

The Democratic Deficit in the States

Jeffrey R. Lax Columbia University
Justin H. Phillips Columbia University

We study how well states translate public opinion into policy. Using national surveys and advances in subnational opinion estimation, we estimate state-level support for 39 policies across eight issue areas, including abortion, law enforcement, health care, and education. We show that policy is highly responsive to policy-specific opinion, even controlling for other influences. But we also uncover a striking “democratic deficit”: policy is congruent with majority will only half the time. The analysis considers the influence of institutions, salience, partisan control of government, and interest groups on the magnitude and ideological direction of this democratic deficit. We find the largest influences to be legislative professionalization, term limits, and issue salience. Partisanship and interest groups affect the ideological balance of incongruence more than the aggregate degree thereof. Finally, policy is overresponsive to ideology and party—leading policy to be polarized relative to state electorates.

How responsive is state policy to public opinion? Erikson, Wright, and McIver (1993) overturned the long-standing view that the public had little influence and established a clear correlation between voter ideology and aggregate state policy. Simply put, liberal states have more liberal policy. Subsequent studies of policymaking at the state level have reached similar conclusions. By this test, then, statehouse democracy receives a passing grade.

One might worry, however, that this test is too lenient. The ideology-policy correlation is the dominant approach in studies of state responsiveness, and it has been the most fruitful approach to date. However, problems of inference arise because researchers cannot know exactly how diffuse preference measures *ought* to translate into policy. That is, policy and ideology lack a common metric (Erikson, Wright, and McIver 1993, 93; Matsusaka 2001). For example, how liberal should policy be in a state in which 30% of voters self-identify as liberal? Clearly, policy in a state with 35% liberals should be even more liberal, but how much more? A high correlation between ideology and policy reveals a strong relationship between the two,

but without knowing the mapping of ideology to voter policy preferences, we cannot tell if policy is over- or underresponsive to preferences.

Most existing work, by focusing on the ideology-policy correlation, also does not assess how responsive states are to voter preferences *on specific policies*. Nor does it tell us how effective state political systems are at translating opinion majorities into public policy. If a majority of voters in a state wants to adopt a lottery or impose an abortion restriction, how likely is the state to do so? In other words, is policy usually *congruent* with majority will?

Both responsiveness and congruence are forms of policy representation, but they capture different dimensions of democratic performance. To be clear, by responsiveness, we mean a positive correlation between opinion and policy; by congruence, we mean that policy actually matches majority opinion. Where majority will is truly sovereign, you would expect both strong responsiveness and a high level of congruence. 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),

Jeffrey R. Lax is Associate Professor, Department of Political Science, Columbia University, 420 W. 118th, MC3320, New York, NY 10027 (JRL2124@columbia.edu). Justin H. Phillips is Associate Professor, Department of Political Science, Columbia University, 420 W. 118th, MC3320, New York, NY 10027 (JHP2121@columbia.edu).

For helpful comments and discussion, we thank Fred Boehmke, Tom Clark, Robert Erikson, Andrew Gelman, Shigeo Hirano, Andrew Karch, Tom Ogorzalek, Robert Shapiro, Elizabeth Theiss Smith, Christopher Wlezien, and Gerald Wright. We also thank seminar/panel participants at the 2009 State Politics and Policy Conference, Temple University, University of California – Berkeley, Emory University, the 2010 Midwest Political Science Association Annual Meeting, the 2009 American Political Science Association Annual Meeting, and at the Russell Sage Foundation. For research assistance, we thank Jared Drucker, Jacob Feldman, and Thomas Langer. Earlier drafts of this article received the *State Politics and Policy Quarterly* Award for Best Paper presented at any professional meeting in 2009 and the *Pi Sigma Alpha* Award for Best Paper at the 2010 Annual Meeting of the Midwest Political Science Association. (Replication data can be obtained from the authors or from their faculty websites.)

American Journal of Political Science, Vol. 56, No. 1, January 2012, Pp. 148–166

© 2011, Midwest Political Science Association

DOI: 10.1111/j.1540-5907.2011.00537.x

perhaps because policymaking is biased in the liberal or conservative direction. In fact, there can be significant responsiveness without congruence.

We argue that a full picture of statehouse democracy requires studying both. The existing literature establishes a high degree of responsiveness to ideology and attitudes (this contribution should not be understated), but not generally to policy-specific opinion, and it cannot usually answer questions about congruence. Doing so raises severe methodological challenges because of the lack of state polling data and the difficulties of estimating voters' preferred policy choices. Our work relies on recent advances in estimating state-level opinion using national data, advances which enable our substantive findings about responsiveness and congruence and allow us to draw out theoretical distinctions between them.

We build on the rich state politics and public opinion literatures to develop a distinct and fine-grained assessment of how well state policymaking conforms to the public will. Our approach reveals a rich set of new "stylized facts" about statehouse democracy and allows us to carefully grade, and explain variation in, democratic performance in the American states. On the positive side, we show that in a broad sweep of state policymaking there is clear influence of policy-specific opinion over and above the influence of diffuse voter ideology, an effect that is strong and robust across model specifications. This is consistent with, while also adding to, the existing literature, and reveals an even more fundamental form of responsiveness. However, we also uncover a rather striking *democratic deficit* in state policymaking. Roughly half the time, opinion majorities lose—even large supermajorities prevail less than 60% of the time. In other words, state governments are on average no more effective in translating opinion majorities into public policy than a simple coin flip.

Together, the presence of clear responsiveness to opinion combined with clear evidence of policy incongruence creates a rather complicated picture of statehouse democracy. We might not be shocked by the democratic deficit were policy-specific opinion irrelevant. But it creates a deeper puzzle to find so large a deficit when policy-specific opinion is one of the strongest determinants of policy. The early literature painted too bleak a picture by casting the public as an ignorant and ineffectual actor at best and finding little to no evidence of any influence of public opinion. Newer literature might imply too rosy a picture.

We explore a more nuanced view of statehouse democracy. Specifically, we study the magnitude and variation of the democratic deficit across states, apportioning the "blame" among the forces that shape congruence, and explaining the ideological direction of incongruence.

(Do the "mistakes" tend to be in the liberal or conservative direction?) We consider various determinants of and constraints on democratic performance: which state institutions enhance or distort responsiveness and congruence and whether other forces such as partisanship and interest group activity induce or restrain congruence. We indeed find that the influence of opinion is particularly strong under favorable institutional and political conditions, and for policies of greater salience. We show that there is policy bias associated with incongruence and that it is connected to overresponsiveness to voter ideology and the distorting influence of party control. The net result is that *state policy is far more polarized than public preferences*.

Studies of Responsiveness

Early analyses indeed found virtually no relationship between political variables and the ideological direction of state policy (inter alia, Dye 1966; Plotnick and Winters 1985). Treadway (1985), in an influential review of the state policy literature, blamed voters' lack of knowledge and interest in state politics. More recent scholarship, however, dramatically shifted the debate, showing evidence of a linkage between state policy and voter preferences. Erikson, Wright, and McIver estimated voter liberalism in each state by pooling national surveys over a 12-year period and found that the more liberal a state's voters, the more liberal the state scored on a policy index: "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" (1993, 253). Subsequent research, employing a similar methodological approach, has confirmed these findings, and other work, such as Stimson, MacKuen, and Erikson (2002), has shown aggregate responsiveness at the national level. To be sure, some policies map quite nicely to general ideology, but some do not (Norrande 2001). Others connect general attitudes (e.g., toward homosexuals or feminism) to related policies and outcomes (e.g., gay marriage bans or number of abortions; Brace et al. 2002; Haider-Markel and Kaufman 2006).

As we noted in the introduction, one concern with using ideology (and even general attitudes) is that we do not know the latent mapping from the diffuse measure to actual policy choice. Some scholars focus on attitudes and ideology because they think it too demanding to expect detailed policy preferences from voters and too demanding to expect statehouse democracy to function on the basis of voters' detailed preferences. But another reason is practical, not theoretical: the lack of comparable opinion polls across states. To compensate for this, studies typically estimate opinion using disaggregation, a

technique that pools national polls (typically over many years) until there are a sufficient number of survey respondents to calculate opinion percentages in each state. Unfortunately, polling firms do not usually ask policy-specific questions frequently enough to generate reliable estimates of policy-specific preferences. Researchers have instead had to limit themselves to those questions that have been asked in dozens of compatible surveys (the occasional policy question but usually only ideology or attitudes). This limits generalizability across policies and can render conclusions about congruence impossible.

A small number of single-issue studies have directly estimated voters' preferred policy choices and compared those to actual state policies adopted. For example, Gerber (1996, 1999) pools several national surveys to estimate state-level support for the death penalty and abortion restrictions; Lax and Phillips (2009b) estimate public support for eight policies regulating gay and lesbian rights; Lupia et al. (2010) uses state polls to study state constitutional bans on same-sex marriage; and Norrander (2000) ties death penalty-specific opinion and policy. While these studies found evidence of responsiveness, results may be difficult to generalize (Burnstein 2003). These studies focus on highly salient morality policy issues, and, as Lax and Phillips (2009b) demonstrate, responsiveness to majority opinion is greatly enhanced by salience.

Responsiveness vs. Congruence

We address the various concerns above by estimating state-level opinion across a wide range of issues using multilevel regression and poststratification (MRP). MRP is a technique presented by Gelman and Little (1997), validated by Park, Gelman, and Bafumi (2006) and Lax and Phillips (2009a), and extended in Berkman and Plutzer (2005), Lax and Phillips (2009b), and Kastellec, Lax, and Phillips (2010), *inter alia*. It has been shown to produce highly accurate estimates even with a single national poll and simple demographic-geographic models (simpler than we use herein). There are two stages to MRP. First, individual survey response is modeled as a function of a nuanced demographic and geographic typology, using multilevel regression. For each demographic-geographic type of voter, predicted policy support is estimated. The second step is poststratification: the estimates for each demographic-geographic type are weighted by the percentages of each type in actual state populations using Census data, so that we can estimate the percentage of respondents within each state who take a particular position. This yields estimates of explicit policy support, explicit opposition, and, thereby, policy sup-

port among those with an opinion, for each policy, and for each state. For full details of this method, see Lax and Phillips (2009a, 2009b). The demographic predictors used here are age, education, race, and gender. The state-level variables are percentage religious conservatives and 2004 Democratic presidential vote share, with state and region modeled effects. Below we use percentage support out of those with an opinion.

We use MRP to estimate opinion for 39 policies that are set by state governments. These policies are drawn from eight issue areas: immigration, abortion, criminal justice, health care, gay rights, electoral reform, gaming, and education. These are all issue areas that are salient and over which opinion and policy vary across states. While some, such as abortion, have been the subject of numerous inquiries in the opinion literature, others, such as health care and education, have not. By considering such a diverse set of policies, we can explore whether and how responsiveness and congruence vary across issue areas.

The policies used here are clearly not a random sample, and so some caution must be taken in generalizing our findings.¹ However, policies were not purposefully selected on substantive grounds or because they lined up with traditional measures of ideology. 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 rely on multiple surveys). We conducted our search for survey data using iPoll from the Roper Center for Public Opinion Research (see Supporting Information [SI] for details). State policy data were obtained as of 2008 from various sources (SI Table 5), including advocacy groups, policy foundations, and research organizations.

Policy and opinion are both dichotomous, so that they share a directly common metric (e.g., "Does the law require women seeking an abortion to wait 24 hours" and "Do you favor a law requiring women seeking abortions to wait 24 hours?"). Policy and opinion are coded to point in the liberal direction (e.g., having the death penalty is coded as 0; having affirmative action is coded as 1; codings verified through factor analysis). Policies are listed below (SI Table 5 has details):

- *Abortion*—Require doctors to counsel patients on 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*—Ban race-based affirmative action for admissions in higher education; Allow charter

¹ One exception to our issue coverage is fiscal policy interpreted narrowly, though many of the policies do have fiscal implications.

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 individual contributions; Require a photo ID to vote; Allow recall elections; Mandate legislative term limits.
- *Gaming*—Legalize casino gambling; Legalize a state lottery.
- *Gay and Lesbian Rights*—Allow second parent adoption statewide; Allow civil unions; Provide health insurance for domestic partners of state employees; Allow same-sex marriage; Legalize same-sex sodomy (as of 2003); Include sexual orientation in employment nondiscrimination laws; Include sexual orientation in hate crimes laws; Include sexual orientation in housing nondiscrimination laws.
- *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 (CHIP) program to children in a family of four making up to \$60,000 a year; Allow embryonic stem cell research.
- *Immigration*—Prohibit public schools from teaching the children of immigrants in their native language (bilingual education); Issue driver's 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 concealed weapons; Allow the death penalty; Mandate prison sentences for nonviolent drug crimes; Decriminalize small amounts of marijuana; Require a waiting period for gun purchases.

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

Responsiveness

We begin by considering responsiveness at the level of individual policies. Each graph in Figure 2 takes a policy and plots the probability of policy adoption on the y-axis, against our estimates of state opinion on the x-axis. The small tick marks along the top (bottom) axis show the opinion in states that have (do not have) the liberal policy.

We show the logit regression curve for each panel. A policy is strongly responsive if it has a steep positively sloped curve. Bold solid curves indicate a statistically significant responsiveness coefficient (at the 95% level). Otherwise, a dashed curve is plotted. Overall, we find strong evidence of responsiveness, a finding that is strengthened later by multivariate analysis. In all but four graphs, the probability of having liberal policy is positively correlated to policy-specific opinion. However, responsiveness does vary across policies.

First, the strength of the opinion-policy relationship differs, as is indicated by variation in the steepness of the regression curves. Second, policymaking often has either a liberal or conservative bias. To see this, consider the location of the logit curves, which are sometimes shifted left or right of center, meaning either less or more liberal opinion is needed, respectively, to bring about policy adoption. The dotted lines extending from the x- and y-axes indicate (respectively) where public support and the probability of policy adoption each reach 50%. The point at which the regression curve intersects the vertical dotted line reveals (read on the y-axis) the predicted probability of policy adoption when public support is 50%. The point at which the regression curve intersects the horizontal dotted line reveals (read on the x-axis) the needed level of support for the predicted probability of adoption to reach 50%. The crosshair at the intersection of the two dotted lines marks the point at which 50% public support corresponds to a 50% chance of policy adoption.

For perfect majoritarian responsiveness, the slope of the estimated logit curve would be very steep at 50% and go through the crosshair within each panel. Even when you have responsiveness, there are two ways to get incongruence then. The more obvious possibility is that the curve goes through the crosshairs but is insufficiently steep. The other way is policy bias: when the curve is shifted to the right of the crosshair, it means that a large level of liberal opinion (likely more than a majority) is needed to bring about policy adoption. This indicates a conservative bias in policymaking (underresponsiveness to liberal opinion). When the curve is to the left of the crosshairs, it indicates the opposite. Even a cursory glance at Figure 2 shows that we rarely observe perfect majoritarian control.

Congruence and the Democratic Deficit

As noted above, when policy responsiveness is weak or biased relative to majority opinion, the consequence is at least some incongruence. Indeed, our results show clear examples of strong responsiveness (a steep curve) coinciding with frequent mismatches between majority

TABLE 1 The Democratic Deficit by State

State	Liberal Policy (%)	Liberal Opinion (%)	Liberal Opinion Majorities (%)	Congruence (%)	Liberal Incong. Bias	Conservative Incong. Bias	Net Incong. Bias	Liberal Incong. (%)
California	69	53	64	69	7	5	2	58
Louisiana	31	46	41	69	4	8	-4	33
Kansas	44	45	46	62	7	8	-1	47
Massachusetts	64	55	62	62	8	7	1	53
Oklahoma	21	41	41	59	4	12	-8	25
Texas	28	46	44	59	5	11	-6	31
Arkansas	21	44	38	56	5	12	-7	29
Arizona	31	49	49	56	5	12	-7	29
Indiana	31	45	44	56	6	11	-5	35
Michigan	38	49	51	56	6	11	-5	35
Utah	21	38	28	56	7	10	-3	41
Wisconsin	49	49	51	56	8	9	-1	47
Georgia	23	45	38	54	6	12	-6	33
Idaho	23	43	38	54	6	12	-6	33
Missouri	28	46	44	54	6	12	-6	33
Washington	72	52	62	54	11	7	4	61
Colorado	59	51	56	51	10	9	1	53
Minnesota	49	50	56	51	8	11	-3	42
South Carolina	26	45	38	51	7	12	-5	37
Tennessee	31	44	38	51	8	11	-3	42
Connecticut	72	52	62	49	12	8	4	60
Florida	23	49	49	49	5	15	-10	25
Illinois	67	51	56	49	12	8	4	60
Maryland	64	52	59	49	11	9	2	55
North Carolina	31	46	41	49	8	12	-4	40
New Jersey	74	52	59	49	13	7	6	65
Ohio	28	48	49	49	6	14	-8	30
South Dakota	33	45	44	49	8	12	-4	40
Alabama	26	42	38	46	8	13	-5	38
Mississippi	23	43	36	46	8	13	-5	38
Nebraska	36	44	44	46	9	12	-3	43
New Mexico	54	51	56	46	10	11	-1	48
New York	67	54	59	46	12	9	3	57
Rhode Island	56	54	59	46	10	11	-1	48
Virginia	26	48	44	46	7	14	-7	33
Iowa	62	48	51	44	13	9	4	59
Maine	59	52	59	44	11	11	0	50
North Dakota	38	45	44	44	10	12	-2	45
Kentucky	41	44	48	41	12	11	1	52
Montana	46	47	49	41	11	12	-1	48
Nevada	54	50	56	41	11	12	-1	48
Hawaii	64	52	59	38	13	11	2	54
Alaska	46	47	49	36	12	13	-1	48
Delaware	44	52	56	36	10	15	-5	40
Oregon	62	51	59	36	13	12	1	52

(Continued)

TABLE 1 Continued

State	Liberal Policy (%)	Liberal Opinion (%)	Liberal Opinion Majorities (%)	Congruence (%)	Liberal Incong. Bias	Conservative Incong. Bias	Net Incong. Bias	Liberal Incong. (%)
Vermont	67	54	59	36	14	11	3	56
New Hampshire	59	51	59	33	13	13	0	50
Pennsylvania	38	50	54	33	10	16	−6	38
West Virginia	36	46	46	33	11	15	−4	42
Wyoming	36	44	46	33	11	15	−4	42
min	21	38	28	33	4	5	−10	25
max	74	55	64	69	14	16	6	65
mean	44	48	49	48	9	11	−2	44

The first data column is the percentage of liberal policies by state (out of 39 total). The second is mean liberal opinion across policies by state. The third is the percentage of opinion majorities that are liberal. The fourth is the percentage of policies congruent with opinion majorities. The fifth and sixth are the counts of liberal and conservative policies that are incongruent, respectively. The final columns give the net bias from these and the percentage of the incongruence in the liberal direction.

will and policy, due to a biased policy curve. “Health Care: Medical Marijuana” and “Health Care: SCHIP” both show a significant positive relationship between opinion and policy and have similarly steep responsiveness curves. When plotted, however, the curve for the latter passes through the 50% crosshair while the former is shifted noticeably to the right. This shift means that support for medical marijuana has to be far above 50% (approximately 70%) to have a 50% chance of policy adoption. The consequence is that congruence for medical marijuana policy is relatively low—only 26% compared with 86% for SCHIP.

The percentages listed in each plot in Figure 2 are the share of states with policies that match the opinion majority (tick marks in the top-right and bottom-left quadrants are congruent). Congruence by policy and issue area is also shown in Table 2. Across policies, congruence ranges from 6% (“Immigration: Bilingual”) to 86% (“Gaming: Lottery”). The issue areas in which policy most frequently matches majority opinion are gay rights and gaming, which have congruence rates of 57% and 56%, respectively. That we uncover such relatively high rates of congruence in these two areas seems to confirm the long-standing expectation that issues dealing with morality policy will be particularly responsive to public opinion (Mooney and Lee 1995). Indeed, if we group all policies that potentially address morality, we observe a congruence rate of 53% compared to 44% for all others. The issue area with the lowest congruence is immigration, where policy only matches majority opinion 33% of the time. There is also significant variation across states. Congruence by state (see Table 1 and the maps in Figure 1) ranges from 33% (New Hampshire, *inter alia*) to 69% (California and Louisiana).

The bottom line is a great deal of incongruence in state policymaking.² Despite the fact that policy is generally responsive to opinion, it only matches opinion 48% of the time. Especially for bare majorities, some incongruence might not be particularly worrisome (given that neither we nor political elites measure opinion perfectly)—but the democratic deficit persists even with larger opinion majorities. For majorities of size 60% or larger, only 52% of policies are congruent. Even for majorities of 70%, only 57% of policies are congruent. Limited congruence in the presence of responsiveness (which is what we typically observe) shows a limited degree of popular control—*influence without sovereignty*.³

Democracy delayed or democracy denied? One possibility is that the incongruence we observe is a temporal anomaly, with newer agenda items not yet in alignment with opinion. Baumgartner and Jones (1993) argue that

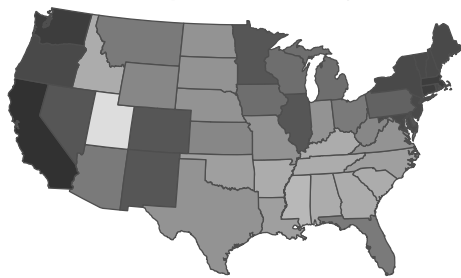
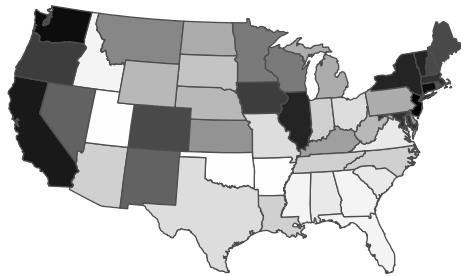
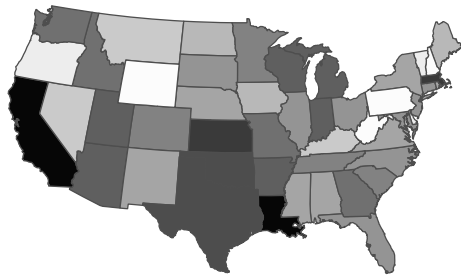
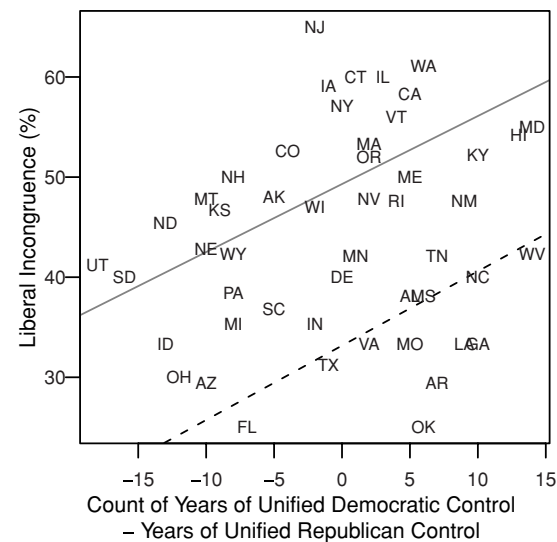
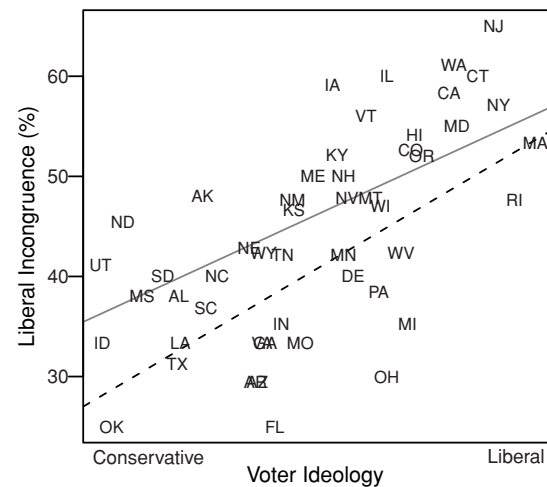
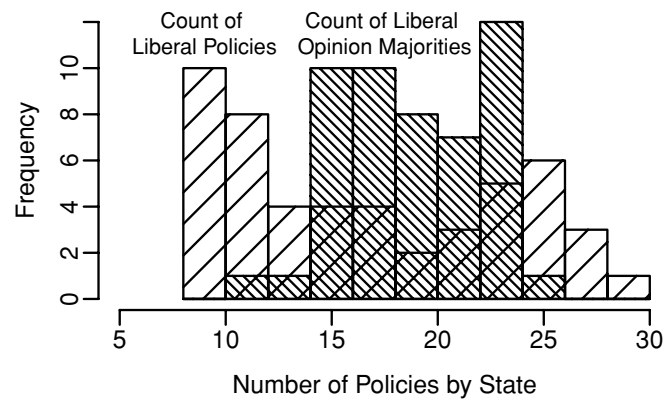
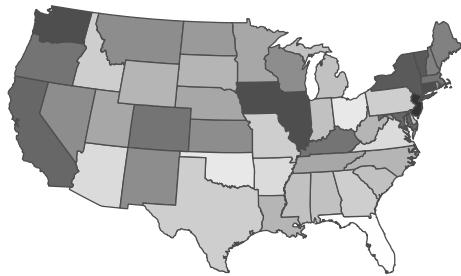
² Some argue that opinion follows policy (rather than vice versa). This would suggest that the “real” democratic deficit is even worse: some congruence occurs simply because people go along with their state policy or because people “vote with their feet,” moving to states with policies they like. If this is true, the degree of incongruence we observe is even more surprising. Also, if people simply move in line with opinion, there should be even more congruence for older policies than we show below. In the SI, we explain further evidence against a “reverse causality” interpretation of our findings and explain why our reading of the literature supports our interpretation of our findings.

³ One could observe congruence without an opinion-policy relationship or a negative one, in the presence of policy bias. For example, “Education: Standardized Tests” is still 54% congruent despite the weak negative relationship between opinion and policy. “Law Enforcement: Assault Weapons” has far less congruence despite strong responsiveness because of the rightward shift of the curve. This sort of congruence without any responsiveness is epiphenomenal.

TABLE 2 The Democratic Deficit by Policy and Issue Area

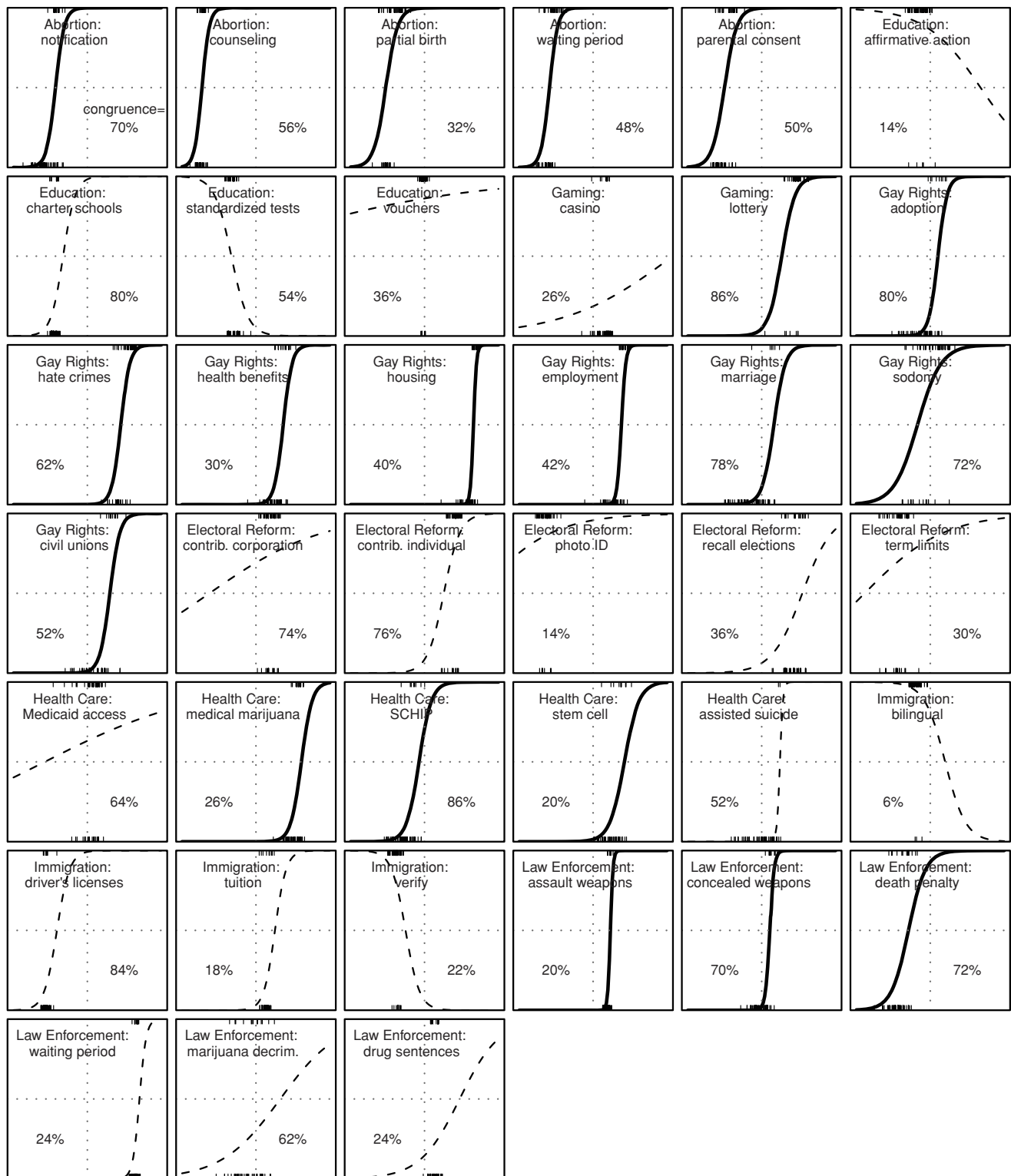
Issue Area	Policy	Liberal				Liberal Incong. Bias	Conserv. Incong. Bias	Net Incong. Bias	Liberal Incong. (%)
		Liberal Policy (%)	Liberal Opinion (%)	Opinion Majorities (%)	Congruence (%)				
Gaming	lottery	86	74	100	86	0	7	-7	0
Health Care	SCHIP	16	36	2	86	7	0	7	100
Immigration	driver's licenses	16	22	0	84	8	0	8	100
Education	charter schools	20	28	0	80	10	0	10	100
Gay Rights	adoption	18	46	34	80	1	9	-8	10
Gay Rights	marriage	12	44	30	78	1	10	-9	9
Elect. Reform	contrib. indiv.	76	70	100	76	0	12	-12	0
Elect. Reform	contrib. corp.	74	59	100	74	0	13	-13	0
Law Enforce.	death penalty	28	29	0	72	14	0	14	100
Gay Rights	sodomy	70	50	50	72	12	2	10	86
Abortion	notification	30	24	0	70	15	0	15	100
Law Enforce.	concealed weapons	20	50	50	70	0	15	-15	0
Health Care	Medicaid access	64	52	76	64	6	12	-6	33
Gay Rights	hate crimes	62	75	100	62	0	19	-19	0
Law Enforce.	marijuana decrim.	26	45	36	62	7	12	-5	37
Abortion	counseling	44	13	0	56	22	0	22	100
Education	standardized tests	46	34	0	54	23	0	23	100
Gay Rights	civil unions	24	56	72	52	0	24	-24	0
Health Care	assisted suicide	4	49	52	52	0	24	-24	0
Abortion	parental consent	50	25	0	50	25	0	25	100
Abortion	waiting period	52	21	0	48	26	0	26	100
Gay Rights	employment	40	67	98	42	0	29	-29	0
Gay Rights	housing	40	81	100	40	0	30	-30	0
Elect. Reform	recall elections	36	71	100	36	0	32	-32	0
Education	vouchers	86	49	30	36	30	2	28	94
Abortion	partial birth	68	28	0	32	34	0	34	100
Gay Rights	health benefits	28	64	98	30	0	35	-35	0
Elect. Reform	term limits	70	29	0	30	35	0	35	100
Gaming	casino	22	58	92	26	1	36	-35	3
Health Care	med. marijuana	26	76	100	26	0	37	-37	0
Law Enforce.	waiting period	24	82	100	24	0	38	-38	0
Law Enforce.	drug sentences	22	57	98	24	0	38	-38	0
Immigration	verify	78	31	0	22	39	0	39	100
Law Enforce.	assault weapons	20	60	100	20	0	40	-40	0
Health Care	stem cell	20	62	100	20	0	40	-40	0
Immigration	tuition	18	57	100	18	0	41	-41	0
Education	affirmative action	90	43	8	14	42	1	41	98
Elect. Reform	photo ID	86	18	0	14	43	0	43	100
Immigration	bilingual	94	40	0	6	47	0	47	100
Gay Rights		37	60	73	57	14	158	-144	8
Gaming		54	66	96	56	1	43	-42	97
Abortion		49	22	0	51	122	0	122	100
Health Care	(all policies)	26	55	66	50	13	113	-100	10
Education		61	38	10	46	105	3	102	97
Elect. Reform		68	49	60	46	78	57	21	58
Law Enforce.		23	54	64	45	21	143	-122	13
Immigration		52	37	25	33	94	41	53	70

The first data column is the percentage of liberal policies by policy (across the 50 states). The second is mean liberal opinion across states by policy. The third is the percentage of opinion majorities that are liberal. The fourth is the percentage of policies congruent with opinion majorities. The fifth and sixth are the counts of liberal and conservative policies that are incongruent, respectively. The final columns give the net bias from these and the percentage of the incongruence that is in the liberal direction. The bottom section of the table does the same by issue area.

FIGURE 1 Distribution of Policy and Opinion Majorities**Liberal Opinion Majorities****Liberal Policies****Congruence****Net Liberal Incongruence**

The maps show the number of liberal opinion majorities (darker = liberal; Montana is at the median), number of policies that are liberal (darker = liberal; Pennsylvania is at the median), number of policies that are congruent (darker = congruent; Florida is at the median), and the net liberal incongruence policy bias (darker = liberal; Maine is balanced). The histogram shows the distribution of counts of liberal opinion majorities and of liberal policies. The remaining panels on the lower right show the percentage of incongruence that is liberal for each state against state voter ideology and then against partisan control of government. The dashed regression line shows the southern states and the solid line the rest.

FIGURE 2 Basic Relationships



Each graph plots the probability of policy adoption from a logistic regression curve given state opinion. Each x- and y-axis runs from 0 to 100% for opinion and the probability of policy adoption, respectively. Opinion in states with the policy in question are plotted (in a “rug”) on the top axis and those without on the bottom. Dotted lines show the 50% marks in opinion support and policy probability. Panels are ordered by policy group. Bold solid lines indicate a relationship significant at 95% (two-tailed). The percentage in each panel is the degree of congruence across states between the policy and the opinion majority (rug marks in the top-right and bottom-left quadrants are congruent).

polymaking is an evolutionary process: change is slow and new issues create instability, taking time to move into equilibrium. Of policies that have largely entered state policy agendas during the last decade or so, only 46% are congruent, compared to 50% for all remaining policies. This is compatible with the view that it takes time for policy to move into congruence with opinion. On the other hand, that so much incongruence remains even for policies that have long been on state agendas (e.g., recall elections, gun restrictions, etc.) suggests strongly that the democratic deficit we document is not simply a short-run phenomenon.

Polarized Policy, Unpolarized Voters. Incongruence can occur when policy is liberal and the opinion majority is conservative or vice versa—and so the direction of incongruence can vary and not just the extent thereof. When the policy curve goes through the 50-50 crosshair but is insufficiently steep, incongruence will be balanced between the liberal and conservative directions. When the curve does not hit this crosshair, incongruence will not be so balanced, and indeed this is what we usually observe. The ideological tendency of state incongruence is shown in the rightmost columns of Tables 1 and 2 (also see the bottom map in Figure 1). Of overall incongruence, 55% is conservative in direction, suggesting a conservative bias relative to opinion majorities. The opinion majority is conservative and policy liberal 448 times (of 1,950 state-policy comparisons); the opinion majority is liberal and policy conservative 558 times (so net bias due to incongruence is 110 conservative policies).⁴

At first glance, the ideological direction of incongruence correlates to the popular “red” versus “blue” state division of conservative and liberal states: see the bottom-left map in Figure 1, which shades states based on net liberal incongruence (e.g., a liberal state like Washington is quite dark because it has four more liberal incongruent policies than conservative incongruent policies; Oklahoma, a conservative state, is much lighter because it has eight more conservative incongruent policies than it has liberal incongruent policies). Indeed, the middle-right graph in Figure 1 shows that the percentage of incongruence that is liberal correlates to voter ideology (we develop this analysis later).

In fact, blue states tend to go “too far” in adopting liberal policies and the red states go “too far” in the other direction. The consequences can be seen in simple counts of

liberal opinion majorities and liberal policies. Histograms of these counts are shown in the top right of Figure 1. The policy count histogram is bimodal and spread out relative to the more concentrated (darkly shaded) opinion count. All but two states have between 15 and 25 liberal opinion majorities, yet 29 states have liberal policy counts outside this central region. That is, two states are “extreme” in the number of liberal opinion majorities and 29 are “extreme” in actual policy. Of these 29, 22 lie outside this range by being more conservative than the moderate region; seven lie outside to the liberal side.⁵ To put it simply, policy is polarized relative to public opinion, which varies much less across states. This polarization can also be seen by comparing the top-left policy and opinion maps in Figure 1. There are many states with middling gray levels of opinion liberalism, whereas the policy maps show a clearer split between light and dark states. (The lighter tone overall suggests a slight conservative policy bias.)

Our findings are consistent with a world in which states implement either a largely liberal or largely conservative slate of policies, rather than a policy-by-policy median voter world, in which it is possible to mix and match policies as preferred by opinion majorities. This polarization also suggests that incongruence is not random error, but rather systematic.

Explaining Variation in Responsiveness and Congruence

We now explore factors that potentially shape responsiveness and congruence, starting with salience.

Salience. The strength of the opinion-policy linkage should be conditioned by the salience of the policy, that is, its importance to the public and its prominence in public discourse. For salient policies, citizens are more likely to hold strong opinions, to convey those opinions to their representatives, and to hold their representatives accountable (Page and Shapiro 1983). When salience is low, however, officials may be unaware of their constituents’ preferences, and so might follow cues such as ideology to fill in the gaps (Druckman and Jacobs 2006). Finally, by giving voters what they want on salient policies, legislators may be more free in making other less salient policy choices, so long as they are responsive “enough.”

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

⁴ For supermajorities of size 60% or more (1,307 state-policy comparisons), we see a different picture: 54% of incongruence is in the liberal direction, and the net bias due to incongruence is 52 policies in the liberal direction. This suggests that smaller liberal opinion majorities are being frustrated in comparison to larger conservative opinion majorities.

⁵ For a moderate region of 17 to 22, 25 states are extreme in opinion and 41 in policy.

request), averaging within each issue area, and taking the log number of such stories. Although obviously crude, this technique performs reasonably well, and similar measures have been used with success (Haider-Markel and Meier 1996; Lax and Phillips 2009b). It is not designed to capture variation in state media coverage; such coverage might be endogenous to policy adoption by state, whereas the national measure will more cleanly capture the relative visibility of each issue. The specific issues we study vary widely in terms of their salience. Some, such as same-sex marriage laws and abortion restrictions, have been at the center of recent political conflict in the United States, whereas others have been less important (though none have been entirely absent from media coverage or state policy agendas).

Ideology. As we noted, politicians might cue off of voter ideology in lieu of specific policy preferences, and they no doubt want to fulfill their own ideological goals. Thus, we compare the impact of policy-specific *Opinion* estimates against voter and government ideology. *Voter Liberalism* is based on Erikson, Wright, and McIver's ideology scores (1993): the self-identified liberalism/conservatism of voters in national survey data. *Opinion* does not reduce to ideology, though they do correlate. This relationship varies by policy (mean correlation is .56, ranging from $-.83$ for charter schools to $+.83$ for stem cell). Also, while every state has more self-identified conservatives than liberals, 49% of opinion majorities are liberal. *Government Liberalism* is the Berry et al. (1998) ideology score for state elected officials, based on the partisan configuration of state government and interest group ratings of the state congressional delegation (averaged 1995–2005). Higher numbers on both scores are more liberal.

Institutions. Many of the largest debates in the state politics literature involve which, if any, institutional features of state government enhance or undercut the relationship between policy and opinion. One feature is the citizen initiative, which exists in 24 states. There are two ways it might enhance the effects of opinion. First, when a majority of voters prefer an alternative policy to that of the status quo, they can circumvent elected officials and enact their preferred policy outright. Second, the initiative may function as a “gun behind the door,” even if it is never used. Interest groups or citizens can, in response to legislative inaction or unpopular legislation, threaten to pursue their policy goals via the initiative. This threat may then spur elected officials to make changes in their policy choices as a means of avoiding a ballot measure. Even in the absence of an explicit threat, officials may anticipate the behavior

of potential initiative authors and draft laws in a manner that preempt future ballot measures. Both effects are likely to be median enhancing (Gerber 1996, 1999).

Some disagree, given the costs of the initiative process; the role that interest groups play in writing, qualifying, and financing ballot measures; and the limited understanding that voters have of policy questions on which they are asked to vote (Lascher, Hagen, and Rochlin 1996). Some studies find evidence supporting the initiative effect, at least in some policy areas (Arceneaux 2002; Gerber 1996, 1999; Matsusaka 2010; Phillips 2008), whereas others do not find an effect (Monogan, Gray, and Lowery 2009; Lascher, Hagen, and Rochlin 1996; Lax and Phillips 2009b). Our policy-specific opinion measures might help resolve this thorny debate. *Citizen Initiative* is an indicator for states that allow either constitutional or statutory citizen initiatives.

Next, we expect that legislative professionalization will enhance the effects of public opinion. Some states use highly professional chambers that resemble the U.S. House of Representatives (e.g., California and New York), whereas others rely on “citizen” chambers (e.g., New Hampshire). Professionalized legislatures are well paid, meet in lengthy sessions, and employ numerous non-elected staff. This allows lawmakers to treat their legislative service as a career. In citizen chambers, in contrast, the number of days legislators are allowed to meet is often constitutionally restricted (in extreme cases, 60 or 90 days biennially); compensation is low; there are few staff; and legislators hold outside jobs. Professional chambers should have a greater capacity and resources to assess and respond to public opinion. Longer sessions allow them to consider more issues, including those of relatively lower salience, and outside employment is less likely to constrain attention to constituents. Seats in professional chambers are also more valuable, so there are greater incentives for lawmakers to be responsive (Maestas 2000). We thus expect to see greater responsiveness and more congruence in states with professionalized legislatures.

On the other hand, some argue that professionalization leads to elite capture of the governing apparatus (Weber 1999) and that citizen legislatures will be more in touch with the people. Still, we are not aware of any systematic evidence that professionalization undercuts the link between the people and policy. Our *Legislative Professionalization* measure comes from Squire (2007). It is a weighted combination of salary, days in session, and staff per legislator, as compared to those in Congress the same year.

Next, term limits may reduce the capacity of lawmakers to assess and respond to opinion by reducing experience (Kousser 2005) and may reduce incentives to respond

to public opinion by limiting the value of a legislative seat. On the other hand, as proponents of term limits argue, to the extent term limits induce greater turnover, they might lead to legislators who 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 statewide races (Carey, Niemi, and Powell 2000). *Term Limits* is our indicator for states that currently have such limits for legislative office.

Finally, we also might expect to observe greater responsiveness and congruence in states that elect their high court judges (39 states require judges to be approved by voters via a partisan, nonpartisan, or retention election). Judicial decisions on important social issues often play a significant role in such elections. *Elected Court* is our indicator for states that elect the judges in their highest court (including partisan, nonpartisan, and retention elections; other codings yielded the same findings).

Interest Groups. All states have numerous interest groups, with hundreds or even thousands of registered lobbyists, representing a wide array of economic and social concerns (Lowery and Gray 1995, 2004). The political power of these groups varies strongly across states (Thomas and Hrebennar 2008). To be sure, interest groups need not be seen as purely counterdemocratic. These groups can even strengthen the effect of opinion. There can be policies for which lawmakers are unaware of constituent opinion. Furthermore, given limitations on agenda space, lawmakers simply may not have the time to consider all policies preferred by voters. Organized interests can act as information providers and can use their resources to pressure lawmakers to place popular measures on the agenda. They can also undertake activities to raise the salience of a particular policy. In direct democracy states, they can circumvent the legislature entirely and pursue popular measures via the initiative process. All of these could strengthen the policy-opinion relationship.

On the other hand, powerful interest groups may use their resources to block popular policies, and elected officials may be pressured to satisfy such groups instead of the median voter (to garner campaign contributions or other types of support). Overall, we expect that responsiveness and congruence will be conditioned by the net balance of powerful interest groups in a state targeting a particular policy. When the interest group and the popular majority are aligned, we should expect greater policy congruence than when the two are opposed. If there are such groups on both sides, they can cancel out.

Powerful Interest Group Balance captures whether there is a powerful interest group in the state pushing for the liberal policy (+1) or conservative policy (−1). Specif-

ically, the score is the sum of these forces within a state on a policy (so it ranges from −1 to 1, with opposing groups canceling out at 0). First, we identified powerful interest groups using an updated list by Thomas and Hrebennar (2008, original list), which provides an expert qualitative evaluation of interest groups by state. We then identified which of them would normally be associated with each policy, and likely position on them (see the SI). For example, we code the pharmaceutical industry ("powerful" in eight states) as preferring to allow stem cell research; and social conservative groups ("powerful" in 24 states) to oppose it. Given overlap, four states get scored +1; 20 at −1; and 26 at 0 (due to neither or both being powerful in the state).

Party Politics. Finally, there is the role of elite party politics, namely the impact of party control of the legislature and governorship. We would expect that the stronger the hold of the Republican (Democratic) party on the state government, the more conservative (liberal) state policy will be, holding policy support constant. When party pressures and public preferences both push for a particular policy, we should be far more likely to see congruence. Besides party, we also control for the ideological liberalness of state governments. Closely related to partisan control is electoral competition. When one party dominates the electoral landscape, monopolizing the reins of government, we would expect public influence to be more limited than when the parties are actively competing for support.

We calculated the Democrats' mean share of state legislative seats (averaging the two chambers) over the period 1990 to 2007, as well as the amount of time they controlled the governorship in each state. We call these *Democratic Legislature %* and *Democratic Governor %*. We next calculate, by state, the number of years of unified Democratic control and the number of years of unified Republican control. *One-Party Dominance* is the absolute value of the difference between them (a state has a low score if it rarely has unified government or does have it but party control flips back and forth; if it usually has unified partisan control by one party and not the other, it will have a high score).

Finally, we control for another aspect of political context, *Turnout* averaged over the last three presidential elections (broader participation might induce greater congruence).

Results

Explaining Responsiveness and Congruence. We move now to multilevel logistic regression models of responsiveness and congruence. For congruence models,

we use *Size of Majority* (from 50% to 100%). The larger the opinion majority, the stronger the signal sent to political actors, and so the greater the likelihood of congruence. Variables coded with an ideological direction in congruence regressions are centered and flipped around their means as necessary so that coding is in the direction opposite that of the opinion majority (e.g., for a conservative opinion majority, greater voter liberalism is coded as negative). When the scores are positive, they make congruence less likely; when negative, they point in the same direction as the opinion majority, making congruence more likely. These predictors are then labeled as *Opposition* (e.g., *Voter Ideological Opposition*). We standardize continuous variables to compare relative impact: a one-unit change is a two standard deviation shift for each variable, and each is centered at its mean. Continuous predictors and dichotomous ones are now roughly on the same scale, and the “base” term given an interaction effect shows the effect at the average value of the interacted predictor, when it takes the value zero and thus drops out. See the SI for an assortment of robustness checks and supplemental results.

For responsiveness, the dependent variable is an indicator for whether each state policy is liberal, and a key independent variable can be an interaction between a predictor and an opinion. This captures whether there is more or less responsiveness to opinion (a steeper or more shallow slope) under different conditions. For congruence models, the dependent variable is an indicator for the state policy matching the opinion majority. Interactions are not necessary as the predictors are directly related to congruence. Those predictors that were not interacted in the responsiveness models, however, must for congruence be oriented properly in terms of direction with the opinion majority. That is, for responsiveness, we ask whether term limits increase the slope of policy with respect to opinion; for congruence, we ask whether term limits increase or decrease the absolute likelihood of having congruence.

Tables 3 and 4 show the full results. We show results from six model variants, to check robustness across specifications. For each table, Model 1 includes only opinion and salience; Model 2 adds voter ideology; Model 3 adds government ideology and partisanship measures; Model 4 instead uses institutional variables; Model 5 instead uses political context variables; and Model 6, the main model, includes all the variables except for Elected Court (we explain why below). For both responsiveness and congruence, the most complete model has the best fit. Findings remain robust to these and other variations (including limiting analysis to only larger states, for which one might expect the most precise opinion estimates).

The basic relationship between policy and opinion is very clear: states with a higher level of policy support are far more likely to have the policy. All responsive models show that policy-specific opinion has a significant and strong effect on policy adoption independent of elected elites, voter ideology (liberalism), and other factors; all congruence models show the strong impact of majority size. The average effect of policy-specific opinion is over twice that of diffuse voter ideology. The latter still has a substantively and statistically significant effect on policy and congruence. 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. Salience one standard deviation above average almost doubles that (SI Figure 4 compares effect sizes). When the state government is more liberal and under Democratic control more of the time, liberal opinion majorities are more likely to get what they want. Government liberalism (but not party control in the responsiveness model) operates as predicted.⁶

Of the institutions, only legislative professionalization and term limits enhance responsiveness. The interaction terms show substantively and statistically significant effects on the marginal effect of opinion (increasing the responsiveness slope) and similar effects on congruence. A one standard deviation increase in professionalization increases the marginal effect of opinion by about 28% (the shift in congruence is 5 percentage points over this range). Term limits increase the marginal impact of opinion by 44% and increase the probability of congruence by up to 15 percentage points. We explored professionalization further, showing that it operates primarily through increasing agenda space rather than through salary or staff resources (see SI). Elected courts seem to increase responsiveness and congruence, but we find this effect to be spurious. When we control for policy areas in which court involvement is more likely, there is no increased responsiveness when courts are elected (the coefficient approaches zero), but rather only in areas where courts are *not* usually involved. The citizen initiative does not enhance responsiveness (indeed it is incorrectly signed; alternative measures leading to the same conclusion are explored in the SI). To be sure, only Louisiana has term limits without also having direct democracy, and 61% of states with direct democracy have term limits. This suggests that the direct democracy might have an

⁶ Party control effects for responsiveness are in the wrong direction, likely due to both multicollinearity and, as we will see later, what has often been called “southern distinctiveness.”

TABLE 3 Policy Responsiveness Models

Policy Responsiveness (Does the State Have the Liberal Policy?)						
	1	2	3	4	5	6
Voter Preferences						
Opinion	4.7** (.8)	3.2** (.7)	2.8** (.7)	3.1** (.7)	2.9** (.6)	2.6** (.7)
Salience × Op.	2.9** (1.5)	2.5** (1.3)	2.2** (1.4)	2.4** (1.4)	2.3** (1.2)	2.0* (1.3)
Voter Liberalism		1.3** (.2)	1.0** (.2)	1.4** (.2)	1.2** (.2)	1.1** (.2)
Elite Preferences and Party						
Govt. Liberalism			1.2** (.4)			.8** (.4)
Democratic Legislature %			−1.0 (.3)			−.6 (.3)
Democratic Governor %			−.4 (.2)			−.3 (.2)
Institutional Interactions						
Professionalization × Op.				.7** (.2)		.7** (.3)
Term Limits × Op.				1.0** (.3)		1.2** (.3)
Citizen Init. × Op.				−.5 (.3)		−.4 (.3)
Elected Court × Op.				.2 (.3)		
Int. Grps. and Pol. Context						
Powerful Int. Group Balance					.5** (.2)	.5** (.2)
Turnout × Op.					−.1 (.3)	.02 (.3)
One-Party Dominance × Op.					−.3 (.3)	−.2 (.3)
Base Terms and Intercepts						
Intercept	−1.1 (.5)	−1.0 (.4)	−1.0 (.4)	−.9 (.5)	−.8 (.4)	−.7 (.4)
Salience	−2.9** (1.0)	−2.3** (.8)	−2.1** (.8)	−2.4** (.8)	−2.0** (.8)	−2.0** (.8)
Professionalization				−.2 (.2)		−.2 (.2)
Term Limits				−.4* (.2)		−.2 (.2)
Citizen Init.				.2 (.2)		.0 (.2)
Elected Court				.2 (.3)		
Turnout					.4** (.2)	.3* (.2)
One-Party Dominance					.0 (.2)	.0 (.2)
State intercepts (st. dev.)	.7	.5	.4	.4	.4	.3
State opinion slopes (st. dev.)	.4	.4	.4	.0	.3	.0
Policy intercepts (st. dev.)	2.9	2.3	2.2	2.3	2.1	2.1
Policy opinion slopes (st. dev.)	3.6	3.0	3.1	3.0	2.6	2.7
Deviance Info. Criterion (DIC)	1969	1935	1878	1912	1916	1842

All are multilevel logistic regression (logit) models with varying intercepts and slopes for opinion by policy and by state. Continuous variables are standardized (subtracting the mean and dividing by two standard deviations, putting them on the same scale as each other and roughly the same scale as the dichotomous variables). N = 1,950, except for models with partisan legislature, which drop Nebraska's 39 observations. Directional predictions use one-tailed tests: * < .10, ** < .05.

TABLE 4 Policy Congruence Models

Policy Congruence (Is State Policy Congruent with the Opinion Majority?)						
	1	2	3	4	5	6
Voter Preferences						
Size of Opinion Majority	2.9** (.5)	1.9** (.4)	1.8** (.4)	1.9** (.4)	1.8** (.4)	1.7** (.4)
Saliency	1.2** (.6)	.8* (.5)	.8* (.5)	.8* (.5)	.8** (.5)	.8** (.5)
Conservative Opinion Majority	1.2** (.2)	1.2** (.2)	1.3** (.2)	1.3** (.2)	.9** (.2)	1.2 (.2)
Voter Ideological Opposition		-1.0** (.1)	-.8** (.2)	-1.1** (.1)	-1.0** (.1)	-.9** (.2)
Elite Preferences						
Govt. Ideological Opposition			-1.1** (.3)			-1.1** (.3)
Legislative Partisan Opposition			-.9** (.2)			-.8** (.2)
Governor Partisan Opposition			-.3** (.2)			-.3* (.2)
Institutions						
Professionalization				.4** (.1)		.4** (.1)
Term Limits				.5** (.2)		.6** (.2)
Citizen Init.				-.3 (.2)		-.2 (.2)
Elected Court				.3* (.1)		
Political Context						
Interest Group Opposition					-.7** (.1)	-.7** (.1)
Turnout					-.1 (.1)	-.1 (.1)
One-Party Dominance					-.2 (.2)	-.1 -0.1
Intercept	-1.0 (.3)	-1.0 (.3)	-1.0 (.3)	-1.2 (.3)	-.8 (.3)	-1.0 (.3)
Group Effect St. Dev.						
State intercepts (st. dev.)	.3	.3	.3	.0	.3	.2
State opinion slopes (st. dev.)	.2	.3	.2	.3	.3	.4
Policy intercepts (st. dev.)	1.9	1.5	1.5	1.5	1.3	1.4
Policy opinion slopes (st. dev.)	2.3	1.9	1.9	1.8	1.6	1.7
Deviance Information Criterion (DIC)	2154	2103	2030	2081	2068	1978

All are multilevel logistic regression (logit) models with varying intercepts and slopes for opinion by policy and by state. Continuous variables are standardized (subtracting the mean and dividing by two standard deviations, putting them on the same scale as each other and roughly the same scale as the dichotomous variables). N = 1,950, except for models with partisan legislature, which drop Nebraska's 39 observations. Directional predictions use one-tailed tests: * < .10, ** < .05.

indirect effect on responsiveness, by making term limits more likely—but this is the only evidence we find for a citizen initiative effect.⁷

This leaves political context. Turnout and one-party dominance have effectively zero effect on responsiveness and congruence, but the interest group environment matters a great deal. Having a powerful interest group on the same (opposite) side as the opinion majority increases (decreases) the chance of congruence by up to 18%. A liberal (conservative) interest group increases (decreases) the likelihood of having the liberal policy, all else equal, by up to 14%. To put this in context, one would have to increase policy support by about nine percentage points to make up for having a powerful interest group opposed to the policy; for congruence, the majority size would have to increase by nine points to make up for a powerful interest group opposed to the majority. (See the SI for a supplemental result showing the density/number of interest groups does not affect responsiveness or congruence significantly.)

Explaining the Democratic Deficit

We next expand on these regression results to account for both the magnitude and the ideological direction of the democratic deficit.

Magnitude

We can use our model of congruence to apportion the “blame” for the democratic deficit across the possible culprits. Recall that 48% of policies are congruent with opinion majorities; our model also predicts 48%. If we decrease salience to the minimum across issue areas, or increase it to the maximum, congruence hits 26% and 56%, respectively. Suppose that we maximized professionalization, making every state the equivalent of California in this regard. Our point prediction based on our final model is that congruence would then occur 62% of the time. Giving every state term limits would increase congruence to 57%. Doing both would increase it to 71%.

If we remove interest group effects, congruence would be a whopping 49%. How can dropping interest groups have no effect? Powerful interest groups restrain opinion majorities from achieving congruence; they also enable

them when aligned in their favor. For the policies we study, aggregating across states and policies, we find no net effect. If we consider congruence *at the state level* (aggregating over policies within each state), however, the picture is more complicated. Some states do better, others worse. Without interest group effects, the average increase in congruence is about 4%, and the average decrease is about 4%. We find a similar canceling out for elite partisan effects and voter ideology effects.

In short, overall congruence (summed across all states) is most affected by professionalization, term limits, and salience, but not by ideology, partisanship, and interest group pressure, which only affect the degree of incongruence within each state (sometimes helping, sometimes hurting). Nor do interest groups or voter ideology affect net policy liberalism (summed across states). An average state has 19 liberal opinion majorities, and our main responsiveness model predicts it will have 16 liberal policies. Dropping out interest group effects or voter ideology effects leaves this nearly unchanged.

Ideological Direction

What about the type of incongruence? Some basic relationships are shown in Figure 1. The middle-right panel shows the percentage of incongruence that is liberal for each state against state voter ideology, and the bottom-right panel shows liberal incongruence against the party control. The dashed regression line shows the southern states and the solid line the rest. Controlling for region, there is a clear, strong relationship between ideological incongruence and each predictor. A pooled regression line ignoring the southern intercept shift in the bottom-right panel would falsely suggest party control did not matter.

We can more fully model the percentage of incongruence that is in the liberal direction by state as follows (OLS regression): $\text{Liberal Incongruence} = 47.5(1.4) + 7.6(2.6) \times \text{Ideology} - 10.4(3.2) \times \text{South} + 6.4(2.9) \times \text{Years Democratic vs. Republican Unified Control} + 1.2(2.2) \times \text{Interest Group Balance}$ (including a liberal opinion index here shows no effect). Even after controlling for partisan control, voter ideology, and interest groups, “South” is a strong and significant determinant of how much of the democratic deficit in the state is conservative policy (overall, southern states have almost exactly the same level of congruence). Interest groups have a small but significant impact. Ideology and party control have roughly similar impact. Five additional years of Democratic control correlates to 2% more incongruence in the liberal (rather than conservative) direction. Again, the direction of incongruence is separable from the incongruence. For example, years

⁷ These main institutional findings are robust to simple t-tests or to reducing our congruence model to an OLS model of a simple count index by state, ranging from 13 to 27 congruent policies (again, see the SI). Moving from New Hampshire to California (no term limits to having term limits; from least professionalization to most), the effect is roughly eight additional congruent policies—close to 60% of the range of the congruence index.

of unified control (or even uncompetitive one-party dominance) do not seem to lead to more congruence, yet unified partisan control does predict the form of incongruence.

Conditional on there being incongruence, ideological or partisan factors affect the direction of incongruence. And the result is polarized policy. The histograms in Figure 1 showed the wider spread of liberal policy counts relative to the spread of liberal opinion majorities. One way to measure polarization is the standard deviation of the liberal policy count relative to that of the liberal opinion majority count. The current policy count standard deviation is 7.0. Removing interest group effects only reduces this to 6.7. Removing voter ideology effects, on the other hand, would reduce the standard deviation of state policy counts to 3.8, much closer to the 3.4 standard deviation in liberal opinion majority counts. Overresponsiveness to ideology is thus responsible for most of the polarization we observe.

Conclusion

What do our results tell us about the quality of democratic government at the state level? First, state governments are generally responsive to voter preferences across a wide range of issue areas, particularly when salience is high, even after controlling for the ideology of state voters and elected elites. 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, 1993, 95). Our findings, however, suggest a far deeper form of representation than simple ideological correspondence. It is not only that more liberal states have more liberal policies, but that states with voters who want a specific policy are more likely to get it.

That policy-specific opinion is such a strong predictor of policy seems reassuring as to the ability of state government to reflect constituent will. Indeed, it suggests that the states should earn a rather respectable grade for the responsiveness portion of the democratic performance test. However, we have also uncovered a clear “democratic deficit”—states effectively translate majority opinion into policy only about half the time, a clear “failing” grade on the congruence test. This is true even when majorities are large and when salience is high, which raises

significant questions about the democratic performance of state government.⁸

For aggregate congruence, salience and (some) institutional effects are far more important than interest group or partisan effects. That said, these forces do tell us in which ideological direction policy will “err” within each state when it does not match opinion majorities. It is not that conservative states have only conservative opinion majorities, and thus only liberal incongruence. Rather, they instead have too many conservative policies relative to their number of conservative opinion majorities. The ideological direction of incongruence correlates to the standard red-state/blue-state map. In states where voters are ideologically conservative, policy, when incongruent with opinion majorities, tends to be more conservative than preferred by the median voter on that policy (that is, incongruence occurs in the form of liberal opinion majorities and conservative 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. The bottom line is polarized (ideologically sorted) state policy slates, relative to less polarized (ideologically mixed) opinion majorities.⁹ Perhaps this is a consequence of a well-ordered two-party system, in which the parties form distinct blocs.

Clearly, responsiveness to voter ideology is still an important form of responsiveness, even if we might think responsiveness to policy-specific opinion preferable at least some of the time. State lawmakers might be doing the best they can to represent their constituents given insufficient information about preferences. Indeed, given the limits of specific responsiveness, overresponsiveness to ideology can sometimes be helpful, particularly when opinion majorities are in line with ideology. Of course, politicians could simply be satisfying their ideological base in spite of majority opinion. The median voter simply might not have sufficient intensity of opinion for some policies, so that politicians know they can shirk. Again, the

⁸ One could, of course, prefer incongruence on normative grounds—e.g., women’s rights groups would not be unhappy when majority opinion support for abortion restrictions goes unsatisfied, and nor would gay rights opponents be unhappy with unsatisfied majority support for employment nondiscrimination for gays and lesbians.

⁹ Note that detecting this would be quite difficult without opinion and policy measured on the same scale (and without the MRP technology). It also suggests that some of the relationship between ideology and policy found in previous work might be overresponsiveness (as was cautioned by Erikson, Wright, and McIver 1993, 93).

two-party system makes it more difficult to hold lawmakers accountable policy by policy. Finally, some policies may be easier to frame and defend to the public in symbolic or ideological terms, rather than policy-specific terms.

Institutional design can enhance responsiveness and congruence. 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 (e.g., a ballot measure in California called 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 only other institutional feature found to increase responsiveness and congruence is term limits. On the other hand, the citizen initiative (even at high levels of use) and an elected judiciary do not seem to do much for majoritarianism. The term limits effect may be an indirect effect of the citizen initiative, to the extent that term limits are almost never enacted in states without the initiative.¹⁰

The opinion-policy relationship is also affected by interest group balance, but our policy-specific interest group scores show that the effects are not black-and-white. Interest groups can enable or block opinion majorities. Because of this and because the balance of interest groups is the key, interest groups have only a small impact on the net amount of incongruence and net number of liberal policies. They do have a disparate impact across states: whereas some states would have higher congruence without interest groups, other states would have lower congruence.

Finally, our analysis has important implications for our assessment of American federalism. Some argue 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 upon the heretofore untested assumption that state elected officials effectively match policy to local opinion. We show clear evidence to the contrary. While a strong relationship between state ideology and government policy is certainly suggestive of good democratic performance as well as suggesting federalism is welfare improving, we show that even this strong relationship can mask potentially significant shortcomings in statehouse democracy.¹¹

References

- Arceneaux, Kevin. 2002. "Direct Democracy and the Link between Public Opinion and State Abortion Policy." *State Politics and Policy Quarterly* 2(4): 372–88.
- Baumgartner, Frank R., and Bryan D. Jones. 1993. *Agenda and Instability in American Politics*. Chicago: University of Chicago Press.
- Berkman, Michael B., and Eric Plutzer. 2005. *Ten Thousand Democracies: Politics and Public Opinion in America's School Districts*. Washington, DC: Georgetown University Press.
- Berry, William D., Evan J. Ringquist, Richard C. Fording, and Russell L. Hanson. 1998. "Measuring Citizen and Government Ideology in the American States, 1960–93." *American Journal of Political Science* 42(1): 327–48.
- Brace, Paul, Kellie Sims-Butler, Kevin Arceneaux, and Martin Johnson. 2002. "Public Opinion in the American States: New Perspectives Using National Survey Data." *American Journal of Political Science* 46(1): 173–89.
- Carey, John M., Richard G. Niemi, and Lynda W. Powell. 2000. *Term Limits in State Legislatures*. Ann Arbor: University of Michigan Press.
- Druckman, James N., and Lawrence R. Jacobs. 2006. "Lumpers and Splitters: The Public Opinion Information That Politicians Collect and Use." *Public Opinion Quarterly* 70: 453–76.
- Dye, Thomas R. 1966. *Politics, Economics, and the Public: Political Outcomes in the American States*. Chicago: Rand McNally.
- Erikson, Robert S., Gerald C. Wright, and John P. McIver. 1993. *Statehouse Democracy: Public Opinion and Policy in the American States*. Cambridge: Cambridge University Press.
- Gelman, Andrew, and Thomas C. Little. 1997. "Poststratification into Many Categories Using Hierarchical Logistic Regression." *Survey Methodology* 23(2): 127–35.
- Gerber, Elisabeth R. 1996. "Legislative Response to the Threat of the Popular Initiative." *American Journal of Political Science* 40: 99–128.

¹⁰ Of course, if institutional "effects" are simply spurious correlations, that would not change the fact that states are performing quite poorly in congruence. Future work could consider this further, examine temporal dynamics, and study congruence patterns in more detail.

¹¹ Our ability to explore these shortcomings, differences between congruence and responsiveness, and the ideological bias in policy-making is a direct payoff of being able to put policy and opinion on the same metric. Key to this are the MRP opinion estimation technique and the "crosshair technology" used to assess responsiveness.

- Gerber, Elisabeth R. 1999. *The Populist Paradox: Interest Group Influence and the Promise of Direct Legislation*. Princeton, NJ: Princeton University Press.
- Haider-Markel, Donald P., and Matthew S. Kaufman. 2006. "Public Opinion and Policy Making in the Culture Wars: Is There a Connection Between Opinion and State Policy on Gay and Lesbian Issues?" In *Public Opinion in State Politics*, ed. Jeffrey E. Cohen. Stanford, CA: Stanford University Press, 163–82.
- Haider Markel, Donald P., and Kenneth J. Meier. 1996. "The Politics of Gay and Lesbian Rights: Expanding the Scope of the Conflict." *The Journal of Politics* 58(2): 332–49.
- Huber, G. A., and Sanford C. Gordon. 2004. "Accountability and Coercion: Is Justice Blind When It Runs for Office?" *American Journal of Political Science* 48(2): 247–63.
- Kastellec, Jonathan P., Jeffrey R. Lax, and Justin H. Phillips. 2010. "Public Opinion and Senate Confirmation of Supreme Court Nominees." *Journal of Politics* 73(3): 767–84.
- Kousser, Thad. 2005. *Term Limits and the Dismantling of State Legislative Professionalism*. Cambridge: Cambridge University Press.
- Lascher, Edward L., Jr., Michael G. Hagen, and Steven A. Rochlin. 1996. "Gun Behind the Door: Ballot Initiatives, State Policies and Public Opinion." *Journal of Politics* 58(3): 760–75.
- Lax, Jeffrey R., and Justin H. Phillips. 2009a. "How Should We Estimate Public Opinion in the States?" *American Journal of Political Science* 53(1): 107–21.
- Lax, Jeffrey R., and Justin H. Phillips. 2009b. "Gay Rights in the States: Public Opinion and Policy Responsiveness." *American Political Science Review* 103(3): 367–86.
- Lowery, David, and Virginia Gray. 1995. "The Population Ecology of Gucci Gulch, or the Natural Regulation of Interest Group Numbers in the American States." *American Journal of Political Science* 39(1): 1–29.
- Lowery, David, and Virginia Gray. 2004. "A Neopluralist Perspective on Research on Organized Interests." *Political Research Quarterly* 57(1): 163–75.
- Lupia, Arthur, Yanna Krupnikov, Adam Seth Levine, Spencer Piston, and Alexander Von Hagen-Jamar. 2010. "Why State Constitutions Differ in Their Treatment of Same-Sex Marriage." *Journal of Politics* 72(4): 122–235.
- Maestas, Cherie. 2000. "Professional Legislatures and Ambitious Politicians: Policy Responsiveness of State Institutions." *Legislative Studies Quarterly* 25(4): 663–90.
- Matsusaka, John G. 2001. "Problems with a Methodology Used to Evaluate the Voter Initiative." *Journal of Politics* 63(4): 1250–56.
- Matsusaka, John G. 2005. *For the Many or the Few: The Initiative, Public Policy, and American Democracy*. Chicago: University of Chicago Press.
- Matsusaka, John G. 2010. "Popular Control of Public Policy: A Quantitative Approach." *Quarterly Journal of Political Science* 5(2): 133–67.
- Monogan, James, Virginia Gray, and David Lowery. 2009. "Public Opinion, Organized Interests, and Policy Congruence in Initiative and Noninitiative States." *State Politics and Policy Quarterly* 9(3): 304–24.
- Mooney, Christopher Z., and Mei-Hsein Lee. 1995. "Legislating Morality in the American States." *American Journal of Political Science* 39(3): 599–627.
- Norrander, Barbara. 2000. "The Multi-Layered Impact of Public Opinion on Capital Punishment Implementation in the American States." *Political Research Quarterly* 53: 771–94.
- Norrander, Barbara. 2001. "Measuring State Public Opinion with the Senate National Election Study." *State Politics and Policy Quarterly* 1(1): 111–25.
- Page, Benjamin I., and Robert Y. Shapiro. 1983. "The Effects of Public Opinion on Policy." *American Political Science Review* 77(1): 175–90.
- Park, David K., Andrew Gelman, and Joseph Bafumi. 2006. "State-Level Opinions from National Surveys: Poststratification Using Multilevel Logistic Regression." In *Public Opinion in State Politics*, ed. Jeffrey E. Cohen. Stanford, CA: Stanford University Press, 209–28.
- Phillips, Justin H. 2008. "Does Direct Democracy Weaken Party Government in the U.S. States?" *State Politics and Policy Quarterly* 8(2): 127–49.
- Plotnick, Robert D., and Richard F. Winters. 1985. "A Political Economic Theory of Income Redistribution." *American Political Science Review* 79: 458–473.
- Squire, Peverill. 2007. "Measuring State Legislative Professionalism: The Squire Index Revisited." *State Politics and Policy Quarterly* 7(2): 211–27.
- Stimson, James A., Michael B. MacKuen, and Robert S. Erikson. 2002. *The Macro Polity*. Cambridge, MA: Cambridge University Press.
- Thomas, Clive S., and Ronald J. Hrebienar. 2008. "Interest Groups in the States." In *Politics in the American States: A Comparative Analysis*. 9th ed., ed. Virginia Gray, Russell L. Hanson, and Herbert Jacob. Washington, DC: CQ Press.
- Treadway, Jack M. 1985. *Public Policymaking in the States*. New York: Praeger.
- Weber, Ronald E. 1999. "The Quality of State Legislative Representation: A Critical Assessment." *Journal of Politics* 61(3): 609–27.

Supporting Information

Additional Supporting Information may be found in the online version of this article:

- Robustness Checks and Extensions
 - **Table 1.** Policies Included in Empirical Analysis, by Issue Area
 - **Table 2.** Interest Groups and Policies
 - **Figure 3.** Responsiveness and Congruence Models
 - **Figure 4.** Predicted Probability of Congruence or Policy Adoption

Please note: Wiley-Blackwell is not responsible for the content or functionality of any supporting materials supplied by the authors. Any queries (other than missing material) should be directed to the corresponding author for the article.