

Accountability in American Legislatures

Book Outline

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State legislatures are responsible for a considerable portion of lawmaking in the United States. For every law that Congress passes, state legislatures pass over 100 (Justice 2015). State legislators decide who can vote, have access to health insurance, and even get married. If legislators do not act in their constituents' interests when making these laws, theories of political accountability suggest that they should be punished at the polls. But are they? My book manuscript – *Accountability in American Legislatures* – evaluates the extent to which these theories apply to state legislatures by addressing the question: do elections hold state legislators accountable for their own performance?

I find little evidence of electoral accountability in American legislatures. Most voters do not know who their state legislator is, and over a third of legislators run for reelection unopposed. Voters, furthermore, do not appear to reward or punish state legislators for state-level policy outcomes, their legislative records, or their general performance. Instead of serving as a referendum on state legislators' own actions, state legislative elections are dominated by national politics. Together, my findings suggest that while state legislators wield considerable policy-making power, elections are relatively ineffective in holding legislators accountable for their own lawmaking.

Chapter 1: Introduction

In Chapter 1, I provide an outline of the logic of political accountability and a brief introduction to state legislative politics. I then present my central argument: elections do little to hold state legislators accountable for their own performance.

Chapter 2: Challenger Entry in State Legislative Elections

My analyses in Chapter 2 begin where electoral competition typically starts: a candidate's decision to challenge the incumbent. Rarely do more than 60% of state legislators face major party opposition, a rate over 20% lower than that in US House elections. In fact, Emile Bruneau, Jr. was "reelected" to the Louisiana state house without any competition for over 18 years. Voters in the 94th Louisiana state house district had little chance hold their representative accountable because no one challenged Bruneau.

Bruneau is an extreme example, and the rates of challenger entry vary across the United States. To explain cross-state variation, prior studies focus on institutional features of the legislature. Existing research, however, does little to explain variation within states from one election to the next. Cross-time variation is important for assessing electoral accountability, especially when one considers that few institutions change between elections but the rates of challengers often do. For example in 2008, Republicans challenged less than half of sitting Democratic state representatives, but over two-thirds of Democratic incumbents were challenged in 2010. Both casual observers of politics and political elites likely recognized that the state of the economy would be electorally helpful for Democrats in 2008 but detrimental in 2010. If potential challengers consider dynamic political conditions such as the economy in their decision-making, which state legislators receive opposition and who voters can hold accountable will systematically vary from one election to the next.

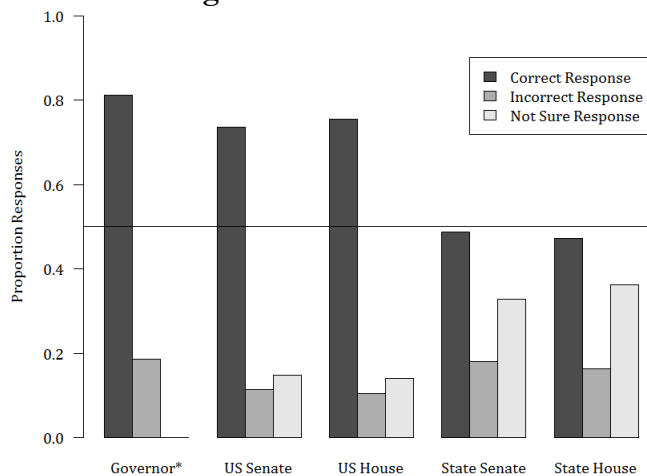
I show how factors both across states and time affect whether an incumbent faces an opponent. State legislators from professionalized legislatures, such as those with more staff, and ideologically moderate districts encounter competition more frequently. I find unrepresentative legislators are

also more likely to face higher quality competition. My analyses, however, demonstrate that challengers also take advantage of favorable economic and political conditions, such as unpopular presidencies. With these national influences, whether legislators face electoral competition is then largely dictated by political conditions outside of their own control.

Chapter 3: Voter Knowledge of American Legislatures

Following this explanation of why candidates run, the analyses in Chapter 3 turn to voters and their levels of knowledge concerning the legislature. Understanding voter knowledge is critical for any explanation of accountability. It would be seemingly difficult for a voter to electorally punish their legislator for a roll-call vote if she did not know who her legislator was. Despite being well documented that most Americans are largely disinterested in and uninformed about politics (e.g. Delli Carpini & Keeter 1997), political scientists know little themselves regarding what voters know about state legislatures. The most recent academic research using survey questions asking about individual legislators suggests that approximately a fourth of voters know who their state legislator is (Songer 1984), but since this research was published, there have been considerable changes in the state legislative political environment. For example from 2003 to 2014, the number of full time reporters devoted to state government declined by a third.

Figure 1: Voter Knowledge of the Partisan Control of Political Institutions



Bars illustrate the proportion of Correct, Incorrect, and Not Sure responses regarding which party controls various political institutions, listed on the X-Axis. Sample is registered voters from the October 2010 ANES Evaluations of Government and Society Study. *Not sure was not given as a response option for the Governor's party identification question.

To provide an updated and more comprehensive understanding of the levels of voters' knowledge about their state legislator, I surveyed Tennessee voters in May 2012 and November 2013. Only 11% of Tennesseans can recall their state legislator's name, and 25% can identify their legislator's name from a list. Drawing upon a national survey, Figure 1 shows that while a majority of voters can identify who controls higher levels of federal and state government, most cannot correctly name which party controls the state house. These findings bring into question whether enough voters have the "clarity of responsibility" necessary to produce effective accountability through state legislative elections.

In Chapter 3, I show that voters are less knowledgeable about their state legislature in states with divided government and where the news media devotes fewer resources to covering state government. Even within states with more media coverage, only a subset of politically interested voters appears to use the media to update their political knowledge from one election to the next.

Increasing media coverage, furthermore, may not be a feasible solution to inform voters to more normatively desirable levels. To make voters as knowledgeable about their legislature as they are of the U.S. Congress would likely require tripling the amount of news coverage of state governments.

Chapter 4: Accountability for Legislators' Roll-Calls and Representation

Chapters 4 and 5 address the relationship between legislators' behavior at the state capital and voters' behavior at the ballot box and respectively focus on individual-level and collective accountability. I define individual-level accountability as the relationship between a legislator's individual behavior, such as roll-call votes, and election outcomes. Collective accountability concerns the relationship between how a political party performs in office and how that party's members perform in elections, similar to the idea of responsible party government.

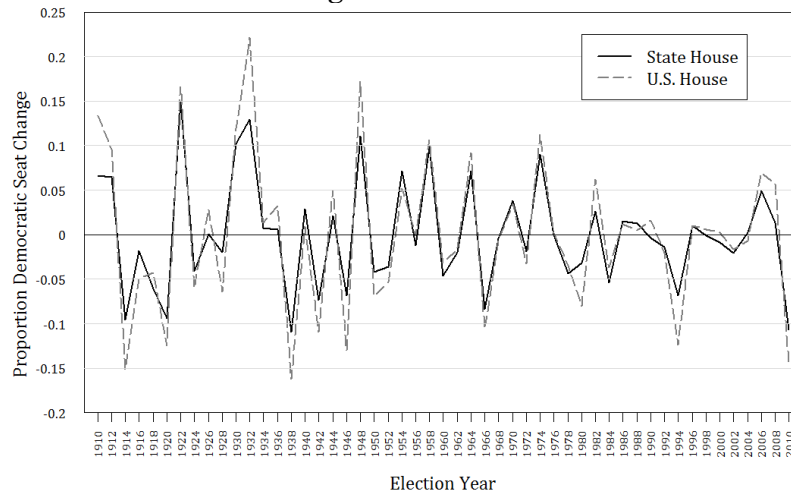
Chapter 4 expands upon my work recently published in the *American Political Science Review* in which I evaluate the extent to which voters sanction legislators who cast unpopular roll-call votes or provide poor ideological representation of their districts. District-level measures of voters' opinion on specific state legislative bills are rare. My first study therefore uses referendum election returns on issues such as gay marriage or collective bargaining to create district-level measures of public opinion on the exact bills voted on by their legislators. To study the electoral implications of a legislator's ideological representation, my second analysis uses a unique collection of district-level measures of election returns, constituent ideology (Tausanovich & Warshaw 2013), and legislative behavior from 48 states (Shor & McCarty 2013).

Neither study produces compelling evidence of electoral accountability in American legislatures. I find that voters reward or punish legislators for only 4 of 30 considered roll-calls, and legislators do not face meaningful electoral consequences for their ideological representation, particularly in more partisan districts. Overall, state legislators pay a smaller electoral price for ideologically extreme representation than their Congressional counterparts.

Chapter 5: How Parties Perform in Office and in Elections

Given the low levels of voter knowledge presented in Chapter 3, it may not be surprising voters do not hold legislators accountable for their individual roll-call votes and behavior. In low-information elections such as those for the state legislature, using retrospective evaluations and party labels potentially simplifies the accountability process (e.g. Schattschneider 1942). If voters sanction the party in control of the legislature for producing ineffective policies, how legislative parties perform in office will have implications for how they perform in elections.

A national look at how parties perform in legislative elections, however, makes it questionable that state-level factors are the main determinant of state legislative elections. Figure 2 plots the nationwide seat change for the Democratic Party in state (black solid line) and federal legislative elections (grey dashed line) over the past hundred years. Seats clearly changed party hands, but the similarity between federal and state elections is striking. When Democrats took control of the U.S. House in 2006, this party also won hundreds of state legislative seats. The story is similar for Republicans both in 1994 and 2010. While the correlation (0.96) between the solid and dashed lines is not definitive, it strongly suggests there is a common dimension underlying both state and federal elections.

Figure 2: Democratic Seat Change in State House and U.S. House Elections

Nationwide proportion of seats won or lost by the Democratic party in state house or U.S. House elections from 1910 to 2010.

In Chapter 5, I evaluate the degree to which state-level, party retrospective voting is responsible for the data presented in the Figure 2. I use election results and surveys since the 1970s to show that state-level economic conditions, state policy performance, and voters' assessments of the legislature matter relatively little in state legislative elections. My analyses demonstrate that state legislators' electoral fates are more closely tied to the performance of The White House than the state house. Compared to individuals' assessments of the legislature, changes in presidential approval have at least three times the impact on voters' decision-making in state legislative elections. Building upon the voter knowledge findings in Chapter 3, I show that levels of voter information appear to further diminish the prospects for electoral accountability in state legislatures. Even when perceiving the legislature to have performed well, misinformed voters (e.g. those who believe Republicans are in charge when Democrats are) mistakenly electorally reward the minority party for this perceived good performance, indirectly punishing the party in power.

Chapter 6: “Accountability” in the Primary

The previous chapters largely test the prediction that legislators have an electoral incentive to represent the median voter in their district. These predictions focus on a legislator's ability to win the general election, but if legislators want to keep their jobs, they also must survive the primary election. Legislators typically represent more partisan districts than their congressional counterparts, and with the rise of ideological groups such as the Tea Party, legislators then may have increased electoral incentive to represent their partisan base over the median voter. No prior research, however, systematically investigates the relationship between representation and competition in state legislative primaries across the country.

To better understand whether primary voters hold their in-party representative accountable, I collected data on all state legislative primary elections from 1991 – 2010. Fewer than 15 percent of incumbents face an in-party primary challenger, and over 98 percent of incumbents win their primary races. I show that legislators who vote more frequently with the majority of their party face fewer primary challengers, and Republican (Democrat) legislators who provide more conservative (liberal) representation of their districts experience more electoral success, especially in partisan districts. Primary elections then offer a form of “accountability” in American legislatures but this type of accountability creates incentives for incumbents to provide ideologically extreme representation.

Chapter 7: You Can't Fire Me...I Quit.

The previous chapters suggest state legislators rarely need be concerned about losing their jobs for their own performance. Over 20% of legislators, however, leave office without seeking reelection. Incumbents voluntarily leave office for a variety of reasons. Some retire to spend more time with their families or leave for more lucrative jobs. Others may “strategically retire” to avoid electoral sanction. For example in 2011, Illinois Representative Kevin McCarthy introduced legislation that gave utility companies “the ability to raise its rates with less regulatory oversight” (Erickson 2012). McCarthy’s bill passed even though most Illinois voters opposed the legislation. Voters, however, never had the opportunity to hold McCarthy accountable. Within three months after the bill’s passage, McCarthy left the legislature (citing family reasons) and became a lobbyist for Illinois’ largest utility company.

If legislators do not seek reelection, voters have little opportunity to punish a state legislator for poor representation. Given these important implications for accountability, I investigate how features of the legislature influence incumbents’ decisions to seek reelection. I find that legislators are strategic, seeking reelection more often in safe seats. Legislators also appear to consider the value of their state legislative office. In states with term limits – where legislators cannot indefinitely run for reelection – legislators less often run for reelection when possible. Meanwhile in states with “cooling off” period policies that temporarily prevent legislators from becoming lobbyists, incumbents more often try to stay in the legislature. There, however, is little relationship between legislators’ representation and whether they voluntarily leave the legislature, suggesting the fear of electoral sanction for an unpopular vote prevents few legislators from seeking reelection.

Chapter 8: Conclusion

Elections create few – if any – incentives for state legislators to represent their constituents. The lack of evidence of electoral connections in states is troubling for the health of American democracy but should also serve as a cautionary warning to political scientists. Scholars often use states to test theories developed in studies of Congress. My findings, however, illustrate that well-tested assumptions in the federal setting do not necessarily hold in states. Political scientists must recognize and consider the differences between federal and state politics when testing theories of American politics in the “laboratories of democracy.”

My findings have important implications for how scholars study politics, but their central message concerns accountability in American legislatures. State legislators regulate the economy, provide health care, and even shape immigration policy, and elections are the primary instrument by which citizens can exert control over those who govern them. Electoral connections can emerge in almost any state legislative contest, but electoral accountability will only meaningfully exist if there is a relationship between voters’ and legislators’ behavior, which does not appear to be the case in many state legislative elections.