Florida	55.84		67.30		11.72	
Georgia	54.12		73.73		19.60	
Hawaii	22.37		28.95		6.57	
Idaho	82.90		97.14		14.24	
Illinois	62.22		75.71		13.48	
Indiana	80.20		91.33		11.14	
Iowa	86.96		96.67		9.70	
Kansas	76.84		92.73		15.89	
Kentucky	85.37		93.48		8.11	
Louisiana	59.29		77.08		17.79	
Maine	93.74		98.92		5.19	
Maryland	52.49		68.61		16.13	
Massachusetts	73.72		92		18.28	
Michigan	75.72		85.81		10.1	
Minnesota	81.32		94.03		12.71	

*Note: Data drawn from US Census Bureau data, assembled by Proximity, and state legislative websites, years 2016 and 2017 (Proximity 2017)*



Table 3.2: State Legislature Demographics: State Percent White vs. State Legislature Percent White

State	State Percent White	Legislature White	Percent	Legislature State Difference
Mississippi	57.21	70.93		13.72
Missouri	80.04	87.82		7.77
Montana	86.83	96		9.17
Nebraska	80.33	93.88		13.54
Nevada	51.27	73.02		21.75
New Hampshire	91.24	98.58		7.34
New Jersey	56.69	76.03		19.34
New Mexico	38.68	60.71		22.03
New York	56.41	75.12		18.71
North Carolina	63.99	78.24		14.24
North Dakota	86.37	98.58		12.21
Ohio	79.96	84.85		4.89
Oklahoma	66.93	91.94		25.02
Oregon	77.00	90		13
Pennsylvania	77.71	90.12		12.41
Rhode Island	74.00	90.27		16.27
South Carolina	77.71	90.12		12.41
South Dakota	82.89	97.14		14.26
Tennessee	74.52	85.61		11.08
Texas	43.42	65.75		22.32
Utah	79.34	94.23		14.89
Vermont	93.44	97.38		3.94
Virginia	63.12	84.29		21.17
Washington	70.38	91.16		20.77
West Virginia	92.42	97.01		4.60
Wisconsin	82.15	93.94		11.79
Wyoming	84.36	97.78		13.42

*Note: Data drawn from US Census Bureau data, assembled by Proximity, and state legislative websites, years 2016 and 2017 (Proximity 2017)*

## Credit Claiming

Credit claiming, broadly defined, is the process in which representatives send messages to their constituents on what the representative is doing to help bring legislative pork back to the district. It is operationalized as public statements to constituents by legislators on expenditures that are flowing into an electoral district that legislators are responsible for Ferejohn (1974), Justin Grimmer and Westwood (2012). This is an effective strategy to boost morale in the district because it is a nonpartisan message that signals the activities that the legislator partakes. This leads to increased support for the representative, and the cultivation of a personal vote in a manner that would not occur if the representative were solely sending out partisan content. Building a personal vote is seen as very important among legislators, and they engage in many other actions to help cultivate a personal vote beyond this specific type of credit claiming. Representatives have staff to help perform constituency services and engage in a wide variety of actions at the district level to help cultivate a personal vote. Additionally, members of Congress use their franking privileges, allowing them to send mail without postage, to deliver nonpartisan legislative updates to their constituents Glassman (2007). An important distinction from the general definition of legislator engagement is that under this theory engagement is strictly non-ideological and focused on revenue streams that the legislator is procuring for the district Arnold (1979). There is less of a focus on ideological engagement with constituents and constituent service.

Credit claiming can include such actions as hosting town hall meetings, legislative meet and greets, attending community events, giving speeches at graduation ceremonies, and many more actions. A key component of all these actions is that they are officially nonpartisan; these types of actions do not include fundraisers, campaign rallies, or the

like; however, they can include events like ribbon-cutting ceremonies. In effect, all of these actions are sending the message that the representative cares about people like them and is an advocate for their preferences. Even something as innocuous as a legislator meet and greet can help build a personal vote for the representative. The cultivation of a personal vote through credit claiming is often thought to be strictly broad based, targeted equally throughout the district. However, at times it is rational for representatives to engage in a more targeted form of legislator engagement that falls short of ideological campaigning, but instead tries to particularly build a personal vote among a specific group of people. One of those instances is for people of color representatives to build an especially strong personal vote among co-ethnics.

## **Group Consciousness and Ideology**

There are two important ways that representation and legislator engagement may function differently in districts represented by people of color groups (especially African American representatives). First, there are inherent differences in the representation styles of people of color representatives. This may come from the group consciousness held by the legislators. It may also emerge from people of color representatives being recruited from different social networks. It can also be generated from different perceptions of upward political mobility (the moderating effect of contemplating a future run for governor, House of Representatives, Senate, President). It may also come from being part of a minority caucus (usually within the Democratic Party) in a legislature.

This could lead to different elite actors and ‘whips’ for the legislators themselves to follow. Second, there are sharp differences in the type of districts they represent, particularly for African American representatives. People of color representatives predominantly represent districts in which their group is a numerical majority or at least a plurality. These

districts are different from the mean district on several demographic variables beyond race, including median income and wealth, along with poverty rates. Districts represented by people of color legislators, particularly African Americans, are likely to have a lower median income Proximity (2017). The discrepancies are even larger when it comes to poverty, and they are the largest when it comes to wealth Proximity (2017). What are the implications of this? These districts may have a greater need for legislator engagement that contains constituent service provision. A low-income district would likely have more of a need for events with free legal aid, navigating the bureaucratic process, getting signed up for the ACA, along with other constituent service events. Additionally, these districts are more likely to be politically homogeneous. On every measure, districts represented by people of color groups and particularly African Americans are far more liberal/left than the average district, and even the average district represented by a Democrat Chris Tausanovitch (2015). While there is only so far a liberal member can show their left-leaning nature in legislatures due to party control of what gets voted on, by holding ideological events, advocating for legislation behind the scenes, sponsoring and co-sponsoring left wing legislation, they can better make their legislator activity reflect their ideological orientation.

## **Electoral Threat**

Both mass level political behavior and elites are affected by electoral threat. Electoral threat can be defined as when a legislator is in danger of losing reelection Mayhew (1974). While scholars disagree on the exact electoral cutoffs that determine electoral threat, most agree that in the presence of electoral threat elite and mass political actors change their behavior Adrian Pantoja (2001). Given the threat of a close election, voter turnout often increases and in some cases may form the basis of the development of social move-

ments and local political organizations Berch (1993). The latter is particularly common in elections that display ideological polarization or racial, ethnic, or religious cleavages between the candidates and groups in the district Shaun Bowler (2005). Electoral threat has also been shown to have strong effects on elite political actors. Legislators may display changes in their voting behavior and the issues they emphasize in a campaign, but they are often very constrained by their political party and the groups that elected them; in fact, most legislators display very little ideological movement over the course of their political career Kathleen Bawn (2012). On the other hand, legislators are relatively unconstrained in their behavior in less ideological actions, such as legislator engagement. In traditional theories of Congressional politics, legislators assured to secure reelection will spend less time in their electoral districts and less attention will be paid to constituency services Fenno (1978), Heinz Eulau (1978), Roger Davidson (1981). Therefore, legislators who face a strong electoral challenger will respond by spending a greater time on constituency services along with other strategies to appeal to their constituents in ideologically neutral ways. However, African American and Latina/o representatives often find themselves in a very unique environment compared to the average legislator. Whereas legislators often are facing a modest threat of losing their next general election, this is almost never the case for African American and Latina/o representatives, who usually reside in districts that heavily favor the Democratic Party. Rather, perhaps compared to the average legislator the strongest electoral threat comes from the primary election. A testable hypothesis that emerges from the electoral threat literature is that state legislators facing a competitive environment (less than 65 percent of the vote received) in their last general or primary election will display higher levels of legislator engagement and constituent work and work much harder to produce a ‘personal vote’ for their next election.

## Argument

The theories of credit claiming, group consciousness, and electoral threat all provide a solid foundation for understanding dynamics of constituency service provision. However, most studies on this topic have not disaggregated by the race of the representative. Lastly, almost all studies of credit claiming and constituency services have looked at members of Congress. An advantage of looking at state legislators rather than members of Congress is the much larger sample of African American and Latina/o legislators to draw from, making it easier to find results that are statistically robust.

As can be seen in the appendix, the racial distribution of districts represented by state legislators vary significantly more than those for members of Congress.

For example, while the percent African American in districts represented by black members of Congress largely varies only from 20-60 percent, this same statistic has a range of 0 to 95 for black state legislators. In particular, the left tail of the distribution (black legislators representing districts less than 25 percent African American) is significantly longer for state legislators. On the other hand, for Latina/o state legislators and members of Congress the distributions are fairly similar; that being said, the state legislator sample remains superior because of the smoother distribution. Furthermore, sampling state legislators is even more critical in the case of Asian American, American Indian, Alaskan Native, and Native Hawaiian legislators. For these aforementioned groups the sample of legislators is too small to conduct quantitative analysis. As seen below, while Latina/os and Asian Americans have made less gains in achieving descriptive representation in state legislatures than in Congress, the greater number of legislators and demographic ranges of districts makes a state legislative sample better suited to quantitative analysis.

There is a growing literature demonstrating the importance of people of color represen-

tatives because of the informal actions they take for their constituents, one of which being constituency work Rouse (2013), Minta (2011), Brown (2014). These informal legislative actions may be reflected in the legislator events held within electoral districts along with constituency services. These events often have an indirect effect of improving constituency services and perceptions of belonging among constituents. There may be an important interaction between the race of a representative and the demographics of the electoral district on patterns of legislator engagement, but few studies directly analyze this effect. I argue that people of color legislators have internal and external forces that may cause them to act in ways contrary to what traditional and supposedly universal theories of credit claiming and legislator engagement would predict.

People of color legislators show a much stronger effort at constituency work and engaging with their constituents than what would be predicted by electoral motivations alone. This is reflected in elevated levels of engagement and constituency work across all racial groups, but particularly in the case of their same-race constituents. Similar patterns are found in bill sponsorship, behind the scenes policy making activity, and other actions that contribute to the substantive representation provided to constituents. Much of the explanation for this effect has been tied to the group consciousness held by the legislator, but why a people of color legislator displays greater effort on average for these activities for out-race constituents is less clear. It could be linked to the difficulty for many people of color legislators to reach leadership positions within their legislative bodies. Additionally, others have pointed to the greater hurdles particularly women of color face to achieve elected office, so the greater effort displayed at representing constituents may come out of the higher level of emotional commitment to service needed to reach the position in the first place Sarah Anzia (2011).

People of color legislators often find themselves in a unique electoral environment, an

external force quite unique from what the average legislator faces. As discussed earlier, most people of color legislators find themselves in districts very safe for Democrats in general elections. Therefore, while perhaps most legislators work to build a personal vote to avoid losing their general election and focus on relatively non-ideological content, most people of color legislators lack an incentive to act in this way. Instead, they may make a stronger effort to incorporate ideological content and tailor their legislator events to specific constituencies in their district. This may be coupled with more partnership with community organizations and local political groups than the average legislator to help sponsor events that incorporate constituency services or activism with traditional credit claiming content. This unique electoral environment may also cause effects contrary to what group consciousness theories would predict. African American and Latina/o state legislators may make a greater effort at providing constituency services and reaching out to their constituents than what their mean electoral environment would predict, in part because of the chance of strong primary election challengers. Additionally, there is a strong case for the contextual role of the race and demographic context of the electoral district in these contexts. Although African American and Latina/o legislators often have a relatively invariant and safe general election context, their primary election context can vary widely based on the racial and ethnic demographics of their electoral district.

Almost all African American and Latina/o state legislatures represent heavily Democratic voting and ‘majority-minority’ electoral districts, but there is still significant variance in the diversity of the districts.

Many districts are overwhelmingly African American or Latina/o, but others are relatively divided between racial groups. Given that voters consistently display a preference for being represented by someone of their own race or ethnic group, the latter situation creates a much more competitive electoral environment. In the latter environments,



lators may display a much stronger effort to evenly distribute their constituency services and constituent engagement events than what would be predicted by group consciousness. Therefore, I predict that people of color legislators may demonstrate both demographic responsiveness and group consciousness in their patterns of constituent events.

I will measure the level of outreach and tailoring of constituency work through the framework of in-district legislator events. The use of this proxy variable builds off the credit claiming literature, which often use e-newsletters as an independent variable. As will be shown below, in-district legislator events and e-newsletters often contain very similar content, which makes twitter announcements of in-district legislator events an appropriately similar measure of legislator attention and outreach.

E-Newsletters are emails that are sent to constituents by legislators, a modern update to the legislator mail that constituents receive Justin Grimmer and Westwood (2012). A standard email contains information on bills in the state capitol, and usually contains information on in-district legislator events. This section of the e-newsletter often has a title similar to: “Congresswoman x in the Community” or “Events in CA-16.” These sections of the e-newsletter almost always have credit claiming content. Events frequently contained in an e-newsletter, that also qualify as credit claiming content include: Ribbon cutting ceremonies, town hall meetings, ‘Breakfast with the legislator’ events, community health forums, High school graduation ceremonies and many other events in this same vein. Additionally, e-newsletters very rarely have content pertaining to campaign rallies, fundraisers, or any other type of event with explicit electoral content.

While there is an emerging literature analyzing the use of e-newsletters by members of Congress to engage with constituents Justin Grimmer and Westwood (2012), there is comparatively little work applying a similar framework to social media use by legislators. Therefore, this chapter has the potential to make a distinct contribution to an emerging

literature. Additionally, by analyzing the role of the race of the representative and the demographic context of the district, the chapter also may help shed light on distinctive types of representation among non-white legislators and the role of local political and demographics in determining the representational strategies of legislators.

I will analyze how state legislators provide constituency services through in-district legislator events. What factors affect constituency service provision and the tailoring of constituency services to varied racial groups, and how are these effects determined by the context of the electoral district? This chapter will answer these questions.

## **Expectations**

### *Hypothesis 1*

There is the strongest link between the percent Latina/o in a legislative district for African American representatives, and the weakest link for Latina/o representatives. This is because Latina/o representatives operate from a place of group consciousness for their constituents, while African American representatives will display responsiveness to Latina/o constituents.

### *Hypothesis 2*

There is a stronger link between the percent African American in a legislative district and African American events for Latina/o representatives than for African American representatives. This is because African American representatives operate from a place of group consciousness for their constituents, while Latina/o representatives will display responsiveness to African American constituents.

### *Hypothesis 3*

White state legislators will display strong responsiveness to the percent African American and Latina/o in a legislative district and the number of events tailored to African American and Latina/o constituencies.

In this chapter I analyze how members of state legislatures provide constituency services through in-district legislator events. I will focus attention on members of state legislatures for legislative sessions starting in 2016 and 2017. The comparison of how members of state legislatures provide constituency services in their districts across the same legislative session will be on two dependent variables: the number of constituent service events and the number of all constituent service events tailored to same-race constituents. The independent variables will be the demographics of the electoral district, the policy preferences of the legislative district, and ideology of the legislator. Various control variables were also applied, including the political party of the legislator, the professionalism of the state legislature, state legislature polarization, various measures of Democratic Party state legislature control (Democratic Governor, proportion Democratic State House, proportion Democratic State Senate), state level demographic variables, and the proportion of racial/ethnic groups in state legislatures. The primary data source for this chapter is an original data set of state legislator events assembled from Twitter feeds associated with the representative. Using a web scraping process I assembled the text of events held within the electoral districts, and apply them to three models that test the hypotheses.

The three models separately test the effects of legislator characteristics, district preferences, and statewide demographic, political, and institutional forces on constituent engagement and service events. The first model tests the relationship between district characteristics and constituent engagement events. This is the primary model that I use to test the hypotheses. I have also created two alternate models that test other variables for their effects on constituent events. The second model tests the relationship between

legislator characteristics on constituent engagement events. The last model tests state level demographic and political variables. These models are subset by the race and ethnicity of the legislator. They separately test three key dependent variables: the overall number of constituent engagement and service events, the number of events tailored toward African American constituents in a district, and the number of events tailored toward Latina/o constituents in a district.

There will be two primary groups of analysis. The first group is a random sample of 217 white state legislators, along with all African American and Latina/o state representatives.

In summary, there are three models with three independent variables subset among three different racial and ethnic groups.

## **Data and Methods**

The data sources used for the chapter are organized into four different categories: constituent event data, legislator characteristics, district demographics and preferences, and state level demographics and effects.

### **Constituent Event Data**

These data would have been extremely difficult to collect in the past, as there are few official sources for the events legislators hold in their districts. Therefore, in a pre-digital age most data sources have come from case studies for particular districts and interviews with legislators Mayhew (1974), Fenno (1978), Jeffrey Pressman (1984). There are two methodological considerations needed with this approach, although it should be noted

Table 3.3: Variables of Analysis: Constituent Event Models

Dependent Variables	Model 1 IVs	Model 2 IVs	Model 3 IVs
Number of Constituent Events (CE)	District Ideology	Legislator Ideology	Democratic Governor
Number of African American CE	District % African American	Political Party	% Democratic State House
Number of Latina/o CE	District % Latino	% Received in Prior Election	% Democratic State Senate State % African American State % Latino % African American in State Legislature % Latina/o in State Legislature

that case studies and interviews give a richer detail of content and are often useful for theoretical development. First, there is the issue of selection bias: the legislators who agree to interviews or to have an academic shadow them for the purpose of a case study may be different from the general population of legislators. In particular, this approach may not reveal the large number of legislators who are relatively absent from their district and provide little outreach or services to their constituents. Second, interviews and shadowing a representative may not capture the full population of events held by a legislator, instead capturing the more notable events. In particular, it is possible that many events held where the legislator does not make an appearance would be missed under this approach. Therefore, for this project I favored a quantitative approach utilizing social media, with an effort to mirror the messages that constituents would receive through newsletters and e-newsletters.

I collected the tweets of all African American and Latina/o state legislators in office who have twitter accounts, along with a random sample of white legislators. 632 state legislators had twitter accounts among the 955 sitting African American and Latina/o state legislators. There were 46 Republicans and 586 Democrats. Due to time and resource constraints, twitter data was only collected on a portion of state legislators. Out of the 6235 white state legislators, 217 legislators were selected for twitter analysis using a random number generator. The random generator produced a number that corresponded to the row in an excel spreadsheet containing state legislators. Keywords were used to determine the number of tweets that referred to a constituent engagement event and the number of tweets tailored to African American and Latina/o constituents. The coding process is described in the table below.

Table 3.4: Constituent Engagement Event Keywords

Keyword Event	Explanation
Hall	Aimed to capture town hall events.
Greet	Aimed to capture meet and greet events.
Gather	Wanted to capture community gatherings
African	Aimed to capture uses of African American
Black	
Prison	Aimed to capture events on the school to prison pipeline, prison-industrial complex.
Latin	Aimed to capture uses of Latino, Latina, Latinx
Hispanic	
Immigration	Wanted to capture a variety of immigration related events.

*Note: Author's  
conception*

## Legislator Characteristics

State legislator ideology data was compiled from the American Legislatures Project Boris Shor (2015). These data were used to determine the relative extremism of the state legislator, which was formed by taking the absolute value of the legislator ideology scores.

Another data source utilized was state board of elections data to determine the electoral threat of a sitting representative. The election results for all state legislative primary and general elections for 2013-2016 were recorded. Additionally, the official legislative websites for all chambers of the fifty states were used to determine the race of the state legislator, along with basic identifying information such as the name, party, and caucus membership of the state legislator. Occasionally, the combination of caucus membership, official photo, and surname was inefficient to be have high confidence in correct classification of the representative. In these cases, further information from the legislator's campaign and personal website were used to determine racial identification.

## District Characteristics

2014 American Community Survey data was used to supply information on the demographics of each state legislative district in the United States Bureau (2016), Proximity (2017). Information included in the final data set are as follows: total population, percent non-Hispanic white, percent African American, percent Hispanic or Latina/o, percent Asian American, and percent Native American for each state legislative district.

Additionally, state district ideology estimates were obtained from the American Ideology Project Chris Tausanovitch (2015). This project produces ideology estimates for various electoral districts and local geographies, including congressional districts, state house and state representative districts, and state and city-level ideology estimates. The ideology



estimates come from aggregating the policy preferences obtained from American National Election Study survey responses rather than aggregate voting behavior.

## **State Characteristics**

I assembled information on the racial and political demographics of each state and the proportion of legislators in a state legislature belonging to a given racial group. This was drawn from United States Census Bureau data and my existing data set of state legislators.

## **Results**

The results are presented below. The effect of state district demographics and preferences on the number of constituent engagement and service events (abbreviated hereafter as CE) among African American legislators will be discussed first, followed by the variables' effects on the number of CE tailored toward African American constituents and the number tailored toward Latina/o constituents. Secondly, the effects of legislator characteristics on the number of CE and the number tailored toward African American and Latina/o constituents will be discussed. Lastly, the effect of statewide demographics, and legislature characteristics on the number of CE will be discussed. Following this, the same process will repeat in the discussion of Latina/o and white legislators. Furthermore, in the interest of brevity, only the more important results will be discussed, instead of every variable in the multivariate regression. Please refer to the appendix for descriptive statistics of the constituent events and graphical representations of Model 1.

Table 3.5: African American State Legislators and Constituent Events, Model 1

	Dependent Variables		
	Constituent Events	African American CE	Latino CE
	(1)	(2)	(3)
District	-15.184***	-22.139***	-6.195***
Ideology	(3.667)	(5.702)	(1.172)
% African American	-3.851	2.274	-2.908
	(5.719)	(8.892)	(1.827)
% Latino	20.064**	14.477	11.349***
	(8.706)	(13.536)	(2.782)
Constant	13.582***	12.527**	1.184
	(3.493)	(5.430)	(1.116)
Observations	375	375	375
Adjusted R <sup>2</sup>	0.062	0.039	0.135

*Note:* Data drawn from public state legislator twitter accounts, year 2017; dependent variable of 'constituent events' is the mean of constituent events by legislator

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table 3.6: African American State Legislators and Constituent Events, Model 2

	Dependent Variables		
	Constituent Events	African American CE	Latino CE
	(1)	(2)	(3)
Legislator Ideology	-3.025 (2.967)	-11.454*** (4.383)	-2.573*** (0.756)
Republican	13.562 (12.492)	7.972 (18.451)	4.843 (3.181)
% Vote Re- ceived	0.040 (0.056)	0.085 (0.083)	0.010 (0.014)
Constant	13.963** (5.572)	5.999 (8.230)	0.168 (1.419)
Observations	239	239	239
Adjusted R <sup>2</sup>	-0.005	0.022	0.035

*Note: Data drawn from public state legislator twitter accounts, year 2017; dependent variable of 'constituent events' is the mean of constituent events by legislator*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table 3.7: African American State Legislators and Constituent Events, Model 3

	Dependent Variables		
	Constituent Events	African American CE	Latino CE
	(1)	(2)	(3)
Democratic Governor	2.870 (2.805)	-7.588* (4.384)	0.331 (0.929)
State House % Democrats	52.361*** (20.087)	66.375** (31.422)	15.741** (6.656)
State Senate % Democrats	-41.096** (17.521)	-56.072** (27.401)	-6.687 (5.804)
State % African American	-48.825 (36.838)	-40.012 (57.515)	-4.032 (12.183)
State % Latino	43.125 (53.009)	-103.946 (82.945)	-7.762 (17.570)
% State Legislators African American	50.254 (45.964)	-3.457 (71.740)	3.188 (15.196)
% State Legislators Latino	-45.557 (75.074)	140.230 (117.469)	23.275 (24.883)
Constant	10.581** (4.753)	35.401*** (7.438)	-0.476 (1.575)
Observations	374	375	375
Adjusted R <sup>2</sup>	0.056	0.020	0.063

*Note: Data drawn from public state legislator twitter accounts, year 2017; dependent variable of 'constituent events' is the mean of constituent events by legislator*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

## **African American Legislators- District Demographics and Preferences (Model 1)**

As seen in the table above, district ideology has a strong effect on constituent events. State district preferences are coded similar to DW nominate in which negative values correspond with more liberal districts. Therefore, it can be seen in the table above that the more conservative a district gets, the fewer constituent events are given by African American state legislators. Additionally, the number of events tailored to African American and Latina/o constituencies strongly decrease with the increasing conservatism of a district. As shown in the descriptive statistics in the table below, African American state legislators give significantly more African American tailored events than white or Latina/o state legislators, which suggests that African American state legislators give a lot of these tailored events even in districts with a low proportion of African Americans. Given that there are 43 African American legislators in the data set that represent districts fewer than 10 percent African American, this result is likely not the result of a selection effect. Lastly, the percent Latina/o in a state district has a strong and positive effect on the number of constituent events and the number of Latina/o tailored events, but not the number of African American tailored events. This demonstrates the responsiveness that African American state legislators show to Latina/o constituents. Unlike African American constituents, these legislators don't give many events tailored to Latina/o constituents until they are a sizable proportion of the district.

## **African American Legislators- Legislator Characteristics (Model 2)**

As shown in the table below, legislator ideology has a strong effect on the number of African American and Latina/o events. Like the district ideology variable, the variable is coded such that increasing conservatism leads to a decrease in the number of African American and Latina/o events. This interesting effect speaks to the more ideological nature of tailored events rather than a general town hall or meet in greet. Given that many events tailored to African Americans and Latina/o events take a political point of view, it makes sense that these events would be tied to legislator ideology while general events are not.

## **African American Legislators- Statewide Demographics and Legislature Characteristics (Model 3)**

The party competition variables displayed conflicting results, which make them difficult to interpret. As displayed in the table below, the presence of a Democratic governor is correlated with a decreased number of African American tailored events. On the other hand, the proportion of Democrats in the State House of Representatives is strongly and positively related with the overall number of constituent events and African American and Latina/o tailored events. However, the proportion of Democrats in the State Senate is negatively related with the number of constituent events and African American events.

Table 3.8: Latina/o State Legislators and Constituent Events, Model 1

	Dependent Variable		
	Constituent Events	African American CE	Latino CE
	(1)	(2)	(3)
District	-9.044*	-1.775	-8.924
Ideology	(5.151)	(3.578)	(16.715)
% African American	3.993 (12.144)	25.183*** (8.436)	4.025 (39.411)
% Latino	2.847 (6.378)	-3.589 (4.431)	28.213 (20.700)
Constant	6.727** (2.777)	6.727** (2.777)	16.235 (12.973)
Observations	208	208	208
Adjusted R <sup>2</sup>	0.045	0.045	-0.003

*Note: Data drawn from public state legislator twitter accounts, year 2017; dependent variable of 'constituent events' is the mean of constituent events by legislator*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table 3.9: Latina/o State Legislators and Constituent Events, Model 2

	Dependent Variable		
	Constituent Events	African American CE	Latino CE
	(1)	(2)	(3)
Legislator Ideology	-4.959 (3.626)	-2.122 (2.645)	-3.604 (6.224)
Republican	2.296 (8.402)	-0.451 (6.130)	-15.734 (14.424)
% Vote Received	0.067 (0.091)	0.001 (0.066)	-0.074 (0.155)
Constant	17.231** (8.112)	5.177 (5.918)	32.870** (13.926)
Observations	139	139	139
Adjusted R <sup>2</sup>	0.016	-0.005	0.033

*Note: Data drawn from public state legislator twitter accounts, year 2017; dependent variable of 'constituent events' is the mean of constituent events by legislator*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01



Table 3.10: Latina/o State Legislators and Constituent Events, Model 3

Constituent Events	Dependent Variable		
	African American CE	Latino CE	
	(1)	(2)	(3)
Democratic Governor	-0.218 (4.442)	-5.240 (3.330)	-20.427 (15.174)
State House % Democrats	83.089*** (26.955)	21.710 (20.207)	71.779 (92.071)
State Senate % Democrats	-71.301*** (22.324)	-8.560 (16.735)	-60.725 (76.250)
State African American	239.761*** (57.850)	74.048* (43.367)	356.345* (197.597)
State Latino	51.388 (50.739)	6.114 (38.036)	174.253 (173.309)
% State Legislators African American	-252.429*** (54.231)	-84.307** (40.654)	-290.059 (185.236)
% State Legislators Latino	-38.179 (70.062)	-10.616 (52.521)	-213.554 (239.307)
Constant	11.237 (8.970)	3.666 (6.725)	15.536 (30.640)
Observations	208	208	208
Adjusted R <sup>2</sup>	0.109	0.008	0.009

*Note: Data drawn from public state legislator twitter accounts, year 2017; dependent variable of 'constituent events' is the mean of constituent events by legislator*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

## **Latina/o Legislators- District Demographics and Preferences (Model 1)**

There is a strong and significant relationship between the percent African American in a legislative district on the number of constituent events and the number of events tailored to African American constituents. This is similar to the result shown among African American legislators, in which there is a strong relationship between the percent Latina/o in a district and events tailored to Latina/o constituencies. Latina/o legislators display strong responsiveness to African American constituents in their legislative district.

## **Latina/o Legislators- Legislator Characteristics (Model 2)**

Similar to the district ideology variable, there are no significant effects for constituent events held by Latina/o legislators while there were strong effects for African American legislators. This suggests that holding constituent events is less politicized for Latina/o state legislators than for African American state legislators, although more work is needed to investigate why that may be true.

## **White Legislators- Legislator Characteristics (Model 2)**

Similar to Latina/o legislators and unlike African American legislators, white legislators showed no relationship between their ideology and patterns of constituent events. Consistent with all previous results, white legislators showed no relationship between political party and constituent events.

## **White Legislators- Statewide Demographics and Legislature Characteristics (Model 3)**

Similar to African American and Latina/o legislators, the results in the last model are difficult to interpret. While the presence of a Democratic Governor and the proportion of Democrats in a State Senate have a negative relationship with constituent events, the proportion of Democrats in a State House of Representatives has a positive relationship with constituent events. Additionally, statewide demographics have no significant effect on constituent events. Lastly, while the proportion of African American state legislators in a state legislature has no significant relationship with constituent events, the proportion of Latina/o legislators in a state legislature has a positive relationship with the number of Latina/o constituent events.

## **Discussion and Conclusion**

This chapter demonstrates the importance of district level demographics and preferences on patterns of constituent events in state legislative districts. Furthermore, this paper demonstrates the contextual nature of the way legislators engage with their constituents; African American and Latina/o state legislators only show responsiveness to racial demographics in their patterns of constituent events for outgroup constituents. For ingroup constituents, African American and Latina/o legislators display high levels of tailoring in their events that do not seem tied to the demographics of their district. This effect may be driven from a group consciousness that state legislators feel for their constituents, as the results do not give any indication for electoral threat as a motivator for holding constituent events. In particular, events tailored to same-race constituents are in excess

of what would be predicted from district demographics or legislator and legislature characteristics apart from race (legislator ideology, political party, statewide demographics and party competition, and proportion of racial groups among legislators). In summary, state legislators show responsiveness for outgroup constituents and group consciousness (or some other intrinsic motivation) for in group constituents. The second key finding is the importance of district preferences for constituent events. The more liberal the district, the more events were held and the more were tailored towards African American and Latina/o constituents. This held when adjusting for district demographics, and it far outweighed the mixed results shown for legislator ideology, which was only important as a predictor for African American representatives.

Furthermore, this chapter investigates one of the most important outlets for legislators facing constraint in the legislature to express their preferences. Given that constituency service and events held in the district is an area where legislators have a significant amount of control, it is significant that African American and Latina/o showed substantial preference in targeting events towards ingroup constituents regardless of the demographics of their district.

The next chapter contains an analysis of visible and less visible legislative actions to secure substantive representation for racial and ethnic groups. Additionally, the chapter will explore how constraint can be measured in part through the range of activities that a legislator engages in, along with how this range changes as they progress through a legislative body.

## Chapter 4

# Legislators at the Statehouse: Seen and Not Seen

### Introduction

The second empirical chapter contains an analysis of visible and less visible legislative actions to secure substantive representation for people of color. There will be a discussion of how focusing on later stages in the legislative process may obscure the unique legislative styles of people of color legislators. It also contains a cross-state analysis of the varying role of legislative institutions and their effects on the opportunities and trade offs legislators are faced with. There is also a discussion of how some forms of constraint on legislators are relatively ‘identity neutral,’ while others more strongly inhibit the choices of women, people of color, or particularly women of color. This chapter will explore the various avenues available to legislators in state legislatures. The focus will both be on the individual level and on state level institutions.

## Measuring Legislative Activity

Using roll call votes to measure representational outcomes has a long standing history in political science, but this can be critiqued on two grounds. First, while using macro level votes on policy issues to see how they match with policy attitudes may be valid (see Bartels (2010)), this doesn't capture to the same degree discussions of representation as a process. Roll call votes are effectively only one stage in a process of representation. While some have said that roll call votes are the "last stage," this perhaps overlooks how legislators, particularly in state governments also help manage the implementation of public policies and frequently interact with established public policies through constituent casework.

Therefore, thinking of representation as a process, perhaps one that is semi-circular, is a more accurate theoretical abstraction than a linear input -> output responsiveness structure. After a policy is passed, it does not remain static; it influences future policies, and changes, sometimes very slightly, how both the public and representatives think about government, society, and representation.

This theoretical construction of representation is aligned with recent movements in political science to think of representation as an interactive, continuous process, rather than static and linear.

However, contrary to some work on representation, this theory problematized the institutions that representation operates under. Rather than taking representational institutions as a given, I theorize that institutions greatly affect the process of representation compared to a model in which a representative (or the legislative body) is a unique and isolated actor, which is common in many studies of elite politics.

Representation is not only interactive and continuous through the legislator, it is also interactive and continuous through the legislature itself and the broader institution of state government. Rather than the institution of state government being a filter that increases or reduces the effect of an action, it both affects and is affected by individual legislators and the legislature as a whole.

## Process vs. Outcome

A common practice in studies of representation is to focus exclusively, or feature most heavily, roll call votes. This conception of representation comes up frequently in discussions of substantive representation. For example, some scholars have argued that there are potentially detrimental effects to creating ‘majority-minority’ districts, if such districts lead to a reduction in Democrats elected overall Charles Cameron (1996). However, this does not only neglect the wide variety of actions a legislator takes through the course of their time in office, it also views the final product of legislation as the only substantive concern. However, there are several steps that must be taken to even have a vote on legislation, such as bill and resolution sponsorship, committee hearings and votes, reconciliation of different versions of the bills, negotiation, and so on. There is much that legislators often do both in state legislatures and Congress, including the selection of leaders of the bureaucracy and other governmental organizations. While at times legislative activity may seem relaxed, there is much to be done behind the scenes. For example, influential legislators often have a significant effect on who is selected to fill key governmental positions, even if the actual transcripts of confirmation hearings are short (Barry Weingast (1983)) Therefore, thinking of representation as a process allows us to gain a fuller picture. When thinking about legislation as a process, the supposed drawbacks to

increased people of color legislators seems less clear. For example, without a legislator prioritizing certain issues, it is very likely that some bills and resolutions simply won't be introduced. Or if introduced, advocated for in committees less effectively. Furthermore, given that in almost every state legislature non-white Democrats are near the left end of the spectrum of the Democratic delegation, there may be a substantive loss through a shifting of what is perceived to be acceptable legislation. The shifting of the Overton window, along with other non-legislative activity, needs to be considered when making these arguments. Lastly, although not the primary focus of this dissertation, symbolic representation must be considered. Even though the record for symbolic representation on political mobilization and future candidates running for office is mixed, many scholars argue that symbolic differences in legislatures have their own intrinsic value, even if quite dispersed and difficult to measure Chapman (2002), Gilliam (1996).

## **Legislative Activity and Constraint**

Everywhere that people go, all actions that an individual takes, operates under some form of constraint. That being, although an individual may have many options in the variety of decisions they make throughout the day, they are still operate under constraint because they do not have unlimited choices. To have unlimited choices at all points of time would be closer to the life of a deity or virtual reality. However, this constraint should not obscure that some individuals have many more choices than others. For example, in choosing a restaurant to eat at, for wealthy individuals the only constraint is time. Cost is no object, the only difficulty being for a restaurant that is too far away. While for others, where they can eat is controlled by time, but also cost, a lack of mobility, and other restrictions.



Similarly for legislators there is a significant variation in the amount of constraint they face in actions they take as a politician, some of which reflect existing inequalities in society.

However, it should be noted that while this argument pushes back against the notion that the legislature is an equal playing field, it is certainly the case that the gap in constraints on action is much greater for people in broader society than for the legislature. Individuals face significantly more constraint in their political actions than legislators do. The most basic fact is that residents have delegated political power to legislators to make political changes. For an individual, there is less legitimacy to any actions that they take to change political systems. Furthermore, they have less publicity and less time to affect legislation, unless they are a full time activist or working for a lobbying group. Additionally, their influence as an individual will likely never be as influential to a legislator's decisionmaking process as another legislator, powerful political actor, or the legislator themselves. In other words, while there is inequality in the legislature, this is still a fairly elite group.

Additionally, to complicate the argument, constraint is not additive. In other words, while generally there is a power structure within the legislature in which those in leadership positions and other key seats have less constraint on their actions as a legislator, there may be some actions that will be difficult for one of these members that is easy for a rank and file member. In other words, what for some is a disadvantage is an advantage for others, and this stratified along seniority, party, race/ethnicity, gender, and many other factors. That sometimes disadvantages come with advantages from alternative strategies has been elaborated further in regards to protest movements in LaGina Gause's *The Advantage of Disadvantage* Gause (2022).

For example, legislative leaders in the states may find it difficult to take positions divergent of the party mainstream, lest they be replaced by an alternative party leader in the

near future. Furthermore, their actions are under more scrutiny, so it may be difficult to apply special legislation or favors for their district, at least directly. However, this is not to imply that these actors are less powerful than a typical state legislator, as it is clear that generally they are quite successful at finding allies within the state legislature to introduce particularistic legislation on their behalf.

In other words, the interactive effect that occurs between the individual characteristics and goals of the legislator, the collective dynamic of the legislature, and the institutional variance across state legislatures will be analyzed. This chapter, along with much of the dissertation, makes few causal claims. Experimental work has the benefit of high validity, but its value in an institutional context is more limited. Even legislatures that enact institutional changes are not truly experiencing an exogenous shock, given that the nature of these institutional changes are often endogenous to the state's electoral system, political culture, and balance of power between parties. Furthermore, given the aforementioned interactive effect, variation that can be seen among individual state legislators is immersed within that state legislator, which makes it quite difficult to universalize results from any particular state.

However, by comparing the effect of institutional differences on state legislators we may be able to explain some of the divergent results seen at the district level. In other chapters we have seen variation that occurs among differences in legislators and districts, and in future qualitative work we will be able to see some of the variation that occurs among differences in political culture and associated norms. In this chapter our primary focus is on the state level, and this will be expanded upon in the next chapter looking at institutional effects on the pathways to political office.

## Measuring Constraint in Legislative Actions

Constraint is both about the actions taken and the actions not taken over the course of a legislator's time in office. Knowing the true levels of constraint a legislator faces would potentially require a controlled experiment, which may lack generalizability, covert observation, which would be unethical, or total candor in the course of legislator interviews. Out of the three options, pursuing legislator interviews is a clear choice for future research, although total candor is not guaranteed. However, although legislator constraint is hard to measure directly, it can be proxied for in several ways. Looking at differences in legislator activity across the states will allow us to see potential institutional effects. Furthermore, looking at differences across variation in district demographics and partisanship will allow us to see district level effects. Looking at differences over time can also help us observe how constraint changes during the course of a legislator's time in office. Lastly, all studies will be subset among legislators of different identities, to see how these effects operate differently among diverse identities.

The fundamental variable of constraint will be measured in the following ways. Although the measurement technique is novel, it is informed by the structure of the theory and argument detailed in the dissertation. Constraint will be measured by the variance displayed in the structure of legislative activities. In theory, a relatively unconstrained legislator will be able to do the following things:

- balance out their legislative activities relatively evenly across categories, particularly as there is some political advantage to doing all of them.
- have the political and staff resources to engage in all of these activities
- will not 'blocked' from participating from any sector of the legislature, or in activities

in their district.

On the other hand, the situation for a constrained legislator is much different. While they contain the similar ambition to represent their constituents, they are likely to be constrained in more areas of activity. Therefore, in an effort to represent their constituents to the fullest extent and utilize staff resources, they will show unusually high or low levels of activity in particular areas. For example, a legislator blocked from certain aspects of the lawmaking process may spend greater time drafting and sponsoring resolutions, given that they are somewhat excluded from important committees relevant to bills. However, this measurement does come with caveats. This theory and measurement proposes that this is the case for legislators on average. Certainly there is some variation based on personality. For example, even an unconstrained legislator may enjoy spending significantly more time than their baseline on constituency work because they enjoy it or find it particularly valuable. Richard Fenno and others have noted the importance of personality and a particular legislator's approach to the position as being very important in regards to their engagement with constituents Fenno (1977), Fenno (1978). However, what past work may have overlooked is that there may be structural factors in addition to matters of personality.

## **Legislative Action and Institutional Factors Across the States**

### **Media Coverage of State Politics Across the States**

Many scholars have noted the decline of state and local political reporting over the last two decades, especially in the realm of political reporting. There are several reasons for

this unfortunate trend. One is the increasing concentration of news media under a few larger conglomerates, which have often greatly reduced local reporting in favor of national stories which can be copied and distributed by the newspapers and tv stations under its ownership. Additionally, the increasing trend of social media as a news source has led to significantly less attention to political news from traditional news sources at the state and local level. Instead, many residents receive news from dubious sources, national level reporting, activist groups, and increasingly a news that is focused on commentary and opinion. Lastly, with the increasing nationalization of political parties, there is often genuinely less interest about state and local political news, even among the politically attentive public. This has had significant consequences for state politics, although the effects are somewhat dependent on the state. Many state legislatures now operate with the public less informed than in the past about the legislation being considered. This has significant consequences for the legislation in the state. It allows interest groups to take an unprecedented role in drafting legislation, the most successful of which has been the American Legislative Exchange Council. Conversely, it also makes it more difficult for individual legislators, activists, and other party actors to build publicity for legislation in the face of an indifferent media. Additionally, it makes it easier for legislators to act as roadblocks to the passage of legislation without opposing it in a public way. These tactics include the quiet veto of legislation, blocking the bill in committee, or by refusing to bring it to the floor for a vote, among others. However, in infrequent cases, state legislatures can come under intense scrutiny if some aspect becomes a national news story. Therefore, there are some bills, scandals, or other stories that in the past would have been relatively confined to the public of that state that now become the object of scrutiny of the public across the states. The viral nature of social media has introduced further randomness into the coverage of state politics; generally very low interest, with occasionally high national attention. This does provide opportunities, but also challenges

for progressive legislators. Furthermore, as the media landscape has reduced in power, it has become more specialized, so news for specific groups has not reduced in its reach as significantly as mass market media. Therefore, so called ‘minority media outlets’ can sometimes still be an effective avenue for a legislator to get their message across and for mobilization Grose (2006).

For legislators in conservative states, the ability to draw on national attention may create a more receptive audience than what would only exist at the state level. However, conversely legislation may be stalled in more progressive states by negative national attention and pressure to block the bill. Additionally, the generally low level of attention by state and local news can create difficulty for legislators to promote legislation, particularly that of which is out of line with the legislature or their own political party.

How does this affect the constraint that legislators operate under? There are two primary ways that a legislator is affected by these trends in media coverage within the states. There is possibly a slight positive effect, in which legislators deviating from the prevailing ideology of the state legislature will be less likely to be criticized by the state and local news media. However, at the same time the lack of attention paid to state politics from the media makes it easier for state legislatures to operate with little oversight. This makes it easier for members in positions of power within the state legislature to use it to advance their own interests or those of the party at large, oftentimes at the detriment of legislators with distinctive policy agendas.

It is possible that for some legislators, harnessing the power of social media to deliver their policies to a national platform could have significant success. It does seem that in the realm of social media, women appear to generally be more active and more successful at building a large audience. Politicians like state representative Wendy Davis of Texas had great success in building her reputation through her filibuster of anti-abortion legislation

in 2013. It is likely that prior to social media and the nationalization of news media, such an event would not have gained nearly as much interest. Wendy Davis was able to harness that moment, which contributed significantly to winning the Democratic nomination for governor in 2014. However, building a national social media presence comes at a cost. Women, and women of color in particular are significantly more likely to be subject to harassment and abuse from online comments and threats. Therefore, it is likely that many women politicians need to think more carefully about how they want to engage on social media as compared to men. As stated in the introduction, state representative Kiah Morris of Vermont cited harassment and abuse as the primary reason she was resigning from the state legislature.

However, it is important to note that not all state legislatures are equally affected by this decline in state and local news coverage. While generally coverage of state politics has declined, some states contain prestige media that have a national audience. Newspapers like *The New York Times*, *Los Angeles Times*, *Washington Post*, and *Chicago Tribune* have helped maintain significant knowledge about the politics of these states, and perhaps even amplify news stories that would generally be read only in the states to a national audience. This trend is largely duplicated by cities such as Los Angeles, New York City, and D.C being media hot spots for televised and internet news media as well. On the other hand, smaller states, particularly those without a major city have seen a rapid decline in news coverage about the state legislature. Many states now only have a few newspapers and television stations that devote time to state politics in a meaningful way. The trend has become so desperate that state legislators, their staffers, and other political actors rely on subscription-based political news to keep up to date on legislation. These sources are not written for the general public and and this fact speaks to the broader decline in the public sector within the state.

As can be seen in the appendix, states vary significantly in their level of newspaper readership per capita. However, the results for the effects of newspaper coverage on the state legislature are mixed. The variable that was created to determine the results was the number of newspaper readers per capita within a state. As expected, states with prominent newspapers, such as New York, led the top of the list while Southern and Great Plains states were near the bottom. Among state legislators, the amount of newspaper readers per capita was not found to be a significant indicator of bill and resolution sponsorship or holding constituency events. Furthermore, the measurement of constraint through variance in legislator activity was not associated with newspaper readership. However, there were some significant yet unexpected results in regards to progressive advancement. States with more newspaper readers were found to have legislators with lower levels of progressive advancement. The results are presented below, and as one can see average campaign spending within a state was negatively associated with progressive advancement, while being a Republican and being in a state with more staff per legislator (a measure of professionalization) was found to be positively associated with progressive advancement.

## **Constraint and Industrial Organization**

Despite the continuing nationalization of U.S. politics, state economies are still quite dependent on state-level and local economic conditions. While a deep depression or booming economy can be enough to affect any state, the local economy of each state is often quite dependent on both economic and political conditions. States vary in the general health of their economy. For decades, certain states have had consistently stronger economies than others, with effects that tend to compound over time. On the other



Table 4.1: Progressive Advancement and Average Per Capita Newspaper Readership by State

Dependent Variables	Estimate	Standard Error	t value	p value
(Intercept)	.123	.0162	7.594	3.53e-14***
Average Campaign Spending	-8.216e-07	8.856e-8	-9.277	<2e-16***
Newspaper Readership per Capita	-1.278e-05	1.833e-06	-6.972	3.43e-12***
Republican	.04681	.00594	7.877	3.86e-15***
Staff per Legislator	.01448	.001529	9.465	< 2e-16***

*Note: Data drawn from Statista, year 2019 (Statista 2019)*

hand, states also vary significantly in how much they depend on particular industries, and the willingness of those industries to insert themselves into politics. Some states are extremely centralized in their dependence on a particular industry, such as tourism for Nevada or automobile manufacturing in Michigan. On the other hand, in other states it is hard to identify a dominant industry, such as in California or Pennsylvania. Furthermore, industries vary significantly in their relationship to the state legislature. Some industries are relatively uncontroversial, and neither party takes significant policy positions on it. This may be due to the lack of a serious left wing party in the United States, but the fact remains. These include insurance, advertising, and food services, among others. On the other hand, other industries are a hotbed of controversy, one of the most common being industrial politics related to environmental and labor issues. These include industries like mining, farming, and manufacturing. Particularly in states where the aforementioned industry is part of a wide variety of industries, it may be a source of significant conflict between the two main political parties. On the other hand,

if the industry is sufficiently dominant within the state, it is often able to capture the votes of both political parties. This is arguably the case in the recent history of West Virginia, Louisiana, and North Dakota. Furthermore, an industry can dominate a state legislature even if they are generally uncontroversial at the current moment. This may be the case for Delaware, New York, and Massachusetts. It should be noted that industries with less of a physical impact tend to be less controversial, such as those that produce ‘white collar’ jobs. How does this affect the constraint faced by a legislator? In states that are fully captured by a particular industry, or in relation to an industry that is considered non-political, it can be very difficult to advance political ideas contrary to the conventional wisdom.

This also highlights a major weakness of federalism. While in theory state governments allow for a great deal of experimentation in economic policies, generally there are three trends, both damaging to the pursuit of economic equality and reducing the negative effects of industry. First, states are often forced to compete against each other for business and industry through tax credits, reducing environmental protections, weakening labor rights, and generally enacting a right wing economic agenda. This creates a ‘race to the bottom,’ in which states often undercut their own ability to function effectively in order to attract business. It should be noted that this is most severe in areas of lax federal standards, such as minimum wages and tax laws. Areas like environmental law and occupational safety, while still flexible, is generally held to a fairly strict federal standard. This theory has been more broadly expanded upon in the realm of urban politics and some of the structural conditions that led to the decline of urban centers. In both, the mobility of capital can be debilitating Peterson (1981), Michener (2018).

On the other hand, the problem is likely slightly less severe in states than in municipalities, given that states have more political power and capital is somewhat less mobile.

However, the problem will likely continue to increase, due to further developments in the United States economy that allow for supply chains across different states, mobile work, and an economy that is less tied to specific sites of primary resource extraction. The second major problem is that, as noted earlier, particular industries in a state can become so dominant and economically important that they can control the political system and extract further concessions from the state government. While in theory it may make sense for the areas most affected by an industry to set regulations and standards related to it, in fact it is a severe conflict of interest and can be more effectively addressed by the federal government. Lastly, one additional problem is that the domain of economic policy in the states further exacerbates inequality between the states, increasingly creating regions of the country that are prosperous or struggling.

However, it should be noted that the overall economic picture is not entirely negative. Given that Congress has been in a state of gridlock for the last 27 years, and particularly the last 11, states have been able to pass effective laws related to emerging industries or new political problems that emerge within existing industries. In other words, in the face of federal inaction states have been able to step in and do an adequate job. However, just because an option is less bad than the alternative hardly means that it is ideal. Unlike other forms of legislative constraint, this is a force that is external to the legislature or individual politicians themselves. It is very possible that both political parties can be 'captured' to a certain degree by these industries, which can lead to legislative stagnation. Therefore, I predict that states with high concentration of particular industries will have higher levels of constraint than states with the converse.

The results are presented below. In some regards, these results are similar to that of newspaper readership. The variable of industrial concentration was measured as the percent of the state's GDP is produced by its primary industry (it should be noted that

industry is being used in this case in the most general sense, encompassing not only manufacturing industries but most economic activities as defined by the US Department of Labor, including agriculture, real estate, etc.). Delaware led all states in its proportion of industry going to its primary industry (Finance and Insurance), while Nebraska was the most dispersed in its industrial concentration. Similar to newspaper readership, industrial concentration was not a strong predictor of legislative activity, constituency service, or the measurements of constraint used in this dissertation. However, industrial concentration was found to be negatively associated with progressive advancement. A similarly negative result was found for the average campaign spending within a state, while on the other hand being a Republican and a higher amount of staff per legislator within a state were found to be positively associated with progressive advancement.

Table 4.2: Progressive Advancement and Industrial Concentration by State

Dependent Variables	Estimate	Standard Error	t value	p value
(Intercept)	.2623	.05046	5.197	2.09e-7***
Average Campaign Spending	-3.382e-07	6.6334e-8	-5.339	9.63e-7***
Primary Industry GDP Share	-1.538	.3383	-4.547	5.54e-6***
Republican	.04663	.005957	7.828	5.7e-15***
Staff per Legislator	.007857	.001131	6.944	4.17e-12***

*Note: Data drawn from the US Bureau of Labor Statistics, year 2022; industrial concentration is measured as the proportion of the largest industry within the state GDP*

## Legislative Committees

Legislative committees, as in Congress, are the primary avenue for legislative expertise in the legislature, and one of the prime areas of power within the legislature. They are also one of the most important sources of power differentials within the state legislature Darcy (1996). Several members of the state legislature chair no legislative committees. Other members are the chair of several. Furthermore, not all legislative committees are created equal. Some of the most powerful committees include the Rules Committee, Ways and Means Committee, among others. Other legislative committees, such as Housing and Urban Development, are less important. Most state legislatures give wide latitude to the party caucus and party leaders in granting membership within party committees. There is a well defined trend of the assignment of powerful legislative committees as seniority increases, although this is less common in states with term limits. Additionally, given that party leaders are given wide latitude in decisions, members can both be rewarded and punished for their actions through committee decisions. It is common for legislators with poor conduct will be stripped of their committee assignments, although this also sometimes occurs for legislators with normal conduct but ideologies out of line with their own political party. However, what more commonly occurs is that rather than being stripped of legislative committees all together, these legislators will be given less powerful committees and often denied chairing any committees. This has significant downstream consequences for a legislator, often hindering their ability to win reelection, run for other political offices, and acquire leadership positions. Conversely, uniquely favored or well connected legislators will get the opposite treatment, receiving powerful committee positions, with the ultimate goal of allowing them to ascend to a leadership position in the future. This appears to be particularly common among relatives of current

or past legislators, top fundraisers, or other legislators identified as a ‘rising star.’ This generally excludes nontraditional legislators, although this varies significantly across the states. Future work will explore this dynamic in greater detail. Legislator interviews will be particularly insightful for understanding how committee decisions are made within a legislature, along with efforts to promote or punish legislators through these assignments.

## **Leadership Positions in the State Legislature**

Leadership positions vary in power and function across state legislatures. Most state legislatures contain a majority leader and minority leader, along with party whips. Other legislatures have other leadership positions, which generally correlate with greater expertise within the state legislature and greater legislative professionalism. Future leadership within the state legislature is often identified relatively early on into a legislator’s career, and generally these legislators are often given additional resources and more powerful committees to help aid the process. In other words, when a new leader within the state legislature emerges, it is rarely a surprise. Generally, they have been identified early on and steps have been taken to facilitate the process. Leadership positions vary significantly across the states. In the past, speakers and majority leaders of state legislators often had more power than they have today. Particularly in southern state legislatures, leadership positions often contained almost total control over legislation, and often were more powerful than the governors themselves. This is generally not the case today, although some state legislatures still contain strong legislative leaders relative to governors. Similar to that of governors and other state party leaders, the relationship between an individual state legislator and a legislator in a leadership position is very important for the passage of legislation. An especially strong or weak relationship can greatly affect the

possibility for a legislator to pass legislation. In extreme cases a leader in the legislature can coordinate efforts to even strip a legislator of their committee positions and have a moratorium on bills that they sponsor from being considered. This is generally fairly rare and mostly reserved for legislators accused of misconduct who choose not to resign. However, on a more informal basis the practice remains, and sometimes a legislator can be informally blacklisted without even knowing it for some time Noah (1998), Hedlund (1978).

On the other hand, for legislators with a particularly strong relationship with a legislative leader, the opposite can be true, in which their legislation sails to a floor vote and passes fairly easily. Unlike gubernatorial relationships, relations between legislators may be highly determined by past legislative experiences or political campaigns; this certainly gives many politicians pause, as they consider if it's worth it to oppose a legislator on a particular issue or campaign if they know that it may affect their legislative environment in the future. This is another important time where the power differential arises in the concept of legislative constraint. A legislator may feel constrained from taking a particular action because of their perception of the power of the other legislator and how it may grow in the future. In other words, even before a leadership position is entered and the power differentials formalized, a legislator may already act as if the legislator already has that title. To what extent these perceptions become a self fulfilling prophecy is unclear- however, it is clear that it affects legislative decision making on a continuous basis.

It should be clarified that there are a wide variety of factors that affect a legislator's level of constraint and relative power within a state legislature, and it is important to realize that constraint is a continuous variable. In the past, legislatures have sometimes been thought of as containing a dozen key actors, often legislative leaders or members of

particular committees. The other legislators were characterized as having less power but relatively equal in those terms David Hedge (1996).

In contrast, I characterize the power differential as continuous, with almost no members lacking any power but several coming close, all the way up to the relatively unconstrained party leaders.

It is also important to consider that these power differentials are affected by race, gender, and class. Legislators with the same structural conditions will have different levels of constraint and power for this reason. It is particularly notable that as legislators who aren't white men move up the ladder within a state legislature, the target on their back grows. There is often a significant effort, implicit or explicit, to keep them within a particular space within a legislature. Therefore, the legislative pathway that a legislator from these backgrounds face are often much different and more difficult. This can help explain widely known results that legislators of these backgrounds in Congress often have significantly more legislative experience and qualifications than their white male counterparts Sarah Anzia (2011).

These actions taken to undermine a legislator are often covert and hard to measure. Furthermore, while in future work the author will undertake interviews of state legislators, it may be difficult even in these situations for legislators to speak frankly on the topic. However, at the structural level it can be seen that a rise in power and reduction in constraint will often operate continuously for the political career of a white male, it is not the case for legislators of other identities. Unless one were to assume that these legislators were less capable, it is clear that there are dynamics outside of the individual's control that affect this process. This will be further discussed in the following chapter on pathways to Congress for state legislators, exploring the rise in political power for the smaller subset of legislators who run for Congress.



# The Relationship Between the State Legislature and the State Parties

The relationship between the state legislature and the state parties varies significantly across the states. Most state legislatures have a fairly close relationship with the state political party, although some state legislatures have varied from the state parties. In some cases, the state legislature displays more independence from the state level party than normal. This is particularly common in state legislatures where one party is in an extreme minority position. However, this also occurs in fairly divided state legislatures, such as New York. In other cases, this can occur in states where the state legislature is particularly tied to the national level party rather than the state level party. Lastly, in some cases the state legislature may be distinctive from the state party in states with large cultural or geographic differences across the state. This may be the case for New York, which has strong cultural differences between New York City and the rest of the state. In states that contain stronger ties between the state legislature and state party, there is generally a stronger influence of party leaders over legislation and party control over nomination of candidates. In some cases, there is even significant influence over legislative rules, chairing of committees, and selection of legislative leaders. This has some possible negative consequences over the quality of legislation, although in many cases it depends on the nature of the party and party leadership. In some cases, a party with corrupt or unwise leadership can negatively influence the policy outcomes of the legislature. Additionally, party leadership is often quite resistant to change, so candidates that aim to change the status quo may find themselves blocked from winning the nomination in a strong party state. This is often particularly true for left-wing candidates, as it seems most Democratic state parties are less tolerant of their left wing

compared to the Republican state parties and their right wing. Similarly, party leadership in state parties is disproportionately white and male, to an even greater extent than the legislature itself. This can also lead to the undermining of candidates and legislators who don't share these identities, either at the electoral stage or within the legislature. However, in other cases, strong party ties can help make it easier for legislators to enact party and ideological goals through legislation. Particularly in a situation in which many legislators enter the legislature with limited political experience, they will often find it quite helpful to receive guidance from party leadership. Certainly, there are some positive benefits as well. For example, states with stronger links between the party and legislature will find it easier to resist outside influence from national activist groups, model legislation organizations, and corporate spending on politics. Additionally, they are more likely to support candidates with political experience when attempting to control party nominations, which has positive downstream effects on the quality of legislation Patterson (2018).

## **The Relationship Between the Governor and the State Legislature**

Although governors are sometimes seen as part of the state legislature, in most states they are really a quite distinct entity in terms of power, candidate background, political goals, and many other factors. Furthermore, legislatures vary greatly in their relationship between the governor and the legislative body. In many states, the legislature is much less powerful than the governor, particularly in less professionalized state legislatures. However, even within less professionalized state legislatures there are procedural mechanisms, unique from those of Congress, that can often be used to weaken gubernatorial

power. Furthermore, there are some states with quite weak governors, so the relationship and power differential runs the whole spectrum across the states. In many cases the relationship between the legislature and the governor is rooted in the state constitution, which is often more specific in its delegation of powers than the US Constitution Mickey (2015).

For example, Texas devotes significant administrative power to statewide elected commissions and bureaucratic politicians, which significantly reduce the power of the governor to enact legislation in the form they desire Charles Elliot (1998).

Additionally, many states have elected Attorney Generals, which significantly reduced the quasi-judicial power of a governor. The relationships between the state legislature and the governor is often contentious, because this is an area where there is often a difference in party between the two institutions. Similar to the relationship between Congress and the president, the governor is a veto point within the legislative process. This is an area where there is less variation between the state legislatures, because most states have similar thresholds required to override a gubernatorial veto. However, there are some states that only require a simple majority to pass legislation, or as in California, sometimes requires a super majority to pass legislation related to taxation. Another disadvantage, in addition to the veto, that individual legislators face is their relative anonymity compared to the governor. Many legislators cannot be named by their constituents, and particularly in states with large state legislatures the gap in knowledge is even larger than that between members of Congress and the president. This has significantly reduced the power of state legislators to use the bully pulpit to advocate for legislation. This also makes it more difficult for legislators to override gubernatorial vetoes, especially if the veto comes from their own political party. The ability for the governor to retaliate, and the influence they have over the state party, can make it very risky to push legislation

through, especially if the governor is popular. Although the relationship between the governor and the legislature is often thought to be a collective one, particularly in regards to discussions around the veto, at the same time the relationship between a legislator and the governor can also greatly affect the constraint felt by a legislator in their political advocacy. Although this is generally difficult to determine through quantitative methods, legislators who have a particularly close relationship with the governor may find it easier to advance legislation, and the converse is true for an adversarial relationship. However, for perhaps a majority of legislators, the relationship between themselves and the governor is often quite distant. Although this list is by no means exhaustive, predictors of close relationships may be determined by working together on a past campaign or serving together on the same committee in a past session of the state legislature. An adversarial relationship may have come from competing against each other on a past campaign, or the involvement of one in a scandal within the state legislature. However, many governors do not have significant state legislative experience before becoming governor, so especially weak or strong relationships are more likely to arise through the tenure of a governor's time in office. The most common ways for this to occur are either from being a prominent critic or supporter of the governor's legislative agenda. This largely is restricted to members within the governor's own political party, as it is likely that there is virtually no cross party support for legislation, and opposition is tended to be taken for granted. Another point of contention between the governor and the state legislature beyond the veto is conflict over the domains of policy administration. Some states offer broad latitude to the governor's office to run the bureaucracy and enact legislation. However, many others strictly regulate the latitude given to the governor on various areas of policy, one of the most notable being housing and urban development issues. This area in particular is often dominated by local interests that are reflected by their associated legislators. This frequently has had the effect of blocking large scale housing projects,

urban redevelopment, and efforts to modernize or consolidate metropolitan government. However, there are other areas in which the dominance of state legislators over the power of the governor is perhaps more positive, including the administration of cultural and arts development from the state. Although a relatively small part of the state legislative budget, this funding would likely be squandered without the efforts of localized interests to identify relevant cultural events and individuals that can benefit from state funding Robert Dilger George Krause and Moffett (1995).

The relationship that a legislator has with the governor greatly affects their level of constraint within the legislature. Opposing legislation proposed by the governor might make it harder for a legislator to advocate for their own legislation later. On the other hand, being a steadfast supporter of the governor's legislation has its own tradeoffs, because it can limit the policies that a legislator can focus on in the legislature.

## Strategy and Position Taking in the Legislature

It is likely that for at least many legislators, both extremes should be avoided. The first extreme being a legislator who is completely unconstrained in the bills they propose but they never have a chance of passing. The second extreme being a legislator that is only allowed to focus on what could be characterized as "pre approved" legislation- having a higher success rate within the legislature, but at the same time not really making a name for themselves, focusing on the issues they really care about, or those that would most serve their constituents. Therefore, legislators often face tradeoffs with each bill, because for most legislators taking a consistent position on every bill is actually not favored, as counterintuitive as it sounds. Most legislators don't want to be known as an iconoclast or as a party line vote, background legislator. One of the greatest areas for a

legislator to scope out their particular sphere of interest is within legislative committees and caucuses. Legislative committees have already been discussed and are the most important for advancing legislation, but at the same time the role of caucuses should not be overlooked. In fact, legislators from non-majority identities have sometimes found particular committees to be the areas where they can most influence legislation, such as a legislative Black caucus, women's caucus, and several others. These specialized caucuses are sometimes the only appropriate area for non white male politicians to develop legislation and political power, because sometimes even when serving on committees or other roles their ideas are dismissed Iva Deutchman (1992), Iva Deutchman (1994), Iva Deutchman (1996), Deweever (2000). It also means that constituents frequently reach out to state bureaucratic offices before their own legislator to help solve their problems, if they reach out at all. This further weakens the relationship between state legislators and their constituents, which in many cases is already quite weak. As with members of Congress, state legislators must compete against political actors with overlapping jurisdictions. Compared to many democracies, Americans vote for a stunning array of political candidates. This allows an individual to be represented many times over, both at the federal, state house, state senate, county, city, and sometimes additional levels of government. Therefore, it also makes it difficult for representatives to build relationships with their constituents in the face of so many competing messages G. R Boynton (1969). Some legislators have harnessed the powers of social media to try to cut through the noise of competing legislators for constituent attention. This is particularly true among legislators with a high degree of progressive ambition. The use of social media is discussed more in chapter three, but is also worth readdressing here. This is another area where state legislators operate under low constraint, because legislators are generally not heavily policed in their social media by other state legislators or the state party. Generally, if there is direction from the state party, the tendency will be to have legislators increase

messaging in certain policy areas rather than decrease them. One of the most common ways that this occurs is a coordinated effort by all the legislators to release a statement on a particular holiday, or in advocacy for a particular bill. However, beyond these encouraged statements, legislators often have wide latitude in their public statements. Neither are these statements generally policed by the governor, although there have been rare cases where a governor has tried to pursue near dictatorial control over their state level political party and associated legislative delegations. However, this usually comes about because of unique aspects of the governor's personality, rather than a structural element of the state legislature. In other words, even if a state generally has strong governors, most do not show these trends of control over communication. However, once again it must be emphasized that the realm of social media is quite over saturated and it is difficult for any particular legislator to build a significant following. In fact, one of the top ways for a legislator to build a following may be problematic for the representation of the district. One of the best ways a legislator can build a social media following is to appeal to a statewide or national audience. This can often mean engaging on issues that are less relevant to the district and more relevant to the national debate. Further-more, it can promote extremism, as inflammatory language and content generally gets the most attention from social media algorithms and the news media. Furthermore, by far the most used social media outlet for state legislators is facebook. However, this can also lead to concerns from the legislator that the audience of facebook skews significantly older in 2022. There are many younger constituents that likely encounter no social media messaging from their legislators due to their choice of platforms.

# **The Relationship Between the Judiciary and the State Legislature**

States vary significantly in the relationship between the state legislature and the judiciary. In some states, members of the State Supreme Court are elected and therefore have very little relationship between themselves and the legislature. Furthermore, in some states the power of the state supreme court is overshadowed by the power of the Attorney General, which is usually either independently elected or appointed by the governor. However, in other states there is a significant relationship between the state legislature and the judiciary, particularly in states where the legislature selects members of the State Supreme Court. Obviously, in these cases the legislature exerts powerful influence over judicial decision making and are often effective at selecting candidates in line with the majority party. However, compared to the relationship between the state legislature and the governor, there is generally a more distant relationship. Some of the main areas of controversy are related to the drawing of legislative districts, as state supreme courts have often found it necessary to intervene in the process. Furthermore, laws that are challenged on state constitutional grounds are often taken to the supreme court, where they indirectly engage with legislative powers.

## **Average Levels of Constraint Across State Legisla- tures**

Although this dissertation primarily studies constraint as an individual variable assigned to each legislature, it is important to think about how all these individual pieces interact



into the collective of the legislature itself. Rather than being completely zero sum, in which the same amount of political power or constraint is distributed across state legislatures in different ways, it is likely that some states have higher levels of constraint/lower levels of power than others. It is the proposition of this section that this power vacuum is often filled by other political actors, whether they be the governor, the judiciary, or other party or interest group actors. A state with a high level of constraint may also be a sign of a highly unequal power distribution, in which few members are relatively unconstrained and others are highly constrained in their choices. Therefore, depending on how it is measured a legislature with a low level of constraint can be a sign of an equitable state legislature and a legislature that has a significant amount of political power.

The measurement of average state constraint across state legislatures is measured in the following way: the variance within a state legislature on several key variables of ideology, legislative activity, constituent service, and institutional variables was measured for all fifty states. In this conception of constraint, a variance that is higher on measurement of legislator activity or constituent services is a sign of a more constrained legislature. Why is this the case? As discussed in previous sections, an assumption in this dissertation is that relatively unconstrained legislators will balance their activity across a wide range of legislative actions. On the other hand, state legislators that are constrained from pursuing legislative opportunities in some areas will more greatly focus their attention in others. For example, a legislator blocked from passing legislation may display a high number of bill and resolution sponsorship, many of them symbolic, to display to their constituents that they are pursuing legislation. Another way to look at it is that the variance of legislator activity and constituent services is a sign of inequality in political power within a state legislature. While it is hard to prove that in all cases high variance in legislative activity is a symbol of power inequality, on average it has real political consequences. As

discussed in the sections below, states with higher variance in legislative activity have lower rates of state legislators obtaining higher office. It is important to note that

Table 4.3: Variance of District and Legislator Ideology Variables Across State Legislatures

State	District Variance	Ideology Variance	Legislator Variance	Relative Extrem- ism Variance
Alabama	0.08595121		0.50151832	0.30936191
Alaska	0.04151512		0.46688312	0.4066363
Arizona	0.06007764		2.050516	1.578505
Arkansas	0.04782579		0.47677595	0.40165309
California	0.09957321		2.14589	1.567971
Colorado	0.1194679		4.0882192	3.353578
Connecticut	0.06307968		0.5131197	0.3921649
Delaware	0.05422366		0.5258171	0.3902191
Florida	0.06571642		0.71432077	0.5559026
Georgia	0.09833278		0.9162295	0.574638
Hawaii	0.03756668		0.0749722	0.1032728
Idaho	0.05385782		0.73115462	0.51574678
Illinois	0.09266371		0.7117742	0.444519
Indiana	0.07756109		0.43603864	0.27682204
Iowa	0.06376847		0.8206012	0.6254024
Kansas	0.05949591		0.72043099	0.61861863
Kentucky	0.05019346		0.5286861	0.3628787
Louisiana	0.09816284		0.30641114	0.16179531
Maine	0.04143168		0.93671377	0.97826896
Maryland	0.1199065		1.1540995	0.7194344
Massachusetts	0.07287146		0.1832979	0.1818499
Michigan	0.07935082		1.254597	0.8579975
Minnesota	0.1182954		1.3885022	0.9845696

*Note: Data drawn from Legiscan, years 2016 and 2017 (Legiscan 2021)*

institutions are not monolithic, and individuals are interacting and shaping institutions constantly. In other words, they are not completely static. Furthermore, institutions can sometimes be formed through historical events and the text of the state constitution,

Table 4.4: Variance of District and Legislator Ideology Variables Across State Legislatures

State	District Ideology Variance	Legislator Ideology Variance	Relative Extremism Variance
Mississippi	0.06191703	0.6288905	0.4283885
Missouri	0.1094388	1.0958668	0.7335546
Montana	0.05031122	1.26211	1.11805319
Nebraska	0.0464048	1.471263	1.356576
Nevada	0.04017584	0.6507861	0.53823
New Hampshire	0.03623172	0.9316253	1226.246
New Jersey	0.04421909	0.2615881	0.1590452
New Mexico	0.06440316	1.38514404	1.12178979
New York	0.09370851	0.7259954	0.42582
North Carolina	0.06659665	0.67389375	0.4817631
North Dakota	0.02538775	0.2181197	0.34608478
Ohio	0.08364337	0.8930993	0.5980559
Oklahoma	0.07338043	0.35949881	0.45906002
Oregon	0.1350358	0.9676211	0.5384902
Pennsylvania	0.1064849	0.4946535	0.3579194
Rhode Island	0.06363453	0.1497547	0.1310367
South Carolina	0.04862972	0.6459693	0.5435206
South Dakota	0.0428215	0.2641815	0.3730784
Tennessee	0.104263	0.5724351	0.4027398
Texas	0.1019087	2.069579	1.534574
Utah	0.09264806	0.85107303	0.58672079
Vermont	0.0460451	0.6491414	0.5619789
Virginia	0.07261833	0.82354378	0.59399943
Washington	0.1171165	1.4677344	0.9548896
West Virginia	0.03879628	0.360762	0.4064622
Wisconsin	0.08345015	1.162814	0.7756683
Wyoming	0.04190968	0.41285602	0.40027258

*Note: Data drawn from Legiscan, years 2016 and 2017 (Legiscan 2021)*

Table 4.5: Variance of Legislative Activity Variables Across State Legislatures

State	Bill Sponsorship Variance	Bill Passage Variance
Alabama	86.6217287	30.36033782
Alaska	112.1838983	38.85056497
Arizona	1801.242	299.0782
Arkansas	344.2501935	94.25682698
California	7903.786	2591.661
Colorado	100.7492089	61.6050633
Connecticut	109.955	1.526445
Delaware	2085.318	463.5442
Florida	382.9830965	24.31275519
Georgia	524.9575	238.5262
Hawaii	23745.69	275.6239
Idaho	57.05322947	12.16455696
Illinois	6442.962	1237.281
Indiana	364.318613	214.9963758
Iowa	83.08116	2.698926
Kansas	39.98420367	11.49789127
Kentucky	331.3695	74.8235
Louisiana	620.6115434	450.1406481
Maine	140.5039953	19.85763807
Maryland	1641.502856	210.7880861
Massachusetts	21730.67	5.508021
Michigan	5912.474	1227.835
Minnesota	849.8184824	10.8313261

*Note: Data drawn from Legiscan, years 2016 and 2017 (Legiscan 2021)*

Table 4.6: Variance of Legislative Activity Variables Across State Legislatures

State	Bill Sponsorship Variance	Bill Passage Variance
Mississippi	1214.442	644.0793
Missouri	88.4137087	1.9878621
Montana	35.51156496	14.05905512
Nebraska	135.7304	10.83333
Nevada	840.7327	490.2509
New Hampshire	325.2392	74.37951
New Jersey	12730.29	337.0249
New Mexico	113.5112203	9.91122031
New York	72576.21	53.49203
North Carolina	945.6825991	29.33700456
North Dakota	180.787234	61.43444782
Ohio	380.4041	231.6125
Oklahoma	838.1593583	323.5787369
Oregon	565.4451935	131.5910112
Pennsylvania	22123.04	9755.754
Rhode Island	1655.407	309.5175
South Carolina	30274.93	25149.9
South Dakota	394.9214899	85.5473301
Tennessee	1314.181066	908.8611497
Texas	6001.337	3460.426
Utah	130.6675691	69.69744212
Vermont	205.3198167	72.6653694
Virginia	854.6092497	280.4527749
Washington	6845.152811	46.3836089
West Virginia	1651.938	269.0737
Wisconsin	20079.06	417.498
Wyoming	59.38826467	9.86878901

*Note: Data drawn from Legiscan, years 2016 and 2017 (Legiscan 2021)*

Table 4.7: Variance of Constituent Engagement Variables Across State Legislatures

State	Constituent Event Variance	African Tailored Variance	American Events	Latina/o Events	Tailored Variance
Alabama	706.9822115	540.6841346		7.87673615	
Alaska	513.9695122	4.3597561		1.55487805	
Arizona	541.7221	121.9149		991.8732	
Arkansas	553.2119013	49.58272859		5.41291727	
California	621.2499	256.8918		165.6914	
Colorado	398.1176471	893.0882353		1351.633987	
Connecticut	241.9121	130.6429		1411.912	
Delaware	3337.333	85.33333		0	
Florida	196.0135747	63.40723982		297.4886878	
Georgia	527.457	1283.984		313.828	
Hawaii	129	12.25		4.25	
Idaho	842.3333333	485.3333333		33.33333333	
Illinois	248.795	647.6934		83.94742	
Indiana	294.9166667	6.91666667		0.91666667	
Iowa	412.6667	1126		2.666667	
Kansas	172.8392857	51.71428571		1.125	
Kentucky	384.8381	1013.238		292.0286	
Louisiana	197.4285714	273.7835498		10.92640693	
Maine	13.14285714	0.57142857		0.23809524	
Maryland	345.7929667	691.749339		1342.436013	
Massachusetts	930.5846	311.9338		546.6046	
Michigan	122.7333	1686.796		11.49583	
Minnesota	289.5661765	50.4411765		16.7352941	

*Note: Data drawn from public state legislator twitter accounts, years 2016 and 2017*

Table 4.8: Variance of District and Legislator Ideology Variables Across State Legislatures

State	District Variance	Ideology	Legislator Ideology Variance	Relative Extremism Variance
Mississippi	188.3222		94.26667	2.488889
Missouri	288.2192118		728.5049261	11.6625616
Montana	16.14285714		14.14285714	0
Nebraska	268		217	14354.33
Nevada	407.3022		470.2473	2.11E+03
New Hampshire	NA		NA	NA
New Jersey	463.7386		362.8011	59.47917
New Mexico	224.6619048		62.82857143	880.3
New York	555.1855		349.0332	404.9535
North Carolina	767.1462366		396.6516129	12.23225806
North Dakota	28.66666667		54	49
Ohio	329.2754		1097.152	19.25906
Oklahoma	110.2909091		93.47272727	2.41818182
Oregon	152.1515152		85.6969697	73.6060606
Pennsylvania	417.0624		631.1346	14.06061
Rhode Island	270.6944		344.8611	28.94444
South Carolina	165.3268		904.132	12.34848
South Dakota	85.5473301		0	0
Tennessee	551.2666667		3326.380952	38.8571429
Texas	508.9793		764.1115	12270.26
Utah	534		52.8	2.8
Vermont	119.6111111		24.5	14.8571429
Virginia	549.9261539		176.9738462	94.74461538
Washington	32.5763158		8.5653595	11.6102941
West Virginia	490.4		1119.733	38.01111
Wisconsin	143.7692		1749.397	381.4103
Wyoming	0		0.3333	0

*Note: Data drawn from public state legislator twitter accounts, years 2016 and 2017*

which are not fully representative of the state in the present day. On the other hand, the level of constraint and political power in state legislatures can be a reflection of the political culture and power dynamics within the state. It is not necessarily the reflection of the politics of the state in a Democratic sense, given that some groups have an outsized influence on the state. However, it is a good reflection of its internal dynamics in the present moment. Lastly, it should be noted that this reflection is most accurate to the current moment. Although in general political institutions are very ‘sticky,’ it should not be assumed that the state legislature of today is exactly like the one of 20 years ago. In future work, addressing constraint and political power going into the future and the past when feasible will be highly interesting, to see how the state politics have evolved over time. However, it is unlikely that if the methods were to remain consistent, it would be feasible to measure past legislative constraint further than 30 years ago; this points to either a suitable starting point or the need to develop alternative methods for earlier time periods. The possibility of change is what makes ongoing research on this topic so important. This is also why it is critical for legislators to continue to enter these institutions and transform them. Legalistic aspects of institutions can often seem inflexible, but in reality rules and past procedure are not set in stone. For better or for worse, many United States residents have observed dramatic changes in the procedures and norms of Congress over the last 50 years. This is despite very little formal changes to the basic structure and laws governing congress. Therefore, almost all the change has occurred in norms, rules governing caucuses and party leaderships, and rules governing committees.



## Data

Data collection for this chapter occurred using the website [legiscan.com](http://legiscan.com), with research assistance from Ashley Ku, Allyson Marquez, and Devin Shields. Legislator bill and resolution sponsorship was collected for the years 2016. Additionally, a separate record of bills and resolutions passed by the legislator was collected to create the ratio of passed legislation. This year was chosen due to its consistency with other demographic and political data; furthermore, it is a year in which most legislatures are in session. For some state legislatures that were not in session during 2016, 2017 data was collected. There were very few legislators for which there was missing data:  $n=260$  out of  $n=7382$ . Moreover, the distribution of missing data was fairly even across the states. In other words, there were no states in which a substantial amount of data was missing. This data was combined with constituent service data already collected to measure the relative balance between legislative activity and constituency work. The coding process used both sponsorships and cosponsorships, and didn't make distinctions between bill and resolution sponsorships. The bill and resolutions were hand counted, along with whether the bill or resolution became law. Although this may seem self explanatory, only bills that were passed by the legislature and signed into law by the governor were counted as "passed."

Additionally, information was collected on if the legislator advanced within the legislature (moving up the ranks of committees and leadership positions), across legislatures (House to State Senate or vice versa), or to a higher level of office (Governor, major city mayor, Congress, etc.) The process utilized was hand coding, and the parameters are as follows. Leadership positions included speaker of the House, majority or minority leader, party whip, among others. Furthermore, chairing a committee was recorded as advancing within a legislature, with chairing more committees counted as "advancing"

more. Additionally, advancing within one's political career (often referred to as progressive advancement within this dissertation) was determined by the amount of constituents a legislator represented. Therefore, across all states, being elected Governor, a member of Congress, or from the state house to the state senate was recorded as progressive advancement. There are two exceptions, one being with the exception of Nebraska's unicameral legislature (in which there is no progressive advancement within the state legislature), and the other being California's state senate. Even though California's state senate represents more constituents than a congressional seat, in this limited case the greater national consequences of Congressional representation makes the position more significant. However, for other positions it was often determined by the size of the legislature's district; in other words, a legislator would need to become a mayor of a large city to represent more constituents than the state house districts of California, while on the other hand in a state with low population districts like New Hampshire, county commissioners, small city mayors, city council members, and others all could claim more constituents. This was collected via public legislature and legislator websites along with validated aggregators like Ballotpedia. Data was also collected in regards to if the legislator lost reelection or retired during the time period of 2017-2021 using state board of election data. Furthermore, the legislative committee and leadership positions were collected for 2017 and 2021 to show whether a legislator gained, lost, or remained fairly level with their political power over the time period. Of course, these variables were also adjusted for if the legislator was in the majority or minority political party, and other legislative positions that may serve as confounders for certain variables. For example, legislators that serve as speaker of the House frequently do not serve on legislative committees, either at all or at least recuse themselves from chairing committees. Therefore, a "decrease" in legislative committees would be spurious in measuring this legislator's political power. This is another benefit of measuring legislative activity over time. It

allows observation of possible effects of legislative activity to progressive advancement of political careers years later. A core theory of this project is that legislators who are less constrained will be more likely to obtain political power and progress in their political career, so it is predicted that legislators with low constraint will be more likely to advance on these aforementioned measures.

This has important implications for the representation of people of color and other individuals facing unequal representation in the United States. The barriers facing women and people of color legislators to gaining political power makes it less likely to enact their political agendas, and reduces the political value of descriptive representation. However, this should not be interpreted as advocating for a focus away from descriptive representation. Rather, this clarifies the need for reforms to political institutions and legislative leadership structures in particular. Furthermore, even as this work substantively focuses on subnational governments, this research project focus arose out of an observation of failure of representation at the state and local level, no better than what occurs at the federal level. Furthermore, these results highlight the weaknesses that can come from a democratic system largely based on single member district, 'first past the post' representation. These problems are further magnified by district, state, and municipal boundaries that increase inequality through malappropriation of taxation and revenue, and unjust clustering of business and employment opportunities in particular areas. It is clear from the results of this chapter that:

-non-white, women, and working class legislators are creative in the ways that they work to represent their constituents under the conditions that they operate.

-state legislatures are structured in a way that favors legislators from 'traditional' backgrounds and familiar pathways to political office.

-state legislatures, state political parties, and United States electoral laws need dramatic

reforms in the pursuit of equality and justice.

Therefore, the results are mixed in their implications, as the results are more optimistic about the representation of people of color in some areas, while perhaps more pessimistic in the institutions of state government overall.

## **Progressive Advancement Results**

Progressive advancement was measured in this instance as the action of the legislator advancing to higher office. These higher offices include the State Senate if the legislator was a State House member at the time of the 2016 and 2017 observations, as well as Congress, statewide elective offices, and other offices. These other offices include types of offices that may not always be considered an advancement to higher office, but in some state legislatures may be considered an upward trajectory in a political career. The general measure was the difference of people represented under each elected position. For example, a mayor or city council member may represent more people than a state legislator, particularly for larger cities or states with particularly small legislative districts. Other atypical offices selected for progressive advancement at times included county commissioners, countywide elected office, and Native American and Native Alaskan tribal leadership.

The results of the progressive advancement analysis were varied. No significant relationship was found for the number of bills sponsored or passed and the likelihood of progressive advancement. Likewise, holding office prior to election to the state legislature was not related to progressive advancement. However, on the other hand, progressive advancement was found to be positively related to the professionalism of the state legislature and the average number of legislative staff per legislator. Political party was not linked to progressive advancement, nor was the legislator coming from a high paying

occupation prior to holding higher office. On the other hand, being a woman legislator was positively linked to progressive advancement to higher office. Being a white legislator was negatively linked to progressive advancement. There was no relationship found for being a Black or Asian American state legislator and progressive advancement. On the other hand, being a Latina/o, Native American, or Native Hawaiian legislator was positively related to progressive advancement.

## **Progressive Advancement and Average Constraint across State Legislatures**

While the progressive advancement of legislators is not linked to many variables of legislation actions directly, progressive advancement was found to be strongly related to the average levels of constraint across state legislatures, with more constrained legislatures containing fewer legislators advancing to higher office. These are some of the key results of the entire dissertation for the following reasons. It is extremely difficult to obtain a precise measure of power within a legislature or the success of a legislator's agenda, so progressive advancement has been used as a proxy for this variable. Furthermore, it is important to note that progressive advancement is a measure both internal and external to the legislature. While it can be a measure of a legislator's effectiveness within the legislature, it is also a measure of how far a legislator's political power carries them across other political areas.

Furthermore, even beyond the signal that it displays as a measurement of legislator power, the ability of legislators to progress beyond the state legislature has significant political consequences. A legislature that is seen as a launching point of a successful political career is likely going to have significantly different political outcomes than one that is seen as a backwater or roadblock to future political success. The results are presented

below. As can be seen, progressive advancement is less likely in state legislatures with high variance in key legislative areas, such as bill sponsorship and constituent service. This equals or outweighs the effect of average campaign spending, party control of the state legislature, and even the professionalization of the state legislature in other sections of the dissertation, which makes the results both novel and significant.

Table 4.9: Progressive Advancement and Average Levels of Bill Passage Variance by State Legislature

Dependent Variables	Estimate	Standard Error	t value	p value
(Intercept)	−.0247	.008084	−3.060	0.00222**
Staff Per Legislator	.01235	.00181	6.796	1.17e-11***
Republican	.04450	.005972	7.452	1.04e-13***
Bill Passage Variance	−.00004139	.00001317	−3.144	0.00168**

*Note: Data drawn from Legiscan, years 2016 and 2017 (Legiscan 2021)*

## Bill Sponsorship Results

This section analyzes the rate of bill sponsorship across state legislators in the 2016 legislative session. For state legislatures that do not meet in 2016, 2017 data was used. Bill sponsorship information was collected for both bills and resolutions. Furthermore, information was collected on if these bills passed and were signed into law, which will be addressed in a later section. Among women, the professionalism of the state legislature and the proportion of Democrats in the state legislature were positively related to bill

Table 4.10: Progressive Advancement and Average levels of Constituent Event Variance by State Legislature

Dependent Variables	Estimate	Standard Error	t value	p value
(Intercept)	-.08104	.02412	3.36	.000783***
Staff Per Legislator	.005511	.001264	4.361	.0000131***
Republican	.04513	.005969	7.561	4.53e-14***
Constituent Event Variance	-.0001243	.00003089	-4.022	0.0000583***

*Note: Data drawn from public state legislator twitter accounts, years 2016 and 2017*

sponsorship. On the other hand, the proportion of women in the state legislature was negatively related to bill sponsorship. For these results and many others and others in this chapter and the next, non significant tests can be found in the appendix or available on request for the sake of readability and the length of the document.

## Bill Passed Rate Results

This section analyzes the overall level of bills passed by an individual in the 2016 legislative session. Additionally, it reports the rate of legislation sponsored by the legislator that is signed into law. This is one of the most important measures of legislative constraint, as it effectively demonstrates when legislators are shut out of the legislative process. Furthermore, it displays the differences across state legislatures in average levels of bill sponsorship and bill passage. Additionally, residuals were calculated to determine which legislators had particular success or struggle in passing legislation within a particular

Table 4.11: Average Levels of Bill Sponsorship and Bill Passage Rate by State Legislature

State	Average Bill Sponsorship	Average Bill Pass Rate
Alabama	11.42	.3968
Alaska	20.55	.4566
Arizona	89.83	.3398
Arkansas	17.06	.5266
California	145.8	.6152
Colorado	9.312	.4772
Connecticut	2.861	.00594
Delaware	96.16	.4523
Florida	33.06	.2103
Georgia	37.74	.6521
Hawaii	260.7	.13992
Idaho	1.19	.03305
Illinois	111.4	.4804
Indiana	23.51	.5990
Iowa	14.29	.0113
Kansas	10.42	.5996
Kentucky	55.42	.6140
Louisiana	77.78	.8528
Maine	14.04	.1975
Maryland	93.14	.2835
Massachusetts	170	.03392
Michigan	91.22	.3849
Minnesota	62.85	.033428

*Note: Data drawn from Legiscan, years 2016 and 2017 (Legiscan 2021)*



Table 4.12: Average Levels of Bill Sponsorship and Bill Pass Rate by State Legislature

State	Average Bill Sponsorship	Average Bill Passage Rate
Mississippi	52.26	.4848
Missouri	11.26	.07416
Montana	8.516	.4386
Nebraska	16.76	.4396
Nevada	61.9	.6583
New Hampshire	10.56	.3051
New Jersey	189.9	.13715
New Mexico	14.13	.2701
New York	353.9	.05062
North Carolina	28.67	.2628
North Dakota	23.72	.5327
Ohio	39.45	.7564
Oklahoma	56.16	.6519
Oregon	28.76	.5213
Pennsylvania	172.5	.4673
Rhode Island	80.42	.36902
South Carolina	320.6	.8652
South Dakota	61.72	.3294
Tennessee	140.9	.7811
Texas	162.4	.39694
Utah	12.95	.6320
Vermont	51.15	.7365
Virginia	80.23	.6335
Washington	128.6	.1477
West Virginia	86.82	.25196
Wisconsin	227.1	.19265
Wyoming	12.78	.3864

*Note: Data drawn from Legiscan, years 2016 and 2017 (Legiscan 2021)*

legislature. In other words, a low bill passage rate within a legislature with low levels of bill passage is less notable than if the legislature were highly active in passing legislation.

## **Average Campaign Spending Results**

As seen in the table below, states vary significantly in the average cost that it takes to run for a state legislative district. This has important implications on the eventual candidate selection, particularly candidates from non traditional backgrounds. Additionally, the average cost to campaign in a state raises important connections for advancement to higher office, including Congress. High campaign costs are exclusionary to many potential participants in the democratic process, and encourages those with the ability to self fund campaigns or tap into high income social networks Hogan (2000). These results are explored below. For all subsequent analysis, separate analyses were conducted on different groups within the legislature to determine any divergent effects, along with an overall regression analysis. For all analysis, the professionalism of the state legislature (Squire Index 2015) was used as a control variable because it has such a strong effect on the average campaign spending within a state. Among white legislators average campaign spending was found to have no effect on progressive advancement and the professionalism of the state legislature was found to be positively correlated with progressive advancement to higher office.

Among Asian American state legislators, average campaign spending was positively related to a legislator being from a high income background and the professionalism of the state was negatively correlated with the same variable. This effect was also the same for Latina/o and white state legislators, but not for Black state legislators. Among Black state legislators neither average campaign spending or the professionalism of the legislature were correlated with being from a high income background. This suggests that Black

Table 4.13: Average Campaign Spending by State Legislature

State	Average Campaign Spending
Alabama	137510
Alaska	40381
Arizona	33064
Arkansas	40609
California	297059
Colorado	39332
Connecticut	31545
Delaware	30159
Florida	118564
Georgia	47982
Hawaii	24108
Idaho	16258
Illinois	228059
Indiana	74136
Iowa	71941
Kansas	21900
Kentucky	54853
Louisiana	
Maine	7653
Maryland	46686
Massachusetts	52905
Michigan	45767
Minnesota	23357

*Note: Data drawn from state board of election data assembled by Ballotpedia, years 2010-2012*

Table 4.14: Average Campaign Spending by State Legislature

State	Average Campaign Spending
Mississippi	
Missouri	53959
Montana	8483
Nebraska	31323
Nevada	60930
New Hampshire	3320
New Jersey	
New Mexico	34076
New York	163307
North Carolina	88901
North Dakota	5421
Ohio	129438
Oklahoma	41915
Oregon	107119
Pennsylvania	79928
Rhode Island	13197
South Carolina	28808
South Dakota	12693
Tennessee	43281
Texas	236392
Utah	17877
Vermont	3781
Virginia	
Washington	79114
West Virginia	26498
Wisconsin	37806
Wyoming	6226

*Note: Data drawn from state board of election data assembled by Ballotpedia, years 2010-2012*

state legislators have different methods of candidate selection than other racial groups, including the possibility that Black voters are more receptive to a legislator holding a non high income occupation prior to legislative office.

Furthermore, among the other racial groups, the effects are highly suggestive of cross cutting effects of professionalism on the income diversity of legislators within the legislature. The states that are worst for low and middle income legislators are states with low levels of professionalization and expensive state house campaigns, while the best states for these candidates have high professionalism and low campaign costs. Given that on average as states become more professionalized, campaign costs increase, it is paramount that legislatures work to enact laws to keep campaign costs reasonable in order to not exclude non high income candidates from the political process.

## Discussion

The data has shown strong institutional differences across the states in legislator activity. States vary greatly in the power of legislative majorities. They also vary greatly in the centralization of power within a state legislature Casellas (2011). Variation also occurs along the power of legislative caucuses. Additionally, sponsorship and cosponsorship activity showed great variation across the states. Some states show a great unity within political parties, in which almost all major legislation is cosponsored among the political party. In others, all legislation is sponsored within a particular legislative committee. In other states, sponsorship is very individualistic, in which legislators appear to pursue distinctive legislative agendas, sometimes greatly at odds with the legislative majority. It is within these states that legislators are least constrained in their sponsorship activities.

Furthermore, there were startling differences between states in the likelihood of passed

legislation. In some states, nearly all legislators had very high rates of legislation being passed, while in others the opposite trend occurred. Lastly, in other states legislation passed was contingent on being in the majority political party, while in others minority party members were frequently able to pass bipartisan resolutions. Notably, minority party members passing bipartisan bills was extremely rare in all states. This is a recent trend, as nearly every state legislature has become significantly more polarized in the last 30 years Grumbach (2018). Furthermore, some reforms taken in state legislatures during this time, such as the greater formalism of legislative committees, has made it less likely for minority party members to exercise power through this avenue.

Results varied by race as well. African American legislators were much more likely to make up for a low pass rate of legislation by sponsoring and cosponsoring bills at a much higher level than their counterparts within the legislature. This is consistent with the theory of constraint. In most legislatures, African American legislators are more constrained to pursue their legislative priorities through the passage of bills, so they pursue activity in areas where they are less constrained. This includes constituency work, as previously discussed. Additionally, it includes sponsoring and cosponsoring bills and resolutions, even if they know they have a low chance of being passed. This is particularly true of state legislatures in the South, where frequently African Americans are shut out of the legislative majority and often have significant policy disagreements with non-Black members of their own political party, which is almost uniformly Democratic Darling (1998). A similar trend is also found among Latina/o and Asian American state legislators, although it is largely confined to the most liberal members of these groups within a particular state legislature. Notably, the most conservative white members of the state legislature also show similar activity, perhaps because in most states their views are too extreme to be entertained by party leadership. However, despite this the pass rate of this

group is higher, which perhaps shows a greater willingness by state level Republican parties to entertain ideologically extreme legislation than the state level Democratic parties during the time period of 2016 and 2017. This trend has certainly continued until 2021, and many scholars have noted that what seems to be the crisis of polarization in United States is largely coming from the increasing extremism of the Republican Party, with comparatively little leftward movement from the Democratic Party. However, there are certainly some states in which the Democratic Party has moved significantly to the left, particularly in Southern states due to the nationalization of political parties Grumbach (2020).

Additionally, it should be noted that ideological extremity is defined within each state legislature by that legislature's ideological median rather than a normative statement about what is extreme in United States politics.

## Limitations and Conclusion

Of course, this measure of legislative constraint is still somewhat limited. Without a job shadowing process or a full and accurate record of all the activities a legislator takes within a day, it is difficult to fully measure the constraint that a legislator faces within a legislature. Furthermore, even with this model of legislative constraint, it is outside the scope of this work to track the legislative path of each individual state legislator. However, in future work I will attempt to further bridge the gap by pursuing qualitative interviews of state legislators. Although there is always a risk that legislators will not be fully candid, pursuing these interviews will help create a much better picture of representation in state legislatures. Furthermore, this chapter illuminates the need for more comparative research across state legislatures. Although there were still strong trends across states,

many states showed distinctive results. However, the unique results in comparison to other states would not have been revealed without comparative analysis.

In the next chapter, we will explore the legislative pipeline for state legislators and the influence of state level institutional factors on the ability for state legislators to advance from the state legislature to Congress.



## Chapter 5

# Pathways to Political Office in State Legislatures: The Effect of Political Constraint

The third empirical chapter continues the institutional argument by looking at the role of state party and legislative institutions on equality of access to legislative office and progressive advancement to Congress. This is followed by a discussion of how these sources of constraint occur at many stages in the career of a legislator. Most of these forms of constraint negatively affect legislators wanting to advance radical redistributive politics across class and racial lines, along with advocating for those in which there is a consensus across both political parties of marginality (non-citizens, criminals, prisoners, people expressing anti-American or irreligious viewpoints, etc.) The effect of legislative constraint on pathways to political office will be investigated using quantitative measurement of the effect of various state-level institutions on the connection between state legislative office and other levels of government.

Certainly, state legislatures have fallen in importance quite significantly since the passage of the 17th Amendment in 1913, which allowed the direct election of the senator. However, there are other trends in state legislatures that offset this decline in significance. Starting in the 1970s, there has been a growing trend of professionalization of state legislatures that has made them more competent and productive legislative bodies. It has also allowed for legislative positions more suited to an ambitious politician, with staff, a salary, and other resources. This has allowed states to both push back against federal legislation, and for the federal government to frequently delegate certain policy implementation to the states. However, at the same time some state legislatures do not set up legislators very well for running for higher office. States with highly unequal power distributions will make it very hard for legislators of particular identities to run for higher office. This has arguably led to fewer women, people of color, and working class legislators from residing in Congress, as these groups are more negatively affected by unequal power differentials in state legislatures. This effect may help explain why on average these aforementioned identities often have higher levels of political experience among members of Congress, particularly women legislators. While white male candidates often have great success running as political outsiders, for women, people of color, and working class candidates there is often a greater need to prove their competence to voters, party leaders, and donors. Therefore, candidates holding these identities often have accumulated more political experience before a successful run to Congress. There have been notable examples in recent years, such as Alexandria Ocasio Cortez and Cori Bush. However, the overwhelming trend still appears to be biased against these candidates. Therefore, state legislatures still play a very important role in addition to their role in state politics; they also train and provide experience for ambitious legislators. States with high levels of professionalization often both have more equal power differentials within the legislation and provide a legislative experience closer to that of

Congress, both of which have positive effects for women, people of color, and working class candidates.

## Candidate Recruitment

States vary significantly in how candidates are recruited to run for Congress, with some states showing much stronger party control over nominations than others. In states with high level of party control, this can either be neutral or extremely detrimental to women recruitment depending on the political culture of the state. However, it is likely that in no states are women recruited by the formal party structures at a disproportionate amount. Prior research has shown that in general women candidates are self starters, and therefore may do better in states with low levels of party control over nominations. However, as will be shown in the results of this chapter, there may be a cross cutting effect due to the types of states that have low control over party nominations. These states generally are less professionalized, which can have negative effects for women candidates. However, a persistent trend is that women are recruited to run less than men, and this is particularly true for women of color Gertzog (1995), Gertzog (2002), Matthews (1985), Snowiss (1966). Furthermore, candidate recruitment is notoriously difficult to study, given its informal nature. Additionally, there is the problem of measuring potential candidates that might have run, but were not recruited. Furthermore, even the process of recruitment needs to be analyzed. In some cases, what looks like a recruitment might be a formality if the party or other political candidates are more seriously considering a different candidate. Therefore, any extensive analysis must take into account the tendency for political actors to consider multiple candidates, but only seriously back one.

Across states, however, there are trends that are even sharper than those of Congressional

recruitment in general. Some states draw extensively from their state legislatures as potential candidates for Congressional office. In other states, the state legislature is somewhat of a political dead end. In these states, state legislators are unlikely to be successful candidates for either congress or other state-level political offices. This may be in part because of the political culture of the state and institutional mechanisms that halt career advancement of state legislators.

## Candidate Evaluation

Do women of color face a ‘double disadvantage’ or a ‘competitive advantage’ when running for office? There is new evidence that in certain areas women of color are rated as favorably as men of color by potential voters, although the result seems to be mostly driven by Latina candidates Sarah Allen Gershon (2019), Tasha Philpot (2007).

Women have also found to be roughly as successful as men when reaching the stage of a general election, although scholars argue that there are several intermediaries before that stage that reduce the likelihood of their candidacy Carrol (1994).

It is likely that a strong disadvantage continues for women of color running in districts that are more conservative and less diverse. Many of the only examples of women of color winning races in these communities have been in districts where there is another shared identity that the candidate shares with the community. For example, Mia Love likely was able to win election in Congress in part because of her shared Mormon identity with her constituents. This has also sometimes been the case for candidates with a military background, in such districts where that is important Terkildsen (1993). However, it is possible that in some electoral contexts there may be some advantages for women of color candidates. In recent decades, Black women candidates have sometimes outperformed

other demographic groups Gary Moncreif (1991), Lorrie Frasure (2009), Jamil Scott (2021).

This may be in part due to racist beliefs which lead to a perception of threat from male candidates. Furthermore, in some districts, poverty and discrimination, along with the decline of jobs traditionally held by men, have led Black women to be at a higher economic status than Black men. This also encourages candidates to run, due to their higher economic resources.

## **Progressive Ambition**

Progressive ambition in a political context is defined as the desire to run for higher office, and is one of the most important determinants on who runs for office in states with a looser party structure Hans Hassell and Miles (2018).

While the presence or absence of this desire is often explained through individual psychology or societal level social conditioning, I find these explanations somewhat lacking in determining why women run for office at lower rates than men. Beyond the well known biases in who gets recruited, I also believe that the desire to run for higher office is highly informed by a politicians own political history. Therefore, for state legislators considering a run for higher office, they may be strongly informed by their experiences within the legislature. Legislators who have faced discrimination in moving through the leadership structure, encountered hostile work environments or interactions with constituents, and other negative factors may be less enthused about running for higher office. While some-times politicians are thought to be almost 'super human' in their drive for reelection and desire for higher office, there is a strong selection effect problem. We only see politicians who have continued to win reelection and have opted to run for higher and higher levels of elected office. I suspect that for some state legislators, they are deterred because of

negative experiences in the state legislature.

Although intrinsic motivation is extremely important in determining progressive ambition, the legislative environment a legislator finds themselves in is certainly important and potentially understudied. Legislators often find themselves constrained in their choices by other legislators and particularly leaders within the legislature and committees. Additionally, many legislators face harassment within the legislature, particularly women and women of color. Women are also often penalized in issues related to child care. Most state legislatures display no flexibility in scheduling due to child care issues, and many provide no accommodations for legislators who need to bring a child to the state capitol. In theory, these childcare burdens could also fall on male state legislators, but in practice the aforementioned restrictions almost never affect men Thomas and Wilcox (1994).

Many state legislatures also have a racist political culture, either openly or at least tolerant of their racist members. This is perhaps due to longstanding norms that legislators should be able to express their beliefs within a legislature, even if abhorrent. However, this is often proved as a cover for racist statements, when other statements and actions have found themselves sanctionable within a legislature. Lastly, although this is perhaps the most subtle out of the aforementioned negative aspects of legislative culture, the culture of state legislatures often have an upper class bias. The dress code and general social norms are exclusionary to people who either cannot afford this lifestyle, or despite their new class status from their legislative occupation, do not find it comfortable to do so. Beyond interpersonal relationships, some state legislatures as recently as 2020 and 2021 have exposed themselves as unsafe because of successful attempts to enter the capital building by armed individuals, along with a significant increase in the number of death threats, kidnapping attempts, and doxxing that legislators face. The recent invasion of Congress by insurrectionists may also deter some legislators from seeking higher office,

where they presume that they may face even more harassment and threats.

We should not overlook the potential self-censorship or partial or full withdrawal from politics that some legislators may face in response to threats. In fact, many works in Political Science explore the unusual phenomenon of candidates running for office. When considering pay, prestige, lifestyle and hours worked, and other risks to physical and mental health, some scholars find it surprising that so many people run for office Balian and Gasparyan (2017).

Being a politician is less respected in today's environment than any period in the last 60 years, and the risks to safety are higher than ever Bowles (2017).

Furthermore, it is increasingly common that a legislator may exit a session in Congress or the state legislature with no significant accomplishments, due to the extensive gridlock facing Congress. Therefore, even legislators who are significantly motivated by ideology or the prestige of passing legislation have less motivation to run for office. Furthermore, the hours for legislators remain significantly high, and for state legislators they are becoming significantly higher than they were in the past. Lastly, the pay for legislators is often substantially lower than what many of them could make in their careers prior to becoming a politician.

Therefore, the environment of a state legislature significantly affects the pipeline of individuals running for office later on. The environment of the state legislature also significantly affects the career of a state legislator after they leave public office. Do they return to local politics, retire from politics entirely, work as a lobbyist, or something else?

Electoral rules and district maps are also very important in determining who runs for office. In some states, the districts for the state senate fit somewhat neatly in correspondence with congressional districts. However, the states in which this is the case are relatively few, including California. While in others, five to ten state legislators may fit

within a single congressional district, which diminishes the ability of any single legislator to claim the district as theirs. Particularly in the latter case, it may be easy for a relatively well funded political newcomer to win a primary in which state legislator support is divided among so many candidates. This is particularly true in states with multimember districts, in which legislators don't have a sole claim to their district even at the level of the state legislature. Furthermore, the relative power of state legislators vis a vis local political candidates is also extremely important. States in which a particular city is politically dominant may find a mayor or even city council candidates "skipping the line" ahead of state legislators to ascend to Congress. However, evidence from the last 8 years has shown that last dynamic to be quite rare.

## **Data and Methods**

Data was collected on the legislative, electoral, and occupational backgrounds of all state legislators and members of congress. I analyzed all members of Congress from 2013-2021 and all state legislators for the year of 2021, with the key outcome variable being prior state legislative experience. Other variables of interest were collected and analyzed, including level of Congressional seat, year entering office, race and ethnicity, gender, political party, staff per legislator and occupational background. All of this data was collected from publicly available biographical information, either on legislative web sites or secondary news sources, and was hand coded to form this data set. Staff per legislator is considered one of the most important indicators of state legislature professionalism, as the greater amount of staff a legislator has, the greater their ability to craft a legislative agenda, build political capital and a personal vote for future and progressive runs for office, along with a greater ability to provide services and resources for their constituents. It should also be noted that very few members of Congress come from



other levels of government, including local office, county office, or a governor position. It appears that for many legislators choosing to run for office, they are either planning to run for Congress without political experience, or they enter the state legislature followed by a run for Congress. Other legislative paths exist, but generally do not appear to be common.

Furthermore, state legislative professionalism is considered a key element for progressive advancement in legislative systems, rather than ‘old school’ informal political networks. Legislative systems that allow for legislators to advance to leadership positions based on seniority or other clear rules may make it easier for legislators of underrepresented backgrounds to gain power within the legislature relative to other systems.

In this chapter we are considering the candidates that could exist, but do not because of state level institutional factors interacting with their individual decisions. Less professionalized state legislatures may lead to less members of Congress with state legislative experience from that state by two primary avenues. In one case, the legislature may not provide the political training and publicity needed for a successful run for office. Therefore, the hypothetical candidate may either choose not to run for Congress because they do not believe they are a high profile candidate, or run for office and lose. Another case involves state legislatures that avoid the state legislature entirely. In this case, the legislature is believed (perhaps correctly) to be a political dead end. In that case, the candidate either pursues a different level of government followed by a Congressional run or runs for Congress immediately, followed by either a win or loss in the congressional race. In all cases, the candidate’s political pathway is significantly affected by the character of the state legislature in their state.

Occupational data was also collected, as occupational background of legislators is perhaps a relatively overlooked dynamic of representation until somewhat recently. Legislators

were classified as having a high income background through their occupation or a non high income background. Examples of high income occupations include lawyer, doctor, business, executive (for profit or non profit), among others. Middle and low income backgrounds include teacher, nurse, pastor, social worker, Americorps, and others. It should be noted that these definitions of class are based on a more practical division of class in the United States rather than the social perception of class. Very few Americans consider themselves to be upper class; for some a million dollars a year in income is not enough. Likewise, very few Americans define themselves as working class or lower class unless they are on the verge of poverty. However, these social perceptions mask the very real differences in lifestyle, advantages, social networks, health outcomes, among many others that differences in income and wealth create Bartels (2010).

The classification of occupations and their associated high income or non-high income status are as follows: Past research has shown the upper class bias of American politics and Congress in particular, with candidates and legislators mostly drawn from the upper class. The middle class has a very small representation, and the working class and the poor have virtually none. This has significant consequences for how legislation is drafted, causing an upper class bias in many parts of the US political system. Additionally, the significant amount of lawyers in particular has helped set the political culture for Congress and state legislatures alike. Approaching political debate and the drafting of legislation similar to how a lawyer approaches a legal case has had long lasting consequences for how legislators think about their jobs and the approach they take towards resolving conflict in the legislature. It is possible that with a different political tradition of occupations in legislatures, there may be a more transformative and participatory approach to the drafting of legislation.

This method was used because it is important to look at Congress to see which types

Table 5.1: High Income Professions

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Occupation
Lawyer
Football coach
Astronaut
Doctor
Engineer
Business
Film producer
Non profit executive
Public sector
Professor
Consultant
University president
Rancher
Tech
Banker
Dentist
Lobbyist
Party politics
House staff
Marketing
Physician assistant
Public relations
Real estate

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Table 5.2: High Income Professions

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Occupation
Police
Firefighter
News anchor
Pharmacy
Newspaper
Chemist
Public affairs
Union president
Dean
Comedian
Private school owner
Radio host
Financial analyst
Football player
Advertising
Air traffic controller
Architect
Art dealer
Chiropractor
Energy
Finance
Financial specialist
Humanities

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Table 5.3: High Income Professions

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Occupation
Insurance
IT
Jeweler
Judge
Management
Management specialist
Marine biologist
Medical
Mental health
Operations manager
Ophthalmology
Optometrist
Orthodontist
Physical scientist
Physical therapist
Pilot
Psychologist
Social scientist
Speech language pathologist
Sports and entertainment
Veterinarian

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Table 5.4: Non High Income Professions

Occupation
Pastor
Farmer
Social worker
Writer
Ship captain
Activist
Peace corps
Lecturer
911 operator
Teaching assistant
None
Nurse
Postal worker
Auctioneer
Bartender
Accountant
White collar
Mill worker
Contractors and construction
Politics and advocacy
Miner
Graphic design
Artist

Table 5.5: Non High Income Professions

Occupation
Author
Brewer
Clerical and office work
Conservation
Cosmetology
Youth counselor
Fisher
Homemaker
Hospitality
Land surveyor
Landlord
Librarian
Paralegal
Paramedic
Photographer
Retail and service
Sales
Semi skilled labor
Skilled trades
Social science researcher
Student
Teacher
Technician

Table 5.6: Non High Income Professions

Occupation
Transportation
Unskilled labor
Waitress

Table 5.7: Borderline between High and Non High income Professions

Occupation
Non-profit fellow
Nonprofit
Military
Chef
Electrician
Forensic
Government
Media
Technical writer

of state legislatures are effective avenues for political advancement. This is theoretically important as well because state legislatures may be particularly important for candidates with less financial and political resources to run for office.

Furthermore, building off results found in chapter four, we can observe the effect of states containing high constraint on progressive advancement to higher levels of office for state legislators. Variables of analysis in this section include state legislative district, higher versus lower house, political party leadership, and other legislative memberships. Time spent in the legislature leads to greater political capital, a larger personal vote, and track record of success. However, it is important to note that candidates of different identities interact with the legislature differently, requiring separate analysis.

Four different groups were analyzed: all candidates, women candidates, people of color candidates, and women of color candidates. Insignificant results were found for all groups except women of color candidates. This was the only group where candidates drawn from state legislatures were significantly more likely to come from a professional state legislature.

There is evidence for the importance of professionalized legislatures for women of color



candidates. This is consistent with other work showing that it is harder for women and women of color candidates to win as political outsiders. Furthermore, scholarship has shown the importance of professionalized state legislatures for the advancement of women and women of color politicians. A lot of this is linked back to the professionalized committee and leadership systems in professionalized legislatures, which are less likely to be based off social networks and therefore exclusionary. Furthermore, the higher salary and legislative resources given to legislators is often helpful to these candidates, which are less likely to have financial assets or large donor support in the beginning of their political career.

However, there are opportunities for further research. The lack of diversity in Congress can make it difficult to obtain adequate sample sizes. 64 women of color candidates were included in the study. 15/64 represent California; there is a valid concern that this could affect the results. However, it is notable that the same results didn't hold for people of color candidates, given that a large proportion of these candidates also come from California. In future work I plan to expand similar analysis to the selection of candidates in state legislatures. I also hope to better investigate the legislative environment and occupational background of legislators through interviews and personal histories.

## **Descriptive Statistics**

As can be seen in the data above, there is a general trend in which more professionalized legislatures are more likely to include legislators from non-high income backgrounds. However, there are exceptions. Legislatures in New England and Alaska also have lower levels of high income legislators despite their low levels of professionalization. One thing that all these exceptions share is that these legislatures have electoral districts with very

Table 5.8: Women of Color Congressional Candidates and State Legislative Background

Dependent Variables	Estimate	Standard Error	t value	p value
(Intercept)	0.3694	0.1498	2.466	0.0166
Staff Per Legislator	0.02328	0.01126	2.066	0.0431*
Party ID	0.1290	0.1863	0.693	0.4911
High Income Occupation	-0.2003	0.1359	-1.474	0.1458

*Note: Data drawn from public member of Congress biographies, years 2020 and 2021*

low populations. It's possible that there is an interactive effect between the size of the legislative district and the professionalization of the legislature, which is further enforced by the fact that California has slightly more high income legislators than what would be predicted by their high level of professionalization. This may be due to the fact that California has the highest populated electoral districts out of any state.

What implications does this have on the pipeline of state legislators and progressive advancement to Congress? It appears that legislatures low in professionalization require legislators to be independently wealthy to pursue office, due to their nominal salaries and lack of resources for legislators. On the other hand, if a legislative district is large enough, it may require such a large amount of money to run for office that it may exclude state legislators with less wealthy social networks. This creates an interesting cross effect, as more professionalized state legislatures often have larger electoral districts. However, it is important to note that simply reducing the size of electoral districts will not be the sole change that would affect progressive advancement to Congress. Instead, it's important

Table 5.9: Percent of State Legislators with a High Income Background

State	Percent of State Legislators with a High Income Back- ground
Alabama	68.71
Alaska	56.89
Arizona	63.69
Arkansas	77.65
California	71.79
Colorado	63.78
Connecticut	67.94
Delaware	66.10
Florida	80.39
Georgia	78.86
Hawaii	69.86
Idaho	79.29
Illinois	65.91
Indiana	76.74
Iowa	64.69
Kansas	69.86
Kentucky	77.95
Louisiana	81.48
Maine	59.15
Maryland	66.98
Massachusetts	58.33
Michigan	64.06
Minnesota	66.12

*Note: Data drawn from public state legislator biographies, years 2016 and 2017*

Table 5.10: Percent of State Legislators with a High Income Background

State	Percent of State Legislators with a High Income Background
Mississippi	82.41
Missouri	67.95
Montana	74.79
Nebraska	66.23
Nevada	69.67
New Hampshire	65.56
New Jersey	70.00
New Mexico	71.62
New York	65.48
North Carolina	71.38
North Dakota	75.88
Ohio	72.98
Oklahoma	68.69
Oregon	74.71
Pennsylvania	60.00
Rhode Island	65.31
South Carolina	87.32
South Dakota	83.72
Tennessee	80.33
Texas	88.07
Utah	78.72
Vermont	65.28
Virginia	77.70
Washington	65.81
West Virginia	70.00
Wisconsin	66.03
Wyoming	77.50

*Note: Data drawn from public state legislator biographies, years 2016 and 2017*

to realize that less professionalized state legislatures don't often lead to fruitful political careers for their legislators.

## Legislator Experience in the State Legislature

Many state legislators enter the state legislature with limited experience in holding elected office. This varies across states, but few states find over half of the legislators holding political experience. Here are descriptive statistics regarding legislator experience in holding political office. As can be seen in the data presented above, California exceeds all other states in its proportion of legislators with prior elected experience. This may be an indication of how effective California is in its state legislators later running for Congress. While analysis is difficult given that many states have only one or two members of the House of Representatives, California still appears to exceed other states in the progressive advancement of its legislators to higher levels of political office. It is likely that a key variable in determining the prior political experience of state legislators is the size of legislative districts in the state. California has the largest legislative districts, with its state senate exceeding Congressional districts in size, and accordingly has a much larger pool of potential candidates per legislative district. In contrast, many state legislatures with small legislative districts, including those in the South and New England have small candidate pools and legislators with low levels of political experience.

However, does the smaller pool of candidates have any effect on the rate of legislative candidates running unopposed for reelection? If so, this also has important implications for the amount of reelection uncertainty for an average state legislator in the state. This can possibly offset some of the lack of political experience that many state legislators hold; while they enter inexperienced, many are almost certain to win reelection. That being

Table 5.11: Percent of State Legislators with Prior Elected Office

State	Percent of State Legislators with Prior Elected Office
Alabama	20.00
Alaska	31.67
Arizona	16.67
Arkansas	25.19
California	52.10
Colorado	19.00
Connecticut	42.78
Delaware	16.13
Florida	25.63
Georgia	19.07
Hawaii	23.68
Idaho	29.52
Illinois	25.99
Indiana	30.67
Iowa	17.33
Kansas	23.03
Kentucky	19.57
Louisiana	20.98
Maine	31.72
Maryland	25
Massachusetts	48
Michigan	46.94
Minnesota	28.86

*Note: Data drawn from public state legislator biographies, years 2016 and 2017*

Table 5.12: Percent of State Legislators with Prior Elected Office

State	Percent of State Legislators with Prior Elected Office
Mississippi	14.37
Missouri	20.81
Montana	12.67
Nebraska	26.53
Nevada	7.94
New Hampshire	13.92
New Jersey	60.83
New Mexico	10.71
New York	42.92
North Carolina	22.94
North Dakota	8.51
Ohio	41.98
Oklahoma	6.71
Oregon	37.78
Pennsylvania	28.46
Rhode Island	15.04
South Carolina	20.59
South Dakota	13.33
Tennessee	21.21
Texas	24.86
Utah	14.42
Vermont	8.38
Virginia	16.43
Washington	15
West Virginia	1.06
Wisconsin	28.03
Wyoming	6.67

*Note: Data drawn from public state legislator biographies, years 2016 and 2017*

said, this is offset in many states by the implementation of term limits, which perhaps more than any legislative reform in the last thirty years has weakened the legislative capacity of the state legislature Kousser (2004).

Legislative capacity is inherently critical to the substantive representation of the residents of the state. Although the nationalization of political parties, the increasing power of the federal government, and the polarization of political parties may appear to reduce the importance of legislative capacity, in fact it is critical to realize the powerful effects of legislative capacity on the quality of legislation and the ability of legislatures to respond to crises. The latter has been particularly highlighted by the COVID-19 pandemic, in which significant powers and discretion to address the crises were delegated to state governments. Sadly, a large percentage of state governments showed significant weaknesses in their ability to respond to the crisis and pass legislation to address it during this time period John Camobreco (2021).

In this example, it is important to highlight the differences in the response between the state and federal level. While it could be argued that the federal response was incompetent, this was in part because of deliberate choices to play down the effects of the pandemic due to reelection concerns and delegate the response to the state level. On the other hand, many state governments showed significant dysfunction in addressing the crisis, even with the full intention to do their best efforts. Many state governments ‘followed the leader’ and relied on national cues for public policy, even when they were absent or conflicting, and did not show creative responses to these challenges Lindsey Cormack (2021). However, it should be noted that state legislatures overall were much better prepared to address such a crisis than they would have been prior to 1970s, and the reforms of state government in the interim. However, it should be noted that the successes in the attempts to curtail the COVID 19 pandemic largely came from state



governors rather than the legislature. Also, many state legislators made tremendous sacrifices to continue legislating and displayed significant efforts to legislate virtually or in an otherwise COVID safe way, with most states besting the efforts of Congress. In the future, it is likely that state governments are going to be critical to help manage the effects of future pandemics, global warming, and other emergencies. Therefore, in addition to the ideology of the legislation, it is also important that legislation and policy implementation is competent and highly effective. This would do much to help halt the steady decline of trust in government. While the capture of governmental organizations by political and business elites is perhaps the greater problem, as discussed in other sections of this dissertation, being able to demonstrate a competent, professional, and fair government is also important for receiving the respect of the people.

What implications does the low level of political experience have for state legislatures as a whole? As discussed in further detail in other chapters, the low level of political experience reduces legislative capacity. Legislative capacity is demonstrated not only through the amount of legislation produced, but also the expertise and working knowledge of the legislature by the legislators themselves. It is also affected by the knowledge of legislative staffers and other internal employees. Lastly, it includes informal knowledge about how ‘politics is done,’ which is difficult to quantify but essential for being an effective politician and legislator. As has been reported across many books and academic articles, to be a ‘Freshman’ within a legislature is often to be a lightweight within the state legislature, because one has not yet learned this informal knowledge Fenno (1973). It is likely that for legislators with low levels of political experience, it will take even longer to emerge from this unfortunate position. However, it should be noted that of course, some of the negative treatment of Freshman legislators may be a self fulfilling prophecy and expression of in group bias or opportunity hoarding. If Freshman legislators

are never granted access to the levers of power, than it is fairly straightforward that they will likely fail to make much of an impact in the state legislature.

How does the tendency to exclude first term members vary across the state legislatures? It is likely that states with term limits are less likely to engage in this activity, as they are aware of the limited time lines of individual members. Additionally, it is less likely to occur in more professionalized state legislatures, where committee assignments and other placements within state legislatures are less determined by individual discretion.

Similarly, members of Congress who enter with more legislative experience are likely to informally enter into the actual lawmaking process faster than those without such experience; therefore, the fact that some states largely do not draw from their state legislature for Congress has important downstream implications for the ability of their representatives to advocate for them. This has a significant effect on the quality of the substantive representation of the states at the federal level. Likewise, the trend is similar for states that enact term limits, even for those states which draw heavily upon the state legislature for members of Congress, on account of their limited legislative experience.

## **Legislative Experience in Congress**

As can be seen in the data below, members of Congress vary greatly in how often they have prior legislative experience by the state they are from. Some issues with this data include the fact that many states have relatively few members of Congress in the data collected (2014-April 2021), which in some cases may have caused artificially high or low results. For example, Idaho, Wyoming, and Delaware all contain results that seem abnormal in comparison to their general trends.

The prospect of progressive advancement can greatly change the perspective and strat-

egy of legislators, and subsequently the activity of the legislature as a whole. This also has important consequences for the character of members of Congress that run for office. Legislators that enter Congress with no legislative experience are significantly less prepared for legislative work than those who have held office in state legislatures. This has significant consequences. Not only will the legislation produced by the legislator be often of lower quality, it also often cedes power to legislators of more seniority and lobbyists, along with other groups.

## **Nationalization of Political Parties and the Congressional Connection**

The decline of local politics and nationalization of politics has been devastating to state legislatures and state and local political leaders. Politicians without significant experience but who are able to gain the support of national groups can often run for Congress and win, even if they lack a significant connection to their district. This has arguably given less importance for state legislatures in selecting candidates than they had in the past. Furthermore, this nationalization contributes to polarization, as state legislators able to connect with national political networks are more likely to be politically extreme than the average state legislator Thomsen (2014). The rise of nationalized interest groups, lobbyists, and policy making organizations has also diminished the level of state level political actions. Increasingly, legislation is becoming more uniform across the states, bifurcated between states in which Democrats or Republicans are in control; all of this amplified by organizations such as ALEC, which draft model legislation for distribution among legislatures Hertel-Fernandez (2014).

Accordingly, at the national level lobbyists and outside actors increasingly have an im-

portant role in drafting legislation, which perhaps implies that national party leaders may care less about the political experience and policy expertise among their members of Congress. This belief is further reinforced by nearly uniform party voting, in which party control of the Houses of Congress increasingly determines policy.

It is possible that the nationalization of political parties may in the long run lead to some positive effects. While this dissertation investigates representation in state legislatures, it should by no means be read as a defense of federalism or the superiority of state government over national. Indeed, as is discussed in the conclusion, this work reflects how dysfunctional state legislatures are and how both at the state and the federal level, there is a failure of representation. A significant amount of research has shown that far from being the ‘laboratories for democracy,’ state governments often have significant failures in the realm of social welfare, civil rights and liberties, and business regulation Jeffrey Lax (2012).

Although certainly some states have passed novel legislation or done such things as raise the minimum wage when Congress has failed to do so, this largely comes from making up for a lack of action from Congress rather than any positive element of the state legislatures themselves. Additionally, as has been discussed in past chapters, states are much more easily dominated by particular industries or interest groups than the federal government, and this dynamic has often led to captured state legislatures.

However, this work also responds to the pressures of the current day. Just as the filibuster may work under a different version of Congress but not in the present day, the same holds true for the nationalization of political parties. As it currently stands, the nationalization of political parties, combined with the continuing existence of state level politics and gridlock in Washington D.C., has led to a toxic situation. Despite the faults of state legislatures, there is clear evidence that they work better with less nationaliza-

tion of political parties. This is in part because growing nationalization has also led to growing polarization and changes in norms, which has led to significantly more gridlock within state legislatures. Additionally, many of the unique policy domains of state legislatures have become blunted, because so much of the policy agenda within the states is now driven by the national agenda. Furthermore, even more problematic is that just as specific industries and interests can dominate the politics of a state, national level groups can increasingly dominate state legislature races in spending and attention. Their lobbying has a much larger influence on the legislation passed than it did in the past as well. Additionally, even though proponents of federalism point to the ability of residents to ‘vote with their feet’ and move to a different state, this is not very common in practice. Furthermore, it is extremely difficult to do for the poorest within a state, who would be most likely to be negatively affected by governmental policies. Lastly, even if all residents had equal ability to move, it would still create a problematic effect of the balkanization of states, heightening political differences. This would likely occur along with the depopulation of poorly run or corrupt states, which would likely only work to continue their problems in a downward spiral rather than address the political issue. In essence, many state legislators experience the legislature as their first ‘training ground’ for holding elected office. Furthermore, it is clear that state legislatures vary in how much experience they allow legislators to obtain. Term limits and extremely short legislative sessions in less professionalized state legislatures often allow minimal political experience for state legislatures. This is often justified by the benefits of a ‘citizen legislature,’ but unfortunately it often leads to few state legislators ascending to higher levels of office. The legislators who win instead are often even less politically experienced, which seems connected to less effective lawmaking and in some cases corruption. In contrast, legislators with political experience often hold longer tenures in Congress and are more effective. It could be argued that political experience is fairly irrelevant, with the

Table 5.13: Percentage of Members of Congress with Experience in the State Legislature

State	Percent Experience in the State Legislature
Alabama	35.29
Alaska	75.00
Arizona	57.14
Arkansas	25.00
California	45.68
Colorado	42.86
Connecticut	62.50
Delaware	0.00
Florida	48.08
Georgia	37.50
Hawaii	100.00
Idaho	100.00
Illinois	31.03
Indiana	38.89
Iowa	50.00
Kansas	46.15
Kentucky	33.33
Louisiana	46.67
Maine	50.00
Maryland	42.86
Massachusetts	26.67
Michigan	36.67
Minnesota	47.37

*Note: Data drawn from public member of Congress biographies, years 2020 and 2021*

Table 5.14: Percentage of Members of Congress with Experience in the State Legislature

State	Percent Experience in the State Legislature
Mississippi	44.44
Missouri	50.00
Montana	57.14
Nebraska	37.5
Nevada	72.72
New Hampshire	28.57
New Jersey	52.38
New Mexico	22.22
New York	46.94
North Carolina	52.00
North Dakota	25.00
Ohio	45.45
Oklahoma	45.45
Oregon	45.45
Pennsylvania	45.45
Rhode Island	75.00
South Carolina	72.73
South Dakota	60.00
Tennessee	29.41
Texas	27.59
Utah	16.67
Vermont	33.33
Virginia	43.48
Washington	66.67
West Virginia	78.57
Wisconsin	53.33
Wyoming	100.00

*Note: Data drawn from public member of Congress biographies, years 2020 and 2021*

ideological preferences and party of the state legislature to be the most relevant factor. However, the lack of positive experience in state legislatures often also leads to more limited opportunities for non-white male state legislators in obtaining higher office. This political experience is often something that can effectively offset the bias towards electing white male politicians, which is lacking in these aforementioned state legislatures. Additionally, as in state legislatures it is helpful to have members of Congress with political experience. Collectively, it helps improve the quality of debate and helps maintain legislative norms that are required to avoid gridlock. It should be noted that legislative norms are not by definition a good thing, but in the current structure of Congress deviation from the norms only encourages further gridlock and blocking of legislation. If Congress was restructured to become a majoritarian or parliamentary system, it may be less necessary to maintain norms, especially those that privilege traditional lawmakers.

Furthermore, the development of candidates with political experience is important to help offset some of the negative effects of the nationalization of political parties. While this will certainly not halt the nationalization, having members of Congress with significant experience is important for policy innovation and independence beyond political party. It is likely that without significant changes to the rules and procedures of Congress and national voting laws, this will be critical to avoid eternal gridlock and legislative dysfunction. However, displaying greater independence should not be misinterpreted as an appeal to moderation. While in some cases independence may mean ‘crossing the aisle’ to work with opposite party members in the moderate wing, it also can mean displaying independence from the left or right of their own political party. Furthermore, the apparatus of interest groups that draft model legislation and have the greatest spending tend to bias policy in a conservative direction; therefore, displaying greater independence from these groups will likely shift policy in a leftward direction. Members with experience



may also display more independence from the national news media. This is due to their greater levels of political support, or ‘personal vote’ for the representative, which allow for these actors to resist outside pressures. Furthermore, this can lead to positive benefits because the national news media as currently constructed does a poor job of educating the public about political issues beyond the ‘issue of the moment.’ As has been widely reported, most coverage of Congress either focuses on horse race style coverage of political intrigue or presents a very staid conventional wisdom within the two political parties about their positions Tolleson-Rinehart and Josephson (2005).

While this may have some positive benefits of enforcing party discipline when needed, this lack of other types of Congressional news leads to a lack of innovation in Congress, often draws false equivalences, and also can lead to an increasing conservatism within the Democratic party.

Lastly, it is important to note that the pipeline for women, working class, and non-white legislators running for Congress is significantly stronger in states with a high level of legislative professionalism, which has important implications for inequalities in representation across groups. It also appears to be stronger in states that are more liberal, although this trend is less surprising. It is well known that women, working class, and non-white legislators among all levels of government are more likely to be Democrats, at least in recent electoral history. Although scholars have debated the extent to which so called ‘majority minority’ districts actually advance increases in substantive representation, it is certainly a political problem that in many states, legislators with these aforementioned identities have much fewer options for pursuing a political career. There are many states where such groups are underrepresented, in part because of the demographics of the state. In many states the representation of women and the working class is even more disproportionate than that of non-white identities relative to the demo-

graphics of the state. This should be especially troubling, because research has found that women and women of color legislators approach representation in a significantly different way, to the endpoint that everyone loses when these groups are denied a seat in the legislature. Additionally, the representation of the poor and working class is even more disproportionate to their demographics; there has been comparatively less research on their legislative styles, but it's an ample opportunity for future research. Other works have shown that legislation related to poverty reduction, social safety net, and other aspects of social welfare spending is quite paternalistic, even those proposed by the Democratic Party Michener (2018). It is also highly dependent on the political power structure within the state Richard Dawson (1963). It is likely that legislators from these backgrounds would give a unique perspective when drafting legislation. Whether it's from advancing distinctive policy agendas, changing the political culture of the legislature, empowering political action among disenfranchised political groups, or many other effects, it is clear that making the pipeline to Congress for these legislators more equal is an important goal.

## **Campaign Finance and Electoral Rules**

What is the role of campaign finance? Do states with tighter spending limits and other factors lead to more equitable Congressional campaigns? Likewise, what is the effect of different types of primary systems, in particular the so-called 'jungle primary'? I think it is likely that states with tighter spending limits on political campaigns will lead to more equitable elections across candidates of different identities. It would make it much harder for candidates with little political experience to run as outsiders, either self-financing or allying themselves with wealthy patrons to overwhelm the competition through campaign

spending.

The effect of the jungle primary is less clear. While it makes it harder for political parties to coordinate on their chosen candidate, this may have positive or negative effects on inequalities in candidate outcomes depending on the state. In some states, it may make it harder for a candidate with long standing experience in the state legislature to gain access to the general election, and may make it easier for ‘outsider’ candidates to win. However, it also makes it harder for members of the state legislature to be shut out of the primary process through the phenomenon of a hand picked successor. Therefore, the effect of the jungle primary is conditional on the state party and their commitment to advancing diverse representation. In states where that desire is present, jungle primaries may make things easier to do so. While in states where it is lacking, the opposite is true.

What about the effects of partisan primaries versus open primaries? The research has generally shown that partisan primaries tend to increase the strength of parties in their control over nominations Kathleen Bawn (2012), Martin Cohen (2008). Accordingly, the effect is the opposite of jungle primaries. State parties in which the political party tries to nominate more diverse candidates will see a positive effect of partisan primaries on these representational outcomes, while state parties who do not desire this will not. However, there is a slight positive effect of partisan primaries compared to other systems. They tend to reduce well funded or self financed outsider candidates with little political experience. These candidates are disproportionately white men, so reducing these candidates will help make the pool of candidates more equitable. States with jungle primaries include: Alaska, California, Nebraska, and Washington. Louisiana is often characterized as having a jungle primary, although the fact that one candidate can win in the first round if they receive 50 percent reveals that is not a true primary. States with closed primaries include: Connecticut, Delaware, Florida, Kentucky, Maine, Maryland, Nevada, New Mexico, New

York, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, and Washington, D.C. It should be noted that this only applies to the Republican Party and Libertarian Party in Oklahoma, the Republican, Libertarian, and Constitutional parties in South Dakota, and the Republican Party in Utah.

Another important institutional effect to consider is whether state elections are held on or off cycle with Congressional elections. In most cases, the effect is likely pretty small because Congressional elections tend to draw interest in state elections. However, in some states, particularly those with a popular governor or hotly contested gubernatorial election, the effect may boost support for candidates of particular political parties. However, it is certainly true that the timing of Congressional elections is extremely important for state politics more than the converse. States with off cycle elections include: Kentucky, Louisiana, Mississippi, New Jersey, and Virginia. Particularly in the states of Kentucky, Louisiana, and New Jersey, this has allowed the state parties to be more insulated from the nationalization effects that are strongest in presidential elections. In conservative states, this has allowed the Democratic Party to perform better than they would otherwise. In liberal states the same dynamic occurs for the Republican Party.

## **Discussion and Conclusion**

Why do states with professionalized state legislatures tend to be more successful in candidates running for Congress? The basic elements come down to two factors: states with more professionalized legislatures are more likely to have representatives with prior political experience; secondly, the more intensive process of being a state legislator prepares legislators better for the rigors of Congress and may deter less ambitious politicians from holding office in the state. However, the evidence on equality of access to Congress for

underrepresented groups is more mixed. More professionalized state legislatures have higher thresholds for running for office in the first place, with higher fundraising, campaigning, and political experience usually required. This may deter potential candidates with fewer resources from running for the legislature, which has downstream effects on Congressional candidates. Furthermore, although professionalized state legislatures are helpful for avoiding the “old boys club” that has run many state legislatures in the past, the higher stakes and larger amount of attention in these more professionalized state legislatures may in some cases lead to more cutthroat politics. Furthermore, due to the demographics of US states, many of the states that have the highest level of racial diversity in the legislature are highly concentrated. Without changing the threshold that often is needed for a non-white candidate to be successful, it is unlikely that there would be a significant increase in Congressional diversity even with reforms to the state legislature. Perhaps even more impactful would be outlawing gerrymandering, a perennial call that Political Scientists make that often goes unheeded. More than anything, gerrymandering in the South (including Texas), and the “Rust Belt” is probably doing even more to hold back diverse representation than state legislative factors. However, this should not be interpreted as a call for state legislatures to not implement these reforms, because it is likely that they would still have a significant and positive effect on the representation of women in Congress. As for the working class and the poor, it seems likely that neither reform would have a significant effect on the amount of legislators from these backgrounds entering Congress. It’s unlikely that without either significant changes in campaign finance, party nominations, or electoral systems these candidates will continue to struggle to find representation in Congress. These conclusions are similar to those found by Nick Carnes in his extensive work on this subject Carnes (2013), Carnes (2018). Furthermore, as discussed in the conclusion, while there are many aspects of state legislatures, and indirectly Congress, that can be changed and transformed through new members

and leadership, there are other changes that will likely not occur without a fundamental change in the political system. Alternatively, it is possible that these changes would likely occur in the distant future, to the point that advocating for change through this avenue would be trivial.

In the last section of this dissertation, the conclusion discusses the general malaise of representational outcomes and democracy in the United States. While much of this dissertation has focused on the process of representation and the positive effect non-dominant-identity state legislators can have on substantive outcomes, the overall picture of representation in the United States is bleak. The hourglass of representation theoretically illuminates that for legislators motivated to do so, they can direct their focus towards areas in which they face less constraint. However, not only are many state legislators not motivated to do so, the overall picture is that of constrained legislative activity and lack of legislative activity. As will be discussed in greater detail in the conclusion, while a lack of legislative activity is not a bad thing by definition, it generally serves conservative interests and provides a strong counterpoint to those who believe state legislatures are laboratories of democracy.

# Conclusion: Representation Reconsidered

## Summary

This dissertation has described the constraint that legislators face, the ways legislators act creatively to serve their constituents in the face of constraint, and the methods legislative and political institutions interact to form constraining environments, particularly for legislators from nontraditional legislative backgrounds. The three main findings of this dissertation are as follows:

-State legislators from non-white backgrounds, particularly Black legislators devote more effort to constituency service and particularly constituent service events. Furthermore, these legislatures showed much higher levels of tailoring events and information to diverse groups of constituents rather than relying on generic information, another sign of legislative effort. This may come from group consciousness held by the legislator in some cases, although it also may be informed by the constraint faced by these legislators in other avenues. Legislators constrained from taking action in the legislative arena (e.g. committee work) may devote more attention to activities where they have more autonomy.

-Legislators from legislatures with higher variation in legislative activity are less likely

to ascend to higher office, including moving from the state house to the state senate. The variation in legislative activity is theorized to be reflective of inequality within the legislature in power and open avenues for lawmaking. Although in theory a legislature with no variation in legislative activity could also be a sign of legislative constraint, this was not found to be the case within any legislature. Future work will explore other measures of legislative success besides election to higher office and reelection.

-Members of Congress with past legislative experience were far more likely to come from legislatures with more professionalized state legislatures. Professionalized state legislatures were also more likely to show lower levels of legislative inequality and constraint. However, it is important to note that even in the “best” state legislatures on these measures, the legislatures were still quite unequal in legislative power and the constraint facing their members. Furthermore, they all showed evidence of bias in recruitment networks that made it less likely for legislators of nontraditional backgrounds to run for higher office and win.

## **Constraint and its Alleviation**

However, although in this theoretical construct legislators will almost certainly face some constraint in their day to day activities, there are possible reforms that can reduce the constraint legislators face and reduce political inequality within legislatures, and to a certain extent within the political realm of the state as well. Although this conclusion touches on a wide range of topics and possible solutions, it is important to think through these issues. In many cases, political changes are only seen as politically impossible because of a lack of political will or political power necessary to implement these goals. Furthermore, some of the proposed changes are relatively easy to implement and have



been implemented by some state governments or local communities. Additionally, it should be noted that this dissertation makes a minimum of two normative claims, which if a reader disagrees with could fundamentally change the nature of this study of constraint. They are as following:

Legislative constraint is a net negative on state government.

Legislative constraint is unevenly distributed to most affect legislators from non traditional backgrounds, which creates a barrier of substantive representation for marginalized groups.

To explain a little more, few readers would likely disagree that an inequality in legislative constraint is a bad thing. There is a large literature that analyzes the inequalities in substantive representation across groups and the best way to alleviate it. The first claim is somewhat more controversial, given that for some, a legislature that finds it difficult to pass legislation may be a good thing. There are many legislatures that pass what the author would characterize as bad legislation, so more of a bad thing seems contrary to normative goals. Indeed, the concept of checks and balances, along with curbs on legislative power is considered a fact of life in United States politics. However, this dissertation makes the claim that not only should inequality in constraint be reduced, but that on average legislators should face less constraint in their actions. This is for a variety of reasons, but primarily because not taking legislative action biases policy in a negative direction. Furthermore, it reduces trust in government and causes people to look to corporations, nonprofits or other entities that are more energetic to solve social problems in the face of government inaction. The one exception of a net negative from a more powerful legislature is perhaps the greater ability of legislatures to pass bills that discriminate or violate minority rights. However, with a robust judicial system any such bills will hopefully be quickly reversed.

## **Pluralistic and Elite Views of Democracy**

In the history of the United States, the role of government has seemed largely to maintain order and infrastructure for the maintenance of markets. While others may categorize democracy in the United States as pluralistic, looking at the totality of the representation it largely appears to be adjusting at the margins. This is partially by design, as legislatures were created with elite interests in mind. Furthermore, the process of checks and balances can create inertia in policymaking, even when there are significant social movements for change. Furthermore, something demonstrated in this dissertation is that even legislators acting in good faith to represent their constituents and enact meaningful change face significant roadblocks. Constraint, as it operates in the current political system, largely enforces a status quo that favors business and reinforces existing social inequalities. While some may point to significant advances in social rights, education, civil liberties, and other political victories, I believe that these are the exception rather than the rule. It is worth noting that many nations that are otherwise comparable have often made these advancements much faster, and also carried them to a more progressive conclusion.

## **Alternatives to Representative Democracy**

In recent years, many scholars have pointed out that the legal process of representative democracy and representation is not the only one that can lay claim to being democratic in its most basic definition Parasher ([2021](#)).

It is important to remember, that the idea of representative democracy developed in part because of a belief that the masses were incapable of self governance. Therefore,

legislative institutions were designed in part to ‘shield’ the legal system from direct influence by the people. This is perhaps no better exemplified than the initial debates in regards to its establishment and subsequent structure of the United States Senate. Today the senate is viewed, perhaps rightly so, as an anti-democratic institution, whose main function appears to be to block not only progress but legislative action of any kind. Democratic theorists and activists alike have suggested alternatives to the problem of representation. While the standard response of scholars of representation is that simply there needs to be a more equitable distribution of representation, reducing inequalities, avoiding legislative capture, etc., other scholars have shown interesting alternatives. In this view, the fundamental problem democracy is the very interaction of the people and the representatives themselves.

In other words, the very interaction reifies the difference between the two groups, whether it be elections, legislative communications, polling, or anything else. One option would remove elections all together, instead introducing government by lottery. Similar to jury service, individuals would be selected to serve as representatives in government. Another alternative would be to allow residents to draft legislation and vote directly, in a never ending referendum. While both alternatives could plausibly raise new issues of representation and democracy, they offer plausible exit points for a system of representation that seems fundamentally broken. However, it is important to consider the possible negative outcomes of direct democracy on minority rights. More often than the reverse, when the rights of racial, religious, gender, or sexual minority rights are on a referendum ballot, the people at large choose to discriminate. While it is possible that a reorienting of the democratic system would fundamentally alter both political culture and the broader society, without assurances for the protection of minority rights such a system could have negative outcomes. On the other hand, a lottery system for representative gov-

ernment would likely fulfill descriptive representation much better than current systems of representative democracy. Perhaps a modified version of Lani Guinier's theories of representative democracy could be a beneficial alternative, in which there are quotas and other mechanisms to guarantee that minority groups are "overrepresented," in order to help offset the institutional, legislative, and societal biases against their power within a democracy Guinier (1994).

## Laboratories of Democracy?

However, despite these deficiencies, it is clear that the states are not uniform in their policy outcomes. While in many areas the 'adjusting at the margins' critique still stands, states do show strong differences in their protection of minority rights, levels of discrimination, social safety net, regulation, and many other topics. Furthermore, some states show somewhat idiosyncratic policies and practices that are seldom exhibited elsewhere. While coming from a temporary coalition, in this case the inertia of the United States political system works in its favor. Furthermore, one significant benefit of state governments is that while often facing significant inertia, they have on average been significantly less polarized than Congress for the last forty years. As state legislatures have professionalized, they have begun to take on more significant tasks, sometimes in an effort to make up for the paralysis of the nation's highest legislative body. The professionalization of state legislatures must continue, especially in the absence of significant reforms to Congress. However, professionalization is not enough without significant reforms of state legislatures themselves.

One purported benefit of states pursuing divergent political policies is the mobility of individuals; in other words, individuals can pick the state that fits their policy preferences.

However, for many individuals moving to another state is quite difficult, particularly for the least advantaged. Therefore, the ability of wealthier individuals to choose states and municipalities that fit their policy views only increases the gap in representation between the wealthiest and poorest.

## The Drawbacks of Federalism

The political fragmentation that comes from the reality of fifty state governments has significant negative externalities. One of the most consequential is the mobility of capital and race to the bottom that occurs when states are forced to compete with each other for economic growth. This puts significant downward pressure on minimum wages, labor protections, environmental and other regulations, and often perversely incentivises states to offer tax credits and free land to attract business or prevent them from leaving. Additionally, there are many policy areas that should be enacted at the national level, but regrettably are left to the states. One key example is election administration, of which administration at the state level has led to significant disenfranchisement and the creation of permanent political majorities Mickey (2008).

Additionally, significant infrastructure and energy failures at the state level has shown the benefits of a national system. Furthermore, given that state governments are significantly weaker, it makes it much easier for outside interest groups, lobbyists, and financial incentives to take control over legislation relevant to certain areas. For example, many state legislatures are dominated by particular industries (the coal industry in West Virginia, the oil industry in Louisiana, etc) Martin Cohen (2008).

## Inequalities in Representation

True representation is extremely difficult. One of the critiques I advance is that currently the United States is doing a bad job of representing those with marginalized identities, despite some progress in the last sixty years. Furthermore, while descriptive representation has increased in state legislatures more so than in Congress, this is decidedly mixed across the states. Furthermore, the phenomenon of constraint often makes it difficult for legislators to take political action to reduce inequality and exercise power as legislators from marginalized identities. The picture for women and racial and ethnic minorities is more mixed: the representation of these groups is very uneven across the states, and is not necessarily correlated with the proportion of legislators sharing that identity in a given legislature. In a theoretical sense, there are a lot of issues that come from a majoritarian political system. There may be a minority viewpoint that across legislative districts is never a majority opinion (or exists in very few districts) that goes virtually unrepresented. Substantive representation is often defined as the extent to which the opinions and actions match those of their constituents and work to achieve these outcomes. However, there are some nagging questions: When a legislator says they are “representing their constituents,” what does this mean? Given that there is a diversity of opinions within a district, this means some opinions are being represented and others aren’t. Likewise, there are numerous cases of minority opinions that are perhaps ‘overrepresented’ in legislative settings because of the role of party activists, leaders, and donors. Second, what is the role of the power of the legislator? While legislators receive credit from scholars for actions to serve their constituents, this may obscure the role of power. In some cases, a legislator might find their political goals faced with an opposed majority of legislators, unfavorable legal precedent, hostile press and activist groups; in

this situation, what is the best course for the legislator to take given that they have little chance of achieving their sincerely held goals? Given that people of color legislators often face pressure to deracialize (which often implies a more moderate political position overall) how do legislators feel about these trade offs? It should be noted that the above critiques do not always occur; there are legislators who legislate from a politically radical and race-conscious position. However, to reiterate the above critiques, if a legislator decides to hold these positions this often seems to inhibit the ability to obtain leadership roles or run for higher office.

## **The Responsibility of Representation**

What is the responsibility that legislators have to their constituents? This may seem to be a simple question on its face, but some of the results and theories discussed in this dissertation require me to reiterate this point. Much of this dissertation has concerned how legislators are often stopped from taking legislative action and the ways in which they are often blocked from progressing within the legislature and obtaining political power. However, although making legislatures more equal in their political power and making avenues to political office for nontraditional legislators easier is very important, it surely does not “solve” longstanding issues with representative democracy. Therefore, it is important to note that constraint is not the only barrier for why legislators are not exercising power to improve the lives of their constituents. There are several examples of legislators who face virtually no electoral threat, have a significant amount of political power, are well respected within their own political power, and seem to coast and not take significant action on a lot of issues. For example, it is important to think about what occurs when a formerly constrained legislator obtains political power- will they

use it responsibility? Which individuals or groups did they need to use or coopt to gain political power? In particular, it is important to note how legislators, even in a legislature that on paper is functioning as well as possible, often coopt social movements and look to blunt and redirect anger and frustration about the intransigence of long standing social problems into incremental change. This is particularly problematic when one considers that coopting social movements is one of the primary ways that a legislator can gain power relative to other legislators. Furthermore, this question is particularly relevant for this dissertation because the nontraditional legislators that have been a focus of this dissertation (non-white, women, non-high income) often represent districts that arguably carry more political responsibility. In comparison to the median district, these district are often relatively more deprived, have more active social movements, and require more political action from their representatives to alleviate their conditions. Therefore, in some ways legislators need to work harder to not become complacent. It is debatable how fair it is to these representatives, given that many face larger challenges in the goal of gaining political power and moving in the legislature. To put in more pointedly, why do nontraditional legislators need to work twice as hard as their white, male, high income colleagues? On the other hand, from a broader standpoint of representation writ large, it is important to remember that representation is a public service. Ideally, it is not something that should enrich the representative or a job that should be easy. Therefore, ultimately I believe representatives should not shy away from tough fights just because they are difficult or carry more responsibility.



## Changes in Representation

Although it is important to note the weaknesses of representation, there have been many positive reforms that have improved representational outcomes and have reduced the gap between legislators and their constituents. Other changes have occurred in recent years, which have certainly qualitatively changed the nature of representation. However, it remains to be seen whether they have been positive or negative changes. These include the emergence of social media as being key to both the election and subsequent interactions with constituents for state legislators. While social media has been somewhat important for state legislators, it has been only in the last few years that they have received almost universal adoption. Indeed, these social media websites turned out to be methods of distributing information during the COVID-19 pandemic, especially as more traditional forms of information were harder to access during this time period Michael Strawbridge and Masuoka (2022).

Social media has made it easier than ever for legislators to maintain a social media brand, although it also makes it perhaps harder for legislators to speak as an authority figure. In the crowded and informal world of social media, does a facebook post by a legislator carry as much weight as a letter from a legislator in past decades? Additionally, women legislators have continued dramatic gains in descriptive representation within the states. There are multiple states that are at or near parity in regards to gender, with possible implications for the political culture of the state legislature. Additionally, the rise in political polarization and increasing extremism and political violence certainly has had an effect on representation in the United States. Not just at the United States capitol on January 6th, 2021, there were also violent protests attempting to overturn election results at state capitols across the country. Additionally, there has been a significant increase in

death threats directed towards state legislators, “doxxing,” and attempts at intimidation through either violent protests or “open carry” actors threatening legislators. Doxxing can sometimes be characterized as revealing someones identity when it was meant to be hidden. While legislators are public figures this is a non-issue, but it can also refer to posting the personal address, personal cell phone or email of a legislator, or reveal personal information about them or their family. This is likely to have deleterious effects on the representation of people of color and women in particular, although it potentially affects all when legislators feel cowed into supporting positions. The overturning of the Voter Rights Act in 2014 has also made it easier than ever for Southern (and a limited amount of other areas that were under federal preclearance) states to gerrymand and pass laws to restrict the right to vote. Likewise, the Citizens United case of 2010 has cleared the way for corporations, national activist groups, and party organization to have an outsized influence on the politics of a given state. This decision removed much of the restraints on spending by individuals, corporations, and unions on campaign and political persuasion spending. While unions also had restrictions lifted on their spending, their influence and budgets pale in comparison to the aforementioned actors. Additionally, the decline in unionization, union political power, and the power of the working class within much of the United States has also greatly affected state level politics. These topics are fruitful areas for future research.

## **Possibility of Reform**

Parties are fiercely protective of their power and can be difficult to transform from the inside. Furthermore, the amount of resources, particularly money, that may be required to ‘take over’ a political party in a given state legislature may be antithetical to the goals

of social justice. Although social movements have won many victories, there is a bias towards the phenomenal campaigns that do succeed. Far more common is for outright failure of the goals to be achieved or pivoting towards more moderate goals.

Therefore, this is why I believe that institutional mechanisms are perhaps understudied in the fields of representation. Looking historically and across countries, almost all revolutionary changes to social and political conditions were also paired with changes in electoral law, legislative rules, or constitutional changes. Although people power is important, in many cases what is needed goes beyond the limits of current institutional arrangements.

Greater emphasis must be given to enacting the will of popular majorities and reducing the level of constraint legislators face in enacting legislation. Although giving more autonomy to legislators may reach a skeptical audience, I firmly believe the role of constraint in modern United States politics mostly works to inhibit legislative actions that would threaten the powerful and change longstanding arrangements that mostly benefit the dominant racial/ethno/gender/class group.

Additionally, this must concurrently be paired with reducing the power of the executive branch within state legislatures. Many positive reforms through professionalization of state legislatures have been somewhat offset by an expansion of gubernatorial power and other statewide elected positions.

In conclusion, representation in the United States faces a lot of roadblocks to achieving either a collective or dyadic reflection of the interests of the public. Significant change must occur to the governing institutions, political culture, and electoral systems of the United States.

Time will tell if these reforms will come to pass, although the present picture looks bleak. It is likely that without significant party alignment, constitutional changes, political

revolution, or destruction of the United States these changes will only come to pass in compromised forms. If representation means not just mirroring the people, but also doing what is just for all, it is clear that the current political system is up to the task. Although changing the individuals in charge is an important reform that will advance progress in the United States, it is ultimately the institutions and governing bodies that must be changed as well.

## Possible Reforms

1. Professionalize state legislatures.

A consistent theme within this dissertation is that professionalization of legislatures leads to legislatures with more equality of membership and better outcomes for legislatures from non traditional backgrounds. Although not investigated as thoroughly, more professionalized legislatures also have a higher legislative capacity, which arguably leads to better outcomes for the least advantaged in society. Although professionalized legislatures have the drawback of containing higher average campaign costs, non professionalized legislatures also don't do a very good job of being representative of the state overall.

2. Improve capacity for legislative constituency work and events, including the possibility of centralized information.

Another key theme of this dissertation is the relevance and importance of constituency work, including in district events. Far from being merely a reelection tactic, I've found that many legislators engage in this even though it does not appear to grant a significant electoral benefit. Improving the ability for legislators to engage with their constituents

will possibly lead to greater trust in government and significant benefits for the least advantaged, who most benefit from the reduction of information costs from constituency service.

3. Introduce public funding of elections or place strong limits on campaign spending.

This proposal has two main benefits: It puts potential candidates on an equal playing field, which can significantly increase the ability of particularly low income candidates to run for office. Additionally, it reduces the outsized influence of key industries within the state, powerful donors, national groups, and other actors that may place constraints on legislative activity.

4. Remove term limits.

Term limits have two primary detriments in regards to the normative goals of this dissertation. First, they work to roll back increases in legislative professionalism, which as stated earlier have many positive effects. Secondly, they work often to the detriment of people of color legislators in particular, who are much more likely to represent heavily Democratic voting districts and be reelected for a significant length of time. The positive benefits that can come from seniority are removed by term limits.

5. Introduce automatic assignment to legislative committees, chairperson positions and legislative leadership based on seniority. In other words, try to remove personal bias from these procedures as much as possible.

Although difficult to study outside of qualitative interviews, one of the most pernicious barriers to non traditional legislators gaining power is personal discrimination and being passed over for opportunities within the legislatures. This is particularly true in legislatures with what is sometimes described as an “old school” political culture. By removing

personal decision making from this process, the legislatures will head in the direction of a more equitable environment.

6. Work to introduce multimember legislative districts and proportional voting.

Although not explored in as much detail in this dissertation, multimember districts have been found to be quite positive for the election of women in particular, and proportional voting, although not tested in the United States, has had positive benefits for the election of people of color in other countries. Furthermore, proportional voting will work to increase the ideological diversity of the legislature, and may also reduce constraint that legislators face from their district. A legislator that represents a district along with other representatives will no longer need to be responsive to all the different political actors in the district, even the ones nominally of their own party. This allows the representative more room to maneuver in setting their agenda. Additionally, proportional voting will likely increase the number of parties, or at least the number of electoral coalitions within the legislature. This may allow a legislature to also face less constraint from top down forces, now that there are multiple avenues to power and legislation.

7. Remove legislative procedures that work to slow down the legislative process.

This proposed reform should be noted as one that wouldn't necessarily reduce the inequality in legislative constraint, but reduce the constraint of the legislature overall. Possible reforms could be removing super majority requirements, the ability of legislative committees to 'kill' a bill without a vote, lowering thresholds to override a veto, among others.

8. Potentially introduce a "legislative constitutional convention." Although perhaps not realistic to recommend, state legislatures need to seriously examine and work to change their culture.

A significant amount of research has shown that legislatures are ‘race-gendered’ institutions. What would creating a new form of legislature look like, one not inherently white and male in its procedures, norms, and even physical characteristics of the building look like? Although legislatures have evolved slightly over the years, for example introducing female restrooms, there is still a long way to go. On the other hand, it is hard to give specifics on what an alternate legislature would look like, as there are few examples worldwide of legislatures that don’t share any of the male characteristics in particular.

9. Improve and perhaps introduce subsidies to produce high quality news coverage of news regarding the state legislature. A lack of transparency only allows the issues stated above to persist.

Increasing media coverage of state legislatures has many positive benefits. It allows legislators another avenue to advocate for legislation, which is important because past research has shown that very frequently legislation broadly popular with the public is killed behind the scenes. Additionally, it reduces the influence of any one actor in particular by shining a spotlight on the legislative process; this both increases the number of actors in government, and makes it more difficult for any one person, corporation, etc to control the legislative process.

10. Limit the power of large organizations within the state to influence politics. For example, if an industry is more than perhaps 5 percent of the state economy, it will not be allowed to lobby, form political organizations, or donate to political candidates.

Lastly, this reform works to reduce constraint from both top down and bottom up pressures. In some states, there are large organizations (not always, but often corporations)

that can dominate the state legislature, often by exerting significant influence over one or both parties. Additionally, within the district they can be such a powerful economic force that it is difficult for even the safest incumbent to defeat them, lest they lose to a primary challenger. Across the states, some of the most common include oil and other energy industries, finance, gaming, and agriculture. This can be one of the most powerful forms of constraint a legislator faces, because it can make legislation contrary to the interests of this group nearly impossible. Therefore, working to limit the power of these groups (similar to the logic of antitrust laws) is valid. Rather than breaking up a trust to reduce an economic monopoly, this would be limiting the voice of an overly powerful actor to reduce a political monopoly.

Lastly, it should be noted that there are many other political and social reforms that the author would like to introduce; for example, the protection and expansion of voting rights. However, the focus of these reforms were tailored narrowly to focus on areas that would affect legislative constraint.

## Looking Forward

It remains to be seen if these reforms can be implemented. The United States has always failed its most vulnerable, and has never hesitated to use its power to reinforce inequality, crush the power and spirit of the working class, entrench the power of the wealthy and influential, and work to defend its hegemony internally and externally from its borders. In other words, it is quite debatable whether the democratic system within the United States has actually worked in the eyes of those not privileged to receive its benefits. This is perhaps amplified in many of the states, which have operated for decades with even less oversight, more regressive constitutions, and less sustained social movements



directed towards the statehouse. However, despite these problems, there has been positive movements towards state-level democracy in the last 60 years. It is imperative that these reforms continue for the betterment of democracy in the United States, and ultimately a more just world.

# Appendix A

## Appendix

### State Legislator Data Set: Summary Statistics

Table A.1: Racial Demographics within State Legislatures

Race and Ethnicity	Number	Percent
Total	7783	100
White	6234	80.0976
African American	684	8.7884
Latino	277	3.5590
Asian American	101	1.2977
Native American	43	0.5525
Native Hawaiian	5	0.0642

*Note: Data drawn from state legislative websites, years 2016 and 2017*

Table A.2: Political Party by Race/Ethnicity within State Legislatures

Political Party and Race	Number	Mean Vote Received
White Republican	4133	69.01
African American Republican	11	70.41
Latino Republican	47	62.70
Asian American Republican	17	53.92
Native American Republican	8	59.55
Native Hawaiian Republican	1	66.64
White Democrat	2076	61.35
African American Democrat	6234	74.09
Latino Democrat	228	73.35
Asian American Democrat	84	68.35
Native American Democrat	101	79.87
Native Hawaiian Democrat	35	80.47
White Other	31	58.186
African American Other	1	73.25
Latino Other	3	28.95
Asian American Other	0	NA
Native American Other	0	NA
Native Hawaiian Other	0	NA

*Note: Data drawn from state legislative websites, years 2016 and 2017*

Table A.3: Political Parties within State Legislatures

Political Party	Number	Percent
Republican Party	4443	57.0860
Democratic Party	3283	42.1817
Independent	16	0.2056
Vermont Progressive Party	10	0.1285
Libertarian	4	0.0514
Non Aligned	2	0.0257
Common Sense Independent	1	0.0128
Unenrolled	1	0.0128

*Note: Data drawn from state legislative websites, years 2016 and 2017*

Table A.4: Median Legislator Ideology and Polarization by Political Party within State Legislatures

Variable	Minimum	Maximum	Average
State House Median	-2.282	1.070	0.119
State Senate Median	-1.395	1.961	0.186
State House Polarization	0.132	3.081	1.425
State Senate Polarization	0.047	3.174	1.467
House Democratic Median	-1.587	0.139	-0.827
House Republican Median	-0.055	1.505	0.777
Senate Democratic Median	-1.627	0.197	0.782
Senate Republican Median	0.019	1.649	0.777
House Democratic Polarization	0.167	0.621	0.311
House Republican Polarization	0.111	0.727	0.291
Senate Democratic Polarization	0.092	0.565	0.296
Senate Republican Polarization	0.103	0.716	0.284
District Percent Non Citizen	0.00	48.015	4.758

*Note: Data drawn from the American Legislatures Project, years 2016 and 2017 (Shor and McCarty 2015)*

Table A.5: State Legislature Characteristics

State	Bicameral	Legislative Staff per Capita	Average District Population (H/S)	Length of Terms (H/S)	Legislative Session	Annual Salary	State White %	State African American %	State Latino %
Alabama	Yes	2.9143	46106/138319	4/4		42830	66.1894	26.3528	3.9970
Alaska	Yes	8.55	18421/36843	2/4		44765	61.9627	3.1225	6.6541
Arizona	Yes	6.8667	224286/224286	2/2		24000	56.1467	4.0134	30.5391
Arkansas	Yes	3.9407	29685/84813	2/4		39400	73.3677	15.4228	6.9749
California	Yes	17.5083	483178/966355	2/4		104118	38.3845	5.5838	38.5572
Colorado	Yes	3.16	82451/153123	2/4		30000	68.7801	3.8734	21.1276
Connecticut	Yes	3.1551	23765/99683	2/2		28000	68.6750	9.6884	14.9845
Delaware	Yes	2.5484	22797/44509	2/4		45291	63.5036	21.1352	8.8459
Florida	Yes	10.0813	166120/498361	2/4		29697	55.5843	15.4452	24.1133
Georgia	Yes	3.1144	56107/180345	2/2		17342	54.1248	30.7473	9.1787
Hawaii	Yes	7.7763	27719/56547	2/4		61380	22.3733	1.6813	10.0325
Idaho	Yes	1.2952	46728/46728	2/2		17017	82.9049	0.6003	11.9591
Illinois	Yes	4.8079	108913/217825	2/4		67836	62.2242	14.0881	16.6241
Indiana	Yes	2.0333	65896/131792	2/4		25436	80.1975	9.0997	6.5182
Iowa	Yes	2.28	31066/62132	2/4		25000	86.9635	3.2402	5.5594
Kansas	Yes	2.1455	23186/72457	2/4		0	76.8398	5.6282	11.3080
Kentucky	Yes	3.3913	44120/116105	2/4		0	85.3662	7.8358	3.3306
Louisiana	Yes	6.40278	44244/119120	2/4		16800	59.2948	31.9417	4.8090
Maine	Yes	1.1075	8807/37998	2/2		14271(S), 10158(H)	93.7352	1.1634	1.4867
Maryland	Yes	4.1117	88954/126806	4/4		47769	52.4906	29.1719	9.2308
Massachusetts	Yes	3.795	42138/168554	2/2		62548	73.7156	6.5733	10.8532
Michigan	Yes	5.5203	90087/260778	2/4		71685	75.7152	13.7442	4.7871
Minnesota	Yes	3.1642	40678/81356	2/4		31141	81.3152	5.6028	5.0639

*Note: Data drawn from state legislative websites, legislature professionalism scores determined by the Squire index, and U.S. Census Bureau Data, years 2016 and 2017 (Squire 2017)*

Table A.6: State Legislature Characteristics

State	Bicameral	Legislative Staff per Capita	Average District Population (H/S)	Length of Terms (H/S)	Legislative Session	Annual Salary	State % White	State % African American	State % Latino
Mississippi	Yes	0.9943	24502/57484	4/4		10000	57.2103	37.3809	2.9006
Missouri	Yes	2.1624	37175/178225	2/4		35915	80.0470	11.4965	3.9158
Montana	Yes	1.6733	10234/20467	2/4		0	86.8324	0.3858	3.4142
Nebraska	No	4.8163	38393	4		12000	80.3373	4.5667	10.1954
Nevada	Yes	9.2857	67599/135198	2/4		0	51.2652	8.2221	27.8425
New Hampshire	Yes	0.3538	7214/55312	2/2		200/2 year term, 3/d	91.2443	1.1725	3.2768
New Jersey	Yes	6.3083	222886/222886	2/4		49000	56.6949	12.7186	19.2904
New Mexico	Yes	6.0179	29752/49587	2/4		0	38.6813	1.7918	47.8151
New York	Yes	13.4507	131316/312658	2/2		79500	56.4099	14.3667	18.5909
North Carolina	Yes	3.9882	82840/198817	2/2		13951	63.9930	21.1712	8.9003
North Dakota	Yes	0.8652	15663/15663	4/4		0	86.3715	1.9686	3.1239
Ohio	Yes	3.6061	117039/351119	2/4		60584	79.9618	12.1035	3.4602
Oklahoma	Yes	2.0067	38372/80741	2/4		38400	66.9284	7.1359	9.8428
Oregon	Yes	5.0444	66371/132742	2/4		24216	77.0030	1.7668	12.4252
Pennsylvania	Yes	9.3202	62975/255680	2/4		86479	77.7129	10.5869	6.5955
Rhode Island	Yes	2.2920	14060/27750	2/2		15430	73.9957	5.4385	14.0708
South Carolina	Yes	1.9529	38989/105100	2/4		10400	63.8565	27.1241	5.3440
South Dakota	Yes	1.0857	23002/24316	2/2		6000/142	82.8854	1.6073	3.4295
Tennessee	Yes	2.4394	66142/198425	2/4		22667	74.5214	16.6843	4.9992
Texas	Yes	13.0331	179709/869562	2/4		7200	43.4245	11.6297	38.6296
Utah	Yes	2.1827	39312/101670	2/4		0	79.3399	1.0257	13.4958
Vermont	Yes	0.5140	6022/48173	2/2		707/week	93.4379	1.1258	1.7405
Virginia	Yes	5.8714	83103/207758	2/4		18000/1764063	63.1176	18.8688	8.7252
Washington	Yes	5.3946	144349/144349	2/4		46839/4777670	3841	3.4908	12.0777
West Virginia	Yes	2.6269	27553/108594	2/4		20000	92.4199	3.3793	1.4218
Wisconsin	Yes	4.9167	58129/174388	2/4		50950	82.1498	6.1755	6.4504
Wyoming	Yes	1.2111	9717/19434	2/4		0	84.3627	1.0593	9.6712

*Note: Data drawn from state legislative websites, legislature professionalism scores determined by the Squire index, and U.S. Census Bureau Data, years 2016 and 2017 (Squire 2017)*

Table A.7: State Legislature Characteristics

State	State % Asian American	State % Native American	State % Native Hawaiian	State %	% Legislators Facebook	% Legislators Twitter	% Legislators Personal Website	Average % Vote Received	Leg % Women	Leg % Women of Color
Alabama	1.2443	0.4519	0.0283		73.27	50.0		74.86	14.29	7.86
Alaska	5.8870	13.6552	1.1650		96.67	57.58		66.69	36.67	1.67
Arizona	2.9653	3.9561	0.1758		82.22	68.63		74.64	37.78	11.11
Arkansas	1.3872	0.5491	0.2262					84.76	20.00	2.96
California	13.6617	0.3533	0.3595		96.67	97.5	98.33	56.18	20.83	11.67
Colorado	2.8828	0.5375	0.1218					64.4	33.00	11.00
Connecticut	4.2183	0.1376	0.0225					70.18	26.74	3.21
Delaware	3.6550	3.0877	0.0212					76.85	17.74	3.23
Florida	2.5647	0.2026	0.0481					66.17	25.00	8.75
Georgia	3.6820	0.1808	0.0431					84.41	23.73	11.02
Hawaii	37.0451	0.1295	9.2898					74.64	27.63	19.74
Idaho	1.2575	1.0783	0.1106					73.24	31.43	2.86
Illinois	5.0649	0.1119	0.0233					80.72	33.16	11.76
Indiana	1.9640	0.1937	0.0305					72.06	18.00	2.67
Iowa	2.1305	0.2675	0.0733					69.98	21.33	2.00
Kansas	2.6572	0.6890	0.0576					68.81	23.03	3.03
Kentucky	1.2872	0.1748	0.0535					75.51	16.67	0.72
Louisiana	1.6846	0.5177	0.0272					75.98	14.58	5.56
Maine	1.0912	0.5657	0.0142					63.49	33.87	0.54
Maryland	6.0403	0.1962	0.0405					67.95	31.38	13.30
Massachusetts	6.0759	0.1236	0.0220					85.76	26.00	2.50
Michigan	2.7821	0.4594	0.0212					58.37	25.00	7.43
Minnesota	0.0450	0.9534	0.0301					63.09	31.34	2.49

*Note: Overall percent vote received is 71.92; data drawn from state legislative websites, state boards of election, and public state legislator social media pages, years 2016-2022*



Table A.8: State Legislature Characteristics

State	State % Asian American	State % Native American	State % Native Hawaiian	% Leg-islators Facebook	% Leg-islators Twitter	% Leg-islators Personal Website	Average % Vote Received	Leg Women	% Leg Women of Color
Mississippi	0.9517	0.4068	0.0153				76.05	14.37	7.47
Missouri	1.7625	0.3709	0.0971				75.94	23.35	3.55
Montana	0.7100	6.3006	0.0775				67.43	32.67	2.67
Nebraska	2.1001	0.6900	0.0624				62.49	22.45	0
Nevada	7.7058	0.8586	0.6016				64.19	39.68	12.70
New Hampshire	2.3981	0.1397	0.0173				64.71	29.48	1.18
New Jersey	9.1283	0.1067	0.0242				66.68	30.58	14.88
New Mexico	1.3179	8.6003	0.0462				78.76	29.46	14.29
New York	8.0540	0.2312	0.0295				77.05	27.23	10.80
North Carolina	2.5401	1.0899	0.0565				73.51	23.53	8.24
North Dakota	1.2424	5.0754	0.0420				69.13	22.70	0
Ohio	1.9234	0.1469	0.0240				69.60	22.73	6.82
Oklahoma	1.97724787	0.0715	0.1223				67.17	12.75	2.01
Oregon	3.9728	0.8808	0.3577				69.4	31.11	4.44
Pennsylvania	3.1203	0.1121	0.0186				76.76	18.58	3.95
Rhode Island	3.2246	0.3649	0.0485				73.28	31.86	4.42
South Carolina	1.4037	0.2914	0.0541				81.89	14.71	4.71
South Dakota	1.3307	8.3569	0.0333				71.36	20.00	0
Tennessee	1.5965	0.2300	0.0451				75.45	15.91	4.55
Texas	4.3097	0.2312	0.0704				75.39	20.44	12.15
Utah	2.2111	0.9228	0.8771				75.10	20.19	4.81
Vermont	1.4702	0.2881	0.0249				75.84	38.10	1.06
Virginia	6.0108	0.2055	0.0581				72.94	20.71	8.57
Washington	7.7351	1.1409	0.6139				69.37	36.05	3.40
West Virginia	0.7452	0.1654	0.0274				59.81	12.69	0.75
Wisconsin	2.5577	0.8194	0.0200				72.92	23.48	2.27
Wyoming	0.8974	1.9637	0.0520				68.87	10.00	1.11

*Note: Overall percent vote received is 71.92; data drawn from state legislative websites, state boards of election, and public state legislator social media pages, years 2016-2022*

Table A.9: Newspaper Readership Per Capita by State

State	Newspaper Readership Per 100,000 residents
Alabama	3702.02
Alaska	13362.59
Arizona	3985.18
Arkansas	8401.06
California	5508.59
Colorado	7239.71
Connecticut	7737.22
Delaware	7374.12
Florida	5381.14
Georgia	4060.90
Hawaii	12574.98
Idaho	7068.65
Illinois	9233.16
Indiana	10596.08
Iowa	10061.53
Kansas	7454.35
Kentucky	6302.94
Louisiana	4980.94
Maine	7927.43
Maryland	3448.15
Massachusetts	9004.37
Michigan	6648.59
Minnesota	10269.00

*Note: Data drawn from Statista, years 2019*

Table A.10: Newspaper Readership Per Capita by State

State	Newspaper Readership Per 100,000 residents
Mississippi	5436.84
Missouri	6303.91
Montana	12266.83
Nebraska	11113.92
Nevada	7762.64
New Hampshire	7622.34
New Jersey	4952.10
New Mexico	7414.33
New York	16662.34
North Carolina	5546.30
North Dakota	13220.48
Ohio	9432.64
Oklahoma	7804.31
Oregon	6914.85
Pennsylvania	8975.06
Rhode Island	7016.72
South Carolina	5235.99
South Dakota	9473.68
Tennessee	6135.29
Texas	3774.17
Utah	5318.47
Vermont	8086.12
Virginia	25187.13
Washington	6930.31
West Virginia	9756.28
Wisconsin	7974.59
Wyoming	10748.01

*Note: Data drawn from  
Statista, years 2019*

Table A.11: States with state legislative term limits

State	Term limit details
Maine	8 year limit House, 8 year limit Senate
California	12 year lifetime limit across both houses
Colorado	8 year consecutive limit House, 8 year consecutive limit Senate
Arkansas	12 year consecutive limit House after 4 year break, 12 year consecutive limit Senate after 4 year break
Michigan	6 year lifetime limit House, 8 year lifetime limit Senate
Florida	8 year consecutive limit House, 8 year consecutive limit Senate
Ohio	8 year consecutive limit House, 8 year consecutive limit Senate
South Dakota	8 year consecutive limit House, 8 year consecutive limit Senate
Montana	8 year limit House, 8 year limit Senate
Arizona	8 year consecutive limit House, 8 year consecutive limit Senate
Missouri	8 year lifetime limit House, 8 year lifetime limit Senate
Oklahoma	12 year lifetime limit across both houses
Nebraska	8 year consecutive limit unicameral legislature
Louisiana	12 year consecutive limit House, 12 year consecutive limit Senate
Nevada	12 year lifetime limit House, 12 year lifetime limit Senate

*Note: Data drawn from National Conference of State Legislatures, year 2022 (NCSL 2022)*

Table A.12: State campaign finance laws

State	Campaign Finance Details
Alabama	unlimited for all candidates
Alaska	500 for all candidates
Arizona	5100 for all candidates
Arkansas	2700 for all candidates
California	29200 for gubernatorial candidates, 4400 for state legislative candidates
Colorado	575 for gubernatorial candidates, 200 for state legislative candidates
Connecticut	3500 for gubernatorial candidates, 1000 for state senate candidates, 250 for state house of representatives candidates
Delaware	1200 for gubernatorial candidates, 600 for state legislative candidates
Florida	3000 for gubernatorial candidates, 1000 for state legislative candidates
Georgia	6600 for gubernatorial candidates, 2600 for state legislative candidates
Hawaii	6000 for gubernatorial candidates, 4000 for state senate candidates, 2000 for state house of representatives candidates
Idaho	5000 for gubernatorial candidates, 4000 for state senate candidates, 2000 for state house of representatives candidates
Illinois	5600 for all candidates
Indiana	unlimited for all candidates
Iowa	unlimited for all candidates
Kansas	2000 for gubernatorial candidates, 1000 for state senate candidates, 500 for state house of representatives candidates
Kentucky	3000 for all candidates
Louisiana	5000 for gubernatorial candidates, 2500 for state legislative candidates
Maine	1600 for gubernatorial candidates, 400 for state legislative candidates
Maryland	6000 for all candidates
Massachusetts	1000 for all candidates
Michigan	6800 for gubernatorial candidates, 2000 for state senate candidates, 1000 for state house of representatives candidates
Minnesota	4000 for gubernatorial candidates, 1000 for state legislative candidates

*Note: Data drawn from National Conference of State Legislatures, year 2022 (NCSL 2022)*

Table A.13: State campaign finance laws

State	Campaign Finance Details
Mississippi	unlimited for all candidates
Missouri	2600 for all candidates
Montana	500 for gubernatorial candidates, 130 for all candidates
Nebraska	unlimited for all candidates
Nevada	5000 for all candidates
New Hampshire	1000 for all candidates
New Jersey	3800 for all gubernatorial candidates, 3000 for state legislative candidates
New Mexico	5500 for gubernatorial candidates, 2500 for state legislative candidates
New York	44000 for gubernatorial candidates, 11000 for state senate candidates, 4400 for state house of representatives candidates
North Carolina	5200 for all candidates
North Dakota	unlimited for all candidates
Ohio	12707.79 for all candidates
Oklahoma	2700 for all candidates
Oregon	unlimited for all candidates
Pennsylvania	unlimited for all candidates
Rhode Island	1000 for all candidates
South Carolina	3500 for gubernatorial candidates, 1000 for state legislative candidates
South Dakota	4000 for gubernatorial candidates, 1000 for state legislative candidates
Tennessee	4000 for gubernatorial candidates, 1500 for state legislative candidates
Texas	unlimited for all candidates
Utah	unlimited for all candidates
Vermont	4080 for gubernatorial candidates, 1530 for state senate candidates, 1020 for state house of representative candidates
Virginia	unlimited for all candidates
Washington	2000 for gubernatorial candidates, 1000 for state legislative candidates
West Virginia	1000 for all candidates
Wisconsin	20000 for gubernatorial candidates, 2000 for state senate candidates, 1000 for state house of representatives candidates
Wyoming	2500 for gubernatorial candidates, 1500 for state legislative candidates

*Note: Data drawn from National Conference of State Legislatures, year 2022 (NCSL 2022)*

Table A.14: State gubernatorial powers

State	Gubernatorial Powers
Alabama	2 consecutive term limits, 4 year term, 44 executive positions, 16 gubernatorial appointments, 2 that are shared or require approval, 0 appointments that require gubernatorial approval
Alaska	2 consecutive term limits, 4 year term, 45 executive positions, 17 gubernatorial appointments, 16 that are shared or require approval, 22 appointments that require gubernatorial approval
Arizona	2 consecutive term limits, 4 year term, 44 executive positions, 19 gubernatorial appointments, 17 that are shared or require approval, 0 appointments that require gubernatorial approval
Arkansas	2 lifetime term limits, 4 year term, 41 executive positions, 15 gubernatorial appointments, 13 that are shared or require approval, 7 appointments that require gubernatorial approval
California	2 lifetime term limits, 4 year term, 38 executive positions, 26 gubernatorial appointments, 17 that are shared or require approval, 2 appointments that require gubernatorial approval
Colorado	2 consecutive term limits, 4 year term, 48 executive positions, 18 gubernatorial appointments, 13 that are shared or require approval, 0 appointments that require gubernatorial approval
Connecticut	No term limit, 4 year term, 49 executive positions, 27 gubernatorial appointments, 27 that are shared or require approval, 2 appointments that require gubernatorial approval
Delaware	2 lifetime term limits, 4 year term, 44 executive positions, 15 gubernatorial appointments, 15 that are shared or require approval, 18 appointments that require gubernatorial approval
Florida	2 consecutive term limits, 4 year term, 48 executive positions, 22 gubernatorial appointments, 18 that are shared or require approval, 0 appointments that require gubernatorial approval
Georgia	2 consecutive term limits, 4 year term, 46 executive positions, 13 gubernatorial appointments, 5 that are shared or require approval, 4 appointments that require gubernatorial approval
Hawaii	2 consecutive term limits, 4 year term, 45 executive positions, 19 gubernatorial appointments, 18 that are shared or require approval, 2 appointments that require gubernatorial approval
Idaho	No term limit, 4 year term, 35 executive positions, 16 gubernatorial appointments, 16 that are shared or require approval, 0 appointments that require gubernatorial approval
Illinois	No term limit, 4 year term, 32 executive positions, 21 gubernatorial appointments, 20 that are shared or require approval, 0 appointments that require gubernatorial approval
Indiana	8 out of 12 year term limit, 4 year term, 44 executive positions, 27 gubernatorial appointments, 0 that are shared or require approval, 0 appointments that require gubernatorial approval
Iowa	No term limit, 4 year term, 45 executive positions, 21 gubernatorial appointments, 21 that are shared or require approval, 0 appointments that require gubernatorial approval
Kansas	22 consecutive term limits, 4 year term, 43 executive positions, 16 gubernatorial appointments, 14 that are shared or require approval, 0 appointments that require gubernatorial approval
Kentucky	2 consecutive term limits, 4 year term, 45 executive positions, 24 gubernatorial appointments, 1 that are shared or require approval, 9 appointments that require gubernatorial approval

*Note: Data drawn from National Conference of State Legislatures, year 2022 (NCSL 2022)*

Table A.15: State gubernatorial powers

State	Gubernatorial Powers
Louisiana	2 consecutive term limits, 4 year term, 50 executive positions, 24 gubernatorial appointments, 22 that are shared or require approval, 2 appointments that require gubernatorial approval
Maine	2 consecutive term limits, 4 year term, 39 executive positions, 18 gubernatorial appointments, 16 that are shared or require approval, 0 appointments that require gubernatorial approval
Maryland	2 consecutive term limits, 4 year term, 45 executive positions, 22 gubernatorial appointments, 18 that are shared or require approval, 3 appointments that require gubernatorial approval
Massachusetts	No term limit, 4 year term, 51 executive positions, 18 gubernatorial appointments, 0 that are shared or require approval, 19 appointments that require gubernatorial approval
Michigan	2 lifetime term limits, 4 year term, 35 executive positions, 19 gubernatorial appointments, 19 that are shared or require approval, 0 appointments that require gubernatorial approval
Minnesota	No term limit, 4 year term, 42 executive positions, 22 gubernatorial appointments, 22 that are shared or require approval, 0 appointments that require gubernatorial approval
Mississippi	2 lifetime term limits, 4 year term, 42 executive positions, 17 gubernatorial appointments, 17 that are shared or require approval, 0 appointments that require gubernatorial approval
Missouri	2 lifetime term limits, 4 year term, 47 executive positions, 15 gubernatorial appointments, 13 that are shared or require approval, 5 appointments that require gubernatorial approval
Montana	8 out of 16 year limit, 4 year term, 51 executive positions, 20 gubernatorial appointments, 17 that are shared or require approval, 0 appointments that require gubernatorial approval
Nebraska	2 consecutive term limits, 4 year term, 46 executive positions, 20 gubernatorial appointments, 20 that are shared or require approval, 0 appointments that require gubernatorial approval
Nevada	2 lifetime term limits, 4 year term, 36 executive positions, 16 gubernatorial appointments, 3 that are shared or require approval, 1 appointments that require gubernatorial approval
New Hampshire	No term limit, 2 year term, 44 executive positions, 23 gubernatorial appointments, 20 that are shared or require approval, 13 appointments that require gubernatorial approval
New Jersey	2 consecutive term limits, 4 year term, 44 executive positions, 23 gubernatorial appointments, 22 that are shared or require approval, 1 appointments that require gubernatorial approval
New Mexico	2 consecutive term limits, 4 year term, 35 executive positions, 23 gubernatorial appointments, 18 that are shared or require approval, 0 appointments that require gubernatorial approval
New York	No term limit, 4 year term, 40 executive positions, 31 gubernatorial appointments, 26 that are shared or require approval, 0 appointments that require gubernatorial approval
North Carolina	2 consecutive term limits, 4 year term, 45 executive positions, 20 gubernatorial appointments, 0 that are shared or require approval, 0 appointments that require gubernatorial approval
North Dakota	No term limit, 4 year term, 42 executive positions, 17 gubernatorial appointments, 1 that are shared or require approval, 0 appointments that require gubernatorial approval

*Note: Data drawn from National Conference of State Legislatures, year 2022 (NCSL 2022)*



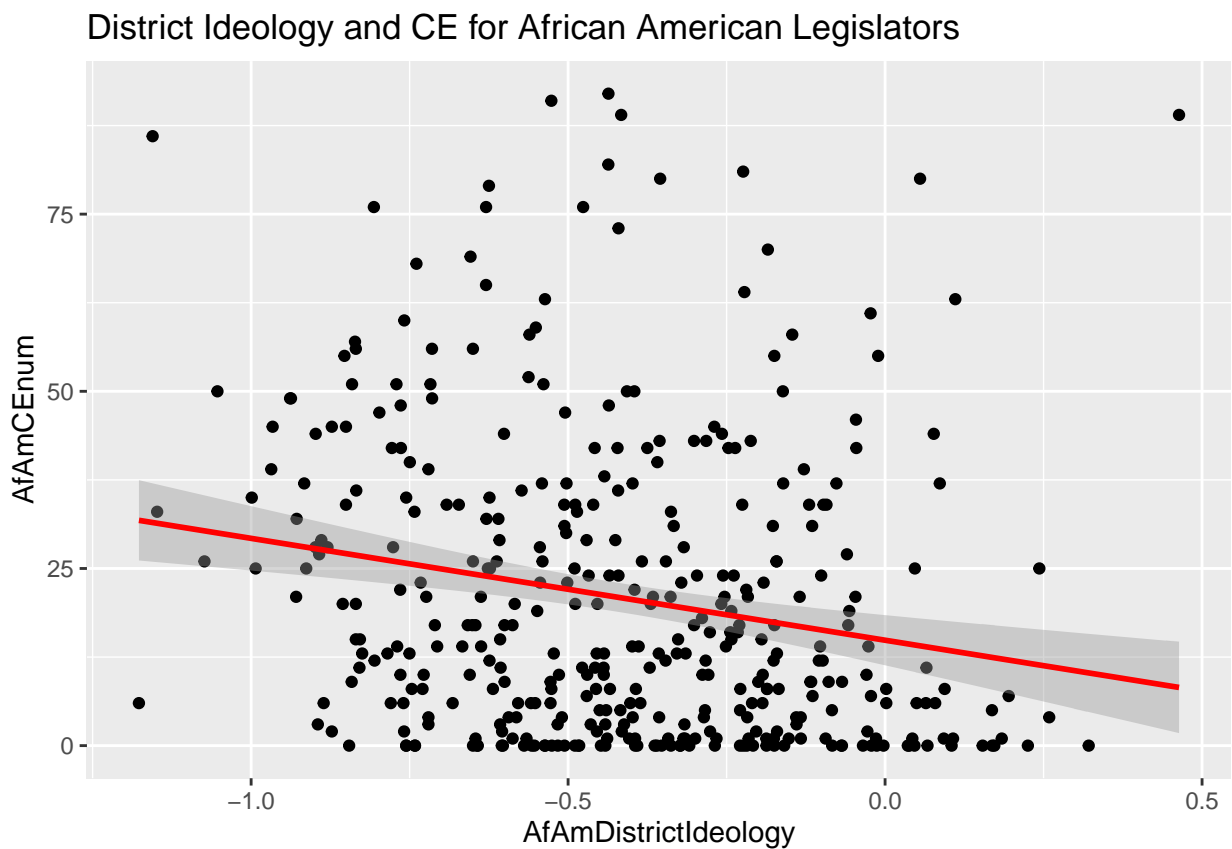
Table A.16: State gubernatorial powers

State	Gubernatorial Powers
Ohio	2 consecutive term limits, 4 year term, 48 executive positions, 21 gubernatorial appointments, 19 that are shared or require approval, 2 appointments that require gubernatorial approval
Oklahoma	2 lifetime term limits, 4 year term, 44 executive positions, 15 gubernatorial appointments, 15 that are shared or require approval, 0 appointments that require gubernatorial approval
Oregon	8 out of 12 year limit, 4 year term, 46 executive positions, 19 gubernatorial appointments, 16 that are shared or require approval, 1 appointments that require gubernatorial approval
Pennsylvania	2 consecutive term limits, 4 year term, 49 executive positions, 32 gubernatorial appointments, 20 that are shared or require approval, 7 appointments that require gubernatorial approval
Rhode Island	2 consecutive term limits, 4 year term, 48 executive positions, 26 gubernatorial appointments, 24 that are shared or require approval, 0 appointments that require gubernatorial approval
South Carolina	2 consecutive term limits, 4 year term, 48 executive positions, 13 gubernatorial appointments, 12 that are shared or require approval, 0 appointments that require gubernatorial approval
South Dakota	2 consecutive term limits, 4 year term, 38 executive positions, 18 gubernatorial appointments, 18 that are shared or require approval, 0 appointments that require gubernatorial approval
Tennessee	2 consecutive term limits, 4 year term, 49 executive positions, 24 gubernatorial appointments, 0 that are shared or require approval, 0 appointments that require gubernatorial approval
Texas	No term limit, 4 year term, 41 executive positions, 7 gubernatorial appointments, 0 that are shared or require approval, 2 appointments that require gubernatorial approval
Utah	No term limit, 4 year term, 48 executive positions, 21 gubernatorial appointments, 19 that are shared or require approval, 5 appointments that require gubernatorial approval
Vermont	No term limit, 2 year term, 45 executive positions, 13 gubernatorial appointments, 13 that are shared or require approval, 23 appointments that require gubernatorial approval
Virginia	No consecutive terms, 4 year term, 45 executive positions, 31 gubernatorial appointments, 29 that are shared or require approval, 0 appointments that require gubernatorial approval
Washington	No term limit, 4 year term, 33 executive positions, 20 gubernatorial appointments, 0 that are shared or require approval, 0 appointments that require gubernatorial approval
West Virginia	2 consecutive term limits, 4 year term, 41 executive positions, 21 gubernatorial appointments, 21 that are shared or require approval, 0 appointments that require gubernatorial approval
Wisconsin	No term limit, 4 year term, 47 executive positions, 15 gubernatorial appointments, 14 that are shared or require approval, 0 appointments that require gubernatorial approval
Wyoming	8 out of 16 year limit, 4 year term, 43 executive positions, 20 gubernatorial appointments, 9 that are shared or require approval, 0 appointments that require gubernatorial approval

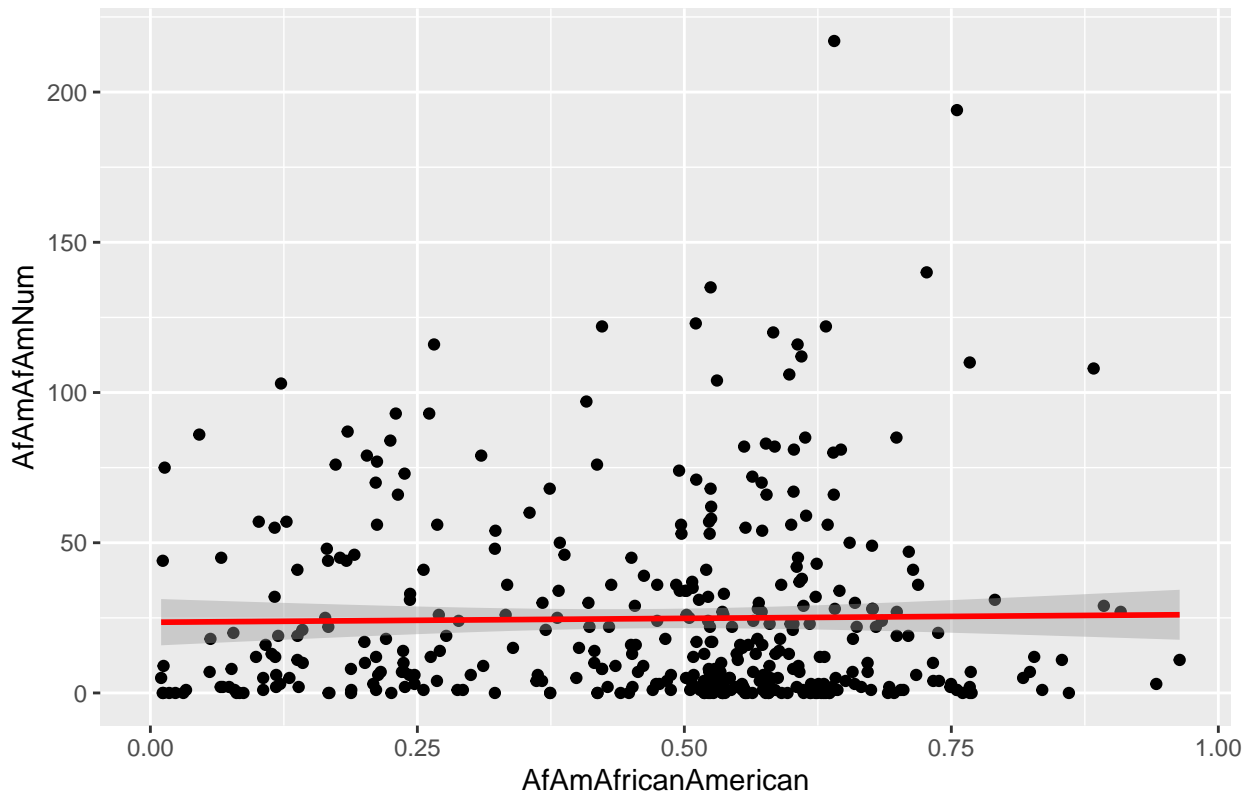
*Note: Data drawn from National Conference of State Legislatures, year 2022 (NCSL 2022)*

# Figures

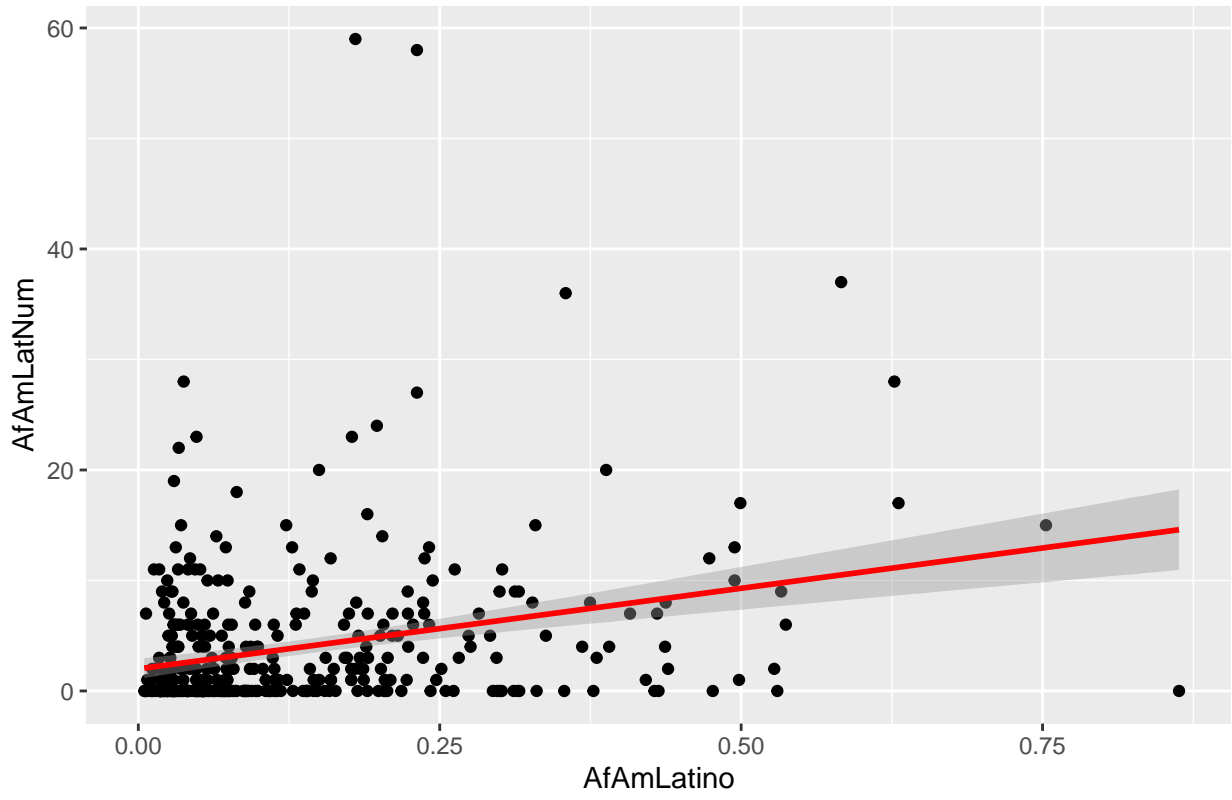
## Model One Graphs: District Demographics and Preferences



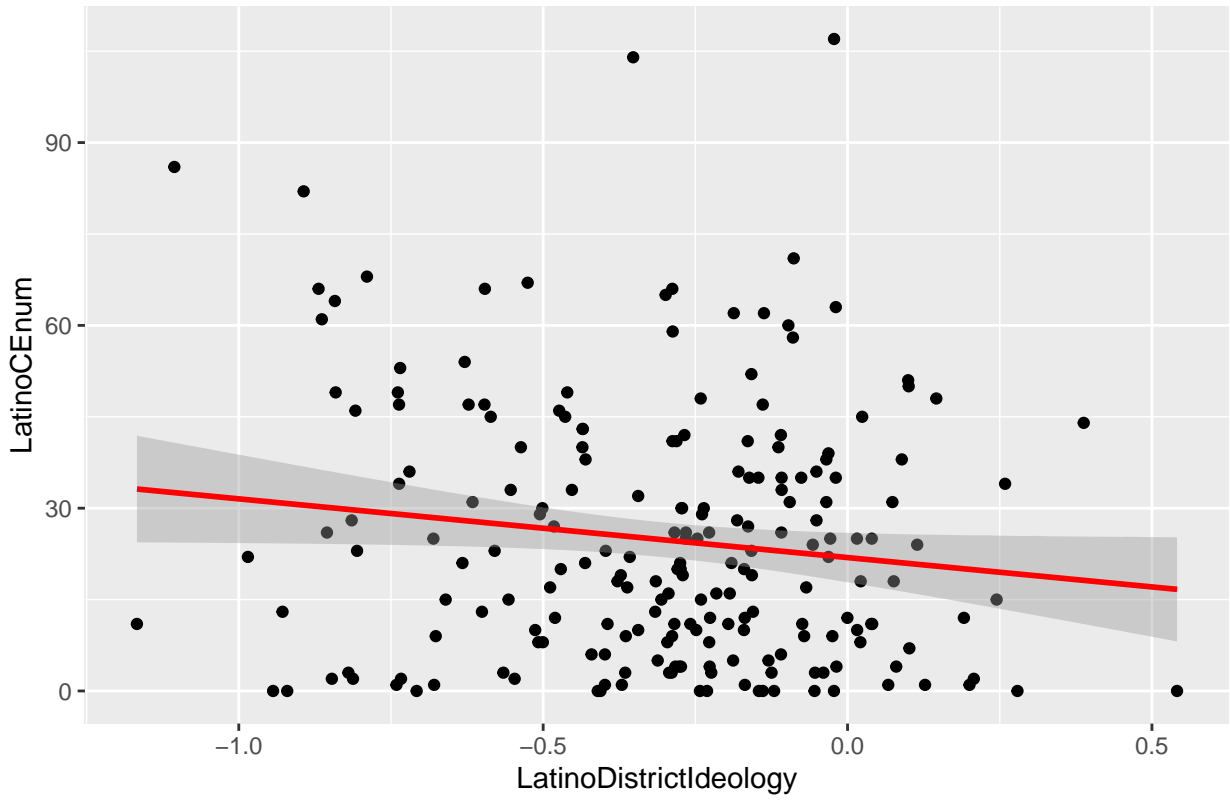
District Percent African American and AfAmCE for Af. Am. Legislators



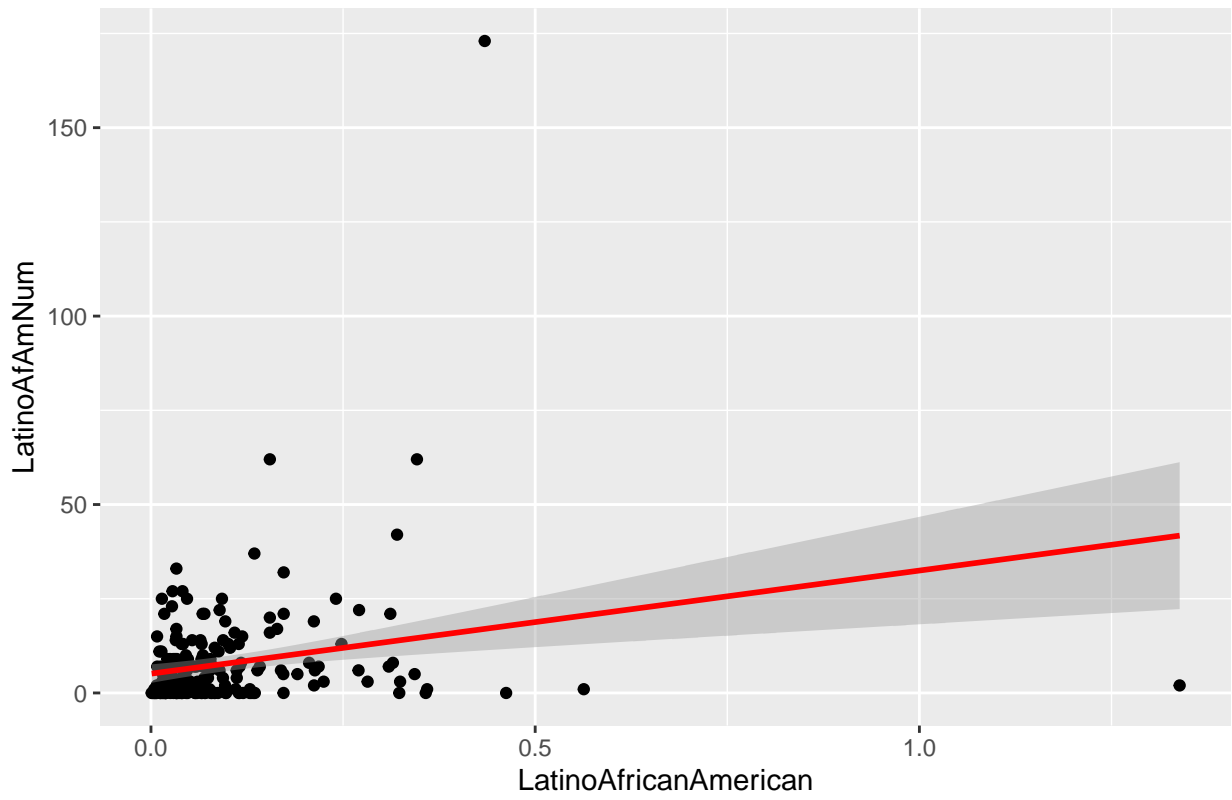
District Percent Latino and LatCE for Af. Am. Legislators



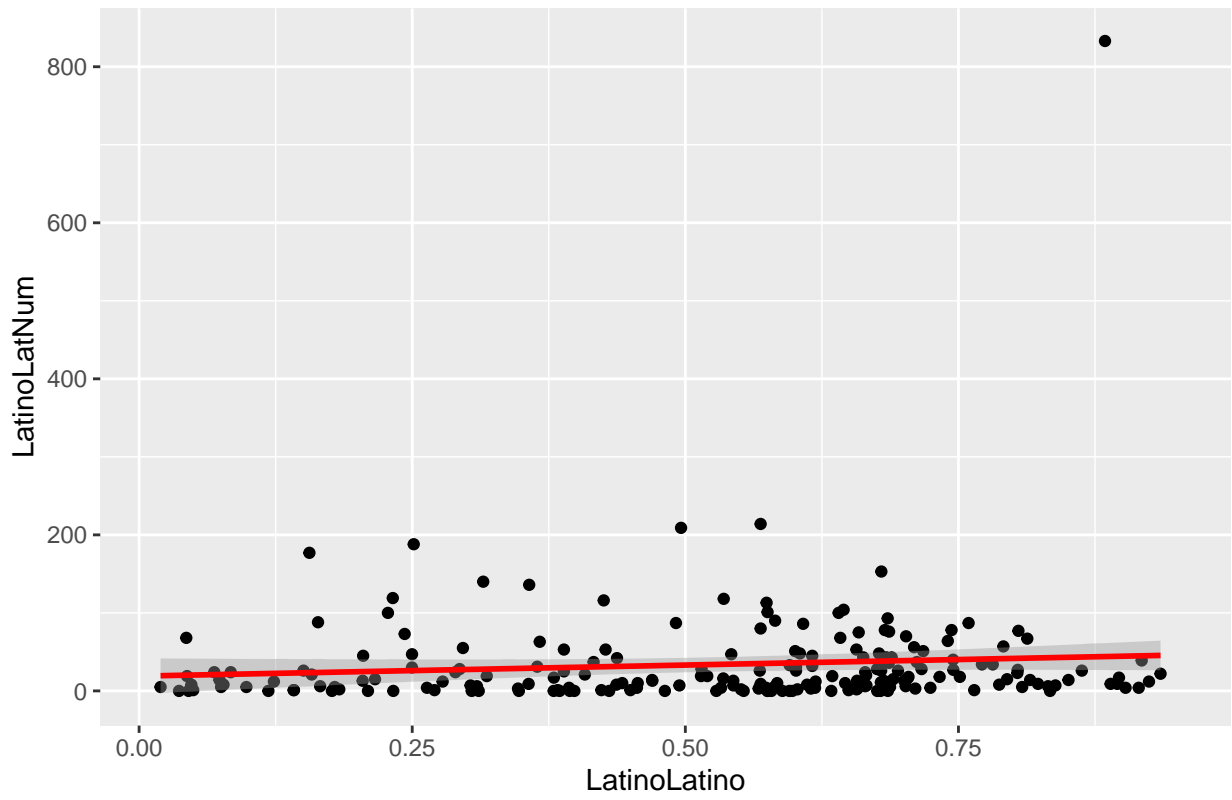
District Ideology and CE for Latina/o Legislators



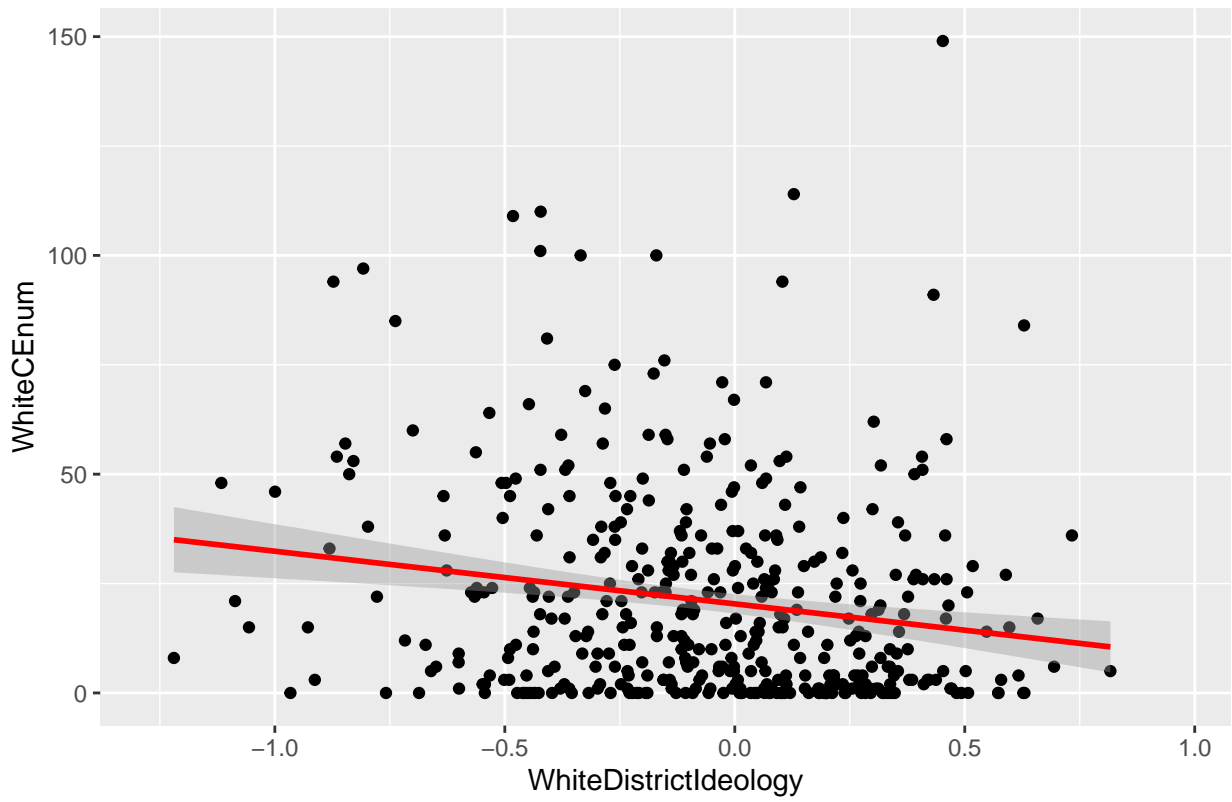
District Percent African American and AfAmCE for Latina/o Legislators



District Percent Latino and LatCE for Latina/o Legislators

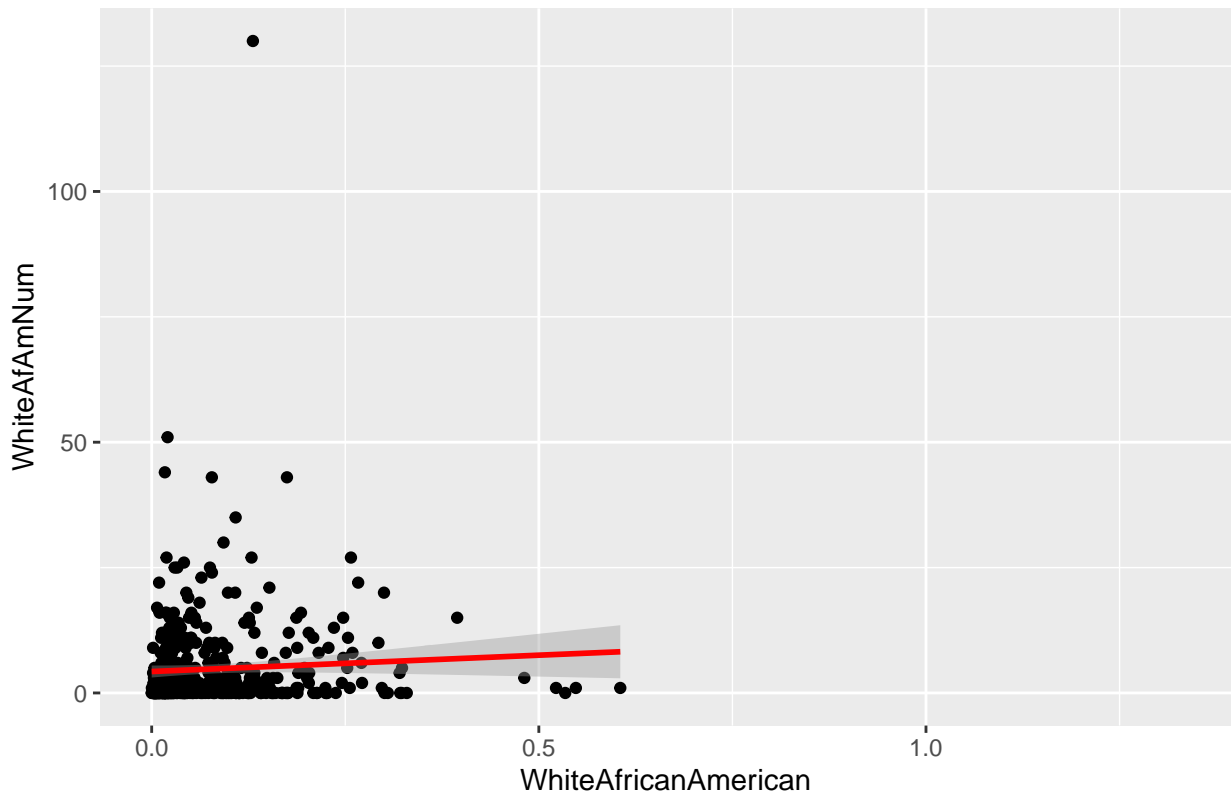


District Ideology and CE for White Legislators





District Percent African American and AfAmCE for White Legislators



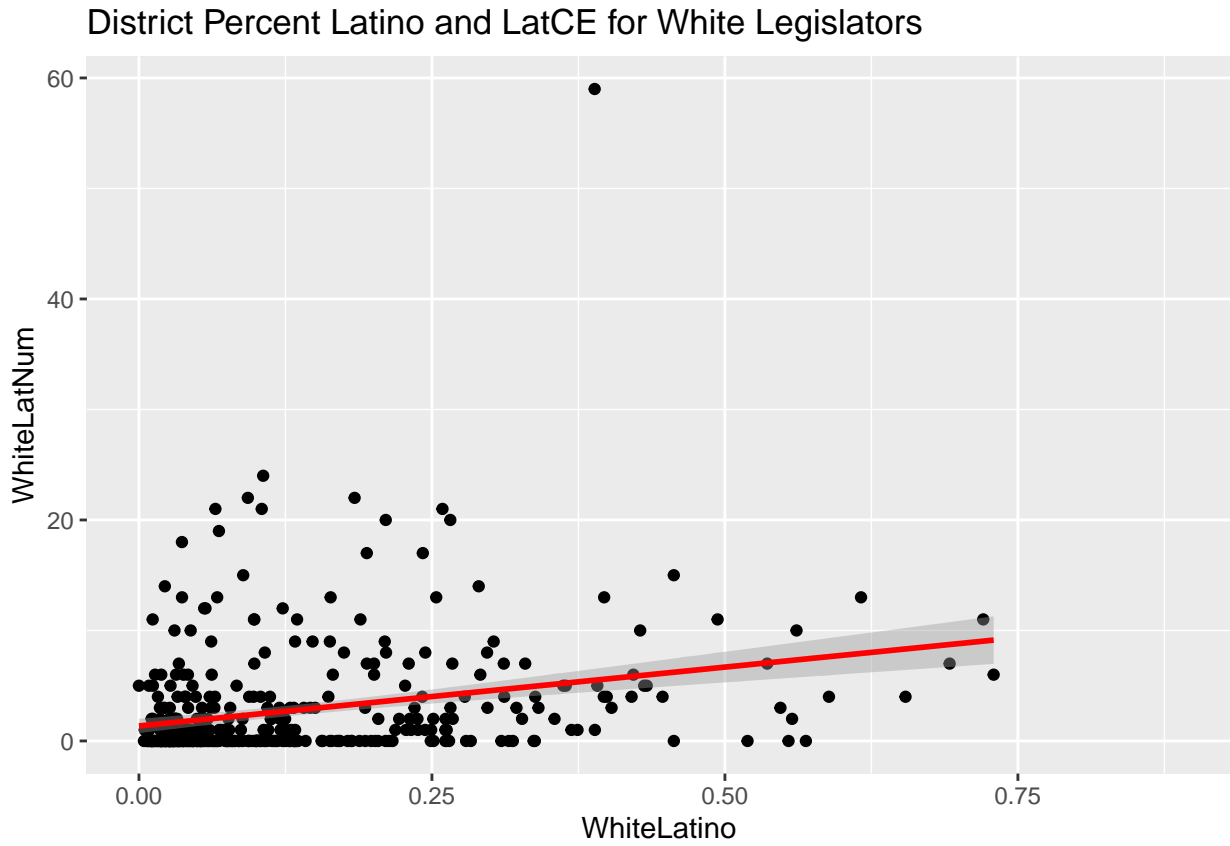


Table A.17: Averages of State Legislator Constituent Events

Variable	Mean	Median	Standard Deviation
Number of Constituent Service Events	21.1	15	21.12
Number of African American Tailored Events	14.84	5	25.58
Number of Latina/o Tailored Events	11.42	2	37.77

*Note: Data drawn from state legislator public twitter accounts, years 2016 and 2017*

Table A.18: Averages of White State Legislator Constituent Events

Variable	Mean	Median	Standard Deviation
Number of Constituent Service Events	17.78	10	20.84
Number of African American Tailored Events	4.089	1	6.97
Number of Latina/o Tailored Events	2.509	0	5.66

*Note: Data drawn from  
state legislator public  
twitter accounts, years  
2016 and 2017*

Table A.19: Averages of African American State Legislator Constituent Events

Variable	Mean	Median	Standard Deviation
Number of Constituent Service Events	20.95	14	21.03
Number of African American Tailored Events	24.93	12	32.30
Number of Latina/o Tailored Events	4	1	7.00

*Note: Data drawn from  
state legislator public  
twitter accounts, years  
2016 and 2017*

Table A.20: Averages of Latina/o State Legislator Constituent Events

Variable	Mean	Median	Standard Deviation
Number of Constituent Service Events	24.9	21	21.09
Number of African American Tailored Events	7.678	3	14.98
Number of Latina/o Tailored Events	33.87	14	68.29724

*Note: Data drawn from  
state legislator public  
twitter accounts, years  
2016 and 2017*

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