

Explaining 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, there is 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 culture, explain little.

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? The seminal study is Erikson, Wright, and McIver (1993). Contrary to previous work arguing that the public had little influence over state policy, they establish a clear correlation between voter ideology in a state and the ideological direction of the state’s public policies. Simply put, they convincingly show 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*. It also does not tell us how effective states are at translating opinion majorities into public policy, nor does it tell us how much institutions or political context matter. For example, if a majority of voters want to adopt a state lottery or impose an abortion restriction, how likely are they to win out, and under what conditions?

We develop stricter and more nuanced tests of how well state policymaking conforms to

the public will. These move beyond the existing literature to tie policies to policy-specific measures of voter preferences, separating specific preferences from diffuse ideology, and considering both responsiveness to opinion and congruence with opinion majorities. We theorize that responsiveness and congruence will be driven by forces divided into three categories: the preferences of voters and government actors, as conditioned by issue salience; features of state institutions; and a state's political environment. We see policy-specific opinion as a key determinant of policy, particularly under favorable institutional and political conditions.

To generate policy-specific measures of voter preferences, we employ a recent advance in opinion estimation—multilevel regression and poststratification (hereafter MRP) (Park, Gelman, and Bafumi 2006; Lax and Phillips 2009a). We estimate state-level support 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. By including a large number and range of issues, we are better able to generalize about the responsiveness of state government, how much impact opinion has, how responsiveness varies, the relative influence of ideology and specific policy preferences, and how often opinion majorities obtain their preferred policies (that is, how often policy is congruent with majority opinion).

We hypothesize that the relationship between voter preferences and policy will be shaped by those institutions that empower opinion majorities, such as the direct election of judges or the availability of the citizen initiative, as well as institutions that affect the capacity of government to respond to the public, such as legislative professionalization and term limits. While institutions have long been theorized to condition the relationship between voters and policymaking, most

empirical studies have been unable to fully test these expectations due to the difficulty of placing policy and opinion on a common metric. Because our opinion estimates are for dichotomous policy choices and because we can estimate the median voter's preferences for each, we go much further than previous work in overcoming this problem. In other words, we can directly assess how often policy is congruent with opinion majorities in each state and whether the frequency of congruence is correlated with characteristics of institutional environments. We also assess how much impact political factors have on the opinion-policy linkage. Among these, we consider electoral competition, political participation, and divided government.

We connect our findings to foundational questions of representation. 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, democracy, and the new institutionalism. The answers to these questions may inform future inquires and suggest new hypotheses for study of public opinion in a national and cross-nation perspective.

Studying Responsiveness in the U.S. States

Concerns have long been raised about the responsiveness of state governments to voter preferences. Treadway (1985, 47), in his 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, has uncovered evidence of a linkage between state policy and public preferences. Erikson, Wright, and McIver (1993) estimate voter liberalness in each state by pooling national surveys over a twelve-year period 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 (Norrande 2000; Brace, et al. 2002) as have studies focusing on specific policy areas, such as abortion, the death penalty, and gay and lesbian rights (Gerber 1996; Haider-Markel and Kaufman 2006; Lax and Phillips 2009b; Lupia, et al. 2009).

Addressing more nuanced questions of responsiveness at the state level has, however, proven quite difficult due to 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 mood as opposed to specific policies. Alternatively, Berry, et al. (1998) have developed a measure of voter ideology which is not based on public opinion polls, but rather on interest group ratings of a state’s congressional delegation, which in part conflates elite and public preferences.

Aggregate liberalism scores 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). Further-

more, while some policies map quite nicely to general ideology, others do not (Norrander 2001).

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.¹ 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) use MRP to estimate public support for eight policies regulating gay and lesbian rights. While single issue studies such as these have 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 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.

Additionally, most existing studies focus exclusively on the *responsiveness* of policy to public opinion, ignoring whether policy is *congruent* with the preferences of the median voter. As Bartels (2008, 4) notes, "responsiveness and congruence are two different things." For instance, 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. 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 and opinion/ideology. 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.

We overcome many of the obstacles in the existing literature by employing MRP, a technique developed and assessed by Gelman and Little (1997), Park, Gelman, and Bafumi (2006), and Lax

¹For a recent study at the national level, see Bafumi and Herron 2007.

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 study dichotomous policy choice and opinion, such as “Do you favor allowing gay and lesbian couples to marry?,” so that both lie on a common metric. We can thus move beyond the existing literature and evaluate the relationship between policy-specific measures of voter preferences and government action across a wide range of policies, considering both responsiveness to opinion and congruence with opinion majorities. 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. Finally, we can cleanly test whether and how institutions shape government responsiveness and congruence. While a number of empirical studies have addressed this possibility, they have reached inconsistent results. For instance, access to the citizen initiative has long been thought to strengthen the relationship between opinion and government policymaking, but this expectation has not been widely supported—some studies find evidence for the claim (Gerber 1996, 1999, Matsusaka 2004) while others do not (Lascher, Hagen, Rochlin 1996; Gray, Lowery, and Monogan 2008). The same can be said for analyses of other institutions, including legislative professionalization (see Webber 1999; Maestas 2000). While studies of state courts have found evidence that the direct election of judges increases responsiveness (see Brace and Boyea 2004; Huber and Gordon 2004), the absence of direct measures of voter preferences is problematic.

Theory and Hypotheses

Preferences. We anticipate that state policy will, 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.” While the goals of policymakers are complex, the desire for reelection has long been established as a powerful driver of their behavior, creating an incentive to design policy in a manner that conforms with public preferences (Mayhew 1974). Beyond reelection incentives, there are selection effects: that representatives are elected means that we should expect them to already reflect their constituents’ views, on average. Also, the public can shape policy directly and indirectly through the citizen initiative where this institution is available (Gerber 1995, 1999).

We do not, however, expect representative democracy to capture majority will on every policy choice. While state elected officials are often able to identify voter preferences through the occasional public opinion poll and their interactions with constituents, interest groups, and local media, there are likely to be issues on which officials are unaware of their constituents’ preferences (c.f., Rosenthal 2004, 2009). Voters are also unlikely to have strong opinions on all issues, particularly those that are of low salience. Thus, there are reasons to anticipate imperfect and varying responsiveness across across issues and policies.

For example, they vary in terms of salience—that is their importance and visibility to the public, as well as prominence in public discourse. The centrality of salience in conditioning responsiveness and policy congruence has been demonstrated in work at the national level (Monroe 1998) and in a recent study of state policymaking in the area of gay and lesbian rights (Lax and Phillips 2009b). When citizens care about a policy (i.e., when it is salient) they are more likely to hold strong opinions, to convey those opinions to their representatives, and to hold their representatives accountable if they shirk the public will (Page and Shapiro 1983). For salient issues, the incentive for officials to acquiesce to opinion is particularly strong even if doing so runs counter to their partisan or ideological interests. Additionally, by giving voters what they want when salience is high, legislators may be able to, in other policy areas, pursue their own policy goals, repay interest groups for prior and future support, or satisfy core constituencies. Elected officials need not do

what their constituents want on each and every issue; rather, they need to be responsive “enough” or perhaps simply more responsive than their (likely) opponents.

When policy salience is low, however, officials may be unaware of their constituents’ views and less likely to be held accountable for their policy choices. Legislators and governors have two potential tradeoffs to resolve. The first is whether to allow themselves greater leeway in terms of their own preferences, which they can follow to the extent that low salience represents low importance to the public. Since politicians are disproportionately drawn from the ranks of social movements, single-issue organizations, and party activists, they tend to hold policy preferences that are extreme relative to the median voter (Fiorina 1999). Legislating on these beliefs may lead to policies that deviate substantially from majority opinion. The second response, induced to the extent that low salience means less information about their constituents’ specific policy preferences, is to follow cues in lieu of unknown policy-specific opinion. The most likely cue is general voter ideology (see Druckman and Jacobs 2006). Therefore, voter ideology should also have an effect on policy, both by inducing policy choice and by affecting the composition of legislative preferences.

Salience should condition the opinion-policy linkage. Political actors will heed opinion when salience is high and will be less likely to do so when it is low. Indeed, for low-salience issues, lawmakers could shift away from caring about the public’s preferences overall, so that *low* salience means *low* responsiveness with respect to both policy-specific opinion and the ideological orientation of constituents. If this is the case, then elite preferences themselves would be dominant.

Institutions. We expect that institutional features of state government will condition the relationship between policy and opinion. One feature that should strengthen this relationship is the citizen initiative (direct democracy), which exists in 24 states.² Generally speaking, the initiative

²The initiative allows citizens or interest group to propose change to status quo policy. If sufficient signatures are gathered, a proposal is put before the electorate for consideration.

should strengthen the relationship between opinion and policy in two ways. 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). They also are likely to have long-standing effects; lawmakers are often unable or unlikely to alter policy set directly by their constituents (Gerber and Phillips 2005).³

In addition to empowering voters to set policy directly, the initiative may function as a “gun behind the door,” even if it is never used, leading lawmakers to make median-enhancing changes to policy (Magleby 1984; Gerber 1996). 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.

Empirical studies, however, have reached inconsistent conclusions. Some find evidence suggesting the citizen initiative enhances responsiveness, at least in some policy areas (Gerber 1996, 1999; Arceneaux 2002; Lupia and Matsusaka 2004; Phillips 2008), while others have not (Lascher, Hagen, Rochlin 1996; Gray, Lowery, and Monogan 2008; Lax and Phillips 2009b).

Next, we expect that legislative professionalization will increase responsiveness and congruence. 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

³Most states that allow for statutory initiatives impose restrictions on the ability of legislators to alter laws adopted via direct democracy. Even if legislators can make changes to laws adopted by voters, they may be reticent to do so for fear of being seen as opposing the expressed will of voters.

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).

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, *inter alia*, 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 affect majoritarianism. 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 greater responsiveness and congruence in states that elect their high court judges (Huber and Gordon 2004; Tarr 2006; Caldarone, Canes-Wrone, and Clark 2009). These effects should, of course, be limited to those policy areas where courts are involved (more on this later).

Finally, institutions can also lead to "bias" in the sense that they are more or less likely to produce liberal or conservative policy. That is, setting aside responsiveness, they may push policy one way or the other. If, for example, professionalized legislatures are more "elitist," in the sense of the "culture wars," then they might be biased in the liberal direction. We explore this as well.

Political Context. The third leg of the triangle is political context, asserted by a lengthy state politics literature to affect policymaking and responsiveness. For example, one might expect that wider political participation will lead to greater majoritarian congruence. Inter-party competition might also lead to greater responsiveness, with policymakers shifting towards the median voter. Obstacles to responsiveness might include divided government, and the gridlock it can produce. We evaluate each of these as well as the possibility that state political culture shapes policy output. In particular, we will make use of Elazar's state typology and a proxy for historical state populism.

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. 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). We 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 question into a single internally-consistent dataset. There are, of course, slight variations across polls in question wording and ordering (each polling firm tends to use the same wording over time). We control for such differences below.⁴

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

⁴We make the assumption that majority opinion on a survey question captures majority opinion on the target policy. We do not think this problematic. The survey questions we use are particularly well connected to policy choice. While framing or question wording effects might still shift levels of support up or down, we address this in part by including poll effects in our estimation process. Our estimates of such effects usually turn out to be small. Measuring congruence requires a sufficiently close relationship between survey question and policy; otherwise, bias up or down across states could change which state policies are labeled congruent (it seems less likely this would change findings significantly as to the influences on congruence). Responsiveness findings would be less affected by any bias that shifts all state estimates up or down.

below by their corresponding issue area (see Table 1 for precise survey question wording).

- 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 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 for non-violent drug crimes; Decriminalize small amounts of marijuana; Require a waiting period for gun purchases

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) 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.⁵ We start by coding explicit support for the policy (*policy_yes* = 1) against other responses (*policy_yes* = 0 for an explicit negative response, “don’t know,” or “refused”). This captures explicit positive support among all respondents, not simply those expressing an opinion.

The state of the respondents is used to estimate state-level effects, which themselves are modeled using additional state-level predictors such as region or state-level aggregate demographics. Those residents from a particular state or region yield information as to how much predictions within that state or region vary from others after controlling for demographics. MRP compensates

⁵For data with such structure, multilevel modeling is generally an improvement over classical regression (see Gelman and Hill 2007, 244-8, 254-8, 262-5). The effects within a grouping of variables (say, state-level effects) are related to each other by their grouping structure and thus are partially pooled towards the group mean, with greater pooling when group-level variance is small and for less-populated groups, as determined from the data endogenously. This is equivalent to assuming errors are correlated within a grouping structure. Group-level predictors reduce unexplained group-level variation (Gelman and Hill 2007, 271).

for small within-state samples by using demographic and geographic correlations. All individuals in the survey, no matter their location, yield information about demographic patterns which can be applied to all state estimates. 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.

We run a separate model for each policy question. We model response as a function of race and gender (males and females broken down into black, Hispanic, or white and other); one of four age groups (18-29, 30-44, 45-64, and 65+); one of four education groups (less than a high school education, high school graduate, some college, and college graduate); sixteen groups capturing the interaction between age and education; state-level Democratic presidential vote share in 2004; state-level religious conservatism (percentage evangelical Protestants and Mormons, American Religion Data Archive 1990); poll; state; and region (Washington, D.C., as a separate “state” and separate region, along with Northeast, Midwest, South, and West).⁶ These are standard opinion predictors and are employed widely. We find that demographic and geographic predictors perform quite well in explaining survey responses at the individual level.

For individual i , with indexes j , k , l , m , s , and p for race-gender combination, age category, education category, region, state, and poll respectively, response is modeled using multilevel logistic regression with GLMER (“generalized linear mixed effects in R,” Bates 2005):

$$\Pr(y_i = 1) = \text{logit}^{-1}(\beta^0 + \alpha_{j[i]}^{\text{race,gender}} + \alpha_{k[i]}^{\text{age}} + \alpha_{l[i]}^{\text{edu}} + \alpha_{k[i],l[i]}^{\text{age,edu}} + \alpha_{s[i]}^{\text{state}} + \alpha_{p[i]}^{\text{poll}})$$

The terms after the intercept are modeled effects for the various groups of respondents:

$$\alpha_j^{\text{race,gender}} \sim N(0, \sigma_{\text{race,gender}}^2), \text{ for } j = 1, \dots, 6 \quad \alpha_p^{\text{poll}} \sim N(0, \sigma_{\text{poll}}^2), \text{ for } p = 1, \dots$$

⁶Estimates are highly robust to variations in this specification. Note also that poststratification corrects in part for clustering and other statistical artifacts.

$$\alpha_k^{age} \sim N(0, \sigma_{age}^2), \text{ for } k = 1, \dots, 4$$

$$\alpha_l^{edu} \sim N(0, \sigma_{edu}^2), \text{ for } l = 1, \dots, 4$$

$$\alpha_l^{age,edu} \sim N(0, \sigma_{age,edu}^2), \text{ for } k = 1, \dots, 4 \text{ and } l = 1, \dots, 16$$

That is, each is modeled as drawn from a normal distribution with mean zero and endogenous variance, as is the region effect. The state effects are modeled as a function of the region into which the state falls, religious percentage, and Democratic vote share:

$$\alpha_s^{state} \sim N(\alpha_{m[s]}^{region} + \beta^{relig} \cdot relig_s + \beta^{presvote} \cdot presvote_s, \sigma_{state}^2), \text{ for } s = 1, \dots, 51$$

$$\alpha_m^{region} \sim N(0, \sigma_{region}^2), \text{ for } m = 1, \dots, 5$$

In the second stage, we use the coefficients that result to calculate predicted probabilities of policy support for each demographic-geographic type. There are 4,896 combinations of demographic and state values (96 within each state). For any specific cell j , specifying a type, the results above allow us to make a prediction of pro-policy support, θ_j (the inverse logit given the relevant predictors and their estimated coefficients, using the latest poll effect where possible). We next poststratify according to population frequencies derived from the “5-Percent Public Use Microdata Sample” in the 2000 census. That is, the prediction in each cell needs to be weighted by the actual population frequency of that cell, N_j . For each state, we then can calculate the percentage who support the policy, aggregating over each cell j in state s : $y_{state\ s}^{pred} = \frac{\sum_{j \in s} N_j \theta_j}{\sum_{j \in s} N_j}$.

This process yields estimates of explicit support for each policy in each state. We next code explicit disapproval of the policy ($policy_no = 1$) against other responses ($policy_no = 0$ for an explicit positive response, “don’t know,” or “refused”), going through the process above a second time. We then have estimates, for each demographic-geographic type, the probability of an explicit yes *and* of an explicit no—with the remainder, the third category, being the “don’t know,” or “refused” category. We can then calculate the percentage of those in each state that say yes of those with an opinion (the first category divided by the sum of the first two).⁷

⁷Dropping those without an opinion would invalidate randomness within type. To accurately

There is significant variation in such support. Policy-specific opinion often correlates to Erikson, Wright, and McIver's measure of general voter ideology by state, though this relationship varies by policy. The mean correlation is .56 and the range is from -.83 (charter schools) to +.83 (stem cell research). Clearly, our opinion estimates capture something more than simple ideology.

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).⁸ Table 2 shows, by state, the number of liberal policies and average liberal opinion. Table 3 shows the same by issue area. Opinion and policy are also mapped in Figure 1.

Ideology. We contrast policy-specific *Opinion* with two other measures of preferences. *Voter Ideology* is the liberalism of voters, based on national survey data on self-identified liberal or conservative status. We use the scores of Erikson, Wright, and McIver (1993), updated.⁹ *Government Ideology* measures the ideology of state elected officials, using the scores of Berry et al. (1998), which are based on the partisan configuration of state government and the state congressional delegations interest group scores, averaged over 1995-2005. Higher numbers are more liberal.

Salience. To measure salience, 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. *Salience* is the log of the 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). This measure is not designed to capture variation in state media coverage, because 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 capture support among those with an opinion, one must run two separate models as we do here.

⁸Policies were obtained from various sources, including NGOs and policy foundations.

⁹We imputed values for Alaska and Hawaii from the 2004 presidential election vote.

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.

Institutions. *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. Below, we will unpack these individual components. *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 actual usage). We map the geographic variation in professionalization and term limits in Figure 1.

Political Context. *Participation* is average turnout over the last three presidential elections. *Divided Government* is the share of time that control was split between Democrats and Republicans over 1995-2005. *Competition* is the folded Ranney index, a widely employed and long-standing indicator of the intensity of interparty competition over the partisan control of state government (Ranney 1976). Scores can theoretically range from 0.5, which indicates the complete absence of partisan competition, to 1, which suggests perfect competition.¹⁰ The least competitive states are

¹⁰The unfolded Ranney index averages the proportion of seats held by Democrats in the upper and lower houses, Democratic gubernatorial vote share, and the percentage of time that the governorship and legislature were both controlled by the Democratic Party, over 1995-2005. For Nebraska, which does not use party labels in the legislature, we assigned the minimum value.

Idaho, Utah, and North Dakota; the most are California and most southern states.

Responsiveness

We begin with an exploratory analysis. 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 given the sparse data within each policy panel. We draw out some nuances of this figure in the congruence section below.

Table 4 shows five multivariate models of responsiveness, in which 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 policy). The first model includes only preferences and salience, the second adds institutions, the third adds political context, the fourth adds both, and the fifth unpacks legislative professionalization. Findings remain strikingly robust to these variations, as well as others not included.¹¹ Figure 3 plots the predicted probability of policy adoption under various conditions.

Salience, institutions, and political context predictors are interacted with opinion to show how they shift the responsiveness slope (one cannot interpret the coefficients directly without taking interaction effects into account). We standardized coefficients to compare relative impact, such that a one-unit change is a two-standard deviation shift for each variable. This does not change any substantive findings; does no harm in that logit coefficients can usually not be interpreted directly; and also means that the “base” term given an interaction effect shows the effect at the average

¹¹The percent correctly predicted was approximately 81% and percentage reduction of error 57% across models. For robustness checks, we estimated models that included mean liberal opinion across all 39 issues within each state (the coefficient on policy-specific opinion remained similar); let the slope of voter ideology vary by policy; dropped potential outliers; etc.

value of the interacted predictor, when it takes the value zero.

The basic relationship between policy and policy-specific opinion is very clear: states with a higher level of policy support are more likely to have the policy. All models show that policy-specific opinion has a significant and strong effect on policy adoption independent of elected elites or voter ideology. Indeed, the relative effect of policy-specific opinion is far larger than these other preference measures. Voter ideology does consistently have an independent, and significant effect on policy adoption, but government ideology does not.¹²

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 3.

Of the institutions we study, only legislative professionalization and term limits enhance responsiveness.¹³ The interaction terms show substantively and statistically significant effects on the marginal effect of opinion (increasing the responsiveness slope). Low professionalization (one standard deviation below its mean), decreases the marginal effect of opinion by about 25%, and high professionalization increases it about 25%. Term Limits, at average professionalization, increase the marginal impact of opinion by a third. These effects can be seen in the middle-left and

¹²An OLS model regressing a count of liberal policies on average opinion across issues (not shown) reveals that a two-standard deviation swing in opinion correlates to 11 additional liberal policies. Controlling for voter ideology (which would itself correlate to a 4 policy swing), a two-standard deviation swing in opinion would still correlate to 8 additional liberal policies.

¹³The only institutional predictor with a meaningful correlation to liberal policy likelihood is term limits, which are negatively correlated. We also explored a measure of the governor's institutional powers, but this too had no effect. Finally, we explored whether term limits operated by increasing turnover and included a measure thereof in model variants not shown. We cannot reject the null hypothesis that turnover itself has no effect, with or without a control for term limits.

bottom-left panels of Figure 3.

We explore which aspects of professionalization matter in the final model of Table 4. Recall that Squire's index has three components, staff per legislator, days in session, and salary. Is the professionalization effect we consistently find driven by one of these in particular? While any of these as a single substitute for the index yields relatively similar findings, the number of days in session performs better than either of the others in terms of model fit (not shown). Moreover, when all three are included in the same model, days in session has a strong and statistically significant effect, increasing the responsiveness slope by 17%. The other components do not come close to reaching statistical significance and have smaller substantive effects. We thus conclude that professionalization enhances congruence primarily by increasing available agenda space rather than through seat value (salary) or resources for investigating opinion (staff).

Direct democracy does not enhance responsiveness; indeed it is incorrectly signed. Even in sparser models, while sometimes positively signed, it does not reach significance. 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). This also was incorrectly signed and insignificant, only becoming positive and approaching significance if the term limits variable is dropped. One should note that 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, by increasing the probability of adopting term limits.¹⁴

¹⁴One 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.

Elected courts has a non-negligibly sized coefficient, but does not quite reach statistical significance. There are further reasons to doubt a meaningful effect truly exists. When one controls for policy areas in which courts actually tend to be involved, there is no increased responsiveness when courts are elected (coefficient approaches zero), but rather only in areas where courts are *not* usually involved. This suggests that the courts finding is simply correlation without causation.

None of the state-level political context variables are statistically significant given our predictions.¹⁵ Finally, there is little residual state variation in responsiveness slopes, but there remains residual variation in slopes across policies, all else equal, as shown in Table 4.

Congruence

Our responsiveness models show that the slope of policy probability with respect to policy-specific opinion is steep, but even a steep slope (high responsiveness in that sense) can yield non-congruence (a lack of majoritarian responsiveness). See Figure 2, which shows, for each policy, the logistic regression of policy to policy-specific opinion. Within each panel, 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 correlates to a 50% chance of policy adoption. For perfect majoritarian control, the slope of the estimated curve would be very steep at 50% (effec-

¹⁵Divided government would be significant in the “wrong” direction, correlated to greater attention to policy-specific opinion, in only one model of responsiveness and only one of congruence. We also attempted to assess whether voter polarization decreased responsiveness, but without meaningful findings (here, or for congruence below).

tively 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.

For example, each abortion policy of the five we study shows a strong responsive relationship to policy-specific opinion in a bivariate logit—but there is strong incongruence in the form of a “liberal” policy bias. Even when support for the liberal position on a particular restriction (no such restriction on abortion) is only in the 20 to 30% range, the probability of not having that restriction reaches 50%. To put this another way, support for an abortion restriction needs to be a strong super-majority before it is adopted with high probability. Other policies, such as job and housing anti-discrimination protection for gays and lesbians, medical marijuana, and stem cell research show high responsiveness, but low congruence in the form of a conservative policy bias. Meanwhile, some policies, such as same-sex adoption are on target with steep responsiveness curves that hit the crosshairs. It is thus clear that responsiveness does not equal congruence.

To proceed, we code congruence as 1 if state policy matches the opinion majority of those with an opinion (findings are robust to variations in this coding). The third column in Table 2 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 2 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.

Incongruence will be balanced between the liberal and conservative directions when the policy curve goes through the 50-50 crosshair but is insufficiently steep (there are “errors” in policy of over- and under-inclusiveness). But incongruence need not be so balanced, when the curve does not hit this crosshair. The ideological tendency of state incongruence is shown in Table 2, as the percentage of incongruent policies where policy is liberal and the opinion majority is conservative (also see Map 6 in Figure 1). Percentages greater than 50% mean that most incongruence is in the liberal direction. 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, so that 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). In our study, 44% of overall incongruence is in the liberal direction, suggesting a slight conservative bias to state policy relative to opinion majorities.

Congruence does vary by issue as shown in Table 3: 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.

We now make congruence the dependent variable in multilevel logistic regressions. The opinion measure is the absolute size of the majority, whether pro- or anti-policy, ranging from 50 to 100 (omitting this variable, other results remain similar). The larger the opinion majority, the

stronger the signal sent to political actors. Interactions with opinion are no longer needed, as the coefficients on institutions now show their direct relationship to congruence. Voter ideology and government ideology are interacted with an indicator for a conservative opinion majority to adjust for their ideological direction. We expect that when other ideological factors reinforces the policy preference of the opinion majority, policy is more likely to be congruent. For example, when the opinion majority is liberal, the effects of general voter ideology (measured in the liberal direction) should be positive (as shown by the “base” term on voter ideology); when the opinion majority is conservative, the net effect of voter ideology (again, measured in the liberal direction) should be negative (combining base and interaction terms).

The five congruence models in Table 5 parallel those for responsiveness. Findings are robust across models (percent correctly predicted was always approximately 78% and percentage reduction of error approximately 55%). Across all specifications, the size of the opinion majority has a striking effect on congruence, consistently the largest across any of the predictors. Voter ideology reinforces opinion majorities when properly aligned, but government ideology usually only has a statistically significant effect when aligned with liberal majorities. Salience has a large effect, as can be seen in the top-right panel of Figure 3.

Similar to our responsiveness finding, having the citizen initiative does not enhance congruence (indeed, the effect is in the wrong direction). Even in very sparse models, the effect does not reach significance, though the coefficient is then positive. Again, high usage does have a significant, albeit small effect, if one omits many other predictors. We also checked whether different levels of signature requirement for qualifying an initiative for the ballot (which range from 2% to 15%) might condition the effects of direct democracy. Only in sparse models, and only at the minimum signature requirement (2%), was the direct democracy effect significant and positive.

Legislative professionalization again has a robust effect; the upper bound of the effect of

a two standard deviation swing in professionalization on the probability of policy congruence is approximately 12%. The effect of moving from minimum to maximum professionalization can be seen in the middle-right panel of Figure 3. We again explore which aspects of professionalization matter, in the final model of Table 5. Results match those for responsiveness. When all three are included in the same model, days in session has a strong and statistically significant effect (a two-standard deviation swing of approximately 3 months a year extra in session increases the probability of congruence by up to 8%). The other components do not come close to reaching statistical significance, and parallel effect sizes for salary and staff are only about 1% and 3% respectively. This suggests again that days in session is the most important feature of professionalization.

We again find that term limits are a strong predictor of congruence, raising the probability thereof by up to 13%, as seen in the bottom-right panel of Figure 3. We pushed further to explore whether the length of term limits (ranging from 6 to 12) mattered and found no significant differences. We also assessed whether legislative turnover itself explained congruence (with or without term limits included) and found no meaningful effect. As we noted earlier, to the extent that direct democracy is “required” to have term limits, this suggests an indirect effect of direct democracy on congruence. Further, to the extent that having term limits (with a positive coefficient) implies having direct democracy (with a negative coefficient), the net effect is (approximately .2) smaller than it appears in the table. However, we find this effect still to be significant, and we find that term limits have a meaningful and statistically significant effect after controlling for high usage of direct democracy or omitting direct democracy entirely.

Again, elected courts seem to lead to more policy congruence. However, when we control for whether courts are involved in the issue area, we find no effect for elected courts on congruence. Nor do we find that political context has meaningful effects. If anything, there is a weak correlation of divided government to higher congruence.

The institution findings are robust to reducing our congruence measures to a simple count index by state, ranging from 13 to 27 congruent policies.¹⁶ Legislative professionalization in the form of higher salary (a two-standard deviation swing) has an effect of about 2.7 additional policies (about 20% of the range). Term limits has an effect of approximately 2.4 additional congruent policies. Moving from New Hampshire to California on these two predictors (no term limits to having term limits, and the smallest session length to nearly the maximum), the effect is roughly 8 additional congruent policies—close to 60% of the range of the congruence index.

Culture? Some attribute differences in state politics to political culture. The varying slopes and intercepts show that at least in some models there remains small residual state variation in responsiveness—which could be due to state-level institutions or other predictors not included in the particular models or due to differences in “state culture.” To be sure, it is difficult to quantify culture, even if all agreed on what to look for. However, there is one measure thereof that has received more attention than others in the state politics literature.

Elazar (1984) argues that culture and values, dating back to settlement patterns in the early twentieth century, shape the operation of state political systems. He divides states using a tripartite typology, “traditionalist,” “individualist,” and “moralist,” and these types differ in terms of the attention paid to the mass public. Culture might also drive responsiveness through its effects on institutional choice. A measure of culture could then pick up such institutional effects not otherwise controlled for. At the aggregate level, there is little difference in raw congruence levels across the three types. (“Traditional” states do have fewer liberal policies.) And, if we add varying slopes and intercepts for each of Elazar’s state culture types to our models, there is little or no variation across the three types (other results remain similar).

¹⁶The model is $Congruence\ Index = 17.1(.9) - 1.7(1.2) \times Citizen\ Initiative - 1.2(1.7) \times Salary + 2.7(1.3) \times Session\ Days + 1.2(1.5) \times Staff + 2.4(1.2) \times Elected\ Court + 2.4(1.3) \times Term\ Limits$.

As another way of picking up cultural differences, we tried a proxy (a long shot) 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. Rather surprisingly, we find that there is a significant increase in the marginal effect of opinion for states with a higher Bryan vote. While not huge, the effect is significant and non-negligible. 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 institutions such as term limits and direct democracy (but not professionalization). The Bryan “effect” does persist when these are controlled for but might capture other “populist” institutions.

Conclusion

What do these 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 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. That policy specific opinion is a stronger predictor of state policy than general voter ideology is reassuring as to the ability of state legislatures to accurately reflect constituent will. 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. The relatively

weak performance of government ideology suggests that the preferences of elected elites are not consistently overriding the will of voters.

This suggests that the states should earn a rather respectable grade on the responsiveness test. However, whereas states certainly pass a minimal test of correspondence to policy-specific opinion, there are two reasons to be concerned. First, there is a clear “democratic deficit”—states effectively translate majority opinion into policy only about half the time, a “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 cautioned by, e.g., Erikson, Wright, and McIver 1993, 93).

The second cause for concern about democratic performance is that responsiveness is conditioned on issue salience. At low salience, policy-specific opinion matters less and other factors, such as diffuse voter ideology, matter relatively more. Higher salience does lead to greater congruence, but even at higher levels of salience, state policies are incongruent over 40% of the time.

Institutional design, fortunately, can enhance responsiveness and congruence, a finding made more important by the fact that state institutions are relatively malleable. The first institu-

tion 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 correlate 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.

Our work 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.

This framework pushes the limits on what is currently 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.

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Policy	Survey Question
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?
Parental Consent	<ul style="list-style-type: none"> Do you favor or oppose a law requiring teenagers to have their parents permission?
Parental Notification	<ul style="list-style-type: none"> Do you favor or oppose a law requiring that parents of teenagers must be notified?
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?
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?
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?
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?
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?
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?
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
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?
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?
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?
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?
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
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
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?
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?
Employment Protections	<ul style="list-style-type: none"> Do you favor or oppose laws to protect gays against job discrimination?
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?
Health Benefits	<ul style="list-style-type: none"> Should there be health insurance and other employee benefits for gay spouses?
Housing Protections	<ul style="list-style-type: none"> Do you support laws to protect gays and lesbians from prejudice and discrimination in housing?
Marriage	<ul style="list-style-type: none"> Do you think there should or should not be legally-sanctioned gay and lesbian marriages?
Sodomy	<ul style="list-style-type: none"> Do you think homosexual relations between consenting adults should or should not be equal?
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?
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
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?
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
Stem Cell	<ul style="list-style-type: none"> Do you support or oppose embryonic stem cell research?

(continued)

Table 1: Policies Included in Empirical Analysis, by Issue Area

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?
Drivers' Licenses	<ul style="list-style-type: none"> Do you think state governments should or should not issue drivers' licenses to illegal immigrants?
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?
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?
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?
Concealed weapons	<ul style="list-style-type: none"> Do you favor or oppose preventing gun owners from carrying a concealed gun in public?
Death Penalty	<ul style="list-style-type: none"> Are you in favor of the death penalty for a person convicted of murder?
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.
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?
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?

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 2: *Opinion and Congruence 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 3: *Opinion and Congruence by Issue Area*. 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.

Policy Responsiveness (Does the State Have the Liberal Policy?)					
	(1)	(2)	(3)	(4)	(5)
Opinion	3.31** (.71)	3.07** (.73)	3.14** (.70)	2.87** (.74)	3.06** (.73)
Voter Ideology	1.17** (.22)	1.23** (.25)	1.02** (.22)	1.08** (.25)	1.24** (.24)
Government Ideology	.16** (.20)	.15 (.22)	.35* (.25)	.34 (.28)	.14 (.22)
Saliency	-2.30** (.84)	-2.36** (.84)	-2.26** (.82)	-2.38** (.83)	-2.35** (.84)
Saliency × Opinion	2.54** (1.34)	2.42** (1.35)	2.39** (1.33)	2.29** (1.36)	2.46** (1.35)
Legislative Professionalization		-.11 (.19)		-.08 (.18)	
Leg. Prof. × Opinion		.73** (.24)		.72** (.24)	
Term Limits		-.44* (.24)		-.32 (.24)	-.45 (.24)
Term Limits × Opinion		.98** (.33)		1.15** (.35)	1.01** (.34)
Citizen Initiative		.18 (.23)		.01 (.22)	.23 (.24)
Citizen Initiative × Opinion		-.51 (.31)		-.53 (.33)	-.63 (.32)
Elected Court		-.02 (.23)		.03 (.21)	-.07 (.23)
Elected Court × Opinion		.27 (.29)		.33 (.30)	.35 (.31)
Participation			.50** (.17)	.53** (.17)	
Participation × Opinion			.06 (.26)	.10 (.24)	
Competition			-.10 (.23)	-.08 (.24)	
Competition × Opinion			.31 (.28)	.19 (.26)	
Divided Government			-.01 (.17)	-.09 (.18)	
Divided Govt. × Opinion			.15 (.26)	.44 (.25)	
Session Days					-.24 (.25)
Session Days × Opinion					.55** (.34)
Salary					.17 (.33)
Salary × Opinion					.08 (.44)
Staff					-.10 (.28)
Staff × Opinion					.09 (.38)
Intercept	-1.00 (.42)	-.88 (.46)	-.94 (.41)	-.80 (.45)	-.88 (.46)
State Intercept St. Dev.	.46	.42	.38	.34	.42
State Opinion Slope St. Dev.	.41	.07	.39	.04	.07
Policy Intercept St. Dev.	2.34	2.35	2.28	2.31	2.35
Policy Opinion Slope St. Dev.	3.05	3.01	2.99	3.00	3.02
AIC	1958	1952	1959	1949	1961

Table 4: *Policy Responsiveness Models*. Continuous variables are standardized by subtracting the mean and dividing by 2 standard deviations, putting them on the same scale as each other and roughly the same scale as the dichotomous variables. All models are logistic regression (logit) include varying intercepts and slopes for opinion by policy and by state. AIC = Akaike Information Criterion. N = 1950. Directional predictions use 1-tailed tests: * < .10, ** < .05

Policy Congruence (Is State Policy Congruence with the Opinion Majority?)					
	(1)	(2)	(3)	(4)	(5)
Opinion Majority Size	1.90**	1.92**	1.92**	1.94**	1.92**
	(.42)	(.41)	(.42)	(.41)	(.41)
Voter Ideology	.96**	.65**	1.09**	.62**	.67**
	(.24)	(.22)	(.24)	(.23)	(.22)
Government Ideology	.13	.33**	-.22	.24	.32**
	(.21)	(.19)	(.25)	(.24)	(.20)
Conservative Opinion Majority	1.23**	1.20**	1.19**	1.20**	1.19**
	(.22)	(.22)	(.23)	(.22)	(.22)
Voter Ideology × Cons. Opinion Maj.	-1.74**	-1.79**	-1.70**	-1.76**	-1.78**
	(.30)	(.30)	(.30)	(.30)	(.30)
Govt. Ideology × Cons. Opinion Maj.	-.44*	-.51**	-.48**	-.54**	-.52**
	(.27)	(.27)	(.27)	(.27)	(.27)
Salience	.83*	.82*	.81*	.82*	.81*
	(.52)	(.52)	(.51)	(.52)	(.52)
Legislative Professionalization		.49**		.47**	
		(.13)		(.13)	
Term Limits		.53**		.56**	.53**
		(.17)		(.18)	(.17)
Citizen Initiative		-.33		-.33	-.42
		(.16)		(.16)	(.17)
Elected Court		.22*		.22*	.28**
		(.15)		(.15)	(.16)
Participation			-.04	.02	
			(.14)	(.12)	
Competition			.46**	.13	
			(.19)	(.18)	
Divided Government			.01	.17	
			(.14)	(.13)	
Session Days					.38**
					(.17)
Salary					.06
					(.22)
Staff					.10
					(.18)
Intercept	-.96	-1.12	-.95	-1.13	-1.11
	(.29)	(.30)	(.28)	(.30)	(.30)
State Intercept St. Dev.	.30	.00	.26	.00	.00
State Opinion Slope St. Dev.	.32	.34	.32	.33	.33
Policy Intercept St. Dev.	1.46	1.47	1.45	1.47	1.46
Policy Opinion Slope St. Dev.	1.90	1.85	1.89	1.83	1.84
AIC	2130	2113	2130	2116	2117

Table 5: *Policy Congruence Models*. Continuous variables are standardized by subtracting the mean and dividing by 2 standard deviations, putting them on the same scale as each other and roughly the same scale as the dichotomous variables. All models are logistic regression (logit) include varying intercepts and slopes for opinion by policy and by state. AIC = Akaike Information Criterion. N = 1950. Directional predictions use 1-tailed tests: * < .10, ** < .05

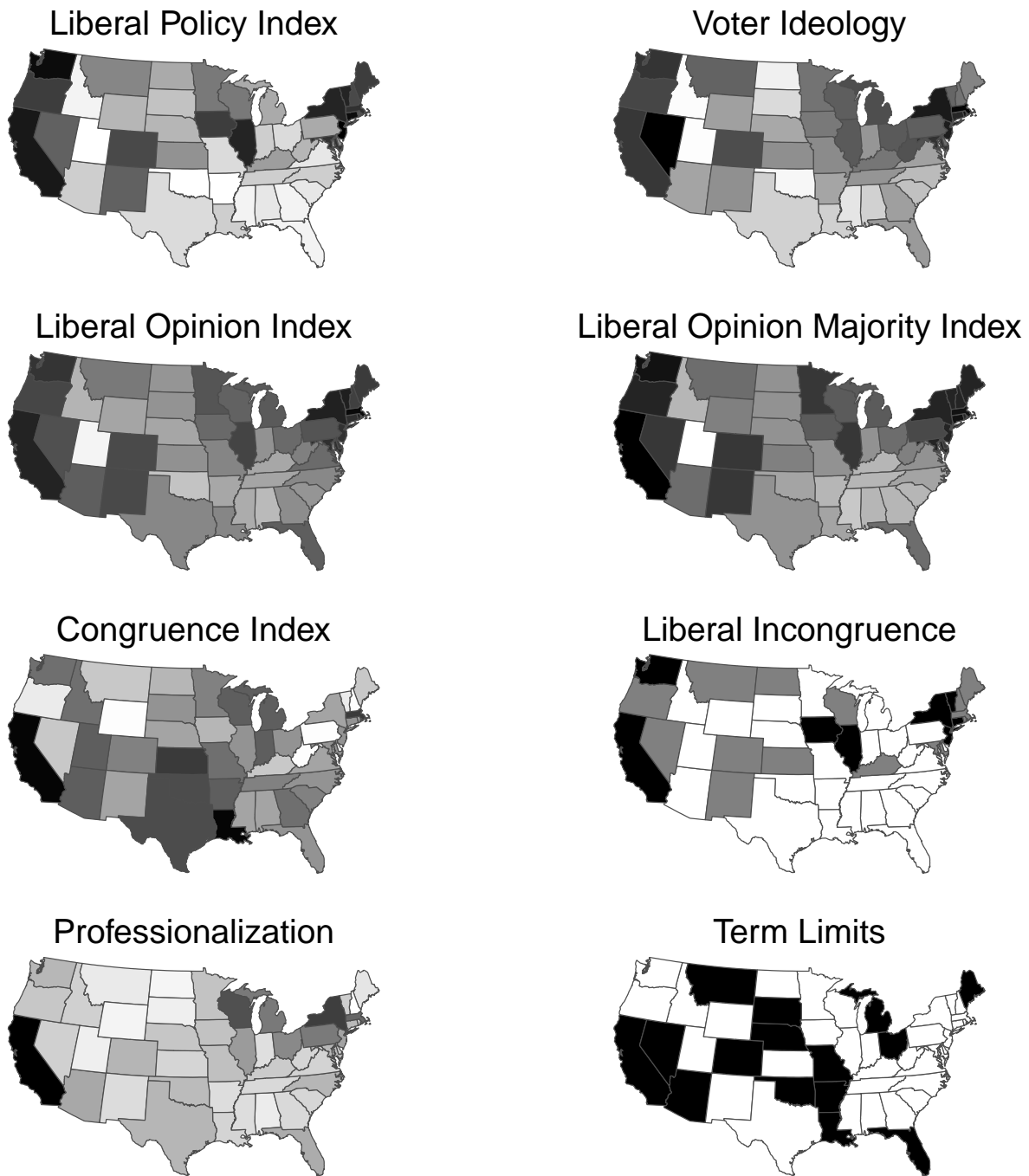


Figure 1: *Maps of Policy and Opinion.* In order from left to right, top to bottom: Map 1 shows the percentage of the 39 policies that are liberal in each state (darker = more liberal, unless otherwise stated), Table 2, column 2; Map 2 shows the Erikson-Wright-McIver ideology scores; Map 3 shows mean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

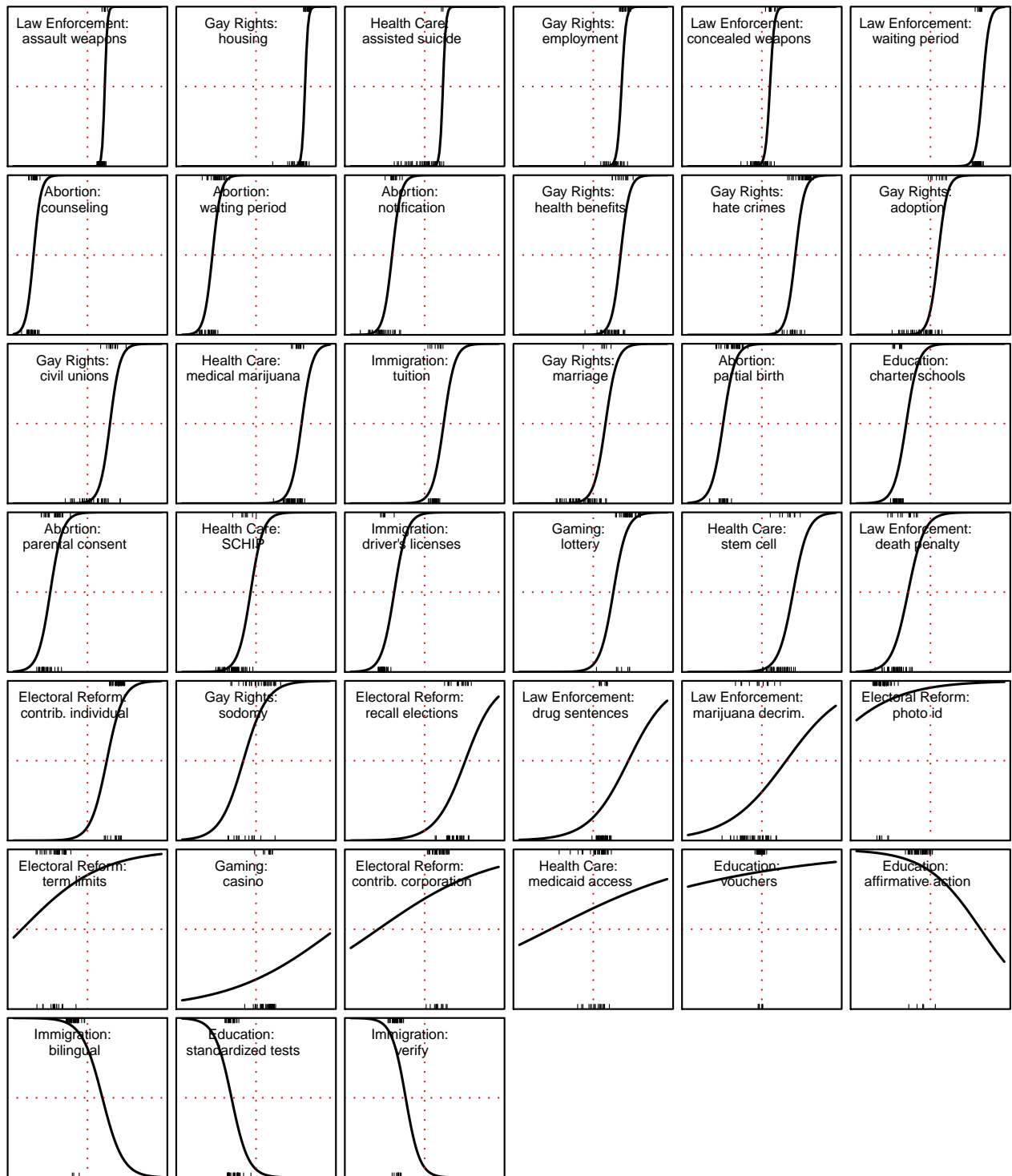


Figure 2: *Basic Relationships between Policy and Opinion*. Each graph plots the probability of policy adoption derived from the logistic regression curve given state opinion. The opinion level in states with the policy in question are plotted (in a “rug”) on the top axis and those without on the bottom. In each panel, dotted lines show the 50% marks in opinion support and policy probability. Panels are ordered by slope.

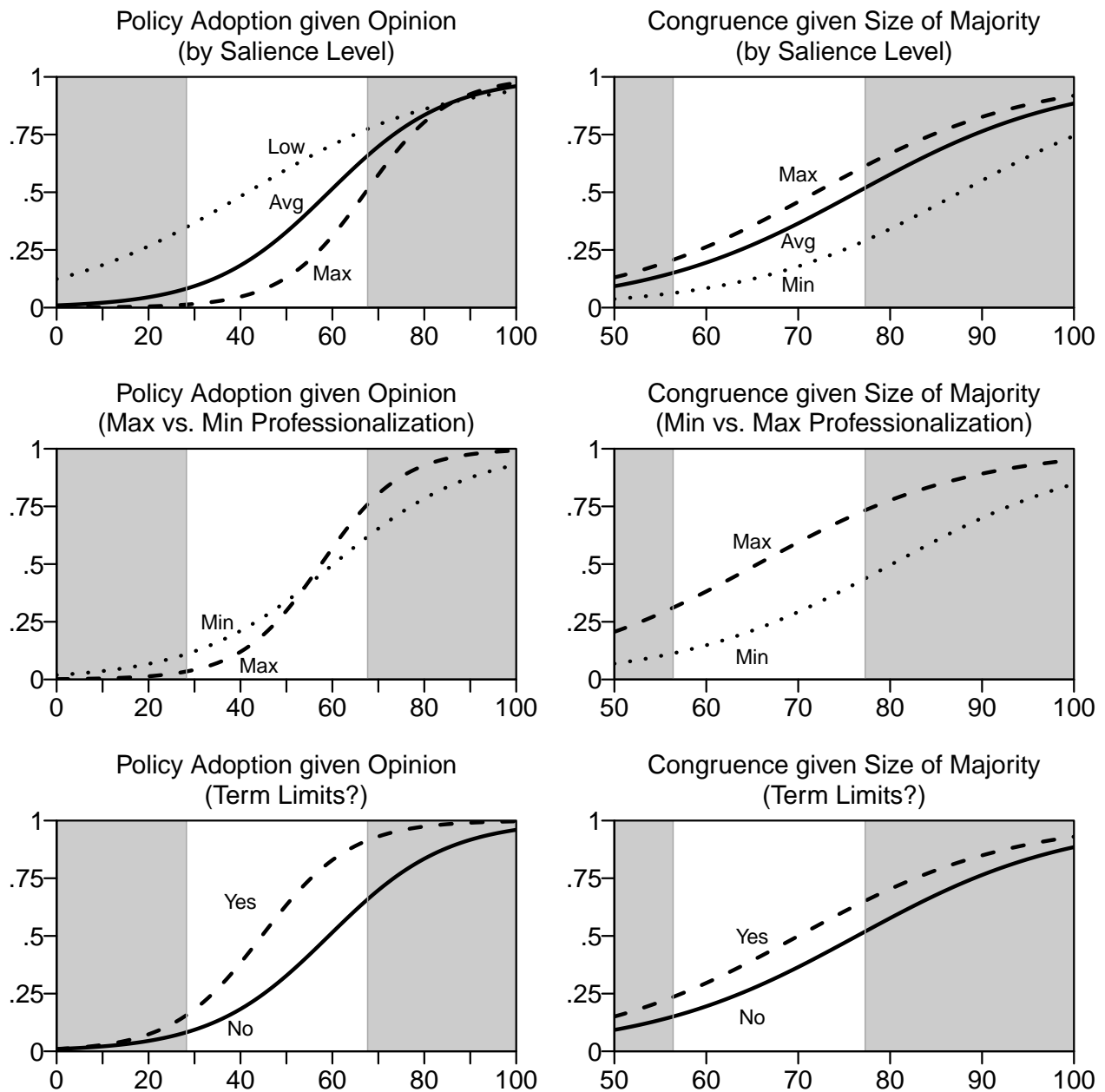


Figure 3: *Predicted Probability of Congruence or Policy Adoption.* Each graph plots the predicted probability of policy adoption or congruence derived from Table 4, Model 2 or Table 5, Model 2. The default value of each continuous variable is its mean. Each dichotomous variable is set to zero. The non-shaded regions depict the range of opinion between low opinion and high opinion—that is, the two standard deviation region in which most observations fall.