

Democratic Performance in the States

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Abstract

We study how well states translate public opinion into policy and explain state variation in democratic performance, assessing the influence of preferences, institutions, and politics. Using national surveys and advances in opinion estimation, we create new estimates of state-level support for 39 policies across 8 issue areas, including abortion, law enforcement, health care, and education. We differentiate between responsiveness to opinion and congruence with opinion majorities. Policy is highly responsive to policy-specific opinion even after controlling for the ideology of voters and elected officials. However, we uncover a large “democratic deficit”—states are only successful at matching policy with opinion majorities about half of the time, and clear majority support is often insufficient for policy adoption. We find that certain political institutions, specifically legislative professionalization and term limits, enhance the opinion-policy linkage. Other factors, such as participation, electoral competition, and state political culture, explain little. We study the causes of the democratic deficit and show how it connects to policy polarization.

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Federalism is often justified on the grounds that it enhances the responsiveness of the American political system. The argument is that state governments, being closer to the people, are better able to tailor public policy to the preferences of their constituents than is the national government. Allowing states to set policy thus accommodates heterogeneous preferences across jurisdictions and improves aggregate welfare. The strength of this claim, however, rests crucially upon the assumption that state elected officials effectively match policy to local opinion.

Indeed, the quality of democratic government can be judged in part by the responsiveness of elected officials to the preferences of their constituents. Functioning democracy requires some matching of governmental choices to public opinion, though the desired congruence between policy and voter preferences is widely debated. Too little responsiveness certainly calls democracy into question, while too strong a role for majority opinion can raise the spectre of “tyranny of the majority,” particularly in the realm of minority rights.

How responsive is state policy to voters? Overturning previous work arguing that the public had little influence over state policy, Erikson, Wright, and McIver (1993) established a clear correlation between voter ideology and general patterns of state policy. Simply put, they convincingly showed that more liberal states have more liberal policy. Subsequent studies of policymaking at the state level have reached similar conclusions (e.g., Norrander 2000; Brace et al. 2002). By this test, then, federalism receives a passing grade.

One might, however, worry that this test is too lenient. Existing work does not tell us how responsive states are to voter preferences *on specific policies*. And, existing work does not tell us how effective state political systems are at translating opinion majorities into public policy. If a majority of voters in a state want to adopt a lottery or impose an abortion restriction, how likely is their state to do so? In other words, is policy usually *congruent* with majority will? We present a stricter and more nuanced assessment of how well state policymaking conforms to the public will.

We seek to explain how and when specific policy opinion influences policy making and whether and when congruence is achieved. What helps opinion majorities get what they want?

On the positive side, we show for the first time that there is clear and widespread influence of policy-specific opinion over and above the influence of diffuse voter ideology. The influence of opinion on policy is very strong and robust across model specifications. However, we also uncover a rather striking *democratic deficit* in state policymaking. Roughly half the time, opinion majorities lose. In fact, even large supermajorities prevail less than 60% of the time. State governments are not much more effective in translating opinion majorities into public policy than a simple coin flip.

Together, the presence of clear responsiveness to opinion combined with clear evidence of policy incongruence create a far more complicated picture than the state politics literature has previously conceived. The early literature painted far too bleak picture by arguing the public to be an ignorant and ineffectual actor at best and finding little to no evidence of any influence of public opinion. The newer literature, showing that public ideology strongly correlates to policy direction, might imply too rosy a picture. Perhaps we would not be shocked by the democratic deficit were policy-specific opinion irrelevant. But it creates a deeper puzzle to find so large a deficit when we also demonstrate that policy-specific opinion is one of the strongest determinants of policy.

Besides establishing the specific findings above, we study the determinants of democratic performance: which state institutions facilitate responsiveness and congruence, which political contexts do, and whether other forces such as partisanship and interest group activity induce or retard congruence. We show policy-specific opinion as a key determinant of policy, particularly under favorable institutional and political conditions, and for policies of greater salience.

We hypothesize that the relationship between voter preferences and policy will be shaped those institutions that empower opinion majorities, such as the direct election of judges, term limits, or the citizen initiative, as well as institutions that affect the capacity of government to respond to

the public, such as legislative professionalization. States also vary in political contextual features such as their level of party competition, level of political participation, and interest group systems. In some states, one party dominates elective office, whereas in others there is far greater electoral competition, change in party control of government, or more frequent divided control. Similarly, which interest groups are powerful as well as overall interest group density vary across states.

We next study the magnitude and variation of the democratic deficit across states, apportioning the “blame” across the forces that shape congruence, such as interest group pressure, institutions, one-party dominance, etc. We also seek to explain the *ideological direction of incongruence*. When opinion majorities lose, do the “mistakes” tend to be in the liberal or conservative direction? This varies dramatically by state, and we show that such policy bias is due to over-responsiveness to voter ideology and the distorting influence of party control. The net result is that *state policy is far more polarized than public preferences*.¹

Studying Responsiveness

Concerns have long been raised about the responsiveness of state governments to voter preferences. Treadway (1985, 47), in an influential review of the state policy literature, argued that voters’ lack of knowledge and interest in state politics leads to an incongruence between policy and public opinion. Early analyses indeed found virtually no relationship between political variables and the ideological direction of state policy (Dye 1966; Plotnick and Winters 1985).

More recent scholarship, however, dramatically moved the debate forward, showing evidence of a linkage between state policy and public opinion. Erikson, Wright, and McIver (1993) estimated voter liberalness in each state by pooling national surveys over a twelve-year period

¹This obviously connects to the ongoing debate about whether Congress is polarized, how much, and why—with some arguing that Congress is polarized while the people are not.

and find that voter ideology correlates strongly with a policy index—the more liberal a state’s voters, the more liberal its policies. These results led Erikson, Wright, and McIver to conclude that “even under adverse conditions such as the limited interest and information that the average voter has regarding state politics, public opinion can serve to influence state policy” (253). Subsequent research, employing a similar methodological approach, has confirmed these findings, and other work, most significantly, Stimson, MacKuen, and Erikson (2002), showed aggregate responsiveness at the national level.

The broadest and most influential piece of this type is Brace, et al. (2002), which shows a connection between attitudes (e.g., towards feminism and the environment) and related outcome measures by state (e.g., number of abortion providers, welfare payments, number of death row inmates). Haider-Markel and Kaufman (2006), on the other hand, connects attitudes in the form of public acceptance of homosexuality to specific policies such as hate crime adoption, sodomy law repeal, and same-sex marriage bans.

Of course, aggregate liberalism scores and even of policy-related attitudes only serve as indirect measures of opinion. Problems of inference arise because researchers do not know exactly how these measures should translate into policy—i.e., liberalism scores and policy lack a common metric (Achen 1978; Matsusaka 2001). A high correlation between ideology and policy can reveal a strong relationship between the two—but, without knowing the exact mapping of ideology to policy preferences, one cannot tell if policy is over- or under-responsive to voter preferences (Erikson, Wright, and McIver 1993, 93). One cannot tell if specific policy matches majority preferences on those policies. Furthermore, while some policies map quite nicely to general ideology, others do not (Norrander 2001).

Given this, why does the literature tend to invoke public preference in the form of ideology or attitudes? One reason is that one might theorize that invoking specific policy preferences

is asking too much of voters or at least asking too much of statehouse democracy. But another likely reason is practical, not theoretical: the lack of comparable opinion polls across states. To compensate for this, studies typically estimate opinion using disaggregation, a technique that pools national polls (typically over many years) until there are a sufficient number of survey respondents to calculate opinion percentages in each state. Unfortunately, polling firms do not usually ask policy-specific questions frequently enough to generate reliable estimates of policy-specific preferences. Researchers have instead had to limit themselves to those questions which have been asked in dozens of compatible surveys. These tend to cover ideology or general attitude as opposed to support for specific policies. The target side is sometimes specific policies and other times more general measures of real world outcomes.

A small number of single-issue studies have been able to directly estimate voters' preferred policy choices and then compare those to the actual policies adopted by their state government.² For example, Gerber (1996, 1999) employs disaggregation and pools several national surveys to identify the state-level support for the death penalty and abortion restrictions; Lax and Phillips (2009b) estimated public support for eight policies regulating gay and lesbian rights; Lupia, et al. (2009) uses state polls to study state constitutional bans on same-sex marriage; and Norrander (2000) ties death penalty specific opinion and policy. While these studies found evidence of responsiveness and contribute to the public opinion literature, results may be difficult to generalize (Burnstein 2003). These studies focus on highly salient morality policy issues, and, as Lax and Phillips (2009b) demonstrate, responsiveness to majority opinion is greatly enhanced by salience. It is not clear if the strong opinion-policy linkage found in these studies exists across other issue areas. In any case, these studies are the exception rather than the rule.

Additionally, most existing studies focus exclusively on the *responsiveness* of policy to public

²Brace, et al. (2002) does connect two specific opinion measures to related outcome measures.

opinion, ignoring whether policy is *congruent* with the preferences of the median voter. Both responsiveness and congruence are forms of policy representation, but they are different things. The probability of policy adoption may increase with higher public support (suggesting responsiveness), but policy may still often be inconsistent with majority opinion (suggesting a lack of congruence), perhaps being biased in the liberal or conservative direction, requiring a supermajority before policy is adopted or withdrawn. Congruence is often overlooked in analyses of policymaking because of (again) the lack of estimates of voters' preferred policy choices and the difficulty in finding common scalings of policy, ideology, and attitudes. However, in order to fully evaluate the quality of democratic government as well as the welfare advantages of federalism, we need to know the frequency with which opinion majorities prevail in policymaking, and not just whether greater support increases policy likelihood.

We overcome many of the obstacles discussed above by employing MRP (Multilevel Regression and Poststratification), a technique developed and assessed by Gelman and Little (1997), Park, Gelman, and Bafumi (2006), and Lax and Phillips (2009a). MRP combines national survey data with multilevel modeling and poststratification to estimate public opinion. Importantly, it can generate accurate estimates of state-level opinion using a relatively small number of survey respondents—as few data as contained in a single national poll—so that we can estimate opinion on a wide range of state policies.

We do so for 39 policies that are set by state governments. These encompass a wide range of issue areas including gay and lesbian rights, abortion, criminal justice, health care, and education. Importantly, these are policy areas that are salient and over which opinion and policy adoption vary. While some of these issues, such as abortion and gay and lesbian rights, have been the subject of numerous inquiries in the public opinion literature, others, such as health care and education, have not. Unlike studies that only use a policy index or that only consider a narrow set of policies,

we can also ask whether and how responsiveness and congruence vary across issue areas. These are all dichotomous in both policy and opinion, such as “Do you support or oppose embryonic stem cell research?”, so that policy and opinion share a common metric.

Theory and Hypotheses

Voter Preferences. We anticipate that state policy should, on average, be responsive to policy-specific opinion. There are many paths by which opinion can shape policy, the most obvious being the “electoral connection” (Mayhew 1974). The desire to retain office has long been established as a powerful driver of the behavior of elected officials, creating an incentive to design policy in a manner that is consistent with public preferences.

We do not, of course, expect representative democracy to capture majority will on each and every policy. The strength of the opinion-policy linkage should be conditioned by the salience of the issue at stake, that is, its importance to the public and its prominence in public discourse (see Monroe 1998, Lax and Phillips 2009b). For salient policies, citizens are more likely to hold strong opinions, to convey those opinions to their representatives, and to hold their representatives accountable (Page and Shapiro 1983). The incentive for officials to acquiesce to opinion is then particularly powerful, even if doing so runs counter to partisan or ideological interests. When salience is low, however, officials may be unaware of their constituents preferences and, if they do know their constituents’ preferences, to think it less likely they will be held accountable for ignoring them. If they wish to be responsive, but do not have sufficient knowledge of their constituents’ preferences, they will follow cues to fill in the gaps. The most likely cue is perceptions of general voter ideology (see Druckman and Jacobs 2006). Finally, by giving voters what they want on salient policies, legislators may be more free in making other policy choices, so long as they are responsive “enough.”

Institutions. Many of the largest battles in the state politics literature involve which, if any, institutional features of state government enhance or undercut the relationship between policy and opinion. One feature that should strengthen this relationship is the citizen initiative, which exists in 24 states. There are two ways in which the initiative can enhance the effects of opinion. First, when a majority of voters prefer an alternative policy to that of the status quo, they can circumvent elected officials and enact their preferred policy outright. As a result of the open agenda and majority rule preference aggregation, successful initiatives should move policy closer to the preferences of the median voter (Gerber 1996, 1999). Second, the initiative may function as a “gun behind the door”, even if it is never used. Interest groups or citizens can, in response to legislative inaction or unpopular legislation, threaten to pursue their policy goals via the initiative. This threat may then spur elected officials to make changes in their policy choices as a means of avoiding a ballot measure. Even in the absence of an explicit threat, officials may anticipate the behavior of potential initiative authors and draft laws in a manner that preempt future ballot measures. Such changes are likely to be median-enhancing (Magleby 1984; Gerber 1996).

While there are theoretical reasons to anticipate that the availability of the citizen initiative will enhance responsiveness and congruence, some have argued that such an expectation is not reasonable given the costs of the initiative process, the central role that interest groups play in writing, qualifying, and financing ballot measures, and the limited understanding that voters often have of the policy questions on which they are asked to vote (see Lascher, Hagen, and Rochlin 1996). Indeed, existing empirical work has reached inconsistent or contradictory conclusions. Some studies find evidence supporting the argument that the initiative enhances responsiveness, at least in some policy areas (Gerber 1996, 1999; Arceneaux 2002; Lupia and Matsusaka 2004; Phillips 2008), while others find no such effect (Lascher, Hagen, Rochlin 1996; Gray, Lowery, and Monogan 2008; Lax and Phillips 2009b).

Next, we expect that legislative professionalization will enhance the effect of public opinion. Some states use highly professional chambers that resemble the U.S. House of Representatives, while others rely on “citizen chambers.” Professionalized legislatures are well paid, meet in lengthy sessions, and employ numerous non-elected staff. For example, in states such as California and New York, lawmakers are in session much of the year, and officials serving in these chambers receive an annual salary in excess of \$80,000 and generous per diems (Council of State Governments 2007). This allows lawmakers to treat their legislative service as a career and makes holding a second job unnecessary. In citizen chambers, however, the number of days legislators are allowed to meet is often constitutionally restricted. On average, regular sessions are limited to approximately 90 calendar days per year, and in extreme cases are constrained to no more than 60 or 90 days biennially. Compensation for service in these chambers is also low or non-existent. To support themselves and their families, legislators in citizen chambers usually hold second jobs to which they must return soon after the legislative session. There are also very few legislative staff.

Professional chambers should have a greater *capacity* to assess and respond to public opinion, in part because lawmakers have greater resources (such as staff) to ascertain what the public wants. Longer sessions allow for more issues to be considered, including those of relatively lower salience, and outside employment is less likely to constraint a legislator’s attention to constituent interest. Second, professionalism should have a positive effect on the electoral connection. Seats in professional chambers are more valuable (given higher salaries) so there are greater incentives for lawmakers to be responsive to their constituents’ preferences (Maestas 2000).

We thus expect to see greater responsiveness (larger opinion effects) and more congruence in states with professionalized legislatures. We recognize, of course, that some might argue to the contrary—that professionalization leads to elite capture of the state governing apparatus, so that the general populace is excluded from influence. Some might feel that less formal, volunteer

legislatures will be more in touch than career politicians. However, we are not aware of any systematic evidence that professionalization undercuts the link between the people and policy (and, to foreshadow, we find no such evidence).

To the extent that professionalization matters, so might term limits. Term limits may reduce the capacity of lawmakers to assess and respond to public opinion by reducing experience (Kousser 2005) and may reduce incentives to respond to public opinion by limiting the value of a legislative seat. On the other hand, as proponents of term limits argue, to the extent term limits induce greater turnover, they might lead to legislators that better reflect current constituents' preferences directly and might reduce the extent to which legislators are "captured" by interest groups or political insiders. Additionally, they might shift a legislator's attention to future state-wide races (or least those of larger geographic scope) and from local constituents or parochial interests (Carey, Niemi, and Powell 2000). We assess the net impact of these effects in our analysis.

Features of a state's judicial system might also lead to increased responsiveness and congruence. Courts often limit public choice, particularly in civil rights issues, so that the responsiveness to public opinion might be thwarted, for good or ill. However, 39 states require judges to be approved by voters via a partisan, nonpartisan, or retention election, which ties judges to the public through an electoral connection. Indeed, judicial decisions on important social issues (such as gay rights, the death penalty, and abortion) often play a significant role in judicial elections. We thus expect to observe greater responsiveness and congruence in states that elect their high court judges. For example, Brace and Boyea (2004) find that public support for capital punishment influences the willingness of judges to uphold death penalty sentences in states where judges are elected. One might also expect those issues more removed from judicial influence entirely to be more majoritarian in nature. The literature has not, however, been able to consider all this across a broader range of issue areas.

Political Context. We also evaluate the role of political context. Consider a state's interest group environment. Political scientists have long documented that states vary widely with respect to the identity of those organized interests that are considered to be politically powerful (see Thomas and Hrebemar 2008). The likely effect of such groups on the relationship between opinion and policy-making is not straightforward. On the one hand, these groups can strengthen the effect of opinion. There is no reason to expect majority opinion to automatically translate into congruent policy. As we already noted, there are likely to be many policies for which lawmakers are unaware of constituent opinion. Furthermore, given the number of policies on the typical legislative agenda as well as limitations on agenda space, not all popular policy changes will be considered by lawmakers. Organized interests, in their role as information providers, can make elected officials aware of voter sentiments. Such organizations can also use their resources to pressure lawmakers to place popular measures on the agenda. Of course, in direct democracy states, they can circumvent the legislature entirely and pursue popular measures via the initiative process. Using their financial or membership resources, they can also undertake activities (e.g., media campaigns, mailings, rallies, etc.) to raise the profile or salience of a particular policy. All of these activities, should strengthen the relationship between public preferences and government action. When the interest group and the popular majority are aligned, we should expect a greater chance of policy congruence than when the two are opposed. Indeed, powerful interest groups may use their resource to block popular policies, and elected officials may feel it desirable or necessary to satisfy such groups instead of the median voter (to garner campaign contributions or other types of support).

It is our expectation that responsiveness and congruence (on any given policy) will be conditioned by the balance of powerful interest groups. When there are powerful organized interests opposing (supporting) majority will, congruence will be less (more) likely. And, if there are such groups on both sides, we might expect them to cancel out each other's influence, to some extent.

In addition to documenting variation in the composition of state interest group environments, research shows that states vary widely with respect to the density of organized interests (Gray and Lowery 1995, 2001). While a great deal has been written about the potential consequences of this variation, unearthing the effects of interest group density on the quality of state-level democracy is fraught with theoretical and empirical difficulties. High interest group density may be good if high density means that groups represent a broad array of policy needs in society and transmit these preferences to the government, however, numbers tell us little about the balance between competing groups. Moreover, the size of state interest group populations has been shown to be endogenous to state political institutions. Berkman (2001) finds this to be true for legislation professionalization and Boehmke (2002, 2008) for the citizen initiative. Additionally, research has shown that the size of the interest group community is influenced by the policy problems present in the state as well as the proposed solutions (Gray and Lowery 1995, 1998, 2001). We will consider interest group density in a subsidiary analysis below.

Another aspect of political context we will consider in our main analysis is voter turnout: one would expect that wider political participation will lead to greater majoritarian congruence than would a high degree of political apathy. Finally, there is the concept of “state political culture”—which we postpone discussion of for now.

Party Politics. Finally, there is the role of elite party politics. We will consider the ideological liberalness of state governments, but we must also consider the impact of party control of the legislature and governorship on responsiveness and congruence. Obviously, we would expect that the stronger the hold of the Republican (Democratic) party on the state government, the more conservative (liberal) state policy will be, holding policy support constant. This needs to be considered in assessing the likelihood of congruence as well—when party pressures and public preferences both

push for a particular policy, we should be far more likely to see policy aligned with public will.

But party control connects to public opinion in other ways. When one party dominates the electoral landscape, monopolizing the reins of government, we would expect public influence to be more limited than when the parties are actively competing for support. Thus, we expect that inter-party competition will increase responsiveness and induce greater congruence. Finally, if control over government is divided between the parties (as opposed to unified government), we might expect more gridlock, so that policy might be left incongruent with majority will. The more likely divided government is, the less likely congruence might seem.

Data and Methods

Policy and Policy-Specific Opinion. We estimate opinion for 39 policies in a total of eight issue areas. The policies used in our empirical analysis are clearly not a random sample and so some caution must be used in generalizing our findings. However, policies were not purposefully selected on substantive grounds or the degree to which they lined up nicely with ideology or opinion measures. Rather, the policies included here are *all* those for which we were able to obtain state policy data and at least one large national opinion survey (though for most policies we found multiple surveys). All of the specific survey questions we used are dichotomous, and so that is how policy data are coded as well (either a state has the particular policy or they do not).³

³We conducted our search for survey data using iPoll which is housed at the Roper Center for Public Opinion Research and contains survey questions and answers asked over the past 70 years by more than 150 survey organizations. Our search was limited to polls conducted in the past decade that identified the state of residence for all respondents. The polls are random national samples conducted by Gallup, Pew, ABC News, CBS News, Harvard, AP, Kaiser, and Newsweek. We combine polls on each policy into a single internally-consistent dataset for that policy. There are, of course, slight variations across polls in question wording and ordering (each polling firm tends

Our eight issue areas cover many state policy types (one exception is fiscal policy interpreted narrowly, though many of the policies below do have fiscal implications). The policies are listed below by their corresponding issue area (see Table 3 for precise survey question wording). Responses are coded dichotomously for support or opposition (state estimates are percentage support out of those with an opinion).

●*Abortion*—Require doctors to inform patients of abortion alternatives; Require parental consent for teenagers; Require parental notification for teenagers; Ban late-term abortions; Require a 24-hour waiting period for an abortion

●*Education*—Allow race-based affirmative action for admissions in higher education; Allow charter schools; Require students to pass a standardized test before graduating from high school; Allow tax-funded vouchers to be used for private or religious schools

●*Electoral Reform*—Limit corporate/union campaign contributions; Limit campaign contributions of individuals; Require a photo id to vote; Allow recall elections; Legislative term limits

●*Gaming*—Legalize casino gambling; Legalize a state lottery

●*Gay and Lesbian Rights*—Allow second parent adoption; Allow civil unions; Include sexual orientation in employment nondiscrimination laws; Include sexual orientation in hate crimes laws; Provide health insurance to the domestic partners of state employees; Include sexual orientation in housing nondiscrimination laws; Allow same-sex marriage; Legalize same-sex sodomy (as of 2003)

●*Health Care*—Legalize physician-assisted suicide; Reduce the number of people who are eligible for Medicaid (in fiscal year 2005); Legalize medical marijuana; Extend eligibility for the State Children's Health Insurance (SCHIP) program to children in a family of four making up to \$60,000 to use the same wording over time). We control for such differences. There can be variation in terms of policy detail, but this is beyond the reach of the specific survey data currently available, and using a policy quantification that is not on the same scale as our survey data would destroy one of the comparative advantages of our analysis, namely congruence analysis.

a year; Allow embryonic stem cell research

- Immigration*—Allow public schools to teach the children of immigrants in their native language (bilingual education); Issue drivers' licenses to illegal immigrants; Allow the children of illegal immigrants to attend state public colleges and universities at the same in-state tuition rates as other state residents; Require the state government to verify citizenship status (using the federal government's E-Verify database) before making hiring decisions.

- Law Enforcement*—Ban assault weapons; Allow gun owners to carry a concealed weapon; Allow the death penalty for persons convicted of murder; Mandate prison sentences for non-violent drug crimes; Decriminalize small amounts of marijuana; Require a waiting period for gun purchases

State policy data were obtained from various sources, as shown in Table 5, including advocacy groups, policy foundations, research organizations, and other NGOs. In the analysis that follows, policy and policy-support are both coded to point in the liberal direction (e.g., having the death penalty is coded as zero; having affirmative action is coded as one).

To estimate state-level opinion we use multilevel regression and poststratification, or MRP. Assessments of MRP demonstrate that it performs very well (Park, Gelman, and Bafumi 2006, Lax and Phillips 2009a, Pacheco 2009). It consistently outperforms its dominant competitor, disaggregation, even for large samples, and it yields results similar to actual state polls. A single national poll and simple demographic-geographic models (simpler than we use herein) can suffice for MRP to produce highly accurate and reliable state-level opinion estimates.

There are two stages to MRP. First, individual survey response is modeled as a function of demographic and geographic predictors, with individual responses nested within states nested within regions, and also nested within demographic groups. The second step is poststratification: the estimates for each demographic-geographic respondent type are weighted (poststratified) by the percentages of each type in actual state populations, so that we can estimate the percentage of

respondents within each state who have a particular issue position. This yields estimates of explicit policy support, explicit opposition, and, thereby, policy support among those with an opinion, for each policy and for each state. For full details, see Lax and Phillips 2009a,b. The specific demographic predictors used herein are age, education, race, gender, state-level religious conservatism, and state-level Democratic vote share, along with state and region geographic predictors.

We augment our policy-specific *Opinion* estimates with voter ideology scores. *Voter Liberalism* is based on Erikson, Wright, and McIver's ideology scores (1993).⁴ These capture the self-identified liberalism/conservatism of voters in national survey data. *Opinion* and *Voter Liberalism* do correlate, though this relationship varies by policy (mean correlation is .56; the range is from -.83 for charter schools to +.83 for stem cell research). Clearly, our opinion estimates capture something more than simple ideology. Table 1 shows, by state, the number of liberal policies and average liberal opinion. Table 2 shows the same by issue area. Opinion and policy are also mapped in Figure 1. For congruence models, we use *Size of Majority* (which ranges in practice from 50.03 to 94.60). The larger the opinion majority, the stronger the signal sent to political actors, and so the greater the likelihood of congruence.

Government Liberalism is the ideology of state elected officials, measured using the scores of Berry et al. (1998), which are based on the partisan configuration of state government and interest group ratings of the state congressional delegation (averaged over 1995-2005). Higher numbers are more liberal. We also calculated the Democrats' mean share of state legislative seats (averaging the two chambers) over the period 1990 to 2007, as well as the amount of time they controlled the governorship in each state. We call these *Democratic Legislature %* and *Democratic Governor %*. We next calculate, by state, the number of years of unified Democratic control and the number of years

⁴We imputed missing values for Alaska and Hawaii from the 2004 presidential election vote, and similarly correct for the outlying Nevada score they note.

of unified Republican control. *One Party Dominance* is the absolute value of the difference between them (so that if a state rarely has unified government or does have it but such control flips back and forth between parties, that state will have a low score; if it often has unified partisan control by one party and not the other, it will have a high score). While not in our main regressions, we note that *Divided Government* is the share of time that control was split between Democrats and Republicans over 1995-2005.

Interest Group Pressure captures whether there is a powerful interest group in the state pushing for the liberal policy (+1) or conservative policy (-1) or no such group at all (0). Specifically, the score is the sum of these forces within a state on a policy (so it ranges from -1 to 1, with opposing groups canceling out). Our list of powerful interest groups comes from an updated list by Thomas and Hrebener (2008, original list), and we assessed their predicted stance on the policies we study (data available upon request).

Note that when we use variables coded with an ideological direction in congruence regressions, we center each and flip each around its mean as necessary so that it is coded in the direction opposite that of the opinion majority. When the scores are positive, they make congruence less likely; when negative, they point in the same direction as the opinion majority, making congruence more likely. These predictors are then labeled as *Opposition* (e.g., *Voter Ideological Opposition* and *Governor Partisan Opposition*).

To measure *Saliency*, we conducted a Proquest search of New York Times articles counting how often the policy was mentioned in some form (details available by request), averaging within each issue area, and taking the log number of such stories. Although crude, this technique performs reasonable well and similar measures have been used with success before (Haider-Markel and Meier 1996, Lax and Phillips 2009b). It is not designed to capture variation in state media coverage; such coverage might be endogenous to policy-adoption by state, whereas the national measure will more

cleanly capture the relative visibility of each issue. The specific issues we study vary widely in terms of their salience. Some such as same-sex marriage laws and abortion restrictions have been at the center of recent political conflict in the United States while others have been less important (though none have been entirely absent from media coverage or state policy agendas). Overall, the salience of the issues we study should be sufficient to produce some degree of responsiveness—but there is sufficient variation to test our expectation that salient policies will be the most responsive and most likely to be congruent with opinion majorities.

Turnout is averaged over the last three presidential elections. *Legislative Professionalization* scores come from Squire (2007); they are a weighted combination of measures of salary, days in session, and staff per legislator, as compared to those in Congress the same year. *Term Limits* is an indicator for states that currently have such limits for legislative office. *Elected Court* is an indicator for states that elect the judges in their highest court (including partisan, nonpartisan, and retention elections; other codings yielded the same findings). *Citizen Initiative* is an indicator for states that allow either constitutional or statutory citizen initiatives (we also utilize a measure of mean usage over time). We map the geographic variation in professionalization and term limits in Figure 1.

We standardized continuous variables to compare relative impact, such that a one-unit change is a two-standard deviation shift for each variable, and such that each is centered at its mean. This does not change any substantive findings; does no harm in that logit coefficients can usually not be interpreted directly; puts continuous predictors and dichotomous ones on roughly the same scale; and means that the “base” term given an interaction effect shows the effect at the average value of the interacted predictor, when it takes the value zero, and thus drops out.

Results

Baseline Responsiveness & Congruence. Figure 2 shows bivariate logistic regressions of liberal policy on policy-specific opinion. The basic relationship of policy and opinion is positive across all but four policies, and strongly positive for most. This indicates responsiveness even when we take one policy at a time (N=50). Twenty of the relationships reach 95% significance (shown in bold). There is intriguing variation across policy areas, with consistently strong positive relationships for gay rights and abortion; with law enforcement and health care showing such results for some policies and not others; and weaker relationship (insignificant and even sometimes incorrectly signed) for immigration and education policies. We draw out further nuances of this figure in the congruence section below. That there are a few policies with negative correlations (and with slope insignificantly different from zero) is not particularly surprising given the small opinion variation in those panels. Including even these policies in our full analysis below only cuts against finding a relationship; our results are stronger if they are dropped. Moreover, in our full model of policymaking below, only three policies have negative slopes with respect to opinion, all else equal.

These simple logits show that the probability of having liberal policy is usually strongly related to policy-specific opinion, with a steep regression-line slope, but even a steep slope (high responsiveness in that sense) can yield non-congruence (a lack of majoritarian responsiveness). Within each panel of Figure 2, mapping the point of intersection between the curve and the vertical dotted line over to the y-axis reveals the predicted probability of policy adoption at 50% support. Mapping the point of intersection between the curve and the horizontal dotted line down to the x-axis reveals the needed support level for the predicted probability of policy adoption to reach 50%. The crosshair at the intersection of the two 50% lines marks the point at which 50% public support corresponds to a 50% chance of policy adoption. For perfect majoritarian control, the slope of the estimated curve would be very steep at 50% (effectively flat otherwise) and hit the crosshair

within each panel. But some curves are steeper than others. Moreover, the curves sometimes fall short of the crosshair (to the left/above), sometimes hit it, and sometimes overshoot it (to the right/below). That is, policy adoption can be biased in the liberal direction, on target, or biased in the conservative direction, given the preferences of the policy-specific opinion majorities. The degree of congruence for each policy is shown in each panel.

For example, “Health Care: Medical Marijuana” and “Health Care: SCHIP” have very similarly shaped responsiveness curves, but the latter is directly on target with the 50% crosshair while the former is shifted to the right. Support for medical marijuana has to be far above 50% to get a 50% chance of having the policy. Even with the steep responsiveness slope, there is much incongruence (74% against only 14% for SCHIP). Congruence ranges from 6% for allowing bilingual education to 86% for legalizing a state lottery. Congruence by issue area is shown in Table 2: only 33% of immigration policies are congruent, the lowest across issue areas, whereas the peak is gay-rights policies, which are congruent 57% of the time. Congruence similarly varies by policy within issue area. The wide range of congruence findings across policies and issue areas raises a note of caution in generalizing findings from single-policy or even single-issue studies.

The third column in Table 1 shows the percentage of each state’s policies that match majority opinion, ranging from 33% in New Hampshire (inter alia) to 69% in California and Louisiana. Also see Map 5 in Figure 1. The fourth column Table 1 show congruence percentages weighted by issue area: recall that there are eight gay-rights policies but only two gaming policies, so that the former might dominate the unweighted percentages. Differences between weighted and unweighted are minor.

The bottom line is that, at least for the policies we study, states do not do particularly well in matching policy to opinion majorities, doing so only 48% of the time. This “democratic deficit” persists even with larger opinion majorities. For majorities of size 60% or larger, 52% of policies

are congruent. Even for majorities of size 70%, only 57% of policies are congruent.

There is another dimension of incongruence: its ideological direction. Incongruence can occur when policy is liberal and the opinion majority is conservative or vice versa. Incongruence will be balanced between the liberal and conservative directions when the policy curve goes through the 50-50 crosshair but is insufficiently steep. When the curve does not hit this crosshair, incongruence will not be balanced. The ideological tendency of state incongruence is shown in Table 1 (also see Map 6 in Figure 1); 44% of overall incongruence is in the liberal direction, suggesting a slight conservative bias to state policy relative to opinion majorities. Percentages greater than 50% mean that most incongruence is in the liberal direction (liberal policy, conservative majority). States vary widely. New Jersey “errs” more in the liberal direction than any other state: 65% of its incongruence is liberal. When Oklahoma and Florida “err” they only do so in the liberal direction 25% of the time; their policies tend to be “too” conservative. The ideological direction of incongruence correlates to one’s red-state/blue-state expectations, with the bluer states tending to go “too far” in adopting liberal policies and the redder states going “too far” in that direction (correlation with the Kerry vote is .5). We will return to this later.

We next evaluate which factors increase responsiveness and congruence. We make use of these findings to explain the magnitude of the striking democratic deficit we have uncovered. Then, we extend our analysis to explaining the ideological direction of this deficit.

Explaining Responsiveness and Congruence. Moving to multivariate models of responsiveness and congruence, Figure 3 shows the results for the key variables of interest. For responsiveness, the dependent variable is again an indicator for whether each state policy is liberal, estimated using multilevel logistic regression ($N = 50 \times 39$, with varying slopes and intercepts by state and by policy). For congruence, the dependent variable is an indicator for the state policy matching the

opinion majority, again using a varying slope, varying intercept multilevel model. For responsiveness models, on the left, the key variable is often an interaction with opinion. This captures whether there is more or less responsiveness to opinion (a steeper or more shallow slope) for a given institution or at higher levels of the predictor. The “base” terms for each of these interactions captures the correlation between the institution and having a liberal policy at average opinion (which is centered at zero so that the interaction then drops out). We omit these from the graph (see full tables of results in the Appendix). For congruence models, these interactions are not necessary as these predictors are directly related to the dependent variable. Those predictors not interacted on the left must, however, on the right, be oriented properly in terms of direction with the opinion majority, as noted in our data discussion above. For example, on the left, we ask whether having term limits increases the slope of having the policy with respect to opinion; on the right, we ask whether having term limits shifts the likelihood (the intercept) of having congruence. On the right, we measure whether conservative opinion majorities are more likely to see congruence.

Figure 3 shows coefficients from six models of each type, to show the robustness of our findings across specifications. The caption gives model details. Our complete models, designated by the symbol ●, include all the variables except for *Elected Court* (we explain why later). For both responsiveness and congruence, the most complete model has the best fit.⁵ Figure 4 plots the

⁵Model fit DIC scores for responsiveness are, respectively, 1969, 1935, 1878, 1913, 1915, and 1841. (The third model, that of party effects, were opinion removed, would have a lesser fit: higher DIC score of 1919 rather than 1878.) For congruence, the parallel scores are 2154, 104, 2030, 2081, 2067, and 1976. Findings remain strikingly robust to these variations, as well as others not shown: models that included mean liberal opinion across all 39 issues within each state (the coefficient on policy-specific opinion remained similar); letting the slope of voter ideology vary by policy; dropping potential outliers; etc. Coding policy as having the liberal policy, the mean is 44%; we would, with the full model, predict 42% (80% correctly predicted, proportional reduction of error 55%). Mean congruence is 48%; we would, with the full model, predict 47% (79% correctly

predicted probability of policy adoption under various conditions.

With one exception, the results are parallel between the two ways to think about responsiveness, directly or in the form of congruence. The basic relationship between policy and opinion is very clear: states with a higher level of policy support are far more likely to have the policy. All responsive models show that policy-specific opinion has a significant and strong effect on policy adoption independent of elected elites, voter ideology, and other factors; all congruence models show the impact of majority size. (The coefficient on opinion would be roughly 50% higher if we drop policies with a poor fit to ideology/liberalism.) The average effect of policy-specific opinion is over twice that that of diffuse voter ideology (the latter still has a substantively and statistically significant effect on policy and congruence). On average, we also find that conservative opinion majorities are more likely to get congruence than liberal ones, for the policies we study at least.

Consistent with our expectations, higher salience does increase the impact of policy-specific opinion, as shown by the large interaction term. At average/zero values, one additional point of policy-specific opinion increases the chance of policy adoption by close to two percentage points. The differences in slopes can be seen clearly in the top-left panel of Figure 4; for congruence, on the top right, higher salience means an intercept shift. In some models, the opinion-salience interaction falls just outside of statistical significance.

The role of government ideology and partisan control on congruence is clear. When the state government is more liberal (conservative) and under Democratic (Republican) control more of the time, conservative (liberal) opinion majorities are less likely to get what they want. The effect of government ideology and partisanship seem less clear for the probability of having liberal policy, in that the party control effects are in the wrong direction, whereas government liberalism, predicted, proportional reduction of error 58%. (These numbers exclude Nebraska, which has a non-partisan legislature.) There is little residual state variation in responsiveness slopes, but there remains residual variation in slopes across policies, all else equal.

which is correlated with them increases the probability of liberal policy. Part of the “problem” is multicollinearity between these measures; the rest, as we will see later, is what has often been called “Southern distinctiveness.”

Of the institutions we study, only legislative professionalization and term limits enhance responsiveness. The interaction terms show substantively and statistically significant effects on the marginal effect of opinion (increasing the responsiveness slope) and similar effects on congruence. Low professionalization (one standard deviation below its mean), decreases the marginal effect of opinion by about 28%, and high professionalization increases it about 28%. A two-standard deviation shift increases the probability of congruence by up to 10 percentage points. Term limits increase the marginal impact of opinion by 44% and increase the probability of congruence by up to 15 percentage points. The substantive effects of term limits and professionalization are explored in the middle and bottom panels of Figure 4.⁶

We explored professionalization further (results available on request). Squire’s index of professionalization has three components: staff per legislator, session length, and salary. Using any one of these yields relatively similar findings, but session length performs better than either of the others in terms of model fit. Moreover, when all three are included in the same model, days in session has a strongest effect and alone reaches statistical significance. We thus conclude that professionalization enhances responsiveness/congruence primarily by increasing available agenda space rather than through seat value (salary) or resources for investigating opinion (staff). We tried

⁶We found no significant interaction effect between term limits and professionalization, results not shown. One could be concerned that term limits are endogenous, adopted as a remedy to unresponsive elected officials. This would possibly dampen or render negative the estimated effect of term limits and therefore would not explain the positive coefficient we find for the term limits-opinion interaction. While we include term limits as an institutional variable and also look at term limits as a policy, we reran models dropping it as a policy and results were unchanged.

to push our term limits finding further, evaluating whether the length of term limits (ranging from 6 to 12) mattered, but found no significant differences.

Elected courts seem to increase opinion effects and raise congruence (the former effect is not statistically significant), but we find this effect to be spurious. When we control for policy areas in which court involvement is more likely, there is no increased responsiveness when courts are elected (the coefficient approaches zero), but rather only in areas where courts are *not* usually involved. The courts “finding” is simply correlation without causation. (The same control variable does suggest that issues without court involvement are more likely to be congruent.)

The citizen initiative does not enhance responsiveness; indeed it is incorrectly signed. To explore further, we replaced our indicator for having the citizen initiative with an indicator for *High Use* (using the initiative more than 50 times since adoption versus lower usage or not having it at all) and then with a measure of usage per year—we still found no positive effects. We also checked whether different levels of signature requirement for qualifying an initiative for the ballot (which range from 2% to 15%) might condition direct democracy effects. Only in sparse models, and only at the minimum signature requirement (2%), was the direct democracy effect significant and positive. Now, to be sure, only Louisiana has term limits without also having direct democracy, and 61% of states with direct democracy have term limits. This suggests that the direct democracy might have an indirect effect on responsiveness, to the extent it makes term limits more likely.

These main institutional findings are robust to reducing our congruence model to a simple count index by state, ranging from 13 to 27 congruent policies: $Congruence\ Index = 17.2(.9) + 2.2(.9) \times Professionalization + 2.3(1.3) \times Term\ Limits$. That is, a two-standard deviation swing in professionalization or having term limits makes an additional 2(+) policies congruent (about 16% of the range). Moving from New Hampshire to California (no term limits to having term limits, and from least professionalization to most), the effect is roughly 8 additional congruent policies—close

to 60% of the range of the congruence index. Simple t-tests support these findings. Term limit states have mean congruence of 52% against 47% without; states with above average professionalization have 51% congruence against 47% without (both differences are significant at 95%).⁷

This leaves political context. Both turnout and one party dominance have effectively zero effect on responsiveness and congruence. On the other hand, the state's interest group environment matters a great deal. Having a powerful interest group on the same (opposite) side as the opinion majority increases (decreases) the chance of congruence by up to 18%. A liberal (conservative) interest group increases (decreases) the likelihood of having the liberal policy, all else equal, by up to 15%. To put this in context, one would have to increase policy support by about nine percentage points to make up for having a powerful interest group opposed to the policy; for congruence, the majority size would have to increase by nine points to make up for a powerful interest group opposed to the majority.

We did explore whether an interest group aligned with the majority had a different magnitude of effect than one opposed to it; the former had a slightly larger effect but they were not statistically different. We also tried supplementing our models with other measures of political context. One was a measure of interest group density, the number of lobbyists registered in the state, which we found to have no effect. We also found no evidence that divided government leads to less congruence (in fact, it was weakly correlated to higher congruence). We also assessed whether legislative turnover itself explained congruence (with or without term limits included) and found no meaningful effect.

Some attribute differences in state politics to political culture. Elazar (1984) argues that culture and values, dating back to settlement patterns in the early twentieth century, shape the op-

⁷Contrast this with direct democracy: states with the citizen initiative have mean congruence of 49%; those without 57% (p=.35).

eration of state political systems. We assessed whether congruence or responsiveness were aligned with his tripartite typology of states: “traditionalist,” “individualist,” and “moralist.” We found little difference. As another way of picking up cultural differences, we tried a proxy for a state’s populist tendencies—the presidential vote share of William Jennings Bryan against William McKinley in 1896. A populist tradition could directly impact responsiveness or have shaped institutional development. A long shot to say the least, we do find that there is more congruence in states with a higher Bryan vote. While not huge, the effect is still roughly half that of term limits or professionalization, and statistical significance hovers around the 90% confidence level (two-tailed). This effect does *not* exist for current-day Democratic vote share. These effects become less surprising given that there is a correlation between Bryan vote and term limits (but not professionalization). The Bryan “effect” does persist when this is controlled for but might capture other “populist” institutions. More generally, we cannot rule out that culture shapes institutions (professionalization, term limits, and the like) and so has that indirect effect on congruence. On the other hand, there is only a weak correlation of Bryan vote and having term limits or direct democracy, but a negative correlation between the Bryan vote and the professionalization index.

Explaining the Magnitude of the Democratic Deficit. We can use our model of congruence to apportion the “blame” for the democratic deficit across the possible culprits. Recall that 48% of policies are congruent with opinion majorities; our model predicts 47%. Suppose that we maximized professionalization, making every state the equivalent of California in this regard. Our point prediction is that congruence would then occur 62% of the time. Giving every state term limits would increase congruence to 56%. Making both of these institutional changes would increase it to 71%. If we decrease salience to the minimum across issue areas, or increase it to the maximum, congruence hits 26% and 56% respectively. Suppose we instead remove all interest groups. We

then find that congruence would be... the same 48%.

How can barring interest groups have no effect? The reason is that as often as powerful interest groups retard opinion majorities in achieving congruence, they also enable them when aligned in their favor. For the policies we study, aggregating across states and policies, we find no net effect. If we consider congruence *at the state level* (aggregating over policies within each state), the picture is more complicated. Some states do better, others worse. Without interest group effects, the average increase in congruence is about 4%, and the average decrease is about 4%. Those states hurt most by interest group activity are AZ, DE, ME, OR, RI, WI, and WV. Those states helped the most are GA, NJ, UT, and VA. (If there is a pattern here, it escapes us.)

We find a similar canceling out for elite partisan effects and voter ideology effects on congruence (the latter would reduce congruence to 46%). For all the policies with conservative majorities where liberalism increases incongruence, there are roughly as many with liberal majorities where that same liberalism decreases incongruence. Ten states would see improvements in congruence if ideology “disappeared”; the rest would see a decrease in congruence. The mean increase is 2.8%. The mean decrease is 6%. The most liberal states would see a decrease in congruence. Conservative states would on average see zero difference, as would moderate states. Slightly fewer than half the states would see an increase in congruence overall. In terms of partisanship, the states with congruence scores that would be higher without partisanship include AL, OH, NV, LA, and MD. Those that would be lower include NJ, NY, CT, IL, DE, VT, and WA.

In short, ideology, partisanship, and interest group pressure do not lead to aggregate incongruence, but they do affect the balance of incongruence across state. There is also another subtle relationship with incongruence.

Explaining the Ideological Direction of Incongruence. Consider simple counts of liberal opinion majorities and liberal policies. All but two states have between 15 and 25 liberal opinion majorities, yet 29 states have liberal policy counts outside this central region. That is, two states are “extreme” in the number of liberal opinion majorities and 29 are “extreme” in actual policy. Of these, 22 lie outside this range by being more conservative than the moderate region; 7 lie outside to the liberal side. If we narrow our definition of moderate policy counts to the range 17 to 22, 25 states are extreme in opinion yet 41 are in policy. To put it simply, policy is polarized relative to public opinion, which itself varies much less across states.

These patterns are more consistent with a world in which states implement either a largely liberal or largely conservative slate of policies, rather than a median voter world in which it is possible to select a slate of policies mixing and matching as preferred by opinion majorities. This polarization also suggests that incongruence is not random, that it does not arise from simple “mistakes” in policymaking. Rather, it suggests that ideological or partisan factors may indeed affect congruence.⁸

In particular, we find that these factors affect the direction of incongruence, *conditional on there being incongruence*. See Figure 6. The panels on the top show the percentage of incongruence that is liberal for each state against state voter ideology in the left panel and against the partisanship of unified control in the right panel. The dashed regression line shows the southern states

⁸The over-responsiveness of policy to ideology can be seen even in a simple model. In a simple model of the count of liberal policies, generally only the count of liberal opinion majorities in the state or average liberal policy support has a significant effect (not, for example, ideology, voter or elite). An additional liberal opinion majority (that is, for one more policy), corresponds to *over one additional liberal policy*. We would argue that this because the more liberal opinion majorities there are, the more consistently liberal a state it is, and the more likely a polarized set of liberal policies is. A two-standard deviation swing in average liberal policy support correlates to eight additional liberal policies, even controlling for state ideology (which has half that effect).

and the solid line the rest. Unified Democratic control tends to lead to liberal incongruence and unified Republican control leads to conservative incongruence. (A pooled regression line ignoring the Southern intercept shift in the bottom left panel would falsely suggest party control did not matter; the parallel lines show there is no interaction effect.) These graphs show clear evidence of “Southern distinctiveness,” at least as the role of party control.

The bottom panels show the influence of ideology and unified partisan control on the amount and direction of incongruence in the form of policy counts. Each arrow extends from the desired liberal policy count (given state opinion majorities on each policy) to the actual liberal policy count. Filled arrow heads show a policy count more liberal than desired; hollow ones show a policy count more conservative than desired. Circles in the place of arrow heads show the southern states. The solid regression lines show, for non-southern states, the count of liberal opinion majorities against ideology or party control. Liberal states have policy counts that are too liberal; conservative states have policy counts that are too conservative; and moderate states are mixed. Actual policy counts have a more extreme relationship (a steeper slope, not shown) to ideology than desired counts. And, policy counts have a more extreme relationship to party control than do desired policy counts. Again, however, southern states have a distinct pattern, generally of conservative incongruence despite frequent unified Democratic control.

The regression lines shows something like the correct transformation of ideology into policy index. If policy fell on this line, we would conclude strong responsiveness. But our point is not only that there are significant deviations from this line but rather that they usually amount to “too” conservative policy in conservative states and “too” liberal policy for liberal states. Regression lines of actual policy counts with respect to ideology (not shown) would be rotated to be steeper from this ideal translation line. Indeed, that steeper line would normally be the only line one would see if one lacked specific opinion majority measures, and one would conclude that policy

was strongly related to ideology—missing that, in fact, policy is *over*responsiveness to ideology. Liberal states and those with more years of Democratic control are distorted slightly upward. More conservative states and those with more years of Republican control have a stronger distortion downward. Liberal incongruence, at least in liberal policy count, exists only for more liberal states, whereas conservative incongruence can happen in Southern states with significant amounts of unified Democratic control.

We can model the percentage of incongruence that is in the liberal direction as follows: *Liberal Incongruence* = $47.5(1.4) + 7.6(2.6) \times \text{Ideology} + 6.4(2.9) \times \text{Years Democratic vs. Republican Unified Control} + 1.2(2.2) \times \text{Interest Group Balance} - 10.4(3.2) \times \text{South}$.⁹ Even after controlling for partisan control, state ideology, and interest group pressure, “South” is a strong and significant determinant of how much of the democratic deficit in the state is conservative policy. Interest group effects has small but significant impact. Ideology and party control have roughly similar impact. Five additional years of Democratic control correlates to two percent more incongruence in the liberal (rather than conservative) direction. Again, incongruence is not random error. And, the direction of incongruence is separable from the incongruence. For example, years of unified control (or even uncompetitive one party dominance) do not seem to lead to more congruence, yet unified partisan control does predict what flavor that incongruence will have. A liberal opinion index does not correlate to the direction of incongruence conditional on there being incongruence. This again suggests that it is over-responsiveness to ideology that matters.

Conclusion

What do our results tell us about the quality of democratic government at the state level? First, state governments are generally responsive to voter preferences—policy is highly responsive to

⁹Interest group balance (liberal vs. conservative pressure therefrom, does not simply correlate to state ideology.

policy-specific opinion across a wide range of issue areas, even after controlling for the ideology of state voters and elected elites. Of all the variables we consider, policy-specific opinion often has the largest substantive impact, indicating that it is indeed a key driver of policymaking.

We agree that “state political structures appear to do a good job in delivering more liberal policies to more liberal states and more conservative policies to more conservative states” (Erikson, Wright, and McIver, 95). Our findings, however, suggest a far deeper form of representation than a simple ideological correspondence, and indeed a high degree of responsiveness to public opinion policy by policy. It is not only that more liberal states have more liberal policies, but that states with voters who want a specific policy are far more likely to get it than those who do not.

That policy specific opinion is such a strong predictor of state policy might seem reassuring as to the ability of state governments to reflect constituent will. Indeed, it suggests that the states should earn a rather respectable grade for the responsiveness portion of the democratic performance test. However, there are two reasons to be concerned. One is that responsiveness is conditioned on issue salience. At low salience, policy-specific opinion matters less and other factors dominate. Higher salience does lead to greater congruence, but even at higher levels of salience, state policies are incongruent over 40% of the time. This leads to our primary concern: there is a clear “democratic deficit”—states effectively translate majority opinion into policy only about half the time, a clear “failing” grade on the congruence test. This is true even when majorities are quite large, which raises significant questions about the democratic performance of state government, as well as the extent to which American federalism produces welfare gains.

The ideological direction of incongruence correlates to the standard red-state/blue-state map. In states where voters are conservative, policy, when incongruent with opinion majorities, tends to be more conservative than preferred by the median voter on that policy. In liberal states, the opposite is true. Thus, states tend to “overshoot” relative to the median voter’s specific policy

preferences. This leads to greater policy polarization than is warranted by such preferences, caused primarily by over-“responsiveness” to voter ideology. Note that detecting this would be quite difficult without opinion and policy measured on the same scale. It also suggests that some of the relationship between ideology and policy found in previous work might be over-responsiveness (as was cautioned by, e.g., Erikson, Wright, and McIver 1993, 93).

Institutional design, fortunately, can enhance responsiveness and congruence (and state institutions are relatively malleable). The first institution we find to significantly strengthen the opinion-policy linkage is legislative professionalization. We find that legislative professionalization has a strong, robust, and positive effect on both responsiveness and congruence. To the extent that professionalization leads to disadvantages such as insulation of legislators, this effect seems overridden by its responsiveness-enhancing effects. Interestingly, some have pushed to roll back professionalization to punish unpopular legislators and in response to perceived state government failure, for example, with a ballot measure in California (the “Citizen Legislature Act”) to make its legislature part-time. Ironically, then, concerns about shortfalls in government performance may lead to... greater shortfalls in government performance. Indeed, we find that the length of legislative sessions is the key component of professionalization, so that the California ballot measure would be particularly counterproductive.

The second feature shown to enable greater majoritarianism is term limits. While term limits may limit the accumulation of policymaking experience, they also constrain the ability of legislators to insulate themselves in government. We indeed find that term limits lead to greater congruence and responsiveness. This does point a more nuanced connection between direct democracy and democratic performance, to the extent that term limits are almost never enacted without direct democracy.

The citizen initiative is insufficient as a “gun behind the door” and does not even correlate to

greater congruence at high levels of usage once other factors are controlled for. This does not mean it might not have an effect on specific policies, but rather only suggests that in the aggregate other democratic pathways exist so that it is not a necessary condition for policy congruence. Likewise, adopting an elected judiciary will not seem to do much for majoritarianism.

We also found that the key institutional effects above, as well as salience, are far more important than interest group or partisan distortions on policymaking. That said, these forces do tell us in which ideological direction policy will err when it does not match opinion majorities. It is not that conservative states have only conservative opinion majorities so that all incongruence must be liberal. Instead, such states are likely to have too many conservative policies relative to their number of conservative opinion majorities... leading to polarized state policy slates, relative to more moderate policy-by-policy median voters.

While our results have clear implications for our understanding of American federalism, and while democratic performance at the the sub-national level is the main substantive focus of our analysis, our results also speak to broader debates within the literatures on public opinion, political polarization, and the new institutionalism.

Future work might take up the dynamics of congruence, rather than use a bottom-line “Is there congruence or not” approach. How long does it take for policy to move into congruence with opinion? Is the democratic deficit simply democracy delayed rather than democracy denied? Next, how generalizable are our findings to other areas of policymaking? While we have attempted to present as comprehensive a study of democratic performance as is currently possible, future survey data on policy preferences might take this further. Indeed, the MRP approach makes it much cheaper to study the responsiveness of state policies, in that the survey data requirements are dramatically lessened.

We hope we have demonstrated the usefulness of including state-level policy questions

even on small numbers of national surveys. Given our findings, future studies of the opinion-policy linkage might be remiss if they ignore policy-specific opinion, particularly if studying salient policies. We note that residual differences across policies remain, and further work might explore such differences. This study also points the way to how other state-level institutions might be evaluated and establishes a framework for the comparative study of democratic responsiveness.

We might already be pushing the limits on what is possible using observational data, and, of course, one cannot randomly assign state institutions. To be sure, in any observational study, one should be careful about inferring causality. But suppose that the institutional “effects” we find on congruence and responsiveness are simply spurious correlations. That would not change the fact that states are performing quite poorly in congruence. And, if these institutions are not having causal effects, but simply reflect unconnected state variation, that would mean states vary wildly in congruence and responsiveness, making democratic performance an accident of geography. Future work on this point might explore the mechanisms by which professionalization and term limits improve responsiveness, or discover that these institutions are proxies for other forces at work.

Now, to be sure, some argue that opinion follows policy (rather than the other way around, as we argue herein). But that would suggest that the democratic deficit we find is even worse than it appears, with some congruence due to opinion following policy rather than leading it. To some extent, if congruence can be obtained that way, it suggests that the opinion against the policy was not particularly strong anyway. Yet then why is the democratic deficit so large? No matter how one thinks one gets congruence, to find this degree of it is still, to us, surprising.

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State	Average Liberal		Congruence (%)	Weighted	
	Liberal Policy (%)	Policy Support (%)		Congruence (%)	Liberal Incongruence (%)
Alabama	26	42	46	46	38
Alaska	46	47	36	34	48
Arizona	31	49	56	58	29
Arkansas	21	44	56	62	29
California	69	53	69	66	58
Colorado	59	50	51	54	53
Connecticut	72	52	49	44	60
Delaware	44	52	36	36	40
Florida	23	49	49	50	25
Georgia	23	45	54	55	33
Hawaii	64	52	38	33	54
Idaho	23	43	54	54	33
Illinois	67	51	49	49	60
Indiana	31	45	56	61	35
Iowa	62	48	44	46	59
Kansas	44	45	62	65	47
Kentucky	41	44	41	39	52
Louisiana	31	46	69	71	33
Maine	62	52	41	37	52
Maryland	64	52	49	46	55
Massachusetts	64	55	62	58	53
Michigan	38	49	56	61	35
Minnesota	49	50	51	50	42
Mississippi	23	43	46	42	38
Missouri	28	46	54	57	33
Montana	46	47	41	39	48
Nebraska	36	44	46	47	43
Nevada	54	50	41	36	48
New Hampshire	59	51	33	31	50
New Jersey	74	52	49	49	65
New Mexico	54	51	46	45	48
New York	67	54	46	44	57
North Carolina	31	46	49	50	40
North Dakota	38	45	44	44	45
Ohio	28	48	49	50	30
Oklahoma	21	41	59	59	25
Oregon	62	51	36	33	52
Pennsylvania	38	50	33	38	38
Rhode Island	56	54	46	45	48
South Carolina	26	45	51	51	37
South Dakota	33	45	49	48	40
Tennessee	31	44	51	51	42
Texas	28	46	59	59	31
Utah	21	38	56	54	41
Vermont	67	54	36	33	56
Virginia	26	48	46	46	33
Washington	72	52	54	52	61
West Virginia	36	46	33	35	42
Wisconsin	49	49	56	53	47
Wyoming	36	44	33	31	42
Min	21	38	33	31	25
Max	74	55	69	71	65
Mean	44	48	48	48	44

Table 1: *The Democratic Deficit by State*. The first column is the percentage of liberal policies by state (out of 39 total). The second column is mean liberal opinion across policies by state. The third shows percentage congruent with majority opinion. The fourth shows congruence weighted such that each issue area has equal role in determining a state's score. The fifth column is the share of incongruent policies that are liberal. Scores above 50% indicate that incongruence, on average, results from policy being more liberal than public opinion, while scores below 50% indicate that incongruence results from policy being more conservative than public opinion.

State	Liberal Policy (%)	Average Liberal Policy Support (%)	Congruence (%)
Abortion	49	22	51
Education	61	38	46
Electoral Reform	68	49	46
Gaming	54	66	56
Gay and Lesbian Rights	37	60	57
Health Care	26	55	50
Immigration	52	37	33
Law Enforcement	23	54	45
Mean	46	48	48

Table 2: *The Democratic Deficit by Policy*. The first column is the percentage of liberal policies by issue area. The second column is mean liberal opinion. The third shows percentage congruent with majority opinion.

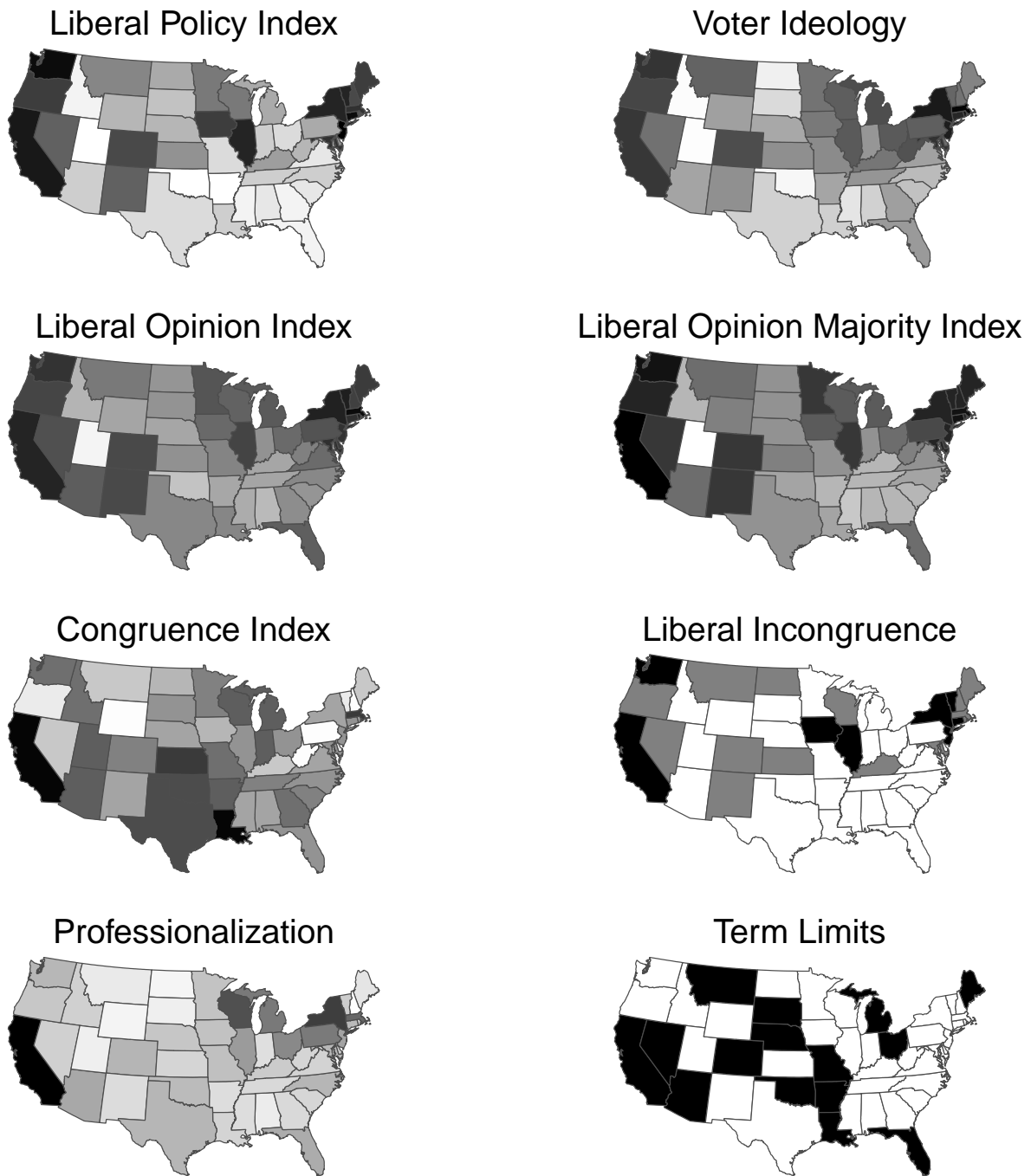


Figure 1: *Maps of Policy and Opinion.* In order from left to right, top to bottom: Map 1 shows the percentage of the 39 policies that are liberal in each state (darker = more liberal, unless otherwise stated), Table 1, column 2; Map 2 shows the Erikson-Wright-McIver ideology scores; Map 3 shows mean liberal opinion percentage across policies, Table 1, column 3; Map 4 shows how many policies have liberal opinion majorities; Map 5 shows the percentage of policies that are congruent with opinion majorities, Table 1, column 4; Map 6 shows the percentage of incongruent policies that are in the liberal direction (dark > 55%, white < 45%), Table 1, column 6; Map 7 shows legislative professionalization (darker = more professionalized); and Map 8 shows states with term limits (dark).

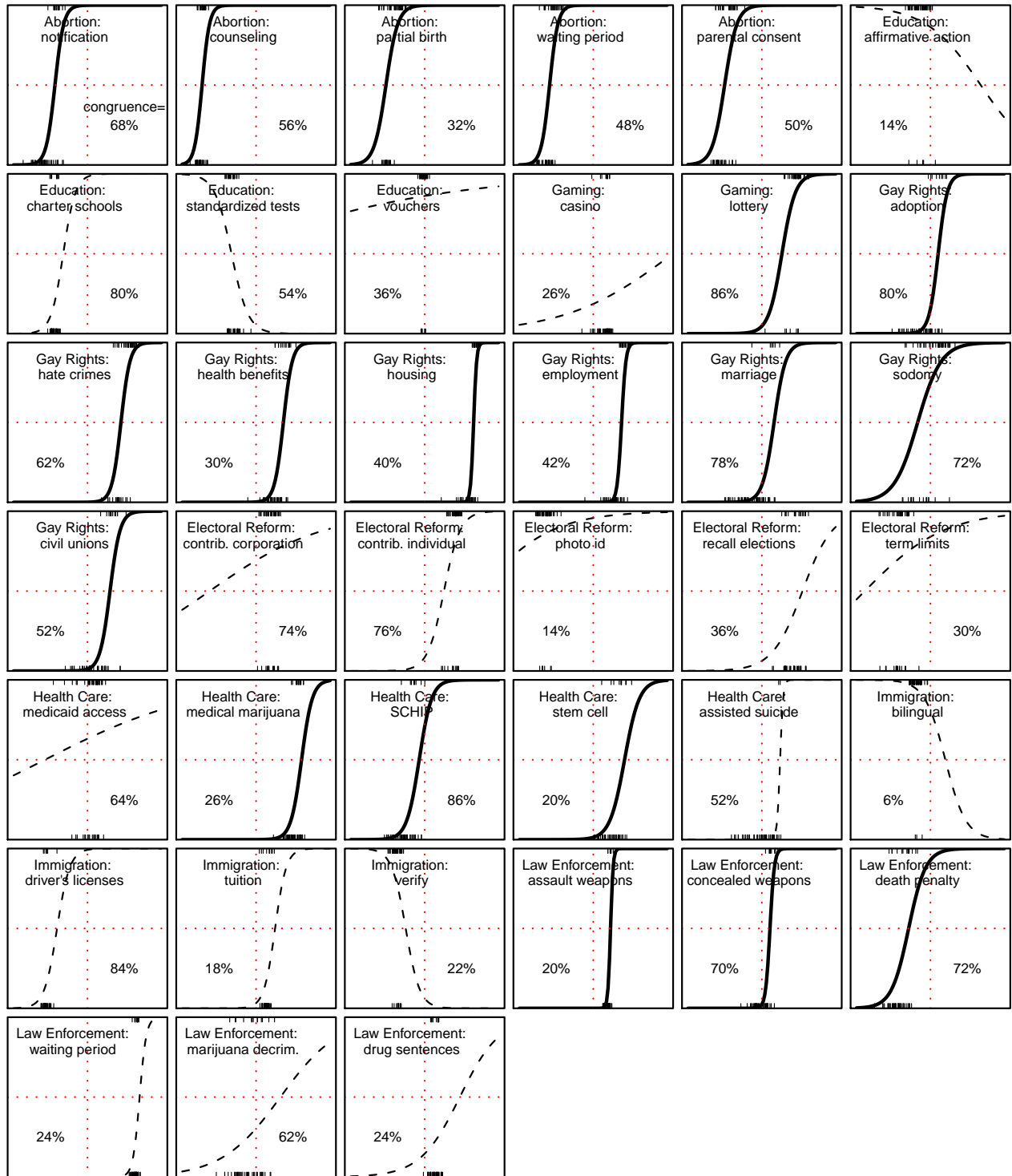


Figure 2: *Basic Relationships between Policy and Opinion*. Each graph plots the probability of policy adoption derived from the logistic regression curve given state opinion. The opinion level in states with the policy in question are plotted (in a “rug”) on the top axis and those without on the bottom. In each panel, dotted lines show the 50% marks in opinion support and policy probability. Panels are ordered by policy group. Bold solid lines indicate a relationship significant at 95% (two-tailed). The percentage printed in each panel is the degree of congruence across states between the policy and the opinion majority (rug marks in the top-right and bottom-left quadrants are congruent).

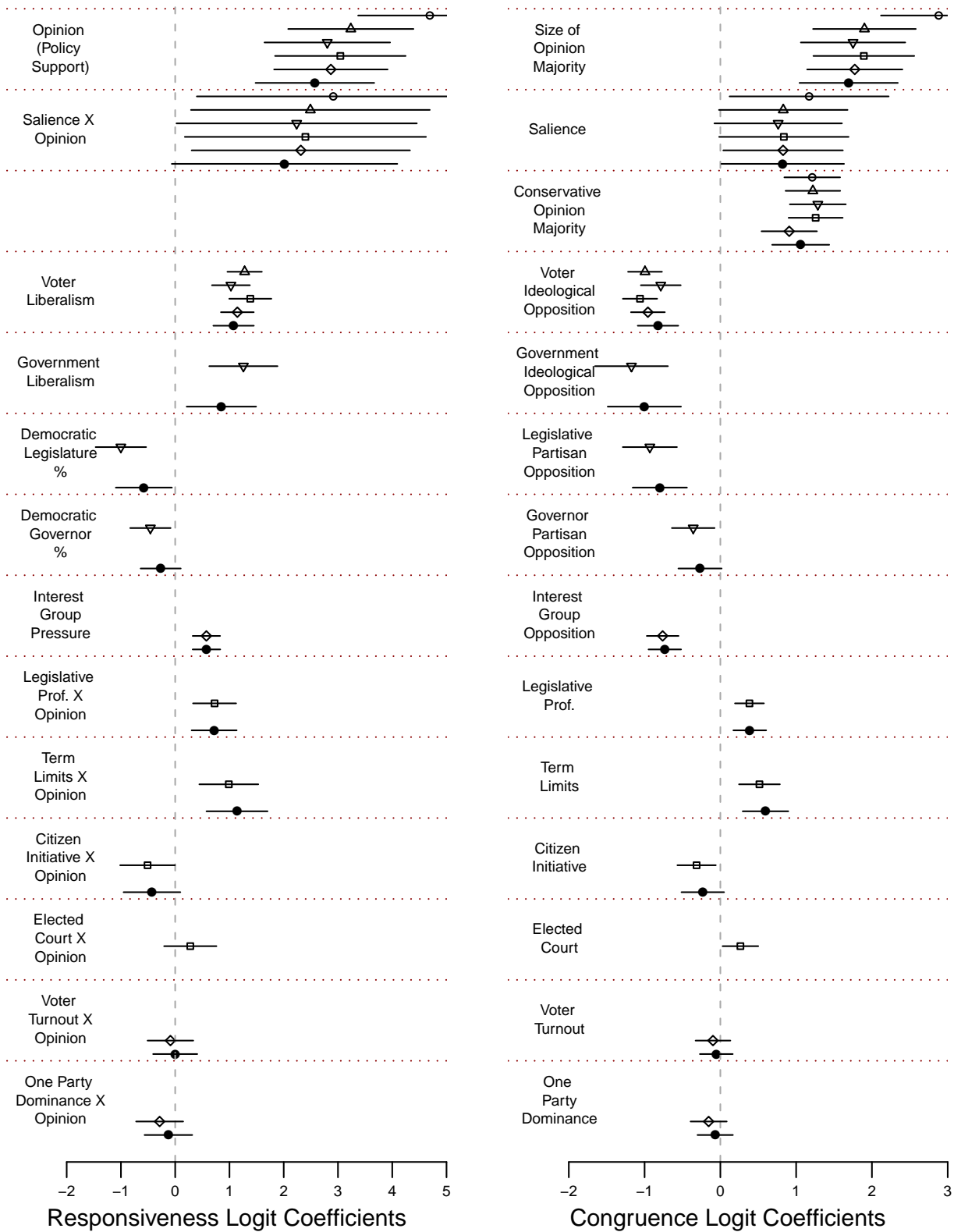


Figure 3: *Responsiveness and Congruence*. We plot coefficients from six models of each type; the confidence intervals shown are at the 95% level for one-tailed tests or 90% for two-tailed. All models are multilevel logistic regressions including varying intercepts and slopes by state and by policy. Continuous variables are rescaled by centering and dividing by two standard deviations; thus, coefficient magnitudes can be compared across predictors. Starting from the most basic, at the top of each series, the \circ models include only opinion and saliience. The \triangle models add voter ideology (so far, these all remain in subsequent models). The ∇ add government ideology and partisanship measures. The \square models remove these and add institutional variables. And, the \diamond models remove these and political context variables. Our complete models, designated by the symbol \bullet , include all the variables except for *Elected Court*. We omit variables of less direct interest.

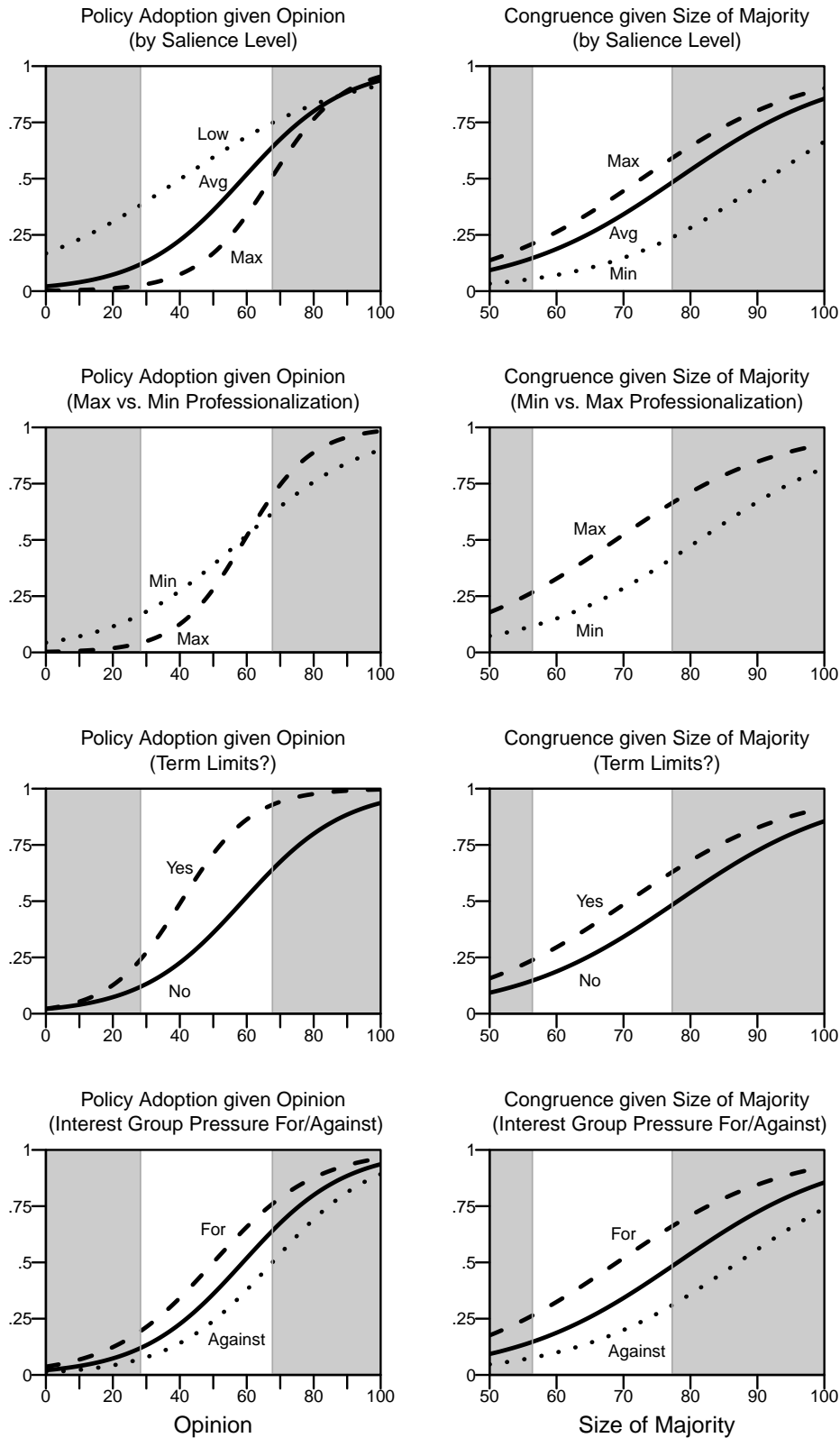


Figure 4: *Predicted Probability of Congruence or Policy Adoption.* Each graph plots the predicted probability of policy adoption or congruence derived from the final models in Figure 3. The default value of each continuous variable is its mean. Each dichotomous variable is set to zero. The non-shaded regions depict the range of opinion between low opinion and high opinion—that is, the two standard deviation region in which most observations fall.

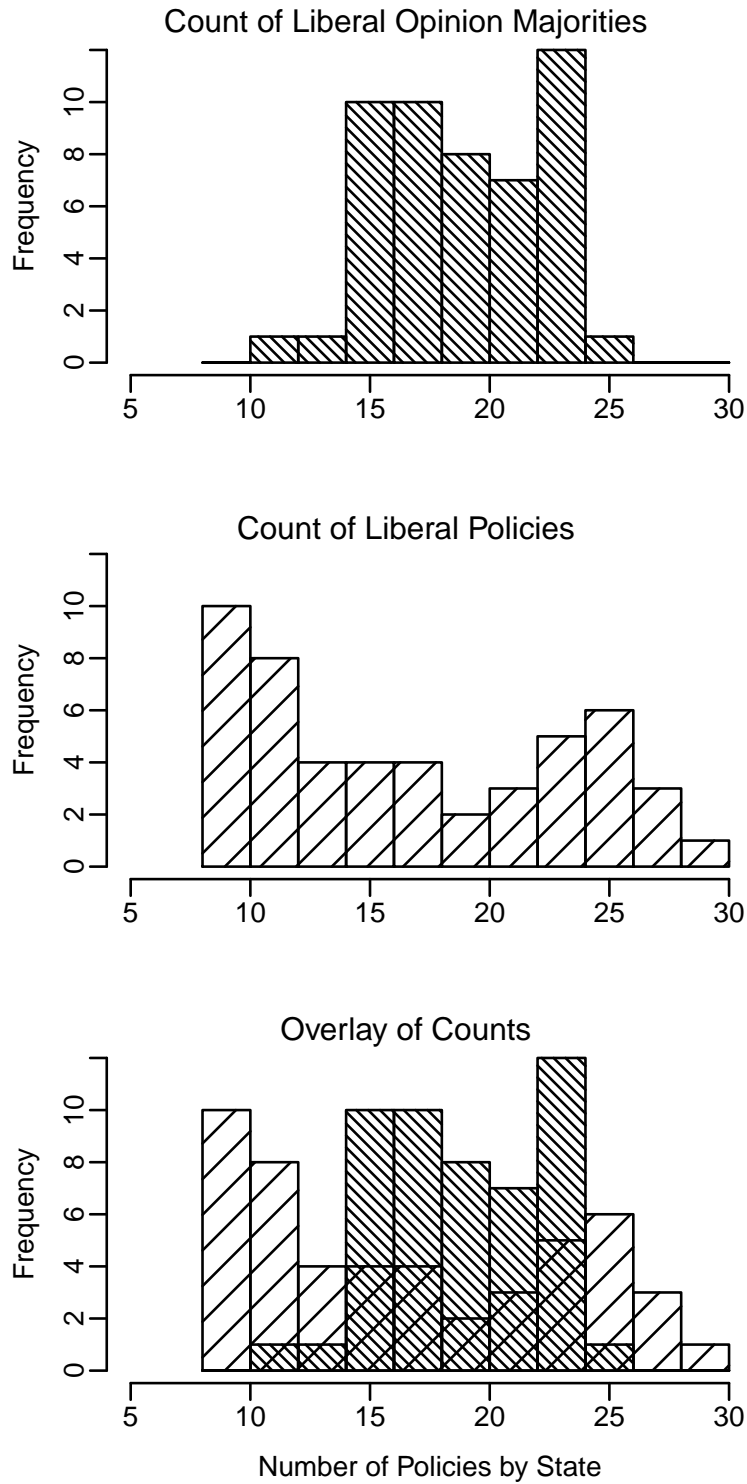


Figure 5: *The Distribution of Liberal Opinion Majorities and Liberal Policies.* Each panel shows histograms of the relevant count by state. Note the polarization of policy relative to opinion-majorities.

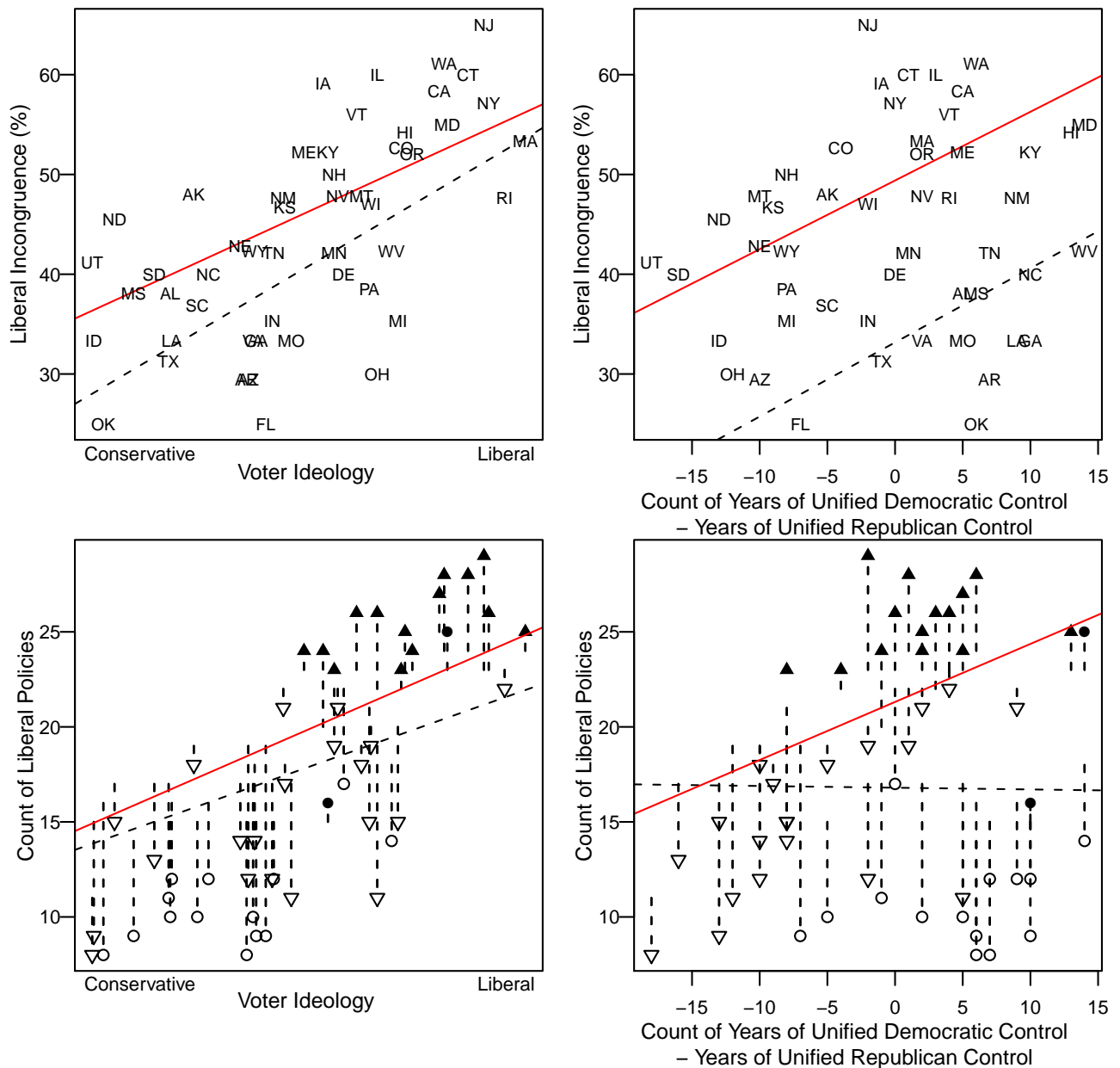


Figure 6: *The Ideological Direction of Policy Incongruence.* The top panels show that the percentage of incongruence that is liberal for each state correlates to state voter ideology in the left panel and to the partisanship of unified control in the right panel. The dashed regression line shows the southern states and the solid line the rest. Controlling for region, there is a clear strong relationship between both predictors (diffuse voter ideology and party control) and the ideological direction of incongruence. The bottom panels show the influence of ideology (left) and unified partisan control (right) on the amount and direction of incongruence in the form of policy counts. Each arrow extends from the desired number of liberal policies (given state opinion majorities) to the actual number of liberal policies. Filled arrow heads show a policy count more liberal than desired; hollow ones show a policy count more conservative than desired. Circles in the place of arrow heads show the southern states. The solid regression lines show, for non-southern states, the count of liberal opinion majorities against ideology or party control. On average, actual policy is pulled slightly upward for more years of unified Democratic control relative to unified Republican control and pulled strongly downward for the reverse.

Reviewer's Appendix

Policy	Survey Question (and Policy Data source code),
ABORTION	
Counseling	<ul style="list-style-type: none"> Do you favor or oppose a law requiring doctors to inform patients about alternatives to abortion before performing the procedure? (a)
Parental Consent	<ul style="list-style-type: none"> Do you favor or oppose a law requiring teenagers to have their parents permission? (a)
Parental Notification	<ul style="list-style-type: none"> Do you favor or oppose a law requiring that parents of teenagers must be notified? (a)
Partial Birth Abortion	<ul style="list-style-type: none"> Now I would like to ask your opinion about a specific abortion procedure known as a "late term" abortion or "partial birth" abortion, which is sometimes performed on women during the last few months of pregnancy. Do you think that the government should make this procedure illegal, or do you think that the procedure should be legal? (a)
Waiting Period	<ul style="list-style-type: none"> Do you favor or oppose a law requiring women seeking abortions wait 24 hours before having the procedure done? (a)
EDUCATION	
Affirmative Action	<ul style="list-style-type: none"> Do you approve or disapprove of affirmative action admissions programs at colleges and law schools that give racial preferences to minority applicants? (b)
Charter Schools	<ul style="list-style-type: none"> Charter schools operate under a charter or contract that frees them from many of the state regulations imposed on public schools and permits them to operate independently. Do you favor or oppose the idea of charter schools? (c)
Testing	<ul style="list-style-type: none"> Do you favor or oppose using a single standardized test in the public schools in your community to determine whether a student should receive a high school diploma? (d)
Vouchers	<ul style="list-style-type: none"> Please tell me if you agree or disagree with the following statement. Parents should get tax-funded vouchers they can use to help pay for tuition for their children to attend private or religious schools instead of public schools? (e)
ELECTORAL REFORM	
Corporate & Union Contributions	<ul style="list-style-type: none"> I'd like your opinion of some programs and proposals...Banning the unlimited campaign contributions that corporations and unions can now make to political parties (e)
Individual Contributions	<ul style="list-style-type: none"> Which one of the following two positions on campaign financing do you favor more: 1. Limiting the amount of money individuals can contribute to political campaigns, OR 2. Allowing individuals to contribute as much money to political campaigns as they'd like? (e)
Photo ID	<ul style="list-style-type: none"> On Election Day, should voters be required to show an official photo identification, such as a Drivers License, or shouldnt they have to do this? (e)
Recall Elections	<ul style="list-style-type: none"> Do you think it is a good idea to have a law in your state that allows voters to recall an elected official before his or her term in office is up? (e)
Term Limits	<ul style="list-style-type: none"> Voters in a number of states have enacted term limits...Whom do you agree with more-those who think term limits is a good idea, or those who think it is a bad idea? (e)
GAMING	
Casinos	<ul style="list-style-type: none"> Please tell me whether you would approve or disapprove of legalizing each of the following types of betting in YOUR state to help raise revenues...Casino gambling (d)
Lotteries	<ul style="list-style-type: none"> Please tell me whether you would approve or disapprove of legalizing each of the following types of betting in YOUR state to help raise revenues...Lotteries for cash prizes (d)
GAY RIGHTS	
Adoption	<ul style="list-style-type: none"> Do you favor adoption rights for gay and lesbian couples so they can legally adopt children? (f)
Civil Unions	<ul style="list-style-type: none"> Would you favor or oppose a law that would allow homosexual couples to legally form civil unions, giving them some of the legal rights of married couples, or do you not have an opinion either way? (f)
Employment Protections	<ul style="list-style-type: none"> Do you favor or oppose laws to protect gays against job discrimination? (f)
Hate Crimes	<ul style="list-style-type: none"> If a hate crime law were enacted in your state, do you think that homosexuals should be covered? (f)
Health Benefits	<ul style="list-style-type: none"> Should there be health insurance and other employee benefits for gay spouses? (f)
Housing Protections	<ul style="list-style-type: none"> Do you support laws to protect gays and lesbians from prejudice and discrimination in housing? (f)
Marriage	<ul style="list-style-type: none"> Do you think there should or should not be legally-sanctioned gay and lesbian marriages? (f)
Sodomy	<ul style="list-style-type: none"> Do you think homosexual relations between consenting adults should or should not be equal? (g)
HEALTH CARE	
Assisted Suicide	<ul style="list-style-type: none"> If someone is terminally ill, is in great pain and wants to kill themselves, should it be legal for a doctor to help them to commit suicide or not? (h)
Medicaid Access	<ul style="list-style-type: none"> I am going to read you a list of some ways that have been suggested to deal with the financial problems of Medicaid. Please tell me if you would favor or oppose such a proposal...Reducing the number of people who qualify for Medicaid (a)
Medical Marijuana	<ul style="list-style-type: none"> Do you think adults should be allowed to legally use marijuana for medical purposes if their doctor prescribes it or do you think that marijuana should remain illegal even for medical purposes? (d)
SCHIP Coverage	<ul style="list-style-type: none"> Do you think children in a family of four making about \$60,000 per year should be eligible for the SCHIP program, or not (a)
Stem Cell	<ul style="list-style-type: none"> Do you support or oppose embryonic stem cell research? (e)

(continued)

Table 3: Policies Included in Empirical Analysis, by Issue Area. Survey question wording and policy data source are shown.

Reviewer's Appendix

Policy	Survey Question
IMMIGRATION	
Bilingual education	<ul style="list-style-type: none"> Do you think all public school classes should be taught in English or do you think children of immigrants should be able to take some courses in their native language? (i)
Drivers' Licenses	<ul style="list-style-type: none"> Do you think state governments should or should not issue drivers' licenses to illegal immigrants? (d)
Tuition	<ul style="list-style-type: none"> Do you think the children of illegal immigrants who graduate from high school in the U.S. should be allowed to attend state public colleges at the same reduced in-state tuition rates as other state residents, or should they pay higher tuition? (d)
Verification of Citizenship	<ul style="list-style-type: none"> Would you favor or oppose creating a new government database of everyone eligible to work both American citizens and legal immigrants, and requiring employers to check that database before hiring someone for ANY kind of work? (d)
LAW ENFORCEMENT	
Assault weapons ban	<ul style="list-style-type: none"> First, would you vote for or against a law which would make it illegal to manufacture, sell, or possess semi-automatic guns known as assault rifles? (j)
Concealed weapons	<ul style="list-style-type: none"> Do you favor or oppose preventing gun owners from carrying a concealed gun in public? (j)
Death Penalty	<ul style="list-style-type: none"> Are you in favor of the death penalty for a person convicted of murder? (k)
Drug Crimes	<ul style="list-style-type: none"> Please tell me if you think mandatory prison sentences are a good idea for Non-violent drug crimes, like possession or sale of illegal drugs. (l, m, n)
Marijuana	<ul style="list-style-type: none"> What about in small amounts, for example three ounces or less? Do you favor or oppose the legalization of marijuana in small amounts? (o)
Waiting Period	<ul style="list-style-type: none"> Thinking about specific ways that the government has dealt with guns in the past, do you favor or oppose each of the following: Requiring people who purchase a gun to wait a certain number of days before they receive that gun? (j)
POLICY DATA SOURCE CODES	
(a)	Henry J. Kaiser Family Foundation
(b)	Education Commission of the States
(c)	USCharterSchools.org
(d)	Stateline.org
(e)	National Conference of State Legislators
(f)	Human Rights Campaign
(g)	National Gay and Lesbian Task Force
(h)	Euthanasia.com
(i)	ProEnglish.org
(j)	National Rifle Association
(k)	Death Penalty Information Center
(l)	Justice Policy Institute
(m)	Families Against Mandatory Minimums
(n)	The Sentencing Project
(o)	Working to Reform Marijuana Laws