

VOLUME V

The Temple Papers on the Pennsylvania General Assembly

Literature Review:
Findings from Academic Research on State
Government Institutions and Reforms

Megan Mullin



Institute for Public Affairs
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Table of Contents

ii	Foreword
01	INTRODUCTION
01	BUDGET
	02 <i>Balanced Budget Rules</i>
	03 <i>Tax and Expenditure Limitations (TEs)</i>
	04 <i>Earmarks (Dedicated Funding)</i>
	05 <i>Biennial Budgeting</i>
	06 <i>Budget Process</i>
07	LEGISLATURE SIZE
08	SESSION LENGTH
10	LEGISLATIVE STAFF
10	LEGISLATIVE PROCESS
11	TERM LIMITS
13	DIRECT DEMOCRACY
15	JUDICIAL SELECTION
17	DISTRICTS AND REDISTRICTING
	18 <i>Multimember Districts</i>
19	ELECTION LAWS
	19 <i>Nomination Rules</i>
	20 <i>Ballot Access</i>
21	CAMPAIGN FINANCE
22	ETHICS LAWS
25	References

Foreword

Megan Mullin's review of academic literature on state government institutions and reforms supports and informs the other volumes in the Temple Papers on the Pennsylvania General Assembly. Even at the risk of duplicating observations that have been incorporated in other volumes, we believe that thoughtful readers will find this paper has stand-alone value.

Megan has provided here a concise and informed commentary on more than 190 scholarly books and articles exploring the effects of a wide range of institutional decisions by all 50 state legislatures. The purpose is to summarize what this literature offers in the way of evidence and analysis that might help readers evaluate current practices and possible changes in Pennsylvania's institutional rules and arrangements.

As an associate professor in Temple's political science department, Megan teaches both graduate and undergraduate courses in state and local politics, state politics and policy, federalism, and public policy analysis, specializing in the effects of institutional design on political participation and policy outcomes. Her book *Governing the Tap: Special District Governance and the New Local Politics of Water* (MIT Press 2009) was the 2010 winner of the American Political Science Association's (APSA) Lynton Keith Caldwell Award for best book published on environmental politics and policy. She also was named a Clarence Stone Scholar by APSA's Urban Politics section. Her work also has appeared in leading political science journals and edited volumes, and she has won best paper awards at a number of political science conferences.

Megan's interests include the practical development as well as the theoretical analysis of public policy. She is a fellow at Temple's Institute for Public Affairs and a member of the board of fellows at Temple's Center on Regional Politics. She also is a member of the Pennsylvania Policy Forum, a consortium of faculty members and academic leaders from public and private Pennsylvania colleges and universities who share an interest in generating ideas, analyses, and symposiums that might prove useful to citizens, elected officials, and civic leaders in addressing major issues confronting the Commonwealth and its local governments.

As with other volumes in the Temple Papers on the Pennsylvania General Assembly, Megan's work was made possible by grants from the Heinz Endowments and William Penn Foundation but also was supported by Temple University.

Joseph P. McLaughlin, Jr., Director
Temple University Institute for Public Affairs

Literature Review: Findings from Academic Research on State Government Institutions and Reforms

Megan Mullin

INTRODUCTION

Although this literature review cites more than 190 books and articles organized under 12 topics, it is necessarily selective in scope. In selecting literature to review, I was influenced by issues that emerged from research requested and funded in large part by the Heinz Endowments and William Penn Foundation and conducted by Temple University's Institute for Public Affairs. The goal of that project was to assist the Pennsylvania General Assembly in representing citizens, making laws, and balancing the other branches of government. Much of the research carried out by the Temple team consisted of in-depth interviews with current and former participants in Pennsylvania's lawmaking process as well as with national observers and experts. The purpose of this literature review was to provide my colleagues on the team, and ultimately the readers of *The Temple Papers on the Pennsylvania General Assembly*, with a broad perspective on findings from academic research about important issues of state institutional design not just in Pennsylvania but across the 50 states.

BUDGET

Budget processes vary across states on a variety of dimensions, including the frequency of budgeting, the participants and their authority relative to one another, and the constitutional and statutory constraints that limit budget flexibility. The academic literature provides more insight about the effects of substantive restrictions such as balanced budget requirements than about the impact of budget processes and timelines.

Balanced Budget Rules

Unlike the federal government, state governments cannot run deficits, at least for their operating expenditures. All states except Vermont are required by constitutional rule or by statute to balance their revenues and expenditures. Balanced-budget requirements vary in their restrictiveness, however, in twelve states applying only to proposed rather than enacted budgets. Seven states allow deficits to be carried over to the next fiscal year (NASBO 2008). Although the majority of states, including Pennsylvania, have strict rules requiring enactment of a balanced budget and prohibiting the carryover of deficits, most states have no formal mechanisms for enforcing these rules (Poterba 1995).

The literature indicates that strict balanced budget rules achieve their intended goal by increasing states' fiscal discipline. This especially holds true if a state has an elected supreme court that can act as an independent enforcer of the rule. The effect of combining a no-carryover rule with elected court enforcement is to reduce state spending by about 3.9% (Primo 2007). Balanced budget rules operate by controlling spending rather than raising taxes (Bohn and Inman 1996; Crain 2003), and the evidence suggests that they also restrain states from raising taxes in reaction to a rise in personal income (Primo 2007).

Strict no-carryover rules promote stability in state budgeting. Overall, states with these rules exhibit less volatility in their spending over time and tend to maintain larger rainy day funds (Bohn and Inman 1996; Crain 2003). It is possible that balanced budget requirements may exacerbate business cycle fluctuations by preventing large states from implementing countercyclical fiscal policy, thus increasing revenue volatility (Levinson 1998), but they also motivate states to adjust their spending more rapidly in response to unexpected fiscal shocks (Poterba 1994). Furthermore, the rules reduce the partisan difference in response to fiscal imbalances (Poterba 1994; Alt and Lowry 1994, 2000). Spending by Republican-controlled legislatures generally is more responsive to budget surpluses and deficits than in Democrat-controlled states, but partisan control has less impact in the presence of balanced-budget rules.

In addition to their effects on spending and saving, strict fiscal constitutions can affect state borrowing behavior. States with tighter balanced budget rules and debt restrictions face lower borrowing costs on general obligation bonds (Poterba and Rueben 1999a). They also accumulate less general obligation indebtedness, although they have higher levels of revenue debt and other debt not backed by the full faith and credit of the state (von Hagen 1991).

Another important factor to consider is the reversion budget that takes effect in the event of a stalemate. Provisions that require a government shutdown in the absence of a budget agreement allow legislatures to make "take it or leave it" offers to a governor. The threat of a government shutdown seems to cause governors, who tend to act as fiscal stewards, to be more willing to agree to liberal spending plans proposed by the legislature. The 23 states that have shutdown provisions spend \$64 more per capita in state and local spending (\$48 more in state spending alone) than states with less severe reversion budgets (Primo 2007). Unsurprisingly, a shutdown requirement also reduces the probability of a late budget enactment (Klarner, Phillips, and Muckler 2010).

Tax and Expenditure Limitations (TEs)

Tax and expenditure limitations (TEs) encompass a variety of policies that limit growth in state revenues or spending to some formula, typically based on inflation, population, or state personal income. Thirty-one states have adopted some form of TEL; Pennsylvania is among the minority of states without one (NASBO 2008).

Although researchers have dedicated considerable attention to the topic, they have not reached agreement about the success of TEs in limiting the size of government. Taken as a group, TEs appear to have a modest impact at most on restraining state taxation and spending (Howard 1989; Cox and Lowery 1990; Joyce and Mullins 1991; Mullins and Joyce 1996; Dye and McGuire 1997; Cutler, Elmendorf, and Zeckhauser 1999; Poterba and Rueben 1999b; Dye, McGuire, and McMillen 2005; Primo 2007; Kousser, McCubbins, and Moule 2008), and some evidence exists that TEs adopted by initiative rather than by the legislature may be more effective at limiting public spending (New 2010). The diverse forms of these limitations (e.g., whether they restrict revenues or expenditures, or whether they are tied to personal income growth or inflation) make it difficult to draw broad conclusions about their effectiveness. Some limitations are much stricter than others, and the same restriction can have quite different outcomes depending on a state's recent population growth or economic productivity. Even more problematic for drawing conclusions about the effects of these policies is that we cannot measure what would have happened in a state if it had not (or alternatively, if it had) adopted the measure. It may be the case that the states choosing to employ a TEL are those with lower spending preferences already, and it is those preferences rather than the limitation itself that produces any difference we observe in expenditures.

Some recently adopted TEs impose particularly severe restrictions on government growth. In 1992, Colorado residents adopted the Taxpayer Bill of Rights (TABOR), the nation's most restrictive TEL. The measure restricts general revenues to the prior year's revenues, adjusted for state population growth and inflation; excess revenue must be returned to the public through tax reductions or cash rebates. As a result, taxes would fall as a share of income if income rose faster than inflation, and a decline in revenues due to recession would produce a permanent reduction in spending levels. TABOR also prohibited certain types of taxes and required voter approval for other tax increases. Case studies indicate that a severe restriction such as TABOR can have real effects on government spending (Bell Policy Center 2003; McGuire and Rueben 2006). One study estimated that the decline in revenues experienced during the 2001 recession would have produced a reduction in available revenues of \$1.9 billion from FY2001 to FY2007, equivalent to a 20% reduction in the FY2007 budget (McGuire and Rueben 2006). Coloradans avoided this outcome by passing Referendum C in 2005, which suspended the TABOR revenue limit for five years and changed the TEL's growth factor to apply to the previous year's limit rather than actual revenues.

TABOR was effective in reducing government expenditures, but Colorado avoided its most severe impacts by suspending the measure and scaling it back. In other states, TEs have had their most significant effects indirectly, by changing the attractiveness of

alternative financing mechanisms. Binding revenue limitations have an adverse effect on a state's credit rating, increasing borrowing costs (Poterba and Rueben 1999b). Some evidence suggests that TELs may increase state indebtedness, and they cause states to become more reliant on other mechanisms for financing public services, such as special districts and lottery systems (Bahl and Duncombe 1993; Clinger Mayer and Wood 1995; Glickman and Painter 2004).

Earmarks (Dedicated Funding)

As discussed in Volume IV, the term "earmarks" is sometimes used to designate discretionary funds requested by a single legislator and provide highly localized benefits to his or her district. In Pennsylvania, such grants, which might be more descriptively called "legislative earmarks," are colloquially called "WAMs," or "Walking Around Money." These receive more attention in this review's section on legislature size. But in the academic literature, "earmarks" also designate funds dedicated by statute or constitutional provision to specific but broader purposes. As an example, the Pennsylvania Constitution requires gasoline tax revenues and vehicle and driver registration fees to be deposited in a trust fund and be used only to support highway and bridge construction and maintenance. This section treats the second meaning of the term earmarks.

In 1997, the average state earmarked 24% of its revenue by dedicating it to a specific purpose. The variation across states is substantial, with state figures ranging from 5% to 87% of total revenues earmarked for a specified use. Despite the prevalence of earmarking as a budgetary practice, the academic literature assessing its impact is quite small.

Earmarks offer the advantage of reliability and predictability in funding for priority functions, and they may offer a politically palatable means to raise new revenue. Earmarking can be fair and reasonably efficient if those who pay the tax are the same as those who benefit from it. However, earmarking reduces flexibility and oversight in government spending. The reduced discretion may be intentional, as earmarks can be a way for politicians to bind future officeholders who may not share the same policy preferences (Brett and Keen 2000).

The dominant empirical question is whether earmarks supplement or substitute for general fund spending on a function. Those who favor an earmark might expect that it will increase expenditures on a favored program, but conventional economic assumptions would suggest that because money is fungible, politicians would use earmarked funds to replace other forms of spending on the program. In fact, studies of state lottery profits indicate that earmarking can produce modest increases in spending on the affected program (Novarro 2005; Evans and Zhang 2007).

A recent study examined historical patterns in the tendency of legislatures to consider district bills that affect specific, identifiable places rather than general legislation that applies statewide. Such bills may confer one-time grants, like WAMs, or more durable statutory benefits, like statewide earmarks. Gamm and Kousser (2010) analyzed bills introduced in the lower houses of 13 states (not including Pennsylvania) during seven sessions between 1880 and 1997. They found that high legislative salaries (relative to state

per capita income), low turnover, and one-party dominance all promote the introduction of particularistic policy proposals tied to specific constituencies.

Biennial Budgeting

The overall trend in budget periodicity has been from biennial to annual budgeting: 44 states budgeted biennially in 1940, compared to 21 today. Two states currently use a combination annual/biennial system, with differences either across agencies or between capital and operating budgets. Only four states (Oregon, North Dakota, Wyoming, and Washington) engage in true biennial budgeting; others enact separate budgets for two fiscal years at once, with the opportunity to revisit the off-year budget (Snell 2004; NCSL 2008). Of the 21 states with biennial cycles, 12 have annual legislative sessions in which the legislature often reopens budget for review and revision (NASBO 2008). Even in states with biennial legislative sessions, the legislature regularly meets in special session to address revenue shortfalls.

Factors promoting annual budgeting are the growing size of state budgets and the professionalization of state legislatures (Snell 2004). Growing revenue increased demand for annual budgeting, as states became more reliant on variable revenue sources including federal grants-in-aid and personal income and sales taxes. Professionalization increased legislative capacity by allowing legislatures to meet every year and providing larger and better trained staffs that could manage the demands of annual budgeting.

Arguments in favor of annual budgeting include more time for budget deliberations, increased accuracy of revenue estimates, and quicker response to changes in revenue flow. Because biennial budgets are more complex, they are more likely to be adopted after the start of the fiscal year (Klarner, Phillips, and Muckler 2010). Annual budgeting also may increase legislative power relative to the governor by reducing opportunity for the executive branch to make discretionary spending decisions and budget adjustments during the budget cycle. On the other hand, those who favor biennial budgeting argue that it allows more time for legislative deliberation and reduces the total time and cost required to make budget decisions (Kearns 1994).

In a 1987 report evaluating biennial budgeting by states, the GAO concluded that the major advantage was the time made available in the off-year for oversight and review of program issues. The most significant problem was the reduced reliability of expenditure forecasts. Legislative and executive branch officials in states that had moved from one system to the other all agreed that legislative control is greater in annual than in biennial budgeting systems (GAO 1987; see also GAO 1984; Higgins 1988).

Budgeting periodicity also may affect state spending. Two studies show that states with biennial budgets have higher spending per capita than states with annual budgeting (Kearns 1994; Crain 2003). The increased durability of budgetary commitments under a biennial cycle may provide an incentive for interest groups to invest more effort in lobbying for government programs; it also may encourage use of earmarking, rainy day funds, and off-budget spending mechanisms. Further research is needed to confirm these findings.

Budget Process

Budget processes vary widely across the states. States use different processes for selecting budget agency directors and provide budget agencies with varying scopes of responsibility. They impose different timelines for budget review and enactment. Significant variation exists in gubernatorial authority to reorganize departments, spend surplus funds, and reduce an enacted budget without legislative approval. (For a comprehensive view of state budget processes, see NASBO 2008.) In 22 states, the budget office collaborates with the legislature to develop the official state revenue forecast. The executive branch takes primary responsibility in another 17 states, and revenue forecasts in the remaining states come from either the legislature or another source (NCSL 2008).

Unfortunately, little evidence exists on the relative performance of these different processes. The public management scholars who are most interested in government operations take these institutional rules as given and focus their attention on reforms such as performance incentives that are possible within an existing institutional framework. The National Association of State Budget Officers recommends strategies for promoting budget stability and sound financial management, but these recommendations also take as given a state's institutional structures and revenue volatility. In general, the organization endorses efforts to increase budget reserves, to limit debt, to use best practices in estimating revenues and interpreting balances, and to build contingencies into tax and expenditure commitments that provide for changes in economic circumstances (NASBO 2004).

One consistent finding in the literature is that governors tend to have a broader focus in their state spending priorities, while legislators favor expenditures that confer benefits on narrow geographic constituencies. As a result, governors with more institutional power over the budget process use their power to deliver a higher proportion of policies that confer benefits to statewide constituencies rather than more localized constituencies (Barrilleaux and Berkman 2003). On specific budget processes, a few studies offer some insight on factors that prompt state legislative fiscal offices (LFOs) to take on a significant role. In addition to offering historical and contextual background that informs legislative decision making, LFOs can help set the agenda for budget negotiations. They are best positioned to take on this role where they are mandated by law to make budget recommendations and where their work in evaluating agency requests or making recommendations occurs early in the budgetary process (Hoffman 2006). Although the majority of LFOs are shared by both legislative chambers, the offices perform more functions and have more staff per legislator in a dual system where an office exists in each chamber. In such a system, competition between chambers seems to promote expansion of duties for both LFOs (Chadha, Permaloff, and Bernstein 2001). On the whole, however, the academic literature offers little guidance for reform of specific policies and procedures regarding the budget process.

LEGISLATURE SIZE

Pennsylvania's 50-member upper chamber is the nation's sixth largest (tied with four others), and its 203-member lower chamber is outnumbered only by New Hampshire. Political science theory and the empirical literature are in agreement that larger legislatures produce higher levels of government spending, all else equal. However, legislature size appears to matter most for a state's upper house.

The "law of $1/n$ " is the label applied to the relationship between legislature size and spending. The theoretical foundation begins with the assumption that legislators aim to provide benefits to their constituents, but they cannot succeed by acting alone. Consequently, legislatures are organized to facilitate vote trading, or logrolling, between representatives (Weingast and Marshall 1988). Logrolling does not necessarily produce higher spending—legislators could trade tax breaks for their constituents, for example—but a collective action problem exists that creates an incentive for legislators to overspend. While the benefits of a particular spending program often benefit a narrow geographic constituency, the program's costs are spread over the entire population. Legislators have an incentive to pursue programs so long as the benefits to their constituencies are greater than the costs. Thus the tax base is a kind of "common pool resource" that politicians have an incentive to overexploit. Weingast, Shepsle, and Johnsen (1981) developed a model showing that if there are n districts and taxes are spread evenly over the districts, then the costs to constituents for spending in their district are only $1/n$.

A substantial body of empirical literature has tested this relationship between legislature size and inefficiency in government spending. Results show that among unicameral local bodies and national legislatures, larger bodies enact larger budgets. Studies of state legislatures find the same result among upper chambers, where the number of seats has a positive effect on government spending, each seat increasing expenditures by approximately \$10 per capita (Gilligan and Matsusaka 1995; see also Primo 2007). The effect of legislature size holds for both capital and non-capital programs, across different expenditure categories, and in analyses of state budgets from both the first half and the second half of the twentieth century (Gilligan and Matsusaka 1995, 2001). For the lower house, however, studies show either no relationship or a negative relationship between legislative seats and spending (Gilligan and Matsusaka 1995, 2001; Primo 2007).

Recent research has elaborated on the "law of $1/n$ " model to consider the diversity of expenditure policies and explain the discrepancy in results across chambers. One study proposes that the law of $1/n$ holds most strongly for excludable pork projects. Cost sharing, congestion in consumption of the good, and spillover of project benefits can reduce the payoffs for legislators and eliminate the main result (Primo and Snyder 2008). Two other studies show that the contradictory results between the upper and lower houses of a legislature can be explained by the relationship between upper and lower house districts. Because spending cannot be easily targeted at the House level, we can expect the benefits from large pork barrel projects to extend across multiple lower chamber districts nested within the same upper chamber district. The more House districts in a Senate district, the lower the electoral payoffs each House member will receive from obtaining a project.

Consequently, the size of the upper chamber should be a positive predictor of expenditure, whereas the ratio of lower-to-upper chamber seats should exhibit a negative effect. (Pennsylvania's ratio of 4.06 lower chamber members to each state Senator is the seventh largest among the states.) Using data from 1992-2004, the researchers find that a one-seat increase in upper chamber size is associated with a \$5.14 per capita increase in spending. Conversely, a one-unit increase in the ratio of lower house to upper house seats produces a \$39.28 reduction in per-capita expenditure. Looking over a longer time period, the substantive impacts are over twice as large (Chen and Malhotra 2007). Moreover, more lower chamber seats per upper chamber seat makes it more difficult for the state Senator to claim credit for pork. Using data from pork barrel spending by New York State Senators from 1998 to 2006, Chen (2010) shows that a Senator whose district overlaps geographically with more lower chamber districts will pursue less pork spending. Thus it seems that reducing the size of an upper chamber could have a dual effect on inefficient pork spending, both directly addressing the common-pool problem and indirectly affecting the dynamics in a bicameral legislative system.

SESSION LENGTH

Researchers typically evaluate the effects of session length in concert with legislative staff and salary, the two other components of a concept called *legislative professionalism*. Comparing across state legislatures, the three characteristics are highly correlated with one another, and many studies of state politics employ indices of professionalism that incorporate all three variables (Squire 1992a; Mooney 1994; King 2000; Squire and Hamm 2005). Pennsylvania consistently ranks among the top few states on measures of professionalism.

California kicked off the trend of professionalizing legislatures when it passed Proposition 1A in 1966. Backed by Assembly Speaker Jesse Unruh, the measure gave the legislature control over its session calendar and salaries. In the years leading up to Prop 1A, Unruh had used the power of the Speaker's office to increase the size of legislative staff. The transformation of the California legislature was soon followed by similar reforms in states throughout the country. Proposals for professionalization typically originated from within the legislature, even if they were enacted by ballot initiative. One result has been the switch to treating elected office in a legislature as a full-time job—whereas only 19 state legislatures met annually in 1960, three of these with abbreviated off-year sessions devoted exclusively to budget matters, 44 legislatures have annual sessions today. Oregon's legislature might soon start meeting annually as well.

A consistent finding in the literature is that legislative professionalism promotes institutionalization. An institutionalized legislature is characterized by the establishment of well-defined boundaries, the growth of internal complexity, and the adoption of universalistic criteria and automated methods for internal decision making (Polsby 1968). In a bounded legislature, turnover is low, and elections are insulated from the effects of external economic and political conditions. These conditions have become more common in state legislatures since the spread of professionalization reforms (Squire 1992b; Rosenthal

1997; Berry, Berkman, and Schneiderman 2000; Kousser 2004). Professionalization also has fostered the development of rules and committees that help legislatures manage their workloads. Professionalized legislatures are more likely to be transformative, having the independence and internal capacity to refine proposals into final decisions (Polsby 1975; Kousser 2004).

Legislative professionalism promotes careerism among politicians. People seeking legislative office are more likely to define themselves as career politicians (Squire 1992a; Moncrief and Thompson 1992; Berkman 1994), and members of professional legislatures have a higher probability of winning reelection (Squire 1988; Holbrook and Tidmarch 1991; King 1991; Weber, Tucker, and Brace 1991; Cox and Morgenstern 1993; Carey, Niemi, and Powell 2000b). The incumbency advantage stems in large part from an ability to fundraise. Members of professionalized legislatures are more likely to face a major-party challenger in the general election, but they have a bigger funding advantage over their challengers relative to their peers in less professionalized states (Hogan 2004). Legislative professionalism also is associated with greater competition in primary elections, especially in open-seat races, further revealing its effect in making the legislature more attractive to potential office-seekers (Hogan 2003). Once in office, ambitious legislators in professionalized bodies have access to resources that allow them to spend more time monitoring constituent opinion than do their counterparts in less professionalized states (Maestas 2003). Legislative leaders in professionalized legislatures have weaker institutional powers (Richman 2010). Professionalization may favor Democratic candidates (Fiorina 1994; Fiorina 1997), although that finding has been challenged by other researchers (Squire 1997; Stonecash and Agathangelou 1997).

By providing lawmakers with more time and resources, it is not surprising that professionalization has an effect on legislative outcomes. For example, professionalism reduces gubernatorial influence over the budget. Professional legislatures have more staff support for fiscal policy (Rosenthal 1990), and the long session lengths increase legislative tolerance for extended budget negotiations (Kousser and Phillips 2009; Klarner, Phillips, and Muckler 2010). Although some studies have found a positive relationship between legislative professionalism and spending (see for example Owings and Borck 2000), this result may be a product of states with higher spending preferences choosing professional institutions. Taking into account the choice to have a professional legislature, professionalism itself appears to have no impact on spending (Malhotra 2008a). However, some evidence exists that professionalized legislatures are more active in regulatory policymaking (Gerber and Teske 2000) and may spend more on redistributive functions such as welfare (Barrilleaux, Holbrook, and Langer 2002). Professionalism also facilitates local-to-state policy diffusion, in that professionalized legislatures more likely to adopt laws previously enacted at the local level (Shipan and Volden 2006).

Despite their strong performance in the area of lawmaking, professionalized legislatures do not necessarily enjoy support from the press or the public. Using data from a 1999 survey of state House reporters, a new study finds that all else equal, professionalized legislatures are seen by journalists to be more corrupt. This may be a consequence of the

high levels of incumbent protection in a professionalized legislature, but it may also be the case that professionalized legislatures receive more critical media scrutiny (Rosenson 2009). Professionalized legislatures also receive lower public approval ratings, but ideology plays a critical role: conservatives are more negative toward professionalized than citizen legislatures, but liberals are not (Richardson, Konisky, and Milyo 2012).

LEGISLATIVE STAFF

Staff size is almost always studied in concert with session length and legislators' salaries as an indicator of legislative professionalism (see results under Session Length above), but a few studies have examined the causes and consequences of variation in staffing levels. Across state legislatures, staff numbers have risen consistently since the 1960s (King 2000). An important exception is in California, where the 1990 ballot initiative that introduced term limits also mandated a 38% reduction in legislative staff expenditures. The California legislature responded to this restriction by slashing funds for nonpolitical staff, such as the nonpartisan Legislative Analyst's Office and the Senate and Assembly Offices of Research, significantly reducing the policy expertise available to elected officials. Overall staff levels also declined, with many of the most senior legislative staff leaving in response to Proposition 140's restrictions (Cain and Kousser 2004).

Staff is a critical resource for helping legislators to manage their workloads and to balance other forces in the political system. Controlling for legislature size and other elements of professionalism, larger legislative staff has a positive effect on the number of bills introduced and enacted. Because legislatures with larger staffs are better able to stand up to governors, they also pass more bills that get vetoed (Grossback and Peterson 2004). Higher spending on legislative staff is positively related to gubernatorial staff and governor's office spending, suggesting the existence of institutional rivalry in which each branch tries to keep up with the other (Bowman, Woods, and Stark 2010). Moreover, in legislatures that provide for larger individual staffs, committees are more likely to represent the larger chamber—they are less likely to have extreme preferences relative to the chamber as a whole. Individual staff resources provide members with an opportunity to counterbalance the expertise held by committees and reduce members' tolerance for committees with extreme preferences (Richman 2008).

LEGISLATIVE PROCESS

A small but growing body of research examines variation across state legislatures in the power of the majority power to set the agenda and analyzes the consequences for committee structure and representativeness as well as legislative outcomes.

Large chambers such as Pennsylvania's Senate and General Assembly have more and larger committees to help organize legislative activity, but in large chambers party leadership is likely to be at the center of decision making (Francis and Riddlesperger 1982; Francis 1985). The formal authority of party leadership has an influence on the loyalty

of committee members. An analysis of five legislative chambers suggests that assignment to a plum committee increases a legislator's party loyalty, but only if party leaders have the power to determine who sits on the committees and if the committees have gatekeeping authority, or the ability to kill a bill by refusing to report it to the floor. In the absence of these conditions, committee assignment has no effect on a legislator's party loyalty (Kanthak 2010). To the extent that committees have an influence over legislative outcomes, it is worthwhile to consider whether the composition of committees reflects the chamber as a whole. Committees are most likely to be representative in legislatures with close party competition (Battista 2006).

The tools available to a majority party also affect its ability to influence legislative outcomes. A recent study analyzed the effects of two changes in a majority's agenda control: Colorado's "Give a Vote to Every Legislator" (GAVEL) Amendment that guaranteed every bill a committee vote and, if passed, consideration on the floor; and the California Assembly Appropriations Committee's suspense file, which gives the majority party the ability to control the floor agenda when the chamber takes up bills that would require significant state spending. The researchers found that when the majority party loses agenda-setting power, the roll rate for the majority increases while the rate for the minority declines. In addition, the proportion of bills that move policy away from the majority's preferred outcome also goes up (Cox, Kousser, and McCubbins 2010).

GAVEL had an effect on legislative politics as well. Immediately after the initiative was enacted, the Colorado House started passing more liberal policies than previously, as moderate members of the majority Republican party established temporary alliances with Democrats. Republican leadership quickly adapted, however, and started using alternative means to limit the agenda and maintain control over the caucus, especially by assigning bills to unfriendly committees (Binder, Kogan, and Kousser 2010).

Finally, procedural rules that strengthen the majority party's ability to exert agenda control also reap benefits for future campaigns. Kim and Phillips (2009) find that majority status has significant payoff in campaign contributions for a party, but only in chambers where the majority enjoys a monopoly on agenda-setting power. In chambers that operate in a more bipartisan manner, majority status does not produce the same benefits.

TERM LIMITS

Laws that limit the number of terms state legislators can serve currently are in effect in 15 states. Another six states have enacted legislative term limits, but the laws subsequently were repealed by the legislature (two states) or by court action (four states). Because sitting legislators are unlikely to limit their own tenure except under extreme public pressure, the existence of term limits is strongly correlated with a state's provisions for direct democracy. Term limits have been adopted in 20 of the 24 states that provide for citizen-sponsored initiatives and in only one of the 26 non-initiative states.

Research shows that term limits have bigger effects on the operation of legislatures than on their composition. Term limits have produced a 14% increase in the turnover of

state legislators, but new members entering term-limited legislatures are similar to their predecessors demographically and in political ambition. Moreover, term-limited legislators overwhelmingly intend to pursue political careers either elsewhere in government or as a lobbyist. Despite the production of many new open seats, term limits have brought about little if any improvement in the representation of minorities and women (Carey et al. 2006; Moncrief, Powell, and Storey 2007; Kousser 2008).

Term limits also have caused little change in electoral competition. Effects on average margin of victory in legislative races or on rate of party turnover in districts have been minimal (Cain, Hanley, and Kousser 2006; Masket and Lewis 2007). Between 1991 and 2002, average margin of victory in term limited states was 26.80 percentage points, compared to 26.84 points in races occurring prior to term limits and in non-term limited states. Seats changed parties at a rate of 7.57% under term limits, compared to 7.74% in their absence (Cain, Hanley, and Kousser 2006). Although term limits create more open seats, party domination in districts keeps many of these seats from being competitive. Furthermore, qualified challengers may wait for a seat to become open rather than challenge incumbents. Neither is there any evidence that term limits increase electoral participation. Indeed, a study of California elections indicates that they may have had the opposite effect (Nalder 2007).

Where term limits have made a big difference is in the area of legislative capacity. Capitol insiders surveyed by the Joint Project on Term Limits were more likely to report declining legislative expertise over the previous ten years (across categories including legislator knowledge about statewide issues, legislator knowledge about how the legislature operates, and committee member knowledge about issues before the committee) in term-limited states than in states without term limits. In a term-limited body, legislators typically serve two years in a leadership post, and studies show that the shortened tenure of leaders and committee chairs has led to weakened leadership, heightened intrachamber competition, and reduced experience and expertise among leaders and committee chairs. Despite expectations to the contrary, however, researcher have found little impact on the role of staff and the influence of lobbyists. Most notably, term limits shifts power from the legislature to the executive, as evidenced by reduced oversight activities, reduced legislative amendment to the governor's budget proposal, and the perceptions of surveyed state legislators and capitol insiders (Moncrief and Thompson 2001; Peery and Little 2002; Kousser 2005; Carey et al. 2006; Kousser 2008; Sarbaugh-Thompson et al. 2010; Miller, Nicholson-Crotty, and Nicholson-Crotty 2011).

Finally, shortening legislators' time horizons appears to have a significant impact on the character of representation. In a survey of legislators, those who serve in term-limited states report spending less time keeping in touch with constituents, engaging in constituent service, and securing pork for their districts than their counterparts who do not face term limitations. Among those with short time horizons, the emphasis on obtaining pork declines as the end of their tenure approaches (Carey et al. 2006). A similar finding emerges from a survey of state capitol insiders: those in term-limited states report that legislators spend less time talking to or helping constituents than they did ten years earlier,

while insiders in states without term limits report an increase in constituent contacts (Powell, Niemi, and Smith 2007; Kousser 2008).

DIRECT DEMOCRACY

Provisions for direct democracy exist in 27 states: 24 allow citizen-sponsored initiatives to be placed on the ballot with submission of a required number of signatures, and 24 provide for popular referenda to repeal laws enacted by the legislature. These counts apply to citizen-sponsored measures: every state allows the legislature to place a measure on the ballot, and all states except Delaware require a popular vote to approve constitutional amendments. The vast majority of states with direct democracy adopted their institutions during the Progressive era, but a small flurry of renewed activity occurred between 1956 and 1972, when four states adopted provisions for citizen-sponsored initiatives. The only state to adopt the initiative recently is Mississippi, which readopted it in 1992, 70 years after the state supreme court had ruled Mississippi's previous initiative and referendum provisions unconstitutional. The process for qualifying a measure in Mississippi is one of the most difficult in the country, however, and only two measures have qualified for the ballot since the initiative was reintroduced. (Both proposals were to enact legislative term limits, and voters rejected the proposal both times.)

Initiatives and referenda receive severe criticism from journalists and political insiders (see for example Schrag 1998; Broder 2000), but political science research has accumulated a large body of evidence indicating that direct democracy can promote citizen engagement and improve policy responsiveness. Initiative campaigns appear to increase the likelihood of voting, either because they convey information that stimulates political interest or they mobilize the electorate and reduce the cost of voting (Tolbert and Bowen 2008; Tolbert, Bowen, and Donovan 2009; Childers and Binder n.d.). Scholars have estimated that each initiative appearing on the ballot yields about a one percentage point increase in the turnout of voting-eligible citizens in presidential elections and a two-point increase in midterm elections (Tolbert and Smith 2005). Initiatives also foster higher levels of group membership among citizens (Boehmke and Bowen 2010). Although many critics raise concerns about voters' competence to decide on complex policy issues, studies have shown that people can use endorsements and other information shortcuts to cast the same votes on initiatives that they would cast if they were better informed (Lupia 1994; Lupia and McCubbins 1998).

By and large, the availability of direct democracy tools results in a closer match between citizens' policy preferences and state policy outcomes. Initiatives and referenda have both direct and indirect effects on public policy. Voters can directly propose and approve new laws when the legislature has failed to act according to the majority's preference. The threat of a popular initiative therefore has an indirect effect by providing an incentive for legislatures to better represent majority opinion (Gerber 1996; 1999). The bulk of evidence suggests that the initiative does improve policy responsiveness to the preferences of a state's swing voter (Lupia and Matsusaka 2004). However, if a legislature is uncertain

about voters' preferences or voters lack sufficient information to compare a proposed policy change with the status quo, then direct democracy can have a negative effect on responsiveness (Gerber and Lupia 1995; Matsusaka and McCarty 2001; Lupia and Matsusaka 2004). The initiative process also can promote accountability: for example, governors are punished more severely for spending growth by voters in initiative than in non-initiative states (Matsusaka 2008). Some have argued that direct democracy's responsiveness to the majority provides insufficient protection for minority rights (Gamble 1997), but a number of studies have produced evidence to the contrary (Donovan and Bowler 1998; Frey and Goette 1998; Hajnal, Gerber, and Louch 2002). Lapses in implementation can help moderate some of direct democracy's more severe effects; because a successful initiative may not have support from actors within government and the organization backing the initiative may disband after its passage, policy changes enacted by initiative are less likely to be fully implemented and enforced (Gerber, Lupia, and McCubbins 2004).

The initiative process gets used for a wide range of issues and policy goals. Not surprisingly, one common theme is to reallocate government spending priorities. Overall, availability of the ballot initiative has a conservative effect on public spending. Beginning in the mid-1970s, initiative states have taxed and spent about 4% less than non-initiative states, all else equal. Initiative states are less dependent on redistributive financing—relying on fees and user charges rather than broad-based taxes—and they have shifted much of their spending from state to local governments (Matsusaka 2004; 2005; Lupia and Matsusaka 2004). Another widespread use is government reforms. Voters have used initiatives to create term limits for executive and legislative offices, to require more state offices to be filled by election, and to enact open-meeting mandates and other sunshine laws (Matsusaka 2008). Redistricting and campaign finance reform are popular topics for initiative proposals, but in these areas the initiative does not make much difference for outcomes. Apart from term limits, initiative and non-initiative states have similar election rules (Persily and Anderson 2005; Matsusaka 2006).

On the whole, direct democracy appears to heighten public participation and influence in the political arena. Among state capitol reporters, it lessens perceptions that public officials are corrupt (Rosenson 2009). However, recent research suggests that direct democracy may reduce citizens' trust and confidence in government (Dyck 2009). Moreover, longtime state politics observers such as Alan Rosenthal remain critical of the initiative process for reducing deliberation and compromise (Rosenthal 1997). Like term limits, initiatives reduce the power of legislatures and may increase the likelihood that policies such as Colorado's TABOR or California's Prop 13 get enacted which have long-term negative consequences for a state's fiscal stability. The benefits of initiatives are less certain for complex policy issues about which legislators and the public have uncertain preferences. Moreover, the initiative process increases the importance of the courts as final arbiters over state law.

JUDICIAL SELECTION

There are five dominant mechanisms for the selection of state judges: appointment by the legislature or the governor, partisan or nonpartisan election, and a hybrid system called the Missouri Plan, in which a the governor appoints nominees to vacant positions based on recommendations from a commission composed of lawyers and laypeople, and after their first term judges face retention election. Designed to promote judicial independence, the Missouri Plan is the most common selection mechanism. Pennsylvania uses a blended system combining initial selection through partisan election with retention elections for subsequent terms. Illinois uses the same plan, as does New Mexico for its Supreme Court judges. States often use different mechanisms for different levels of their court system.

A state's system for selecting its judges influences the balance between independence and electoral accountability in judicial decision making. Models of the litigation process suggest that litigation rates will be higher where uncertainty exists over court decisions. The mechanism for selecting judges is one factor affecting uncertainty: appointed judges should be less susceptible to political pressure than elected judges and thus more independent in their decision making. Indeed, empirical studies find less litigation where judges are elected, suggesting that elections increase the predictability of judicial decisions and heighten the incentive for potential litigants to drop appeals or settle out of court (Hanssen 1999). The ideology of merit-selected judges is most difficult for potential litigants to decipher: merit plan procedures are associated with 18-32% more filings in state supreme courts between 1985 and 1994 (Hanssen 2002). State administrative agencies also respond to a court's perceived independence. Agencies dedicate significantly larger staffing for a given regulatory workload in states with appointed courts in an effort to protect themselves from unpredictable outcomes (Hanssen 2000).

The preferences of political actors about judicial independence lead them to support different types of selection mechanisms. Lawyers' associations are the strongest advocates for merit selection of judges; the plan provides a role for state bar associations in judicial selection, and lawyers benefit from the increased amount of litigation that occurs under a merit system (Hanssen 2002). Governors and legislators have been the principal opponents, as they prefer greater certainty about the outcome of court decisions. In the long term, though, an independent court may advance the goals of current politicians by making it more difficult for their successors to alter policies enacted today. One study finds that an important factor prompting states to switch to the merit plan has been increasing party competition, because uncertainty about the future causes politicians to support independent courts that will bind future politicians to current decisions. Stronger incumbent hold on power is associated with a state's adoption of partisan elections, which increase courts' responsiveness to state political forces (Hanssen 2004).

A multitude of studies have demonstrated how judicial elections, especially partisan elections, cause judges to be more responsive to public opinion. Elected judges are less likely to overturn capital convictions (Brace and Boyea 2007) and issue dissenting opinions (Hall 1987), and their decisions more strongly reflect the partisanship of the constituencies that vote on their retention (Shepherd 2009). Whereas elected judges are oriented toward

providing public service, appointed judges care more about their long-term legacy in creating precedent (Choi, Gulati, and Posner 2008). The competitiveness of elections also plays an important role. Selection of Supreme Court judges by election in politically competitive states is more likely to produce judges who are ideologically consistent with the state's population (Brace and Hall 1997). Where judges must stand for retention, competitive elections suppress dissenting opinions on supreme courts and increase votes to uphold death sentences (Hall 1992; Brace and Hall 1995; Brace and Hall 1997). Most studies find that electoral responsiveness is highest on courts selected through partisan elections, but recent evidence suggests that new trends in judicial campaigning may have changed the nature of judicial accountability such that nonpartisan courts are more responsive to public opinion on highly salient issues (Caldarone, Canes-Wrone, and Clark 2009). Finally, term length can further shape how judicial selection affects outcomes, with longer terms reducing the influence of political considerations and encouraging decisions that reflect judges' ideological predispositions (Brace and Hall 1995; 1997; Huber and Gordon 2004).

In general, sitting judges enjoy an easy path to reelection. Incumbent safety is highest in retention elections and lowest in partisan elections (Hall 2001a; Bonneau 2005). Partisan elections also are most likely to produce narrow margins of victory. Pennsylvania's judicial elections are among the most competitive: of the 38 states with elections for seats on the supreme court, from 1980 to 1995 Pennsylvania had the lowest average vote shares for incumbents and winners (54%, compared to a 72% average across the states) (Hall 2001a). Among election types, voters are most likely to cast votes in retention elections, but depending on incumbency status and competitiveness of the race, partisan elections can attract voter participation at almost the same rate (Hall 2007; Streb, Frederick, and LaFrance 2009). Where judicial candidates face opponents, partisan elections are more likely to be contested and to attract quality challengers against incumbents (Hall 2001a; Bonneau and Hall 2003; Streb and Frederick 2009). An incumbent who wins with a tight margin of victory is more likely to face future electoral challenge and possible electoral defeat (Hall 2001b; Bonneau and Hall 2003; Streb and Frederick 2009). Some of these findings are complicated by the existence of district elections, where partisanship may have the opposite effect due to local dominance by a single party. And although partisanship makes judicial elections more democratic, it reduces public confidence in a state's court system (Benesh 2006).

Judicial elections are low-information elections, but the literature indicates that voters nonetheless are able to discern the quality of candidates and make informed judgments. In states that use elections to staff their benches, experienced challengers significantly lessen the electoral security of incumbents (Hall and Bonneau 2006). Retention elections not impervious to partisan pressures, and partisan elections have a substantive component. Supreme court justices who stand for retention in states characterized by competitive party politics or in elections with a competitive top-ticket race receive significantly fewer votes of support (Hall 2001a). In addition, information about the partisanship of the governor who appointed a judge influences whether a voter will hold an opinion about the judge's retention and the direction of that opinion (Squire and Smith 1988). High murder rates

harm incumbents in all election systems; ideological distance between the candidate and the state's population harms incumbents in partisan elections, but not in retention or nonpartisan races (Hall 2001a).

DISTRICTS AND REDISTRICTING

Redistricting after the decennial Census is a complex task of balancing multiple, often competing, goals (Butler and Cain 1992). The courts protect a number of different principles in redistricting outcomes: equal population of districts, contiguity, district compactness, the preservation of communities of interest, and consistency with the Voting Rights Act. Politicians have their own priorities, including incumbency protection and partisan gain. Many reformers have still another goal, which is to maximize district-level partisan competition. In many cases, these goals come into conflict with one another. For example, maintaining communities of interest or respecting existing political boundaries may jeopardize district compactness, and it is commonly the case that promoting minority representation requires designing uncompetitive districts. A gerrymander designed to maximize partisan gains could heighten district-level competition and put incumbents at risk of losing their seats. Even some of these criteria on their own might not be as straightforward as they appear. Reformers aim to maximize competition, but homogeneous, noncompetitive districts may produce legislators that are closer to their district medians, increasing voter satisfaction with electoral outcomes and voter confidence in government institutions (Buchler 2005; Brunell 2008). More competitive districts also would produce far more expensive campaigns, requiring legislators to spend more time fundraising. On the other hand, protecting incumbents can improve voter relationships with elected officials and ensure continuity of leadership in the state capitol.

States most commonly redraw their district maps through the legislative process, but 20 states employ commissions at some stage in their redistricting procedures for congressional or state legislative seats. A commission may be the sole redistricting authority, or it may offer proposals to the legislature or serve as a backup in case of legislative stalemate. In 12 states, a commission is the primary authority drawing state legislative district boundaries. Because commissioners are typically selected by party leaders, their maps may be indistinguishable from those produced by a legislative process (Mann 2005; McDonald 2008). One study finds that involvement by courts or commissions in the redistricting process leads to more competitive outcomes, but research on the effects of commission processes is still in its infancy (Carson and Crespin 2004; La Raja 2009). It is clear that rules for selecting commission members and approving a final plan influence how parties and incumbents fare in the final district maps. Commissions with partisan majorities and simple majority voting rules tend to produce partisan plans; bipartisan membership and supermajority rules are more favorable to incumbents. Efforts for redistricting reform must overcome political opposition from the party that controls the existing process and the ambivalence of a public with little interest in or knowledge about the issue (McDonald 2008).

A few states have attempted to remove partisan influence from the redistricting process, with mixed success. Iowa delegates responsibility for drawing maps to a legislative support office, which is required to follow specific criteria and ignore information related to party and incumbency. The process produces admirable results—timely completion with no court challenges and mostly competitive seats—but the state begins with a close partisan balance and few racial minorities to be protected under the Voting Rights Act (Mann 2005). In 2000, voters in Arizona passed Proposition 106, enacting a new redistricting process that embodies many of reformers' values. The act created a redistricting commission with selection rules intended to promote members' independence, definition of strict redistricting criteria, and provisions for transparency and public input. However, even providing explicit criteria to a redistricting authority does not guarantee the achievement of those goals. Although competition was on the list of criteria, the Commission's maps offered little improvement in district competitiveness because of conflict with the need to respect federal voting rights law and protection of communities of interest (McDonald 2008). In the end, the geographical distribution of voters limits the ability of any redistricting process to achieve intended outcomes.

Another aim of many reformers is to increase transparency in redistricting processes. Some legal obligation for transparency exists in 35 states, typically as a requirement for public hearings. Only Oklahoma formally creates a right for citizens to participate by submitting their own redistricting plans for consideration, and only Idaho provides for open deliberations during the redistricting process. Transparency is sometimes created informally in other states, such as California's practice of providing public access to redistricting data free of charge. Other possible transparency measures include an open meeting law requiring public notice for any redistricting meeting involving a quorum of members; requirements for regional meetings throughout the state and proactive outreach to diverse groups; public provision of redistricting data and efforts to provide access to technology for working with the data; opportunities for public submission of plans; and public release of a proposed plan and hearings for public comment (Cain and McDonald 2006). No good evidence exists on the likely success of these measures for increasing public confidence in the process or affecting redistricting outcomes.

Multimember Districts

One source of variation in redistricting outcomes is states' use of multimember districts (MMDs), in which more than one legislator represents a common geographic area. MMDs used to see widespread use in state legislative district maps, but they have become less common since evidence emerged that they can dilute the voting strength of racial minorities in some contexts. Eleven states now use MMDs to elect some or all of one or both chambers.

Research on district structure suggests that MMDs have a modest effect on representation by loosening the ties between legislators and their constituents. Legislators who share a constituency are more likely to think of themselves as trustees rather than delegates. Trustees spend less time building relationships with their constituents and

follow constituent opinion less closely in their decision making (Cooper and Richardson 2006). MMDs have a small positive effect on legislative turnover, probably attributable to reduced name recognition that is an important source of incumbency strength (Carey, Niemi, and Powell 2000a; Moncrief, Niemi, and Powell 2004). Incumbency advantage in state legislative elections has increased over time, but at a slower rate in multimember than in single-member districts (Cox and Morgenstern 1995; Hirano and Snyder 2009). The effects on partisanship and membership diversity are more mixed. In Illinois, MMDs seem to have produced more ideological diversity within parties (Adams 1996), but evidence from Arizona suggests that legislators elected from MMDs are more ideologically extreme (Bertelli and Richardson 2008; Richardson, Russell, and Cooper 2004). There is good evidence that MMDs increase the representation of women in state legislatures, but effects on the representation of minorities are less certain (Cooper 2008).

ELECTION LAWS

Nomination Rules

State parties employ a variety of different strategies for nominating candidates to stand for general election, and in some states nomination rules vary between parties and among elected offices. Nomination rules determine the ease with which voters can cross over party lines and the extent to which parties can control the selection of their general election candidates. The most open rules provide high voter flexibility and little party control. States regularly change their nomination rules, and although in general the trend has been to allow more openness, many changes have restricted participation in order to comply with Court rulings or, more commonly, because a majority coalition within the legislature has sought to gain advantage over a rival political faction (Cain and Mullin 2002).

Blanket primaries are the most open process, because they allow voters to select their favorite candidate in each race without sacrificing the opportunity to choose another party's candidate in another race. California, Washington, and Alaska all used a version of the blanket primary until the Supreme Court struck down the process in 2000, holding that it violates a party's right of association. Louisiana uses a nonpartisan blanket primary, and Washington's recent adoption of a similar system was affirmed by the Supreme Court in 2008. In June 2010 California voters passed the "Open Primary Initiative" allowing voters to participate in non-partisan primaries beginning with the 2012 primary election. Next on the continuum are open primaries that require voters to publicly select one party's ballot before entering the voting booth. Voters have the opportunity to participate in either party's primary, but in effect, they must choose to affiliate with one party for the day, and their ballot choice is public information that becomes available to the parties after the election. States that do not register voters by party most often use this system. Somewhat more restrictive are semi-open primaries, in which only party members and Independents may participate. The semi-open system allows parties to reach out to unaffiliated voters without inviting potentially hostile loyalists of other parties to participate. The primary system with the highest participation barriers is the closed primary, which allows only

pre-registered party members to vote. Individuals must affiliate with a party before the state's registration deadline in order to participate in the party's nominating event. Caucus and convention systems are even more restrictive because of the time investment required for voter participation, and they provide the most opportunity for party loyalists to control outcomes.

Research shows that nomination rules affect the type of candidates selected to be party nominees, and consequently help shape election outcomes. On the whole, more open processes produce more moderate candidates. Members of Congress from states with closed primary rules take more extreme policy positions, relative to the average voter in their district, than members nominated in more open systems (Gerber and Morton 1998). Because open primaries allow the state's swing voter to participate in a nominating event, regardless of that voter's party identification, they allow a dominant party within a state to dominate even more easily. As a result, one study finds that states with open primaries are more likely to have two U.S. Senators from the same party (Grofman and Brunell 2001). The effect on candidate selection is not attributable to intentional efforts by non-party members to raid a primary and hurt the party's chances in the general election. Instead, voters are most likely to cross over to cast a ballot in another party's nominating event in order to participate in an exciting race or support an incumbent whom they already know (Gerber and Morton 1998; Cain and Gerber 2002). Although participation rules affect outcomes, they do not appear to have an impact on the level of primary competition, at least in primaries for state legislative office (Hogan 2003). But more moderate candidates competing in a general election can enhance participation, and states with more open nomination systems tend to have higher turnout in general elections for governor (Calcagno and Westley 2008).

Nomination rules also have an impact on voters' individual partisan affiliations. Restricting primary participation only to party members reduces the number of self-identified Independents in a state. Although parties initially expanded access to their nominating events in order to build party support, the result seems to be the opposite. However, registration-induced party identification is shallow; individuals living in states requiring party identification are more likely to vote for candidates from the other party in general elections (Norrandner 1989; Burden and Greene 2000).

Ballot Access

Another source of variation in state election law is the signature thresholds and geographic distribution requirements for ballot access. Pennsylvania has strict requirements relative to most other states. A study of recent elections found that strict requirements reduced the number of minor-party and independent candidates on the ballot, but they had little impact on the number of votes these candidates receive (Burden 2008). Another study indicates that stringent signature requirements can suppress major party candidacies as well (Stratmann 2004). Petition submission deadlines did not effect candidacies or vote percentages, and voter registration closing deadlines and the option for fusion candidacies also did not affect minor party support. In only one of four elections examined did

straight-party voting reduce the vote shares of minor-party and independent candidates (Burden 2008).

CAMPAIGN FINANCE

States use three types of tools to regulate the funding of political campaigns. All states require the disclosure of contributions to some extent, with wide variation in the frequency and level of detail in the reporting. Contribution limits are in place in all but five states, with variation in the targets (individuals, corporations, political action committees, or parties) of regulation and the level of contribution allowed. Finally, some form of public financing exists in 25 states, but the level of financing is often minimal. Participation in a public financing system always is optional, and candidates must agree to spending limits. Four states have Clean Elections laws that fund the vast majority of campaign expenses for at least some state offices. The U.S. Supreme Court ruled in *Buckley v. Valeo* (1976), and upheld in *Randall v. Sorrell* (2006), that mandatory spending limits violate the First Amendment by limiting speech. Campaign finance regulations vary not just in form but in stringency, and research shows that the effects of a spending limit, for example, depend on the level of that limit. Moreover, not all states that have campaign finance laws on the books consistently and vigorously enforce those laws (Huckshorn 1985).

Pennsylvania's disclosure regime is modestly strict, ranking at about the middle among the 50 states, and the state is one of 22 that prohibit direct contributions from corporations and unions. However, state law explicitly allows these entities to contribute using political action committees, and Pennsylvania is among the 14 states that do not limit individual contributions to candidates. An analysis of corporate independent expenditures suggests that corporate contribution bans reduce the dominance of business among campaign contributors and may reduce the total supply of money in politics (La Raja 2010). However, no evidence exists connecting spending bans to political or policy outcomes.

Most of the research on state campaign finance regulation has focused on the effects on campaign spending and on the competitiveness of elections. Results on spending effects are mixed, revealing different effects based on the level of elected office. Contribution limits appear to modestly reduce spending by incumbents in legislative elections but increase incumbent spending in gubernatorial races (Hogan 2000; Gross, Goidel, and Shields 2002). Despite speculation that contribution limits might increase the disparity in contributions between incumbents and challengers, a study of gubernatorial elections finds no support for a pro-incumbent bias (Eom and Gross 2006). Public funding tied to spending limits reduces campaign spending in gubernatorial elections, but its effects are contingent on the level of the spending limit. When limits are set at a high level, spending actually increases. Moreover, incumbents gain an advantage with higher caps, as caps decrease challenger spending regardless of the level of the cap (Gross and Goidel 2001; Gross, Goidel, and Shields 2002). In the case of legislative elections, however, states with public funding systems exhibit lower spending by incumbents and higher levels of challenger spending (Hogan 2000). Taken as a whole, these results make it difficult to predict

how campaign finance reform might affect spending in state elections. At the same time, it is not clear what effect would be most desirable. Higher spending increases the amount of information available to voters, but it may also increase the influence of special interests and require legislators to spend more time fundraising (Francia and Herrnson 2003).

It is reasonable to expect that campaign finance regulation would affect not just how much money candidates raise and spend, but also election outcomes. We know that overall, campaign spending plays a significant role in the outcomes of state legislative elections, with spending by challengers having a larger effect on the vote than spending by incumbents (Gierzynski and Breaux 1991). Indeed, studies demonstrate the potential for contribution limits to increase the competitiveness of elections. At the gubernatorial level, limits on individual contributions reduce the winning margin of victory (Primo, Milyo, and Groseclose 2006). Contribution limits also narrow victory margins in lower house elections and may increase the number of candidates running in each race (Stratmann and Aparicio-Castillo 2006). The effects seem to apply only to two-party competition; more stringent contribution limits increase the emergence of challengers in general legislative elections, but not in primaries (Hamm and Hogan 2008). The few states with public financing for legislative races also seem to enjoy higher levels of electoral competition, at least in the districts where challengers accept public funding (Hamm and Hogan 2008; Malhotra 2008b).

Surprisingly, stricter campaign finance restrictions do not seem to increase public confidence in the political system. Some evidence exists that citizens have a stronger sense of efficacy, or belief that they can influence the political process, in states with disclosure laws and restrictions on contributions from organizations. Individual contribution limits and public financing of elections have no relationship with perceived efficacy, however (Primo and Milyo 2006). Moreover, journalists perceive higher levels of corruption among state public officials in states with stricter campaign finance laws, perhaps because the laws make available more information about fundraising activities and generate media coverage about alleged improprieties (Rosenson 2009).

ETHICS LAWS

Although ethics laws existed prior to Watergate, most state regimes for ethics regulation took shape during the 1970s. Legislative ethics requirements that at least some states have adopted include mandatory ethics training; revolving-door laws prohibiting lobbying immediately after leaving the legislature; bans or limits on honoraria and gifts; financial disclosure requirements; various provisions to prevent conflicts of interest; and the regulation of lobbyist activities. In addition, states have created two types of bodies to monitor and regulate the ethical activities of legislators: 40 legislatures have established some form of internal ethics committee, and 36 states have an independent ethics commission with jurisdiction over legislators. State ethics commissions typically are bipartisan boards of commissioners appointed by the governor and the legislature. Most have jurisdiction over appointed and elected officials, and they may be responsible for local public officials as well.

It is difficult to assess the effectiveness of ethics laws, not only because it would require knowledge of violations that are intentionally kept hidden, but also because the adoption of ethics laws coincided with a variety of other changes in legislative institutions and culture that also affect the behavior of public officials (Rosenthal 2006). There appears to be little relationship between the strength of state ethics laws and the integrity of public officials, but without a good measure of corruption, it is impossible to estimate that relationship with any confidence. Typically, states enact ethics legislation in response to scandal; otherwise, legislators would have little interest in establishing policies that limit their own flexibility (Rosenson 2005). Adoption of ethics laws seems to placate the media in the short term, but the effects on public trust in the long term appear to be minimal or even negative, as the laws may be treated as an admission of misbehavior (Rosenthal 2006).

Most of the empirical evidence about ethics regulation comes from studies of state ethics commissions. A consistent finding is that commissions are more active in enforcing violations of the law than in educating and training public officials to avoid violations. Scholars agree that the most effective commissions are the independent bodies that have power to investigate and issue subpoenas (Smith 2003; Rosenthal 2006). They also should have an appointment process that minimizes the influence of partisanship (Smith 2003). Weak ethics laws and a lack of resources for reviewing disclosure documents are major challenges that reduce commissions' effectiveness. Moreover, public officials generally do not take advantage of commissions' ability to issue advisory opinions and help officials avoid violations (Bradbury 2007).

In Pennsylvania, the State Ethics Commission is composed of seven members appointed by legislative leaders and the governor. The commission has more than 20 staff members who are responsible for enforcing ethics laws for all state and local public employees except teachers. The commission reviews financial disclosures, issues advice and opinions, and conducts investigations on its own and in response to sworn complaints. Seven full-time investigators respond to nearly 300 complaints filed each year. At the conclusion of an investigation, the commission may issue an order that can be appealed to the state court system. An analysis of orders issued by the Pennsylvania State Ethics Commission found that approximately a third were directed at elected officials of either state or local government, most commonly for violations of financial-disclosure or conflict-of-interest laws (Bradbury 2007).

A leading scholar of state legislatures, Alan Rosenthal, argues that gift bans and gift disclosure requirements are the most effective form of ethics law (2006). Although they impede the formation of social relationships among legislators that can help facilitate law making, they also create a fairer process by rewarding the quality of information that lobbyists provide rather than the value of the meal they bought. The result is an increased focus on the merits of policy proposals and a more level playing field among interest groups.

Little research exists on the political effects of state ethics laws. Some have argued that ethics requirements deter qualified candidates from running for office, because financial disclosure statements and restrictions on outside income violate lawmakers' privacy and

add to the costs of public service. Indeed, an analysis of state legislative races in the mid-1990s shows that open-seat races were less likely to be contested and attracted fewer candidates in states with strong financial disclosure requirements. The normative implication of these findings is not clear, because we cannot determine whether the laws are deterring qualified and appropriate candidates or individuals who have potential conflicts of interest. Limits on outside income opportunities did not have an impact on candidate entry, and the existence of an independent ethics commission was associated with more successful candidate recruitment (Rosenson 2006).

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