

State elections, policy choices, and accountability

By Andrew B. Hall

KEY TAKEAWAYS

- Often under the radar, state legislatures are gaining national prominence because of their role in many important policy areas such as election administration, education, gun control, and abortion.
- Many worry that elections for these offices will not make state legislators accountable, leaving policymaking on these issues disconnected from the democratic process.
- Research shows elections do impact legislators' behavior. State lawmakers are more visibly active when they have to run for reelection vs. when they can't because of term limits.
- Since state legislators evidently care about reelection, voters may be able to influence the policy process by creating more electoral pressure on lawmakers seeking reelection.

American state legislatures oversee large and important areas of policy, yet receive curiously little attention in the national conversation. This is starting to change. Many of the most important and most contentious issues in American politics lie squarely in the control of state legislatures, including pandemic management, health care, education, gun control, and abortion. Moreover, in the aftermath of the 2020 election, there is considerable alarm among bipartisan election administration experts that extremist state lawmakers are threatening to interfere with the administration of national elections.

Suddenly — and with good reason — the politics within statehouses are gaining national interest.

To best appreciate what's happening in legislatures and how state policies are influenced, you have to understand state legislative elections. Elections are one of the fundamental engines that drive legislative policy; they determine who serves in office and what kinds of incentives state legislators will have when thinking about reelection campaigns.

How powerfully elections can influence the behavior of state legislators — and thus, impact many of the important policies that legislatures are responsible for — is an open question. Elections for state legislatures feature low rates of competition, low rates of campaigning, and low rates of voter information. In other words, they don't create much buzz on a national level. So there are reasons to wonder whether, or how, elections for state legislatures can generate a democratic policy process that leads to responsive, reasonable policies on these important issues.

This policy brief reviews my co-authored research with [Alexander Fourinaies](#), from the Harris School of Public Policy at the University of Chicago, showing that, for all their potential flaws, elections in state legislatures exert an important influence over how state legislators behave in office. This research was [recently published](#) in the *American Political Science Review*.

We find that having to stand for reelection alters how state legislators spend their time in office, but without altering their ideological platforms. This suggests both the important power of elections and their important limitations.

When legislators in term-limited states are able to run for reelection, they sponsor more bills, serve on more committees, and are present for more roll-call votes, on average. When they cannot run for reelection because they've hit a term limit, they sponsor fewer bills, serve on fewer committees, and miss more roll-call votes, on average. Forcing state legislators to face their voters therefore appears to be an important tool for shaping their behavior.

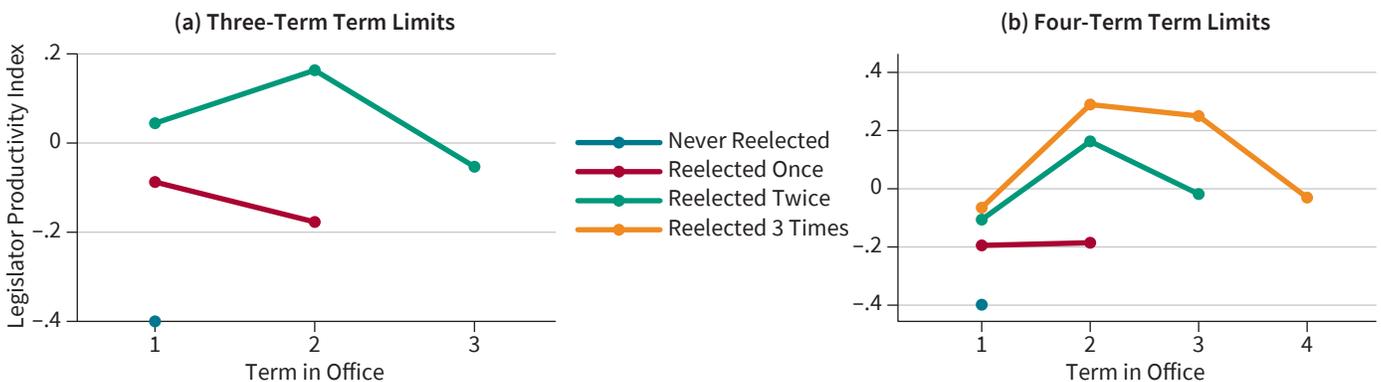
On the other hand, they do not seem to change their ideological platforms based on whether they face reelection. State legislators' roll-call votes do not become more moderate or more extreme when they can no longer seek reelection, and their ratings from a

variety of issue-focused interest groups do not change noticeably.

These findings suggest three important takeaways for the policy environment today.

- First, people who care about important policy areas like the ones listed above should pay more attention to elections for state legislatures. Far less money is donated to and spent on elections for state legislatures, and many policy-motivated people focus almost exclusively on national elections. Since state legislators feel pressure from their reelection, there is scope for influencing policy in state legislatures through traditional campaigning — not just voting, but donating to candidates and to groups that are active in the politics of state legislatures.
- Second, changing the policy goals and preferences of state legislators, and decreasing the polarization of state legislatures, will likely require new people to run for state legislative office. Electoral pressures do not seem to change legislator platforms; the most logical explanation is that state legislators arrive in office with particular views, based on their own past experience and the groups from which they've received support. And they are unlikely to change these regardless of circumstances.

Figure 1. Reelection Incentives and Legislator Productivity



Note: Term-limited legislators are less productive in their final terms, on average.

- Third, term limits have an important potential downside as a policy in state legislatures; they may lead legislators to shirk responsibilities when they cannot run for reelection. There are many other arguments for and against term limits, so this evidence on its own is certainly not the final word on the policy, but it is an important thing to consider.

State legislatures, term limits, and electoral accountability

Across the ideological spectrum, one of the biggest concerns with state legislatures is that voters lack the information to elect good representatives or to give state legislators strong incentives to work hard in office in order to win reelection. Consistent with this concern, Steven Rogers (2017, 2021) presents evidence that incumbents among state legislators are not punished when they support more extreme positions on roll-call votes.

As a result, voters often worry — with ample justification — that state legislators can be vulnerable to special interests, free from the disciplining force of a sufficiently informed electorate, and that they may be free to shirk their duties because their voters will never know whether they did anything for them or not.

Concerns like these have fueled calls for term limits, a policy currently in place in 15 states. A common argument for term limits is that, if elections alone are not up to the task of punishing state legislators who fail to represent their constituents effectively, then it is better to make sure that lawmakers cannot stay in office for too long and risk becoming too cozy with special interests.

On the other hand, people may underestimate the power of elections even in state legislatures. Even in a setting where many voters have relatively low levels of information about the candidates, other mechanisms may help voters understand which candidate better reflects their views. Campaigns, interest groups, parties, and the media all might play a role in this process. And for elections with a sufficient amount of competition, a relatively small number of informed voters in the middle

could determine the outcome even if many of their fellow voters are voting blindly. As a result, state legislative elections may still exert some disciplining force on representatives.

The effect of electoral incentives

To understand whether state legislative elections can influence the behavior of our state legislators, we want to compare cases where some lawmakers face reelection and others do not.

Imagine a hypothetical randomized experiment where we split those politicians into two groups. With an election looming in the future for one-half of our subjects and no election looming for the other half, we could then examine their behavior. If the state legislators who face reelection behave in importantly different ways from those who do not, we would conclude that state legislative elections importantly influence what happens in state legislatures, despite the challenges that voters face in this low-competition, low-information setting. But if they don't behave differently from legislators not running for reelection, we would conclude that these elections are incapable of changing behavior.

Obviously, no such experiment is possible. But we can do something similar by taking advantage of the “natural experiment” of term limits in the 15 states that have them. Across states and offices, these limits differ in their length and in whether they are merely “consecutive,” allowing legislators to run again once they've taken a term off, or “permanent,” meaning that legislators who hit their limit can never hold the office again.

By examining whether a state legislator behaves differently in her final term, when she can no longer seek reelection in a term-limited state, we can approximate the experiment described above in order to understand something useful about how state legislative elections shape legislator behavior.

In studying this final-term behavior, we follow an important literature in political economy that examines

how incumbent governors change their economic policies when they cannot seek reelection (e.g., Besley and Case 1995; Alt, Bueno de Mesquita, and Rose 2011) and how incumbent mayors engage in corruption when they cannot seek reelection (Ferraz and Finan 2011), consistently finding that these reelection incentives exert a powerful influence on how these incumbents behave.

But our setting is quite different from these. State legislative elections don't usually garner much attention and state legislators have a much different job than governors and mayors. While a governor or a mayor is personally responsible for a number of key activities in government, a state legislator is only one among a large group of legislators responsible for the job of governing. As such, electoral incentives might influence state legislators much more weakly, or not at all.

New data on state legislatures

Carrying out research on how electoral incentives affect state legislators is challenging because of the lack of attention paid to state legislatures. Despite their central role in many important policy issues, there is no comprehensive, digitized data on the activities of state legislators. What bills do they sponsor? What committees do they serve on? When do they show up for roll-call votes and when are they absent? These are key observable dimensions of what state legislators do, but they are not available in a systematic way in any existing data.

Accordingly, our research team collected this information in each of the 15 states with term limits. The result is the first comprehensive data on state legislator bill sponsorship, committee service, and roll-call voting for the term-limited states covering the past three decades.

In addition to studying each of these key dimensions of individual legislator activity, we also wanted a single quantitative summary of how “productive” each state legislator in our sample is. In other words, we wanted to know to what degree does a legislator allocate time toward these foundational and visible components of her job.

We aggregated our measures — bill sponsorship, committee service, and attendance at roll-call votes — into a single “legislator productivity index” using a statistical method called principal components. We normalize this index so that a legislator with average productivity receives a 0 on this scale. A legislator with productivity one standard deviation above or below average would receive a 1 or a -1, respectively, and so on.

Lame ducks and productivity

With this data in hand, we can examine how productive legislators are when they do or do not face reelection. Figure 1 shows this data visually. In the left panel (panel a), we examine the states where term limits are three terms in length. The green line depicts the average productivity of legislators who make it through three complete terms. In the final term, we see a marked decrease in their average productivity, suggesting they sponsor fewer bills, serve on fewer committees, and attend fewer roll-call votes when they are not facing a future reelection bid. The right panel (panel b) shows a similar pattern in states with four-term term limits.

In the paper, we confirm these graphical patterns using more formal econometric techniques, showing that the decrease in productivity for termed-out legislators is larger than would be expected based on time trends or comparisons with other legislators of the same level of seniority serving in other states that do not have term limits.

We also address concerns that state legislators might seek other offices when they hit their term limits and show the robustness of the analyses to a number of other potential issues.

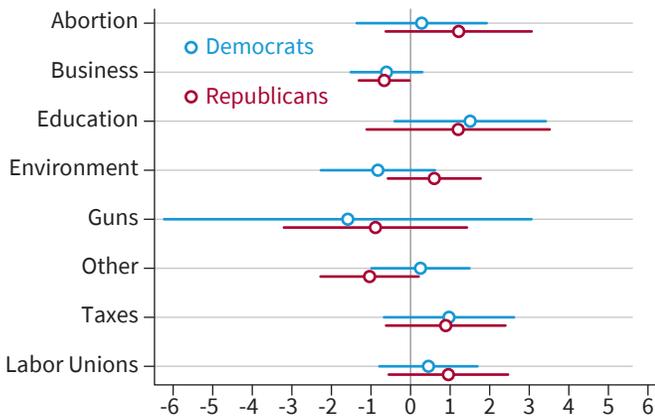
State legislators do not change their platforms

Finally, we examine whether state legislators change their ideological platforms when they can no longer seek reelection. First, we generate a measure of legislator

ideology based on the patterns of roll-call votes they cast in the legislature. Using this to measure how moderate or extreme a legislator is, ideologically, we find no evidence that legislators systematically move to the middle or away from the middle when they can no longer seek reelection.

Further bolstering this idea that electoral incentives do not change ideological positioning, we also find that legislators' evaluations by issue-focused interest groups do not change when they are in their final term. Figure 2 shows our estimates of how much a legislator's interest-group ratings change when she hits her term limit, across the main categories of interest group issues we have data on. For each of these rating categories, we scale the scores to run from 0, for most liberal, to 100, for most conservative. Across issues, we find no major shifts.

Figure 2. Effect of Electoral incentives on Interest Group Ratings



How accountable are state legislators?

While there are many reasons to question how effectively state legislative elections produce legislatures that craft smart and responsive policy, our evidence suggests that elections still matter.

State legislators appear to worry about their reelection prospects, allocating more of their time toward visible dimensions of productivity when they can run for

reelection. These patterns offer a number of implications for people interested in the policy process in state legislatures.

First, participating actively in state legislative campaigns is an underappreciated but vital way to influence important policy processes. Across a number of highly salient debates in American politics today, nearly all the focus is on the national level.

This is shortsighted because the state legislatures control important aspects of all of these policies and because there is significant scope to influence the direction of state legislatures.

Indeed, since state legislators seem to care quite a bit about preserving their reelection prospects, there is plausible scope to change state legislative policy by creating more electoral pressure on them. How this opportunity is used to steer policy decisions depends on informed people deciding to care about state legislatures and leaning in on these campaigns.

Second, people who think state legislatures are either too polarized or too tilted in one ideological direction or the other should see that ideological change requires new people to run for state office. Electoral pressures do not seem to change legislator platforms. The most logical explanation is that state legislators arrive in office with particular views, based on their own past experience and the groups from which they've received support, and they are unlikely to change these regardless of circumstances.

If you want legislatures that you think reflect better ideological positions — whatever those might be — then you need to think about running for office yourself, encouraging people who share your views to run, or actively supporting the campaign of a candidate you most believe in.

Third, the results raise interesting questions about the effects of term-limit policies. With the current dysfunction in American politics, more and more people are again calling for term limits on a broader range of offices.

There may be a number of reasons that this is a good idea. But these possible benefits should be weighed against the potential costs associated with how politicians may spend their time and energy in lame-duck terms.

If we think that electoral incentives are a good thing — by encouraging officials to allocate their efforts toward visible activities that are good for society — then we should be skeptical of term limits. On the other hand, if we think that electoral incentives encourage politicians to shift their efforts toward showy, performative activities to pander to voters — then we might think term limits are a good idea.

The results in our study do not tell us one way or the other about this — all of the activities we measure could be reasonably interpreted as good or bad — but they do tell us that term limits do influence legislators' behavior.

It's more than reasonable to expect that national politics will be dominated by divisive policy issues for several years. For each of these issues, state governments will play a huge role in directing actual policy on the ground.

Voters, researchers, and journalists must not make the mistake of ignoring this fact. State legislatures are critical components of the policy process, and state legislative elections decide who participates in this process and how they behave in anticipation of seeking reelection.

As our study suggests, electoral pressures change the behavior of these policymakers in important and observable ways. People who wish to influence the policy process should keep this lesson in mind.

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