

Polarization in America's State Legislatures: An Update^{*}

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1 Introduction

Most of the recent scholarly literature takes as its starting point quantitative trends that indicate rising party differences in roll call voting behavior in Congress (Poole and Rosenthal 1997; McCarty, Poole and Rosenthal 2006). These findings are generally based on measures of positions on the liberal-conservative continuum as revealed through roll call voting. Though various techniques for measuring the ideology of legislators have been developed, they all produce very similar findings. By convention, higher scores on these measures represent a more conservative position. The measure of polarization I use in this piece is the difference in medians between Democrats and Republicans, with a larger gap indicating a greater level of polarization.¹

Why do we care about polarization? Excessive levels of partisanship and ideological polarization have been shown to have a pernicious effect on many aspects of policy making and governance (see McCarty, Poole and Rosenthal 2006, 2013 for a review of the evidence at the national level). As recent events in many state capitols attest, these problems are beginning to afflict policy making at the state level. As a result, a robust public debate about how to reduce polarization and partisanship has emerged.

The political parties in Congress are increasingly polarized in ideological terms. This is largely driven by replacement rather than adaptation; that is, moderates are increasingly leaving Congress, and being replaced by ideological extremists. Both House and Senate are polarized, and they are getting more so over time.

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What about American state legislatures? It's important to nail down these numbers because we need to know where we stand to find out if polarization is leading to political gridlock and dysfunctional policy. We also need a barometer of polarization to find out whether reforms like opening up primaries, taking redistricting away from politicians themselves, term limits, and so forth can do anything about this yawning gap between the parties. And since there are 50 state legislatures, we might find answers to these questions more quickly and definitively than we can with Congress, of which we only have one.

While polarization in the states has not received the same attention as congressional polarization, our recent research has shown that state legislatures are quite polarized (Shor and McCarty 2011). Most state legislatures exhibit levels of partisan and ideological conflict that are at least as high as that of the U.S. Congress. Moreover, polarization has been rising in most—but not all—state legislatures. And just as it has in Congress, partisan conflict within state legislatures has become a central feature of policy making whether it be abortion policies in Texas, collective bargaining in Wisconsin, or the expansion of Medicaid in the states under the Affordable Care Act.

While the phenomenon of the polarization of state governments is intrinsically important, the states also provide a useful laboratory for evaluating the proposed reforms designed to mitigate polarization or its consequences at all levels. For example, suppose one wanted to evaluate the extent to which various features of the campaign finance system create biases towards the election of ideologues and partisans. Conducting such a study on the U.S. Congress faces any number of limitations. The basic structure of the federal campaign finance system changes very rarely. And when it does, the reforms are themselves a product of the partisan and ideological conflict that they are presumed to influence. The states, on the other hand, hold elections under a very diverse set of campaign finance rules, ranging from public financing in some states to trivial restrictions in others. Moreover, these rules change frequently. In principal, scholars could much more confidently evaluate the role of campaign finance in party polarization by leveraging both the variation in rules across and within states.

Clearly, the states are also ideal for evaluating proposed reforms of primary electoral systems, legislative districting, and convenience voting. Additionally, the states afford opportunities to examine the policy effects of partisan polarization. Do less polarized states manage their economies, governments, and disadvantaged citizens better than more polarized states? How might extreme partisanship impact opportunity for reform in education policy, public sector pensions, health policy or any of the other salient areas of state policy making?

2 Trends in Polarization

Unfortunately, the data necessary to use the states to study the causes and consequences of polarization has not been available. Prior to our work, similar measurements of polarization at the state level were unavailable for two reasons: the lack of data on voting records and the lack of a metric for comparing across states. To address the first problem, legislative journals of all 50 states (generally from the mid-90s onward) were either downloaded from the web or purchased in hard copy. The hard copy journals were disassembled, photocopied, and scanned. These scans were converted to text using optical character recognition software. To convert the raw legislative text to roll call voting data, we developed several data-mining scripts. Because the format of each journal is unique, a script had to be developed for each state and each time a state changed its publication format.

When our article initially came out, we covered roughly the period between 1996 and 2006, which effectively means the legislators elected between 1994 and 2004. We have continued to update the data since the article appeared, and this paper documents the updates since. Now the data extend to 2011, meaning we now incorporate the legislators elected between 2006 and 2010. In all, our dataset currently covers nearly 20,000 unique state legislators across the 50 states, with more than 1,500 chamber-years of data.

The second issue is that we can only compare the positions of two legislators if they have cast votes on the same issues. If we assume that legislators have fairly consistent positions over time, we can compare two legislators so long as they both have voted on the same issues as a third legislator. But this issue poses special problems to the study of state legislators because two legislators from different states rarely cast votes on exactly the same issue. So to make comparisons across states we use a survey of federal and state legislative candidates that asks similar questions across states and across time. The National Political Awareness Test (NPAT) is administered by Project Vote Smart, a nonpartisan organization that disseminates these surveys as voter guides to the public at large. By combining the data on roll call votes with the NPAT survey data from 1996 to 2011, we generate universal coverage of state legislators who have served in the states for which we have the roll call data. The technical details of how we combine these two data sources can be found in Shor and McCarty (2011).

We turn now to seeing what the new data and the passage of time shows us. Figure 1 averages the distance between party medians over time and across chambers within states to get a sense of the average level of polarization. We are able to make direct comparison to Congress because congressional candidates answer the Vote Smart survey just as state legislative candidates do. Strikingly, the level of polarization in the U.S. House and Senate – the subject of substantial scholarly attention

(McCarty, Poole and Rosenthal 2006; Theriault 2008) is not an outlier. In comparison to Congress, the majority of state legislatures are less polarized, while 15 are actually more polarized. California is by far the most polarized state legislature, and Congress looks decidedly bipartisan by comparison (see Masket 2009 on the causes and consequences of polarization in this state.) On the other end, Rhode Island and Louisiana are the least polarized. In the former, Democrats are liberal, but so too are the Republicans. In the latter, the converse is true.

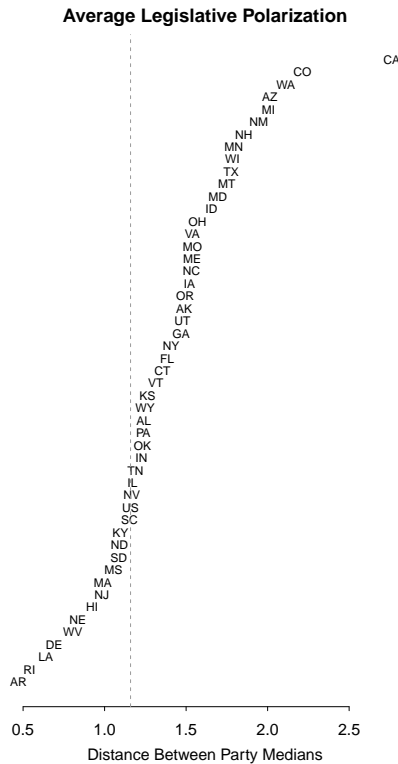


Figure 1: Comparison of polarization averaged across chambers and time for all 50 state legislatures. Congress is included as the dashed line for comparison.

We also find that there is variation in polarization trends across states. Figures 2 further illustrates how heterogeneous states are with respect to polarization levels and trends.

As with the US Congress, all 99 state legislative chambers (Nebraska has a single chamber commonly referred to as the Unicam or Senate) are polarized. In 75 of those 99 chambers, the parties are getting more distant from each other. In 17 of them, the parties are roughly stable, not trending towards or away from each other. In 7 chambers, the parties are actually depolarizing or getting closer. In most states, unlike in the US Congress, the upper (Senate) chamber is typically more polarized than the lower (House or Assembly) chamber. On the other hand, the lower chamber is polarizing faster in more states than the upper chamber. It is not yet clear why these differences

should exist.

The top 10 fastest polarizing chambers, in order, are the senates in: Arizona, Hawaii, Colorado, Missouri, and Idaho, and the lower chambers in Montana, Arkansas, Arizona, Colorado, and Washington. The fastest depolarizing state chambers, in order, are the Wyoming House, the Oregon Senate, the Alaska Senate, the Ohio Senate, and the North Carolina Senate. This is completely unheard of in recent years in Congress. At the same time, California retains its title as the most polarized state legislature in the country. It has even managed to move up a couple of notches in the past 15 years. Another notable state is Nebraska, whose Unicam is amongst the fastest polarizers in the country, despite the fact that it is nonpartisan by law in the chambers and at the voting booth. Masket and Shor (2013) describes how parties in the state have overcome this powerful prohibition to work as cohesive, disciplined units—just like other states.

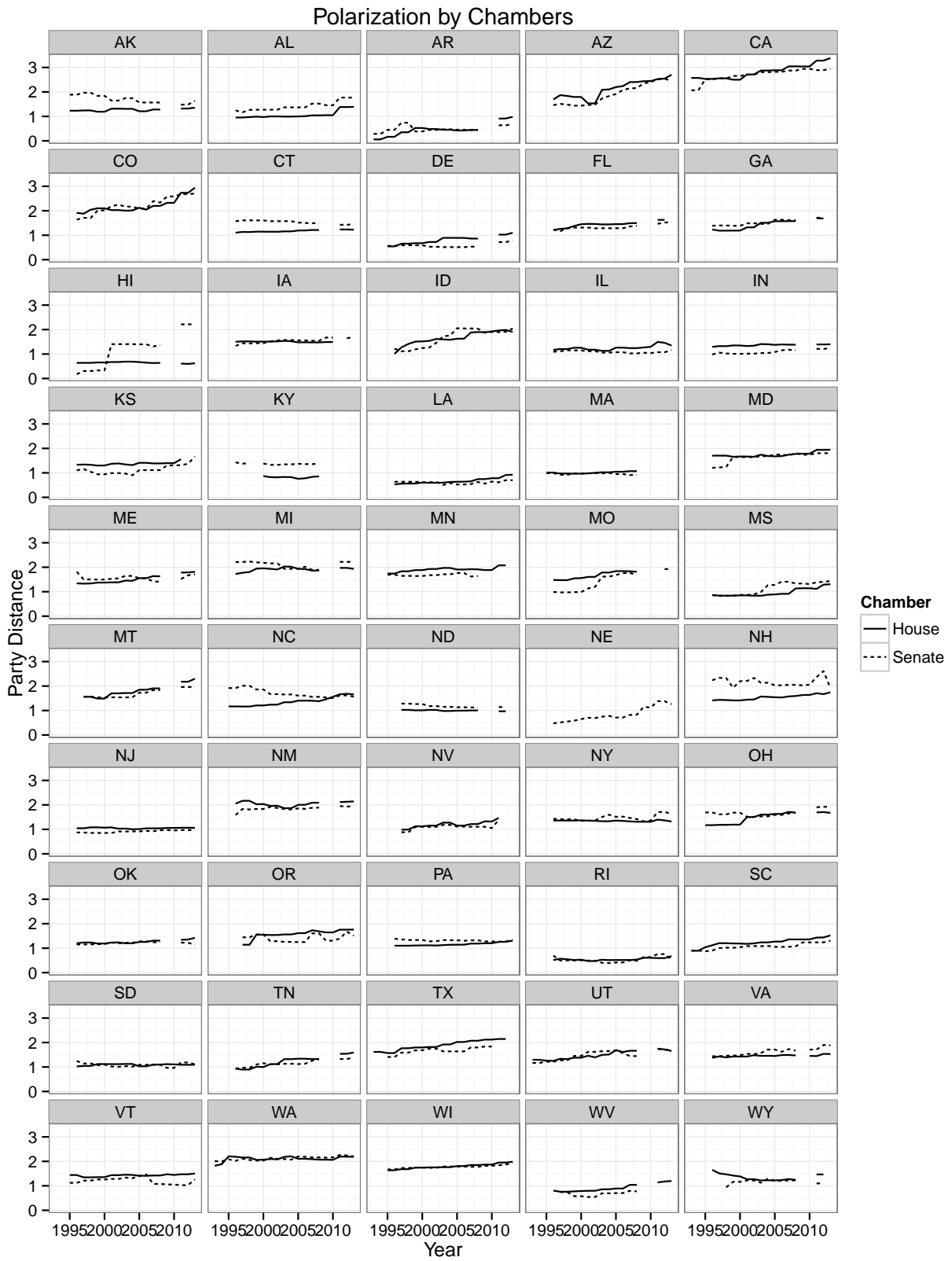


Figure 2: Difference in party medians. Higher values indicate more polarization.

2.1 Asymmetric Polarization

But which parties are driving this polarization at the state level? Are both parties at fault, or is one becoming more extreme compared to the other? That is, is state legislative polarization symmetric or asymmetric? When we look at Congress over the past 20 years, we can clearly see that—in both the US House and Senate—the Republican party has gotten more extreme over time relative to the Democrats (though in the House Democrats have polarized to a smaller degree as well). This is a familiar story of asymmetric polarization. In fairness, Democrats’ move in the liberal direction started earlier than Republicans: the 1940s versus the mid 1970s. Still, in recent years, Congressional Republicans have unquestionably moved further, faster.

The data and method that Nolan McCarty and I have developed shed light on trends in America’s state legislatures. Figure 3 shows the picture graphically, plotting party medians over time, separately for each chamber. Looking across the states, Republicans on the whole are clearly polarizing faster than Democrats. In 68 of the 99 state legislative chambers, they are getting more conservative over time, while in 62 chambers Democrats are getting more liberal. In 16 chambers Democrats are actually getting more conservative (eg, depolarizing), while the converse is true in 16 chambers for Republicans where they are getting more liberal. In 21 chambers Democrats are roughly stable and the same is true in 15 chambers for Republicans.

But what the data clearly reveal is that states are wildly diverse. In some states like Tennessee and Colorado, Republicans are getting more extreme in recent time, while Democrats are not changing much. But in other states like Idaho, Mississippi, and California, it is Democrats who are largely responsible for the states’ recent polarization. And finally, there are states like Texas, Missouri, and Nebraska where both parties are polarizing roughly equally and simultaneously. So the polarization story is similar in some ways in state legislatures than in Congress: Republicans are leading the charge to the ideological poles on average. But it’s different, too: the average story obscures lots of differences across states. State polarization trends thus underline the usefulness of studying state legislatures as a laboratory for political observers: there’s just lots of variation to work with in trying to understand what causes what. And so we should look to state experiences to see whether reforms in areas like redistricting, primaries, campaign finance, and so on do anything to mitigate polarization, and whether some reforms might have unintended consequences that make it worse.

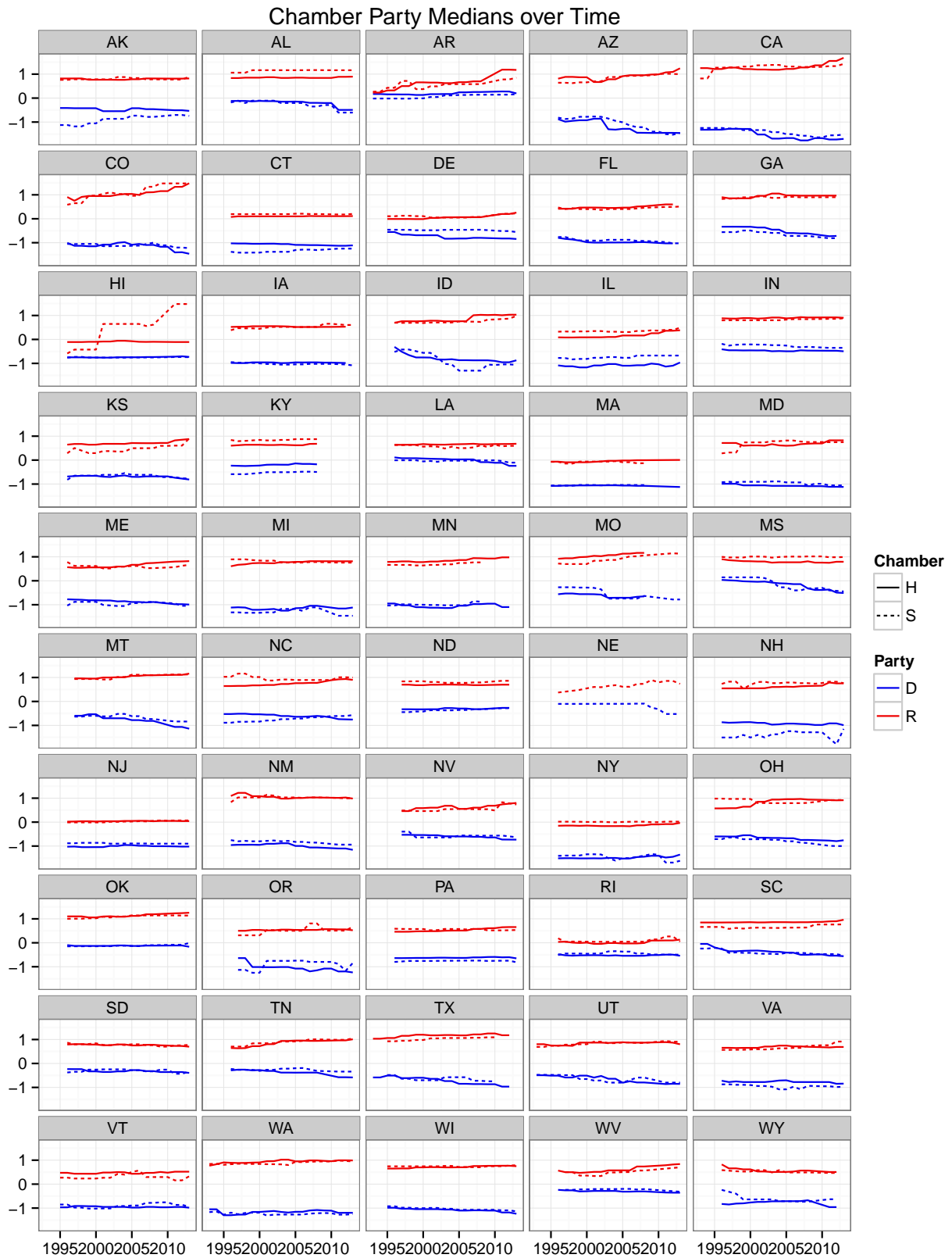


Figure 3: Party medians within chambers across states. Republicans are polarizing faster in 6 more chambers than Democrats.

3 Causes

A number of papers have utilized the Shor and McCarty (2011) data to investigate potential causes of polarization. I illuminate a few of these below.

3.1 Primary Institutions

One of the most popular electoral reforms concerns changing the ways in which parties nominate candidates for the general election. The idea that less partisan – and more open – primary elections would create the conditions for more moderate office holders was behind California’s recent adoption of the “top two” primary system in which the top vote getters regardless of party move to the general election. Several studies have argued for a significant effect from nomination procedures (Bullock and Clinton 2011; Gerber 1998). However, these studies rely on either purely cross-sectional data or data from a limited number of states.

But our data provides an opportunity to evaluate empirically whether moving from closed partisan primaries to less partisan open primaries reduces polarization.² In [?](#), we use our data on state legislator positions to test whether states that use open primaries or shift to open primaries elect less extreme legislators (and by extension less polarized legislatures.) Our findings challenge the conventional wisdom as we find few strong relationships between the openness of a primary and the moderation of the legislators it produces.

[Figure 4](#) shows our model predictions for the trends in legislator ideology for the five major primary systems we track. In all systems, legislators are getting more extreme over time: Democrats are becoming more liberal and Republicans more conservative. More open and nonpartisan systems, which are hypothesized to moderate candidates given the presence of independents and other-party identifiers, do not seem to have more moderate records than more closed systems.

Our study, however, only considers opening primaries to independents and cross-over partisans. Evaluations of more radical alternatives such as California’s “top two” system have been limited, although our data is now being used to address this question in a new study ([?](#)). Our data will improve the ability to tackle this question as researchers will not only be able to use it to identify changes in California’s polarization after adoption but also to compare those changes to changes in polarization in non-reform states. Such a research design would greatly improve the reliability of the inferences.

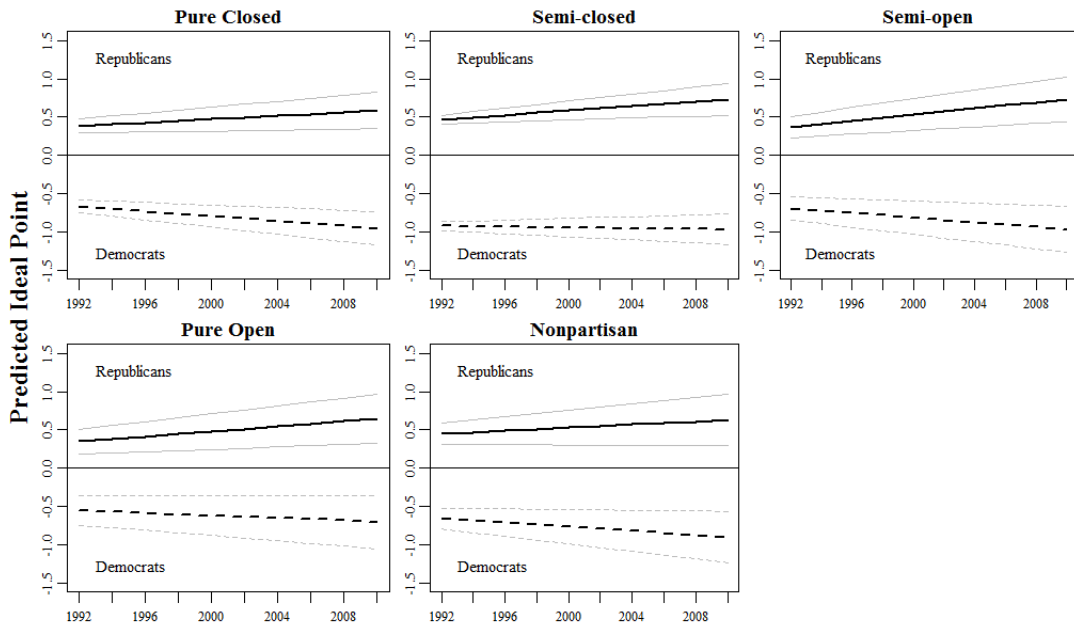


Figure 4: Predicted legislator ideology trends holding all other variables fixed at their means, including fixed effects. Gray lines represent 95% error bounds. All systems appear to show polarizing trends over time, with little difference between them.

3.2 Inequality

Nationally, there has been a great increase in both political polarization and income inequality since the early 1970s. McCarty, Poole and Rosenthal (2006) documents these trends and tie them together. Their argument is that rising income inequality is both a cause and an effect of polarization. When incomes grow unequally, there is a greater return to organizing political conflict over the central axis of attitudes towards government activism. At the same time, when Congress is polarized, redistributive policies that can ameliorate inequality are often very hard to pass given the presence of numerous veto points in the American separation of powers system.

What about the states? Garand (2010) shows that state level income inequality helps explain state opinion and US Senate polarization. New research and new inequality data from Voorheis show that these results extend to state legislative polarization, but with an interesting twist. While the overall relationship between state inequality and legislative polarization is positive and significant, there are important differences in the relationship by region. Figure 5 shows that the inequality-polarization relationship is actually negative in the Northeast. It is positive elsewhere, and is especially strong in the South and West, and only weakly positive in the Midwest. Further research is needed to explain this heterogeneity.

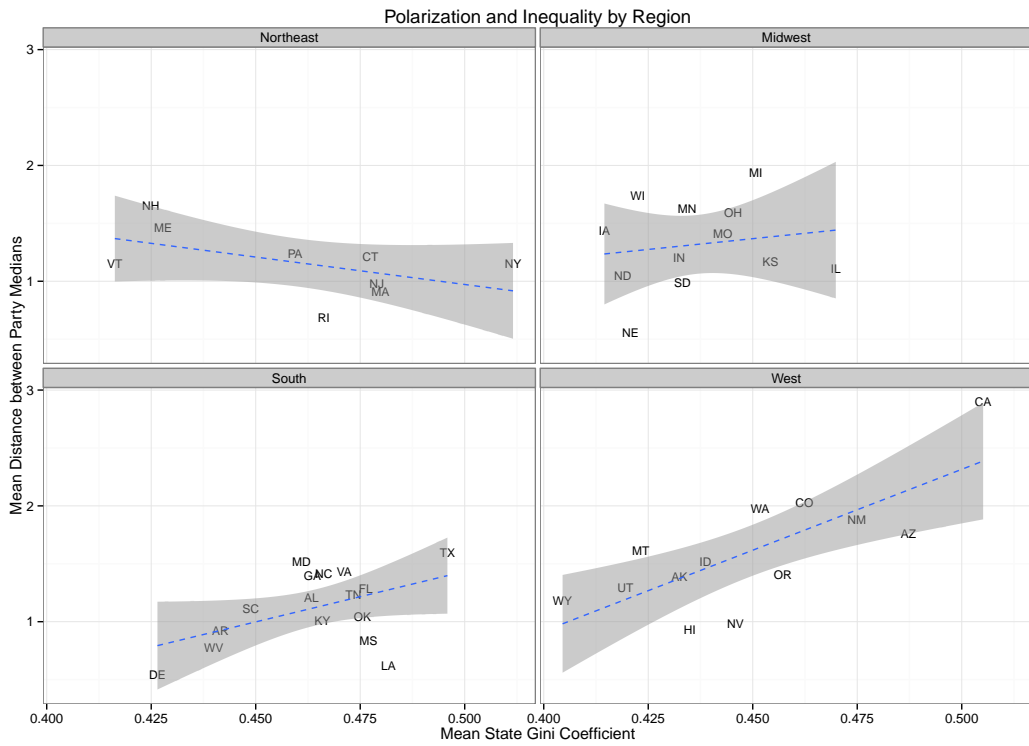


Figure 5: Scatterplot of average state-level inequality measured by a Gini coefficient from Voorheis (2013) and polarization (averaged party median distances). The effect varies dramatically by region.

3.3 Public Opinion

One of the enduring puzzles in the study of American politics is the juxtaposition of an increasingly polarized Congress with an apparently stable and centrist electorate (Fiorina and Abrams 2008). After failing to find a link between polarization in Congress and the polarization of policy preferences in national surveys, researchers are turning away from the ideology of the mass public, looking instead at institutional features like primaries, agenda control in the legislature, and redistricting that may have led to increased Congressional polarization.

What about at the state level? I begin with some simple scatterplots comparing ideological polarization in the state legislatures with the variability of ideology as self-reported by survey respondents in three huge (tens of thousands of respondents) surveys performed by the National Annenberg Election Study from 2000-2008. Figure 6 shows that states with more polarized electorates elect more polarized state legislatures. Moreover, this relationship appears to be getting stronger over time.

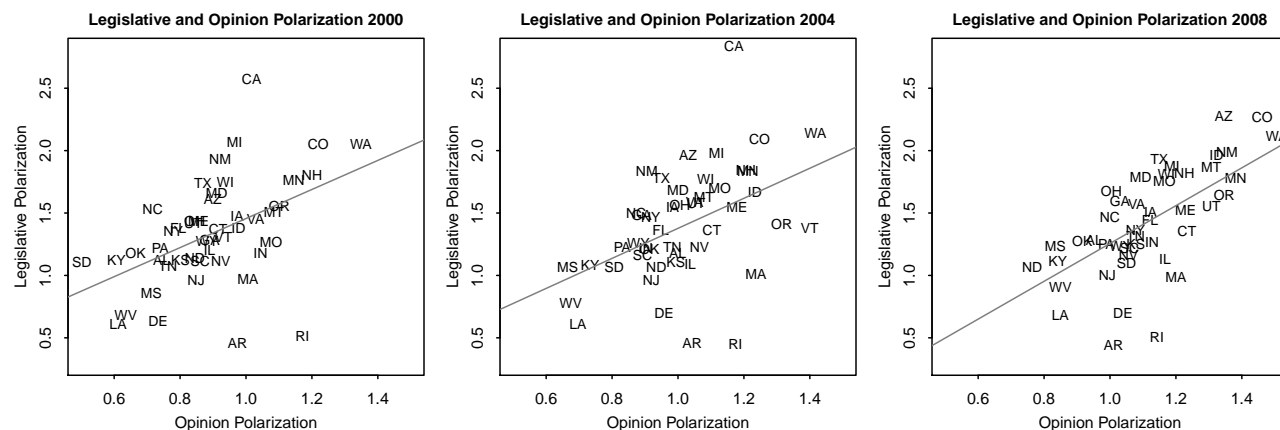


Figure 6: *Opinion polarization and legislative polarization are correlated, and this is increasing over time. Horizontal axis is the variation in self-reported ideology within states for a given NAES survey.*

McCarty, Poole and Rosenthal (2009) decomposes polarization into two sources: sorting and intradistrict divergence. Polarization driven by the latter is the difference between how Democratic and Republican legislators would represent the same district. The former is the result of the propensity for Democrats to represent liberal districts and for Republicans to represent conservative ones. In Shor and McCarty (2011), we show that intradistrict divergence dominates sorting for state legislatures just as it does for Congress.

Yet this just moves the puzzle one step backwards. Where does intradistrict divergence come from? How is that there is a large density of districts where the average voter is quite moderate, but the voting behavior of the representative is extreme? Similarly, why are legislatures so much more

polarized than district medians? To answer these questions, we need move the aggregation down one step to the district level. A new paper (Rodden et al. 2014) brings attention back to the distribution of ideology in the mass public with new data and an alternative theoretical approach. We marry state legislative ideology data with the 350,000 person “super survey” created by Tausanovitch and Warshaw (2013) to characterize the distribution of ideological preferences not only within states, but also across and within state senate districts.

The paper confirms that state legislative polarization is highly correlated with both between- and within-district measures of opinion polarization. Yet contrary to conventional wisdom, the relationship is actually *stronger* for within-district polarization than for between-district polarization. The states with the highest levels of within-district polarization, like California, Colorado, and Washington, are those with the highest levels of legislative polarization. In the middle of each states’ distribution of districts lies a set of pivotal districts that are ideologically moderate only because they are divided relatively evenly between two polarized sides.

But given the logic of the median voter, why would electoral competition in these pivotal but polarized districts generate such polarized legislative representation? The paper develops a simple intuition based on the idea that candidates must choose platforms in the presence of uncertainty over the median voter (Calvert 1985; Wittman 1983). The greater the uncertainty, the more candidates move towards their party’s more extreme ideological preferences. The intuition is that when district opinion is unimodal, the median voter on election day will be largely predictable, constraining candidates. In contrast, when voters are more evenly distributed throughout the ideological spectrum or even polarized into a bimodal distribution, there is more uncertainty about the identity of the median voter on election day, and hence weaker electoral constraints on candidates’ ideological positioning. In other words, when districts are moderate—but only as a consequence of internal divisions—they tend to elect more extreme legislators. This is because normal Downsian pressures to converge are balanced against the returns to turning out your own base. For example, this is seen in large legislative districts where red precincts in the outlying areas surround deep blue areas like college towns. They are moderate only because they are deeply internally divided, with a balance between highly liberal and conservative voters, *not* because the voters are moderate and unimodal.

4 Consequences

4.1 Interest Group Environment

The constellations of interest groups vary markedly across states; in some, they are incredibly dense, in others, they are considerably less so. The same is true of diversity: interest groups are not all alike, and they vary substantially in composition across the states (Gray and Lowery 2000). These

differences, in turn, influence state political dynamics and policy outcomes (Gray, Lowery and Benz 2013).

What political factors, however, determine interest group environments? New research in Gray et al. (2014) points out that polarization presents both opportunity and peril for interest groups, particularly nonprofits concerned with ideological rather than profit-based objectives. The benefits—and costs—to one side winning and another losing should be magnified in states with more polarized political systems. Indeed, for both 1997 and 2007, states with more polarized legislatures had increasingly dense interest group environments. But this effect extended only to nonprofits, rather than for-profit associations.

4.2 Unilateral Action

Despite the conventional wisdom in political science that executive power is dependent on persuasion, there is increasing evidence that presidents increasingly turn to unilateral action to accomplish their objectives. In particular, a difficult strategic environment for presidents, including divided government is likely to increase the issuance of presidential executive orders (Deering and Maltzman 1999; Howell 2003). The logic should work the same way for state governors. They, too, are located in a complex separation of powers system with overlapping and sometimes ill-defined authority. And they, too, exert unilateral power at times. While their power does not extend to national security matters as does the presidency, governors do have executive orders at their disposal. These orders have not attracted as much scholarly attention as have presidential directives.

Ferguson and Shor (2014) collects new data on gubernatorial executive orders, extending to nearly 600 state-years of data for all orders, and a smaller subset for orders deemed “significant.”³ This data is paired with state legislative polarization data. The key prediction is that governors facing a more gridlocked state legislature will turn to executive orders as an alternative route to lawmaking. The results of a multilevel Poisson model regressing executive order counts on this predictor and a number of controls confirms this hypothesis.

5 Conclusion

Even as polarization increases in most American legislatures, so too does scholarly understanding of the phenomenon. Work continues on documenting the extent of polarization in the 50 states forward and backward in time. In addition, considerable new research is coming on line that tackles the possible causes of polarization, including new research on public opinion, income inequality, and institutional variation across the states. The “smoking gun,” however, remains elusive. No one “cause” has been identified as dominant, nor is there likely to be one. Scholars can only hope to chip away at individual explanations driven by theoretical expectations. Finally, a new and exciting body of work is starting to examine the consequences of polarization in politics and policy. More legislative gridlock is likely, for example, to lead to governors leaning on unilateral action.

A final caveat. Unlike the US Congress—which has been fairly closely divided in the past two decades—unified party government is a common reality in many states. When a single party holds both chambers of the legislature, the governorship, and is not burdened by supermajoritarian rules, polarization is no longer “weaponized.” Recent developments in California (which recently abandoned the two-thirds requirement to pass a budget via initiative), Colorado, Michigan, and Wisconsin show that polarization need not slow down a unified party leadership intent on making far-reaching policy changes. These are likely to be exceptions to the rule, however.

Notes

¹Scholars have used other measures as well, such as the “overlap” between the parties which measures how many Democrats are more conservative than the most liberal Republican. A lower overlap score means less polarization. The use of medians is the most conservative measure as it is the least influenced by party outliers, those legislators with positions atypical of their party. The difference in means is influenced both by extreme and moderate party outliers, while the overlap measure is greatly influenced by moderate outliers (a single conservative Democrat can make the party overlap score large). Still, nearly every method designed to measure polarization is highly correlated with every other method, increasing our confidence in the validity of our measures.

²In *closed* primaries, only registered partisans may vote in their own party’s primary. In *open* primaries, registered partisans as well as independents may vote in the primary of their choice.

³Cutting out, for example, symbolic actions.

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