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Common Cause Massachusetts

Accountability in Decline

*Vanishing Competition in the
Massachusetts State Legislature*



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Accountability in Decline

Vanishing Competition in the Massachusetts State Legislature.

Introduction

The Massachusetts state legislature is in dire need of reform. After its thorough evaluation in 2000, the *Boston Globe* concluded, “by almost every measure, the state Legislature today is an institution in steep decline.”¹ Respect for the legislature is dwindling among the public, where only one quarter of the state’s citizens trust the state government to do the right thing most of the time.² This highlights the need for qualified, competent legislators in the State House who are willing to change the status quo and bring overdue reforms.

Yet a major problem the legislature is experiencing is a lack of competition for seats. Public institutions all over the country have experienced this problem to some extent—in the last twenty years the number of “office seekers” at all levels of American government has shrunk by 15%.³ In just ten years in Massachusetts, however, the number of candidates for state legislative office fell 65% from 507 in 1990 to 330 in 2000—with 200 seats to fill.⁴ This places the Bay State close to dead last in the nation in competitive

elections. The problem is far more pronounced than in the rest of the country.

Lack of competition means incumbent legislators lack accountability and incentives for change. This paper will attempt to explain why so few men and women run for office in Massachusetts, and identify some possible ways the state could work to improve its track record.

The Problem: Competition in the Legislature

Massachusetts lawmakers enjoy job security at levels nearly unmatched across the country. Once a legislator is voted into office, chances are very good that she will remain in office until she decides to leave. It is increasingly rare for sitting legislators to lose their seat to a challenger—or even to face any opposition at all.

This phenomenon holds true both in primary races as well as in general elections. In fact, in many primary elections throughout the state, major parties declined to nominate even one candidate.

Primary Elections

The major-party primary races in the last several years have seen little or no competition in Massachusetts—at the polls in the 2000 primaries, Massachusetts Democrats and Republicans were left with no choice in 92% of all elections. In many cases when an

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incumbent chose to run for reelection, the opposing party failed to nominate any candidate whatsoever. In the 2000 election cycle, for example, there was no nominee in 225 of the 400 Democratic and Republican primaries. Democrats ran two or more candidates in 14% of primaries (see Figure 1), while Republicans did so in just three percent (see Figure 2). Of the remaining races, only 32, or eight percent of the total, featured more than one candidate.

The forecast for the 2002 elections follows the same pattern. In the 400 major-party primaries, only 48 are expected to be contested in September's elections. The Democrats will run more candidates, with 40 of their 200 races contested while only 8 of the Republican primaries will feature two or more opponents. Thus the overall number of contested primaries should creep up to 12% in 2002 (see Figure 3).

This slight increase can be partially attributed to the greater number of open seats in the 2002 election due to redistricting in the state House of Representatives. Of the 18 open seats at the end of this term, 17 are from the House—and most of those districts will see competitive primary and general elections.⁵

Figure 1: 2000 Democratic Primaries

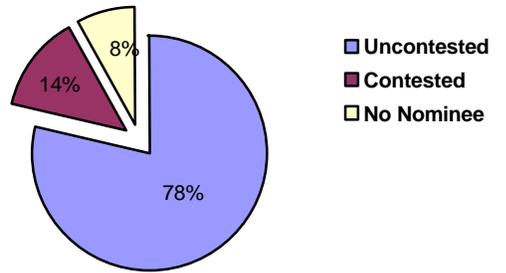


Figure 2: 2000 Republican Primaries

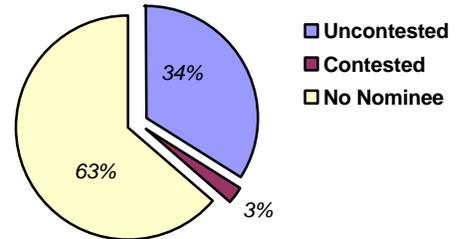
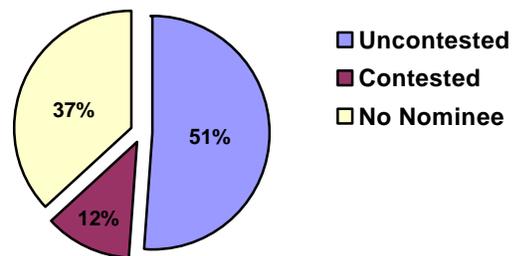


Figure 3: Prospective 2002 Primaries (Both Parties)



General Elections

Competition for legislative office among the two major parties increases at the general election, but remains quite low. In 2000, the state reached a low of just 58 contested races for 200 seats in the House and Senate combined. The anticipated number for the 2002 election is even lower at 52. Over the last decade, the number of contested elections has steadily declined and is expected to continue in this trend. In 1990, more than two thirds of the races for state legislative office were contested; today the rate is down to one quarter (see Figure 4).

The record in Massachusetts is far lower than the average levels of competition in state elections across the country. In fact, the state ranked second to last in the nation in the election cycle of 2000, with Arkansas at the bottom—and only one point behind.⁶ Against a national average of 41% noncompetitive elections, a full 72% of Massachusetts races were noncompetitive according to a Ballot Access News study.⁷

Challenges to incumbent legislators are even more rare. In the general election in 2000, 17% of the races were challenges to sitting legislators, 9% were for open seats, and 74% were uncontested runs by incumbents (see Figure 5). Of the vast majority of state lawmakers who seek reelection, fewer and fewer of them are being challenged—from

Figure 4: Competition in State Legislative Races

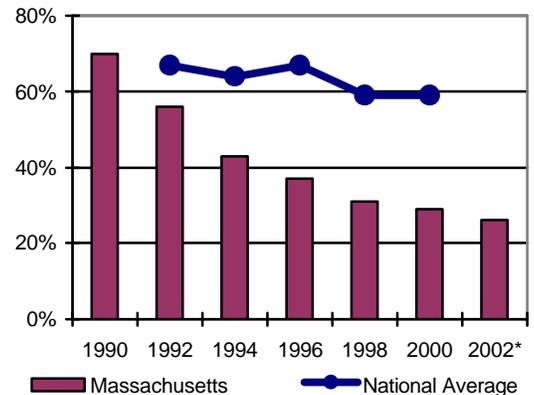
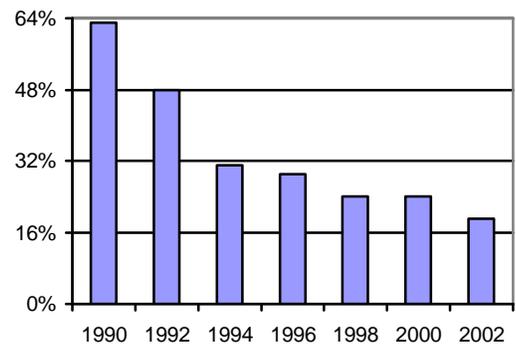


Figure 5: Percentage of Legislative Incumbents Facing Challengers





nearly two-thirds in 1990 to under one in five in 2002.

Assessing the Possible Causes

Low Win Rates

One major disincentive to seeking state legislative office in Massachusetts may be the futility of trying. In the last three election years (from 1996-2000), the rate of successful challenges has hovered close to 13% for each year, or about six wins per election year.⁸ Just one challenger has won a seat in the Senate in the last six years.⁹ These low odds may prevent otherwise interested candidates from even attempting a run for office, and could explain the shrinking number of challenges detailed above.

In recent years, challengers have unseated incumbent legislators in around 13% of their attempts—or six times per election year.

While the high chance of failure helps explain why more candidates don't run for office in the state, it does not explain why it is so hard for non-incumbent contenders to upset sitting legislators who choose to keep their seats. The explanation for why so few challengers win may be tied to the necessity of spending on campaigns, and may help explain why so few people run at all.

Campaign Spending

Once a challenger has decided to run for office, she must overcome the fundraising

hurdle to run a viable campaign. Massachusetts has relatively strict contribution limits for political campaigns (see below), but money is still a strong predictor of a candidate's success at the polls. The cost of legislative races in the state is slowly increasing over time, raising barriers to citizens who would run for office.

Compared with the rest of the country, it is relatively expensive to run a campaign in this state. Measured as dollars spent per voter, spending in legislative campaigns is lower in 31 states.¹⁰ According to data compiled by the National Institute on Money in State Politics, Massachusetts legislative candidates spent a total of \$7.15 per voter on their campaigns for office in 2000, compared to median state spending of \$5.50 per voter (see Figure 6). Since Massachusetts has a lower number of candidates than most states, this spending is even more significant. The increased expense in the Commonwealth may help explain why competition is so low.

The cost of successful state Senate races has stayed roughly the same over the last ten years. Yet at the same time, spending by candidates with major-party opponents has increased by 36% from \$89,000 in 1990 to \$121,000 in 2000.¹¹ And spending by candidates *without* a major-party opponent in the general election increased by 86% from \$36,500 to \$68,000 over the decade (see Figure 7).¹² This jump could discourage potential challengers since even unopposed candidates are spending more money on their campaigns.

Figure 6: Per-Voter Spending on Legislative Campaigns, 2000

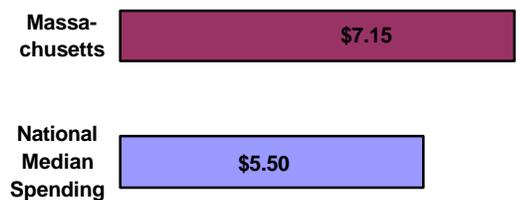
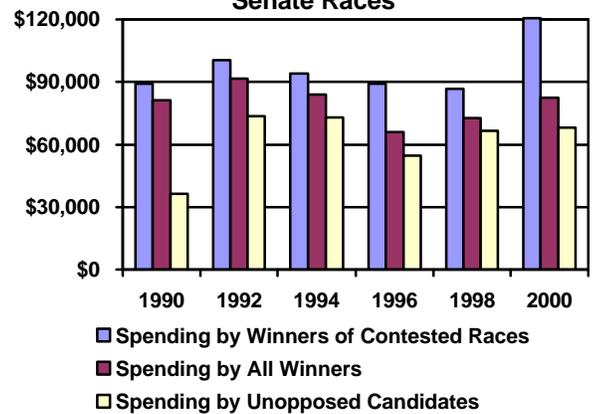


Figure 7: Spending on Successful Senate Races



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Overall spending on successful races for the House followed the same pattern, dipping slightly in the mid-1990's and returning to the 1990 levels, at \$30,000 in the 2000 elections. Although the data for House elections is less complete than for the Senate, what is available suggests that spending by winners of contested races is also increasing—up 54% since just 1994 (see Figure 8).

The cost of campaigning for non-incumbent candidates increased dramatically in both houses. The typical non-incumbent running for the House spent 70% more money in 2000 than she did in 1990. In the Senate, the cost increased by 44% in the same ten year span (see Figures 9 and 10). As spending by incumbents stayed roughly the same, non-incumbents caught up over the decade—reducing the amount they were outspent from about 125% to 32% in the House and 58% in the Senate (see Figure 11).

The amount of money that non-incumbents spend on their campaigns has steadily increased over the decade, but this has not increased their likelihood of winning. Success rates when challenging a sitting legislator have remained stable at about 13% since 1996, with just six or seven winning challengers each election.¹³ The costs of mounting a campaign are increasing faster for political outsiders and may provide a major disincentive for prospective challengers. The importance of fundraising poses a daunting task, and in recent years it has become more critical than ever. Fewer candidates who are outspent by an opponent are able to win office—in 1992, twenty-seven successful

Figure 8: Spending on Successful House Races

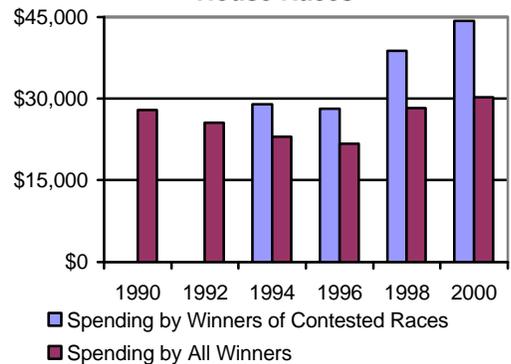


Figure 9: Spending in Senate Races by Incumbency

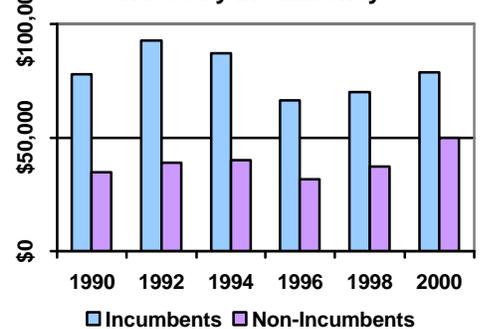


Figure 10: Spending in House Races by Incumbency

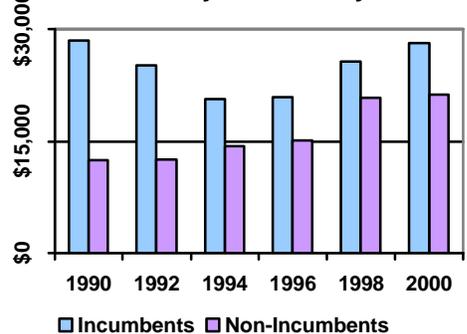
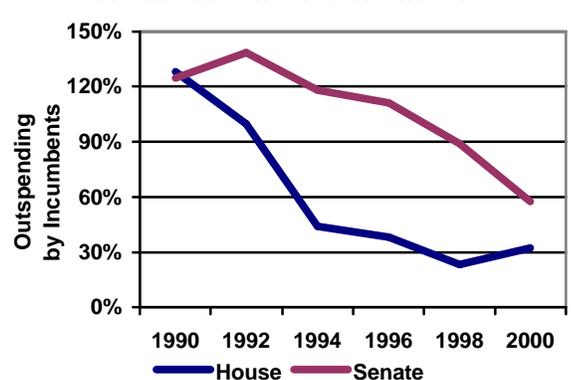


Figure 11: Spending Gap Between Incumbents and Non-Incumbents



candidates won despite being outspent by an opponent; by 2000 the number was down to seventeen (see Figure 12). Thus in 71% of all opposed legislative races in 2000, the candidate who spent the most money won.

Spending on campaigns may determine not just who wins, but even how much they win by. Not surprisingly, there is a positive correlation between campaign spending by a candidate and the percentage of the vote that candidate receives. What may be surprising is the extent of this connection. For example, in the 2000 Senate race, spending was tied to voter support by a correlation of 0.72 in contested races with at least one Democrat and one Republican (see Figure 13). The connection was even stronger for Republican candidates, whose spending translated into votes by a staggering correlation of 0.86.¹⁴ In the 2000 House race, that correlation was 0.58 overall, with Republicans as high as 0.74 (see Figure 14).¹⁵ Particularly for Republicans, then, campaign spending predicts a candidate's success at the polls. This highlights the importance of money in Massachusetts campaigns—but it's bad news for those who don't have a lot of money to spend.

Citizen and Voter Participation

As many predictions and studies have reported, citizen involvement is on the decline. Americans are less interested in politics and less connected to the political system than ever before.¹⁶ With lower levels

Figure 12: Percentage of Winners Outspent by an Opponent

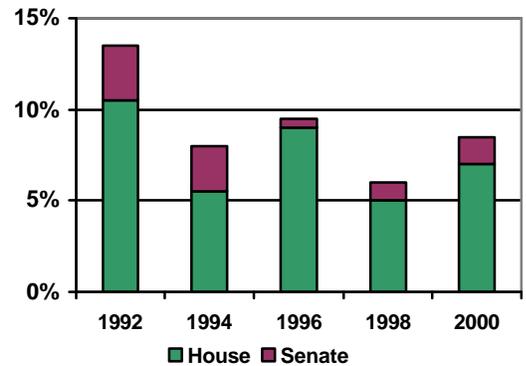


Figure 13: Senate Votes Received by Dollar Spending, 2000

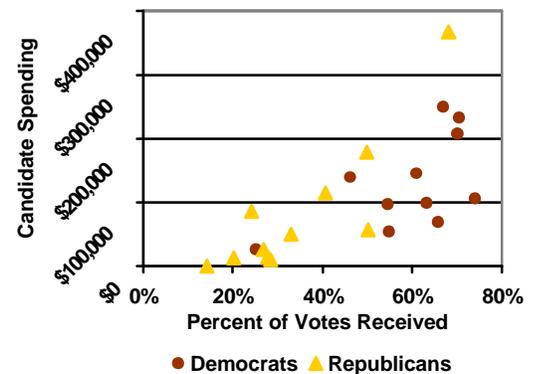
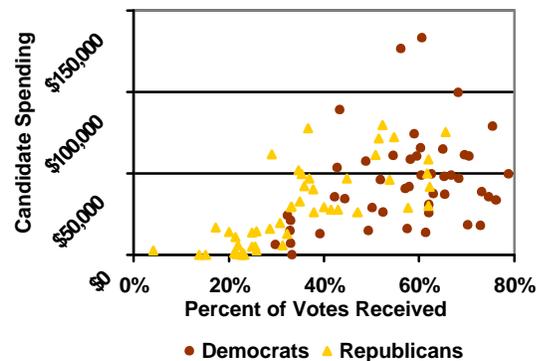


Figure 14: House Votes Received by Dollar Spending, 2000





of participation in the population generally, one could expect lower rates of candidacy for public office to follow. Of course, the reverse may also be true and the dearth of competition may turn the citizenry from politics through the lack of publicity, debate, and discussion of the issues voters care about.

Social Capital. Measuring citizen involvement across states is difficult to do for lack of a comprehensive measure. Professor Robert Putnam attempted to do just that by exploring the state of civic life in the United States across several indexes. His account quantified measures of community participation, resulting in the “Comprehensive Social Capital Index” measuring community involvement, participation, and cohesion. Massachusetts ranked 18th in the country with a Social Capital Index of 0.22 compared to a national average of 0.02.¹⁷ In individual measures, Massachusetts ranked at or slightly above the national averages in attendance at club meetings, attendance at meetings on local affairs, and a general measure of trust in fellow citizens.¹⁸ And according to a recent 2002 poll by Bridgewater State College, citizen participation in Massachusetts follows national trends.¹⁹

Massachusetts places 18th in the country in an overall “social capital” ranking.

Blank Votes. Blank ballots in Massachusetts legislative elections can reach very high levels. Whether caused by lack of awareness or distaste for the candidates, this measure would indicate dissatisfaction among

voters. And it should not be a stretch to suggest that this would have an impact on the number of political candidates. The less debate and discussion surrounding an election, the more likely voters are to give up on their choices and register their discontent.

Blank votes in the 2000 elections were far more likely to be cast in uncontested elections, where one quarter of voters chose not to choose (see Figure 15).²⁰ In races with more than one major party contender, less than 7% of voters left their ballots blank. This provides some evidence that voters in Massachusetts do not simply pull down levers blindly. A blank vote may indicate dissatisfaction with the choice of candidates, and could show that voters are engaged enough to make choices about their state leaders—even when they don't have a choice.

The trend holds true regardless of how much money was spent campaigning in the district. Even though elections with only third-party competition cost nearly the same amount as uncontested elections, the percentage of voters who left their ballot blank was cut almost in half, from 24% to 13% (see Figure 16). Thus when voters had some choice—even in the form of minor-party candidates—they were far less likely to cast a blank vote regardless of the total amount spent on the election.²¹ The correlation between blank votes cast and total dollars spent on a campaign is significant at -0.5 , but in completely uncontested elections it drops to a much weaker 0.3 (see Figure 17).²²

Campaign spending may arguably be a poor proxy for voter education, but it does indicate

Figure 15: Rate of Blank Votes in 2000 Legislative Elections

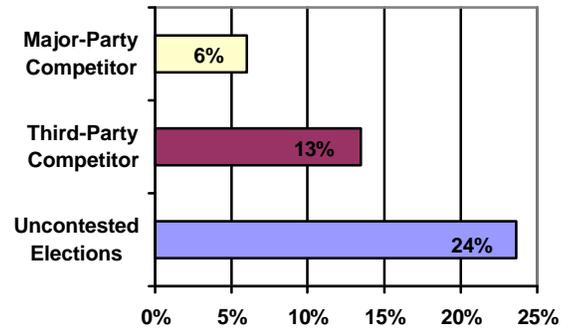


Figure 16: Senate Spending by Competition, 2000

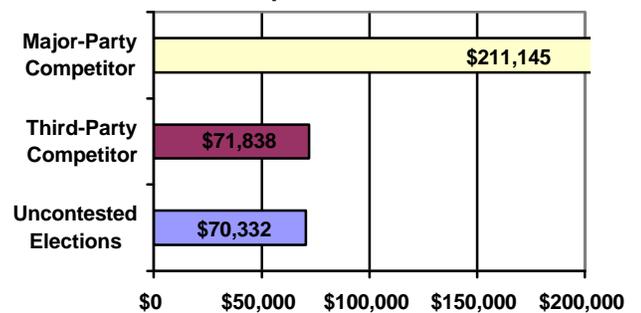
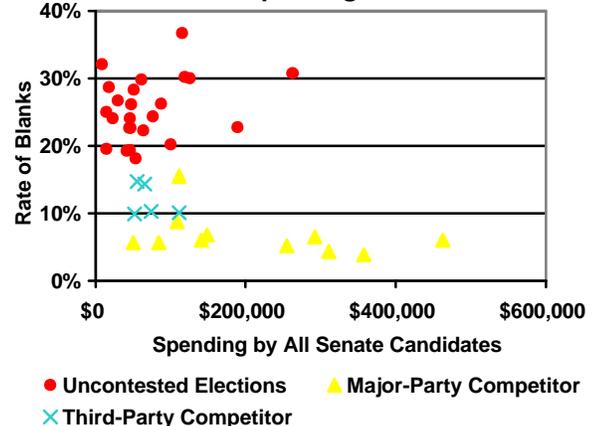


Figure 17: Blank Votes by Dollar Spending



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an amount of publicity and advertising likely to increase voter awareness of what might otherwise be a relatively invisible campaign. By this measure, voters seem to respond more to races with debate and disagreement than they do to larger amounts of money. But with so little debate in the legislative sphere, there seems little for those voters to respond to.

Voter Turnout. It is difficult to isolate turnout for legislative elections since they are held concurrently with both statewide and national elections. But Massachusetts turnout numbers can be compared to national levels for a picture of how the state measures up and where it's headed. Over the last four decades, turnout in Presidential election years has declined both in the Commonwealth and at the national level. The state has seen less decline than the national average, however, decreasing from 91% of all registered voters in the 1960 election to 68% in 2000. Nationally, turnout fell from 106% in 1960 to 68% most recently in 2000 (see Figure 18).²³ While Massachusetts trailed the nation by 15 percentage points in 1960, current trends show voters turning out more frequently than average.

Turnout in non-Presidential election years is consistently lower than corresponding Presidential election years, yet in Massachusetts it is not so low as the rest of the country. While in 1962, state and national turnout were equal at 82%, Massachusetts has stayed higher—at 57%—than the national rate of 52% (see Figure 19).²⁴ Voter registration in

Figure 18: Turnout of Registered Voters in Presidential Election Years

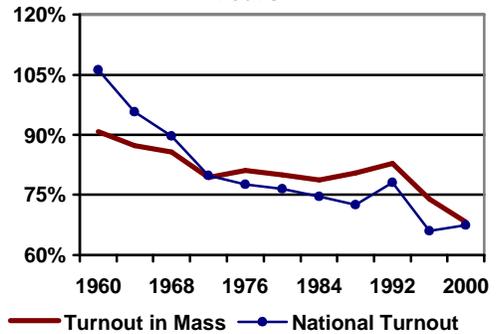
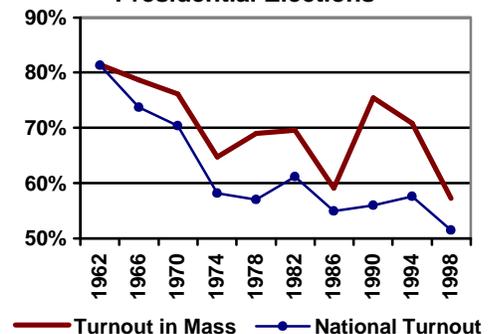
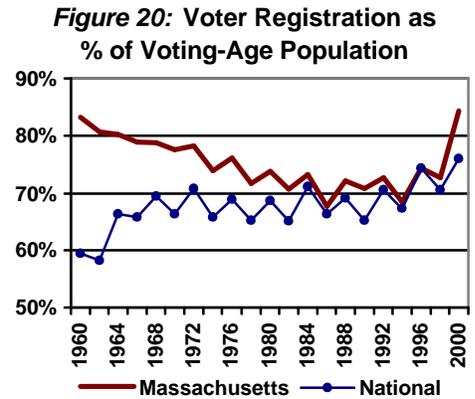


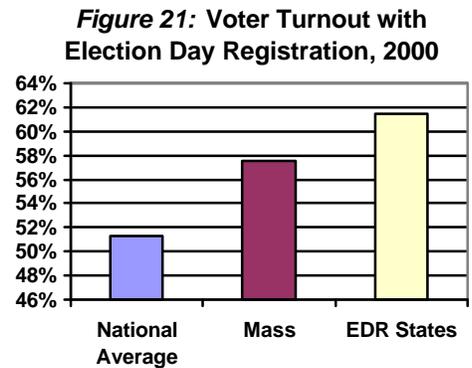
Figure 19: Turnout of Registered Voters in Non-Presidential Elections



the state, however, has decreased faster than the national level, which has actually increased as a percentage of the voting-age population (VAP). In 1994, however, Massachusetts' decline stalled and the state's registration numbers began to recover, increasing to the 2000 level of 84%. Nationally, registration has increased slowly over the years from 59% in 1960 to today's rate of 76% (see Figure 20).²⁵



Voter registration laws can impact turnout, evidenced by the higher turnout in states that allow for registration at the polls on election day or do not require voter registration at all.²⁶ In Massachusetts, voters are required to register at least 20 days before an election—on par with many other states with similar requirements. On average, states require voters to register about 28 days before a general election to be eligible to vote.²⁷ Easing registration laws is a very effective way to increase voter participation, with turnout in Election Day Registration (EDR) states consistently more than ten percent higher than the national average. Over the last twenty five years, turnout in EDR states has hovered around 63%, compared with 52% nationally (see Figure 21).²⁸



One-Party Dominance

Of the two hundred seats in the Massachusetts legislature, 168 of them are held by Democrats. This leaves the state's Democrats with 84% control of the legislative branch, effectively making Massachusetts a one-party

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state. Only Rhode Island (86% Democratic) and Idaho (89% Republican) have legislatures more heavily dominated by one party than Massachusetts.²⁹ Typically, the number of Democrats and Republicans is not even in the states—on average, state legislatures are weighted in favor of one of the two major parties by 59% (see Figure 22).³⁰ But only nine states have one party holding seventy percent or more of the legislative seats, while in 26 states the imbalance did not even reach sixty percent.³¹

In the rest of the country, the relationship between competitive elections and dominance of one party is unclear. The two do appear to share a connection, as states with very high levels of one-party dominance also tend to show high levels of non-competitive elections (see Figure 23).³² Massachusetts, Arkansas, Idaho, and Rhode Island, for example, show higher rates on both variables. But other states show the opposite trends, such as North Dakota where virtually all elections are competitive despite 69% one-party dominance, or Texas where non-competition reaches 70% despite an even Democrat/Republican split.³³ So the Democrats' dominance in Massachusetts cannot fully explain the problem.

And while this may help to partially explain the lack of Republican candidates in general elections, it does not account for the low competition in Democratic primaries. For Republicans, however, the extremely low numbers of legislative seats mean less influence on state policy, decreased ability to hold committee chairmanships, and overall a

Figure 22: Dominance of Controlling Party in State Legislatures, 2002

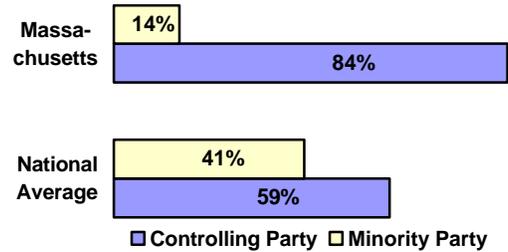
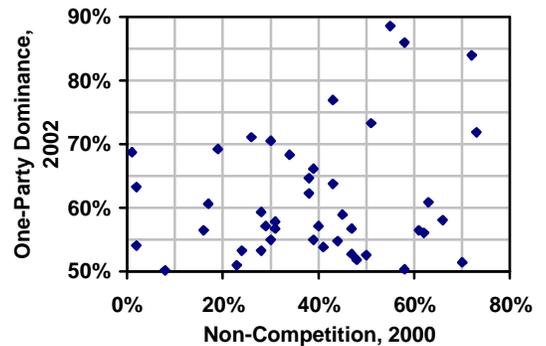


Figure 23: Election Competition and One-Party Dominance Across States



much lower probability of winning. All these factors could discourage candidates from making a bid for office, resulting in less competitive elections.

Compensation

Incentives for politicians may impact their inclination to run for office, and could even be seen as a symbol of the public’s esteem for their officials. Legislators in the Commonwealth are paid a base salary of \$50,123 per year. This is higher than most states, where the average salary is estimated at \$26,000.³⁴ But in states where the legislature meets full time, the average salary rises to \$63,190 and Massachusetts actually ranks lower than all but Wisconsin (\$44,333) and New Jersey (\$49,000) (see Figure 24).³⁵

Legislative leaders in the state, however, are paid disproportionately more in Massachusetts than their counterparts in other states. The Senate President and Speaker of the House, for example, are paid 70% more than legislatures without leadership positions, for a salary of \$85,123. This is the highest pay differential of any state where the legislature meets full time—the average differential for presiding officers is 40% (see Figure 25). Other leadership positions in the Commonwealth are also paid proportionally higher salaries than most. Only Pennsylvania pays leaders, including Majority and Minority Leader, Assistants, etc., a higher proportion of the base wage. In Massachusetts, those officers are paid 40% more than their

Figure 24: Base Pay in State Legislatures, 2001

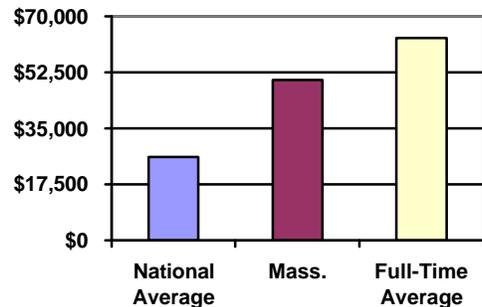
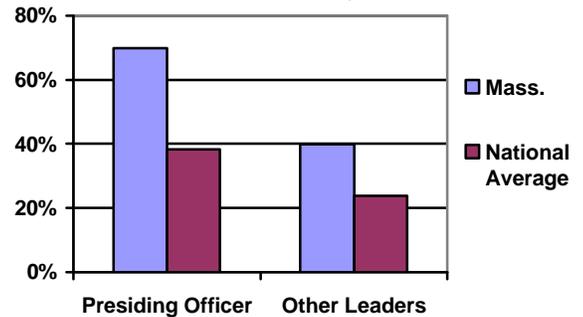


Figure 25: Leadership Pay Differential Above Base Salary, 2001



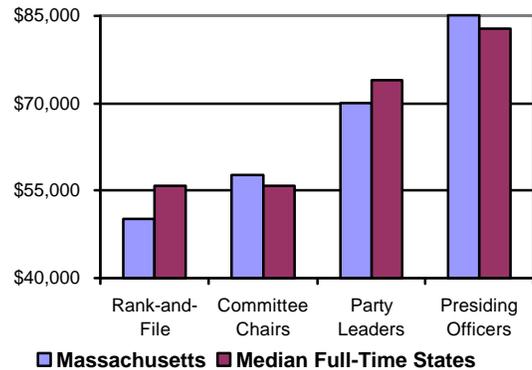
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colleagues are, while the average for all full time legislatures is just 24% more.³⁶

Compared with other states with full-time legislators, Massachusetts pays its legislative leaders more than most. While rank-and-file members are paid less than the full-time median, many leaders receive a big enough pay differential to bring their salaries above their colleagues in other states. Committee chairs, for example, earn \$58,000 compared to \$56,000 in other states with full-time legislatures. Presiding officers in Massachusetts also earn slightly more than their colleagues in other states, taking in \$85,000 as opposed to a median of \$83,000 (see Figure 26). This is more significant when compared with the lower base salaries in the Commonwealth.

In addition to leadership positions, several other legislative posts come with higher salaries and other perks. In 2002, of 196 members of the Senate and House of Representatives, 103 of those were paid the base salary. Fifty seven committee chairs earned an extra \$7,500; twenty eight assistant leaders earned \$15,000 more; four party leaders earned \$22,500 above the base rate; two chairs of the House and Senate Ways and Means committees earned \$25,000 more; and the two presiding officers made an extra \$35,000.³⁷ (Most states give no extra compensation for committee chairs and assistant leader positions.³⁸) That adds up to a total of \$10,881,569 in state spending on legislator salaries alone, with an average salary of \$55,518.

Figure 26: Legislative Pay by Position, 2001



But legislative salaries do not account for the many other various pay perks that come with the post. Many states pay per diem expense reimbursements or housing costs for their legislators, and many of those do not require documented expense receipts. In Alabama, for example, salaries are just \$10 per day, but legislators also receive \$2,280 per month plus \$150 per week when they are in session. In six states legislators are given no per diem expense reimbursements at all.³⁹ Massachusetts falls in the middle of the range, paying legislators \$10 to \$100 per day depending on the legislator's distance from the state house, and expenses must be documented for reimbursement.

In many states, legislators are reimbursed for office expenses up to a maximum rate. Sixteen states do not disburse these benefits, but lawmakers in Massachusetts are paid \$7,200 per year for office expenses.⁴⁰ In addition, they are provided with full time, year-round office staff at the State House. About half of state legislatures do not have office staff year-round, which leaves Massachusetts lawmakers freer than many of their colleagues to do the work they find most important.⁴¹ Because of the wild variation in systems of legislative pay in the states, it is very difficult to aggregate these numbers into a composite figure to compare states. But overall, Massachusetts legislators receive a fair amount of perks for their work compared with other states.

Ninety three members of the state legislature—or 47%—hold leadership positions with extra pay.

Massachusetts is one of half of all states with year-round legislative staff.



Leadership and Favoritism

The fifty-seven committee chairs in the state legislature were appointed by either the Speaker of the House or the Senate President. While the two presiding officers are democratically elected at the start of every session, once they rise to the post they have a great deal of power. Tom Finneran, the current House Speaker, may be the best example of the degree of power these officers can wield—many share the opinion that he has mastered the political give-and-take to reward his supporters with leadership positions, committee chairmanships, and other perks of office. His opponents, on the other hand, are likely to pay a political price for their opposition.⁴²

The degree to which favoritism in the Massachusetts legislature affects a candidate's political future may prevent would-be reformers from seeking public office. Faced with the prospect of retribution and stripped influence, many lawmakers may be unwilling to oppose the leadership or even to vote for measures the leadership opposes. The culture of the state house, many believe, "has reduced representative government to the tripartite rule of House Speaker, Senate president, and governor."⁴³ The Speaker and the Senate President also choose which bills are brought up for debate—dissuading legislators from opposing them for fear that they will have trouble getting bills important to their constituents on the agenda.⁴⁴

Access to the Ballot

Candidates for public office must first access the ballot, and laws can be structured to limit that access and thus limit the number of candidates who can overcome the hurdle. After examining some evidence, however, the state's laws do not appear to greatly impact the level of competitive elections and is probably not a factor that contributes to the Massachusetts problem.

Candidates for state House of Representatives in Massachusetts, for example, are required to submit 150 signatures of party members or independent voters to get on the primary ballot. This translates into 0.88% of eligible signers, which is a higher burden than many states require. Thirty one states do not require a candidate to submit any signatures, and fourteen have lower signature requirements as a percentage of eligible signers.⁴⁵ But many of these states impose other requirements that can be more onerous, such as Florida where candidates must pay six percent of the annual salary as a filing fee.

Moreover, in states where the signature requirement is higher than in Massachusetts, noncompetitive elections are much more rare. Vermont requires signatures from 1.86% of those eligible to sign (50 total), making it the most demanding of all states with signature requirements. But only 28% of their elections are noncompetitive, suggesting that the connection is weak at best. In fact, states where more signatures are required than in Massachusetts had a 2000 average of just 34% noncompetitive elections, compared to a

Access laws to the primary ballot in Massachusetts do not differ markedly from those in other states.

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national average of 41% and the Massachusetts level of 72%. Even Florida with its hefty fees has a low level of 43% noncompetitive elections.⁴⁶

Public Scrutiny and Ethics Restrictions

A race for public office in Massachusetts requires a candidate to open herself to public scrutiny that some may find too great an infringement on their privacy. With public opinion of state legislative functions low, and media criticism of the legislature's initiatives (and lack of initiatives) high, a seat in the state legislature may bring more spotlight than limelight.

All candidates, for example, must file Statements of Financial Interests with the State Ethics Commission, detailing their income, business associations and equity, investments, debts and creditors, gifts, expense reimbursements, real estate, and more.⁴⁷ Once earnings rise above \$100,000 they are no longer categorized, which has sparked criticism from those who believe the disclosure rules should be more stringent.

The state's Ethics Commission oversees conflicts of interest, improper use of office and abuse of power, nepotism, acceptance of honorarium and gifts, and post-term employment restrictions. A study by the Center for Public Integrity ranked Massachusetts 18th in the nation "for making basic information on state legislators' private income, assets, and conflicts of interest

Massachusetts is ranked 18th in the nation for public availability of legislators' ethical information.

available to the public.”⁴⁸ It is also one of just three states that pick ethics commission members without input from the legislature.⁴⁹ Candidates must file disclosures annually and before each election with detailed information about their contributors, contribution amounts, and expenditures.⁵⁰

Although Massachusetts’ ethics laws are no more restrictive than the laws in many other states, the extent of public scrutiny that comes with the job may prevent potential candidates from seeking office. At the same time, these public disclosure and ethics laws serve a vital function for democracy in the state and this should not be seen as an endorsement for weakening them.

Legislative Effectiveness

One reason more people do not run for public office may be a lack of interest in actually holding public office. Reports of the ineffectiveness of the legislature abound in the media and public opinion, and the data available appears to substantiate this impression. With the House and Senate leadership maintaining tight control of their chambers’ proceedings, substantive laws must gain their approval before they can be ushered out of committee and taken to the floor for any action.

Procedure. Bills can languish in committee indefinitely, until the leadership schedules them for the floor. One senator, a candidate for Senate President in 2003, has complained, “The process can be exceedingly frustrating

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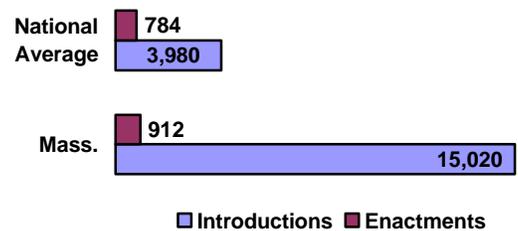
for members and their staffs as good proposals wither on the vine, and incessant critics complain about the lack of significant legislation being enacted to solve pressing public problems.”⁵¹ This senator estimates that there are 900 bills currently sitting in the Ways and Means committees.

Determining how many of the 15,000 bills filed in the Massachusetts legislature make it to a final vote is extremely difficult, as the clerks keep neither these records nor numbers of voice votes. However, there is data on the number of bills enacted, which at 912 in the 1998-1999 session was slightly higher than the national average of 784 (see Figure 27).⁵² The percentage of bills enacted relative to those introduced in the state, however, is lower than every state in the country other than New York. Only six percent of all introduced bills are enacted, compared with an average of 29% across states.

This measure admittedly says nothing about the content or quality of the bills introduced and passed, and it is surely true that many of the 15,000 introduced bills should not have been enacted as a matter of good public policy. But Massachusetts leads the nation in the number of bill introductions,⁵³ and the extremely high number coupled with the low rate of enactments in the state suggests a level of waste and inefficiency within the system. And this is not due to the state’s provision for citizen bill introductions, which generated only 232 bills in the 2001-2002 session.⁵⁴

Legislative sessions in the state are on the decline as well, with formal sessions in 2001

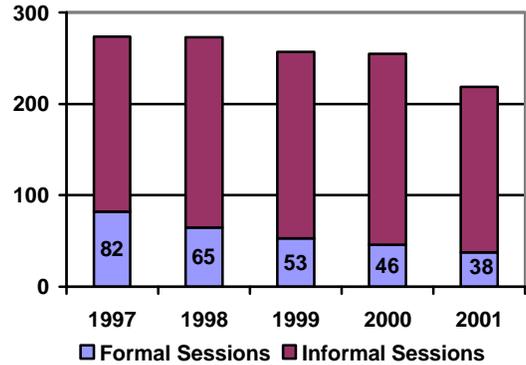
Figure 27: Bill Enactments and Introductions, 1998-1999



Citizen introductions of bills accounted for just 232 of the total for the 2001-02 legislative session.

lagging well below their 1997 levels. In 1997, for example, the legislature held 82 formal sessions. Five years later there were fewer than half that number, with just 38 formal sessions (see Figure 28).⁵⁵ The number of hours spent in formal session has been decreasing steadily, from 497 hours in 1989 to a 3-year average of just 202 hours from 1996 to 1998.⁵⁶ And the number of roll call votes, which are crucial for legislative accountability, are “sharply diminishing” according to a *Boston Globe* Spotlight investigation.⁵⁷

Figure 28: Legislative Sessions in the Senate and House



Influence of Outside Interests. As the legislative process declines, lobbyist spending and influence both appear to be prevalent in Massachusetts. The state is ranked fourth in the country for state-level lobby spending, at \$47,700,000 in 2000, with a national average of \$17,500,000.⁵⁸ The *Boston Globe*’s investigation found special interest contributions to legislators have increased 40% over ten years, from \$706,000 in 1990 to \$986,000 in 1999. The number of registered lobbyists, at 102 in 1990, jumped to 680 just ten years later. At the same time, the compensation of lobbyists grew from \$15.4 million to \$43 million.⁵⁹

At \$47 million in 2000, Massachusetts was 4th in the nation for lobbyist spending on the state level.

This may turn potential new legislators away from the legislature, for both ideological and practical reasons. Some candidates might be reluctant to take a position in an organization that is so heavily infiltrated by lobbyists with their own agendas. And new legislators receive a disproportionately low amount of



their donations, making it more difficult to challenge incumbents entrenched in the current system. The *Globe* report found that as contributions to the Speaker and the Senate President went up, even committee chairs were receiving less of the contributions.⁶⁰

An investigation by the Center for Public Integrity found that 7% of the state’s legislators sat on committees that regulated their professional or business interests, 4% had financial ties to organizations that lobby state government, and a full 35% received income from a government agency other than the state legislature. Nationwide, those numbers average 25%, 18%, and 23% respectively for all state legislators.⁶¹

35% of Massachusetts legislators received income from another government agency.

Lobbyists and their employers thus seem to have increasing control over the legislative process. In a political climate where insiders are rewarded and the status quo is maintained, new candidates may well be discouraged from pursuing the path to public office.

Responsiveness to Constituents. With power concentrated in the hands of the leadership, rank and file legislators have fewer opportunities to pursue their own agendas. The Speaker and Senate President have been assessed as “virtual one-man rulers of their respective chambers.”⁶² And constituent responsiveness may suffer from the increased power of lobbyists outlined above.

On the other hand, Massachusetts legislators, represent districts that are not much larger than their colleagues’ districts in other states.

Senators in the state represent districts with an average size of 152,309, where the national average is 131,594. House districts are smaller than the national average for state legislatures, with 38,077 constituents in Massachusetts compared to 53,723 nationally. Massachusetts legislators, then, are similarly situated to their counterparts around the country in constituent size, and thus presumably in constituent work.

Legislative districts in Massachusetts are similar in size to those in other states.

The combination of decreased legislative effectiveness, procedural inefficiencies, and increased control of lobbyists over the process probably impacts both public opinion of the legislature and the decisions of candidates to seek office. The situation as a whole in the state may seem unappealing to those who would like to make changes in policy and could discourage campaigns.

Solutions to Consider

Term Limits

By creating more open seats, term limits are an easy way to increase competition. In 1994, term limits of eight years were enacted by denying compensation to legislators who sought and won a fifth term. Before the law could have any effect, however, the Supreme Judicial Court of Massachusetts. In *League of Women Voters v. Secretary of the Commonwealth*,⁶³ ruled that the limits infringed unconstitutionally on ballot access,

An attempt to impose term limits on Massachusetts legislators was unsuccessful in 1994.

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so the law was struck down. Term limits could be established by constitutional amendment with the support of 25% of the legislature in two consecutive sessions and majority support at the ballot. But the attempt to do just that in 1991 met with insurmountable opposition from the legislature.⁶⁴

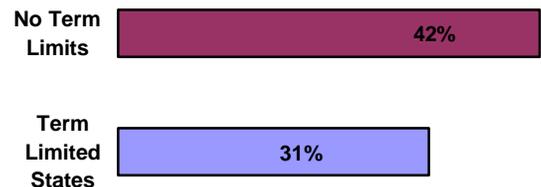
Even if term limits could be established in the Commonwealth, it is not necessarily clear that it would be wise to do so.⁶⁵ Seventeen states have term limits in their state legislatures of some kind, typically after eight or twelve years of service.⁶⁶ In the 2000 elections, states with term limit laws in effect had uncontested races in 31% of their elections, while states without term limits averaged 42% (see Figure 29).⁶⁷ But while it would likely increase legislative competition, it would help to solve the problem in an artificial way—without addressing the underlying reasons for why so few men and women run for political office. They would probably not increase challenges to incumbent legislators. It could also cause unwanted side effects, such as increased prevalence and power of lobbyists and less experienced lawmakers.⁶⁸ As one term-limited legislator in Maine put it, “if term limits get rid of the dead wood, they get rid of the live wood too.”⁶⁹

Campaign Funding

The Current System. When responding to questions about their trust in Massachusetts government, more residents cited the



Figure 29: Uncontested Races in 2000



Two-thirds of Massachusetts voters think that the government is run for the benefit of a few big interests.

importance and prevalence of “big interests” as problematic than either government waste or the corruption of public officials.⁷⁰ This shows that voters in the state are concerned with the amount their legislators are beholden to special interests—a problem that can be remedied with an overhaul of the campaign funding system.

Refurbishing the state’s campaign finance restrictions could also make it easier for non-incumbent candidates, who are less able to attract big contributors, to compete. The difficulty and importance of raising campaign cash may be the most noted reason for the lack of competition in the state legislature, and has sparked major controversy throughout the state in efforts to reform the current system.⁷¹

Massachusetts campaign fundraising laws place many restrictions on the amount and sources of money for political candidates, but is less restrictive than about a dozen states by some measures. (See Appendix I for a more detailed listing of the laws in each state.) Massachusetts is one of sixteen states to prohibit contributions from a corporation directly to a candidate—eight states place no restrictions on corporate contributions whatsoever.⁷² Contributions from individuals in Massachusetts are limited to \$500 per candidate per year; thirteen states have similar or lower contribution limits (see Figures 30 and 31).⁷³

Massachusetts is one of eleven states to limit the aggregate amount of contributions that a candidate can collect from a Political Action Committee (see Figures 32 and 33).⁷⁴ Those

Figure 30: States with Individual Contribution Limits Lower than Massachusetts, per cycle

| | |
|-----------------------------|--------------------------------|
| Montana ¹ | \$200 |
| Vermont ² | \$300(Senate); \$200(House) |
| Maine ¹ | \$500 |
| Arizona ¹ | \$600 |
| Delaware ² | \$600 |
| Minnesota ³ | \$800(S); \$600(H) |
| Connecticut ¹ | \$1,000(S); \$500(H) |
| Michigan ² | \$1,000(S); \$500(H) |
| South Dakota ⁴ | \$1,000(S); \$500(H) |
| Wisconsin ² | \$1,000(S); \$500(H) |
| Missouri ¹ | \$1,500(S); \$550(H) |
| Massachusetts ⁴ | \$1,000 |
| Florida ¹ | \$1,000 |
| South Carolina ² | \$1,000 |

¹ Limits are listed per election; amounts here are doubled to account for primary and general elections.

² Limits are listed per election cycle.

³ Minnesota limits contributions to \$500 in election years and \$100 in non-election years.

⁴ Limits are listed per year; amounts here are multiplied by term length to equal election cycle limits.

Figure 31: Individual Aggregate Contribution Limits, per election cycle

| | |
|----------------------------|------------------------------|
| Arizona ¹ | \$5,640 |
| Maryland ² | \$10,000 |
| Rhode Island ³ | \$20,000 |
| Massachusetts ³ | \$25,000 |
| Wisconsin ³ | \$40,000(S); \$20,000(H) |
| Connecticut ¹ | \$30,000 |
| Maine ³ | \$50,000 |
| Washington ⁴ | \$50,000 |
| Wyoming ³ | \$100,000(S); \$50,000(H) |
| New York ³ | \$300,000 |

¹ Limits are per election; amounts here are doubled to account for primary and general elections.

² Limits are per election cycle.

³ Limits are per year; amounts are multiplied by term length for election cycle totals.

⁴ Washington aggregate limits are within 21 days of a general election only.

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limits are \$150,000 per year for a gubernatorial candidate, \$18,750 for a state senate candidate, and \$7,500 for a house candidate. Fourteen states place no limits on PAC giving to candidates, while the remaining 25 states limit donations *from* individual PACs rather than total amounts a candidate can accept. Massachusetts’ aggregate limits are in the middle of the range for legislative candidates of those states that limit totals rather than individual contributions. Limits on the aggregate collections from PACs may be more effective, since PACs are relatively easy to create and could be used as a way to circumvent contribution limits by simply donating smaller amounts to several PACs.

Eleven states have lower contribution limits from state parties to legislative candidates than Massachusetts.⁷⁵ In Massachusetts those transfers are limited to \$3,000 per candidate per year. Of the remaining states, 24 place no restrictions on party-to-candidate contributions. Massachusetts is also lower than many states in the total contributions raised by state parties—at \$1,617,173 in the 2000 election cycle, it was lower than 35 states (many of which are less populous).⁷⁶ Massachusetts has eliminated the soft money loophole by regulating contributions both to and from state political parties.⁷⁷

Similarly, Massachusetts has effectively eliminated transfers from national political parties and caucuses to the state parties.⁷⁸ All contributions are tracked by the Office of Campaign and Political Finance just as in-state donations are. In most other states these transfers are unlimited, making soft money

Figure 32: States with PAC Contribution Limits Lower than Massachusetts

| | |
|-----------------------------------|--------------------------------|
| <i>Montana</i> ¹ | \$200 |
| <i>Vermont</i> ² | \$300(Senate); \$200(House) |
| <i>Maine</i> ¹ | \$500 |
| <i>Arizona</i> ¹ | \$600 |
| <i>Delaware</i> ² | \$600 |
| <i>Minnesota</i> ³ | \$600 |
| <i>Connecticut</i> ¹ | \$1,000(S); \$500(H) |
| <i>Michigan</i> ² | \$1,000(S); \$500(H) |
| <i>Wisconsin</i> ² | \$1,000(S); \$500(H) |
| <i>Missouri</i> ¹ | \$1,500(S); \$550(H) |
| <i>Massachusetts</i> ⁴ | \$1,000 |

- ¹ Limits are listed per election; amounts here are doubled to account for primary and general elections.
- ² Limits are listed per election cycle.
- ³ Minnesota limits contributions to \$500 in election years and \$100 in non-election years.
- ⁴ Limits are per year; amounts here are doubled to compare to election cycles.

Figure 33: Aggregate PAC Acceptance Limits, per election cycle

| | |
|-----------------------------------|---|
| <i>Arizona</i> ¹ | \$15,120 |
| <i>Massachusetts</i> ² | \$37,500(Senate); \$15,000(House) |
| <i>Louisiana</i> ³ | \$48,195 |
| <i>Nebraska</i> ² | \$73,000 total from all PACs, corps, unions, & parties |
| <i>Tennessee</i> ¹ | \$150,000 |
| <i>Washington</i> ⁴ | \$5,000 |
| <i>Kentucky</i> | 50% of total acceptances |

Contribution Limits

| | |
|----------------------------------|----------|
| <i>Rhode Island</i> ² | \$50,000 |
|----------------------------------|----------|

- ¹ Limits are per election; amounts here are doubled to account for primary and general elections.
- ² Limits are per year; amounts are doubled for election cycle totals.
- ³ Limits are per election cycle.
- ⁴ Washington aggregate limits are within 21 days of a general election only.

readily available to state political parties. Thus at \$8,000, Massachusetts was second to last for dollar-amount transfers from national to state parties in 2000.⁷⁹

Fundraising laws in Massachusetts are thus better than average, but there is significant room for improvement. Under the current system, incumbent legislators are far more able to amass and spend large sums on their campaigns, giving them a distinct advantage at the polls.

Publicly Financed Elections. The Massachusetts Clean Elections law, were it implemented and functional, would likely do a great deal to solve the competition problem in the state. By providing a competitive amount of money for candidates who earn a broad base of voter support, the law was intended to ensure that any qualified citizen can run for office. It also may increase the appeal of running a campaign since it greatly reduces the need for candidates to spend time fundraising and frees them up for more real discussion and debate.

Both Maine and Arizona have similar Clean Elections laws, and both have seen increases in competition since their laws have been in effect. The number of candidates running for office increased by 12% in Arizona and 5% in Maine.⁸⁰ And the number of contested primaries in both states also increased, by 40% and 33% in Maine's House and Senate, respectively, and falling 2% and rising 40% in Arizona.⁸¹

In states with publicly financed elections, competition increased by an average of about 28%.



A challenger who ran against the departing Speaker in Arizona and won, assessed Clean Elections this way: “Clean Elections helped get me on the playing field. It didn’t necessarily give me the win, but it put me on the playing field so at least I could participate against the Arizona Speaker of the House.” One observer in Maine noted, “Clean Elections moved running against an incumbent from being nearly impossible to damn hard. It is a step in the right direction.”⁸²

Free Air Time. One potentially less controversial alternative to public funding of elections is the granting of free air time for candidates. This system decreases the cost of elections—either to the state budget or to the candidates themselves—by requiring broadcasters to provide air time to candidates free of charge.

The airwaves are publicly owned, and licenses are granted to broadcasters free of charge. Yet according to the League of Women Voters, which heads the drive for free media time in Massachusetts, broadcasters in the state earned \$16,628,705 from campaign advertisements in 2000.⁸³ Since broadcasters receive a free benefit from the public, it should be politically viable to require the companies to give back to the public by providing at least some form of political information and education.

Broadcasters in Massachusetts earned \$16.6 million on campaign advertisements in 2000.

Change the Legislative Rules

One way to bring more qualified candidates to the campaign trail could be to reform the legislature from the inside. This may help attract otherwise disinterested people by allowing more avenues for innovations to public policy, which presumably is one reason candidates run for office.

The Coalition for Legislative Reform, composed of several Massachusetts organizations committed to greater “transparency, accountability, and credibility” in state government, proposed several changes to the system in 2000. The coalition suggested, for example, that bills sent to committees should be automatically placed on the calendar to increase the number of bills that are ever brought to the floor for debate. It has also advocated for restrictions on outside sections to the budget and upholding the constitutional prohibition on including laws not germane to the budget. Similarly, the work done in informal sessions should be restricted so important or controversial legislation can be included on the agenda and recorded in a roll call vote.⁸⁴

Conclusion

The absence of competition in legislative races in Massachusetts should be cause for great concern within the state. It is a sign of some much larger problems, stemming from



the lack of participation in all types of civic life and signifying the gradual turn away from politics. But it also contributes to an increasingly alarming state of affairs in state government. As fewer candidates run for office, fewer incumbent legislators will have challengers to hold them accountable to their constituents. Even the most well-intentioned legislators will have trouble in a system where new sources of energy and ideas lie dormant behind a stagnant status quo.

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- ¹ Gerard O’Neill, et al, “Lobbyists’ Power Grows in Tightly Controlled Legislature,” *The Boston Globe*, p. A1 July 16, 2000.
- ² Bridgewater State College poll, 2002, “Citizen Participation and Trust in Massachusetts 2002,” in *Memos to the Governor*, Project of the American Society for Public Administration (ASPA)—Massachusetts Chapter, p. 9, 2002.
- ³ Roper archive poll. See: Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community*, Simon & Schuster, 2000, p. 42.
- ⁴ In 2000, 65 people ran for state Senate, 265 for state House of Representatives. In 1990, 106 ran for state Senate and 401 for House. See: Office of Campaign and Political Finance (OCPF), *Campaign Finance Activity summaries*, 1990 and 2000.
- ⁵ Massachusetts Elections Statistics (Public Document No. 43), Elections Division, Office of the Secretary of State, see also George Pilsbury, Executive Director, Massachusetts Money in Politics Project.
- ⁶ Richard Winger, Ballot Access News, December 5, 2000. See <http://www.ballot-access.org/2000/1205.html>.
- ⁷ *Id.*
- ⁸ In 1996, 7 of the 53 challengers were successful; in 1998 6 of 43 were successful, and in 2000 6 of 44 succeeded. See OCPF, *Campaign Finance Activity summaries*, 1996-2000.
- ⁹ Robert O’Leary defeated Henri Rauschenbach in a four-person campaign for the Cape and Islands Senate district in 2000. See: OCPF *Campaign Finance Activity summary*, 2000.
- ¹⁰ Information for Alabama, Hawaii, and Maryland is not available.
- ¹¹ See OCPF, *Campaign Finance Activity summaries* and George Pilsbury, Mass Money in Politics Project.
- ¹² Both figures could rise while overall average spending remained stable because the proportion of uncontested races increased over the decade relative to the more expensive contested races.
- ¹³ 1996 is the last year for which this data is readily available from OCPF.
- ¹⁴ Democrats had a lower correlation of 0.58. Data compiled from both OCPF’s *Campaign Finance Activity by Candidates for the Massachusetts General Court 2000* and the Secretary of the Commonwealth’s *Massachusetts Elections Statistics 2000*.
- ¹⁵ Democrats in House races had a correlation of 0.34.
- ¹⁶ For an exhaustive account, see Robert Putnam, *Bowling Alone*, 2000.
- ¹⁷ North Dakota ranked first with a CSCI of 1.71; Nevada was last with –1.43. See Robert Putnam, *Bowling Alone*.
- ¹⁸ Commonwealth Magazine, MassINC, see http://www.massinc.org/handler.cfm?type=1&target=2000-3/states_s00.html. Club meetings attended last year: 7.4 in Mass; 7.5 48-state average. (DDB Needham Lifestyle archive, 1975-1998.) Attended meeting on local affairs in the last year: 24% in Mass; 19.1% 48-state average (Roper Social and Economic Trends archive, 1974-2000). Most people can be trusted: 46% in Mass; 44% 48-state average. (General Social Survey, 1974-1996.)
- ¹⁹ “Citizen Participation and Trust in Massachusetts 2002,” *Memos to the Governor*, 2002, Executive Summary.
- ²⁰ Data compiled from *Massachusetts Elections Statistics 2000*.
- ²¹ Data compiled from OCPF, *Campaign Finance Activity summary 2000* and *Massachusetts Elections Statistics 2000*.
- ²² *Id.*
- ²³ Voter turnout could reach levels higher than 100% because registration figures are from several months before the election. See: Federal Elections Commission statistics, available at: <http://fecweb1.fec.gov/votregis/turn/mass.htm>. Registration and turnout statistics courtesy of State Election Offices and the Congressional Research Service, (Government Division) with data provided by Election Data Services Inc., Washington, D.C.
- ²⁴ Federal data from Federal Election Commission; data on Massachusetts from *Massachusetts Elections Statistics 2000*.
- ²⁵ *Id.*
- ²⁶ Six states allow for Election Day registration (EDR): Maine, Minnesota, Wisconsin, Idaho, New Hampshire, and Wyoming. North Dakota does not require voter registration at all. See: Demos: A Network for Ideas and Action, *Expanding the Vote: The Practice and Promise of Election Day Registration*, January 2002.
- ²⁷ National Conference of State Legislatures (NCSL), Voter Registration Deadlines, at <http://www.ncsl.org/programs/legman/elect/taskfc/deadlines.htm>.
- ²⁸ EDR average does not include Idaho and New Hampshire data before 1996, since those states instituted EDR later. North Dakota is included in the EDR average, though ND does not require registration. Data from Demos, *Expanding the Vote*, the Federal Election Commission, *Massachusetts Elections Statistics 2000*, and <http://www.state.nd.us/sec/Elections/electionstatisticsandturnout.htm>.
- ²⁹ See: NCSL, “2002 Partisan Composition of State Legislatures,” <http://www.ncsl.org/ncsl/db/elect98/partcomp.cfm?years=2002>.
- ³⁰ *Id.*
- ³¹ The nine states with one party controlling more than 70% of the legislative seats are South Dakota (70.5% Republican), Hawaii (71.1% Democratic), Arkansas (71.9% Democratic), Wyoming (73.3% Republican), Maryland (74.5% Democratic), West Virginia (76.9% Democratic), Massachusetts, Rhode Island, and Idaho. See *Id.*

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³² Data on competitiveness of state legislative elections is available only for 2000, while partisan composition is from 2002. *See Id; also* Winger, *Ballot Access News*, December 5, 2000.

³³ The correlation between the two is a low 0.20. *Id.*

³⁴ Data is estimated only since each state uses different salary measures (i.e. per year; per day; per day in session, etc.), making it difficult to accurately compare across states. The number given here reflects a compilation of data from Andrew Geiger, NCSL; *see* <http://www.ncsl.org/programs/legman/01table1.htm>.

³⁵ Ohio (\$51,674), Illinois (\$55,788), Pennsylvania (\$61,890), Michigan (\$77,400), New York (\$79,500) and California (\$99,000) all pay their full-time legislators a higher salary. *Id.*

³⁶ Other leadership positions include Majority Leader and Minority Leader, Assistant Majority Leader and Assistant Minority Leader, Majority and Minority Whip, etc. Positions vary by state. *Id.*

³⁷ Information comes from Bob Joyce, Massachusetts State Treasurers Office, July 30, 2002. Four legislative seats are open at time of writing.

³⁸ Andrew Geiger, "Additional Compensation for Committee Chairs," NCSL, 2002. *See* <http://www.ncsl.org/programs/legman/01table1.htm>.

³⁹ Connecticut, Delaware, New Hampshire, New Jersey, Ohio, and Rhode Island, and the District of Columbia do not reimburse for per diem expenses. Source: NCSL "2002 State Legislator Compensation and Living Expense Allowances During Session;" *see Id.*

⁴⁰ *Id.*

⁴¹ Alan Rosenthal, et al, *The Case for Representative Democracy*, National Conference of State Legislatures, 2002, p. 16.

⁴² Chris Tangney, "Finneran Critic Says it's Time to Move On," *The Boston Globe*, March 26, 2002; Joe Battenfeld, "Speaker's redistrict plan wipes out Meehan's turf," *The Boston Herald*, p. A1, July 11, 2001.

⁴³ John McDonough, *The Speaker Who Believed in Democracy*, *CommonWealth Magazine*, Winter 2002 Volumer 7, Number 1, p. 48.

⁴⁴ *See* "Politics Issue: House Speakership," 02133.org, 2002 at <http://www.02133.org/issue.cfm?ID=56&CategoryID=12>.

⁴⁵ Winger, "2000 Primary Ballot Access for State House Candidates," *Ballot Access News*, 2000. *See* <http://www.ballot-access.org>.

⁴⁶ *Id.*

⁴⁷ Massachusetts General Laws Chapter 268B Section 5. *See* <http://www.state.ma.us/ethics/web268b.htm>.

⁴⁸ Center for Public Integrity, *Hidden Agendas: How Legislators Keep Conflicts of Interest Under Wraps*, at <http://www.50statesonline.org/dtaweb/spsearch.asp?L1=20&L2=10&L3=55&L4=40&L5=0&State=&Display=HAState>.

⁴⁹ California and Hawaii are the other two.

⁵⁰ For details on each state, *see* http://www.ncsl.org/programs/press/2000/Campaign_Finance_Reports.htm.

⁵¹ Senator Richard T. Moore, "Can we ever trust the Legislature?," 2002.

⁵² Rosenthal, *The Case for Representative Democracy*, NCSL. Source: *The Book of the States*, 2000-01.

⁵³ Only New York, with 32,000, had more bill introductions in the two years.

⁵⁴ Unfortunately, these statistics were not available to compare across years. Massachusetts General Court, House Clerk's office, August 7, 2002. *See also:* <http://www.state.ma.us/legis/> under "Bill Histories."

⁵⁵ Coalition for Legislative Reform press release, Boston, MA, November 2000.

⁵⁶ O'Neill, "Spotlight," *The Boston Globe*, p. A1, July 16, 2000.

⁵⁷ *Id.*

⁵⁸ Only 34 states were included in the study due to lax reporting requirements in many states. The Center for Public Integrity, "Capitol Offenders," *State Lobby Spending*, Appendix p. 281, May 1, 2002. *See* <http://www.50statesonline.org/dtaweb/index.asp?L1=20&L2=10&L3=35&L4=0&L5=0&State=>

⁵⁹ O'Neill, "Spotlight," *The Boston Globe*, p. A1, July 16, 2000.

⁶⁰ *Id.*

⁶¹ The Center for Public Integrity, "Private Legislatures, State Numbers," May 1, 2002; *see* <http://www.50statesonline.org>.

⁶² O'Neill, "Spotlight," *The Boston Globe*, p. A1, July 16, 2000.

⁶³ 425 Mass. 424 (1997).

⁶⁴ The Senate President refused to bring the issue to the floor for a vote, effectively killing the measure. In *LIMITS v. President of the Senate*, 414 Mass. 31 (1992), the Supreme Judicial Court said they could not force the legislature to take a vote on the matter.

⁶⁵ The National Conference of State Legislatures has commissioned a study to analyze the effects of term limits in various states. The "Joint Project on Term Limits" is estimated to be completed in December 2004. *See* the Executive Summary, <http://www.ncsl.org/programs/legman/about/execsum.htm>.

⁶⁶ Those states are Arkansas, Arizona, California, Colorado, Florida, Louisiana, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma, South Dakota, Utah, and Wyoming. *See:* Center for Policy Alternatives, "State Legislatures and Resources," <http://www.stateaction.org/statemap.cfm>.

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- ⁶⁷ OK, UT, WY, LA, NV, and NE have term limit laws which would not impact legislators in the 2000 elections—they will become effective in 2002 up to 2008. Source: NCLS, “Term Limited States by Year Enacted and Year of Impact,” <http://www.ncsl.org/programs/legman/about/states.htm>. Competition data from Winger, Ballot Access News, Dec. 5, 2000. See <http://www.ballot-access.org/2000/1205.html>.
- ⁶⁸ Mark Hass, a state representative from Oregon, where legislators are term limited, stated “I think regular people would be alarmed if they really knew how much influence lobbyists now have over this system.” Sam Howe Verhovek, “In State Legislatures, 2nd Thoughts on Term Limits,” *The New York Times*, May 21, 2001.
- ⁶⁹ Statement of State Senator Beverly Daggett of Augusta, reported by Sam Howe Verhovek, “In State Legislatures, 2nd Thoughts on Term Limits,” *The New York Times*, May 21, 2001.
- ⁷⁰ ASPA, “Citizen Participation and Trust in Massachusetts, 2002,” *Memos to the Governor*, 2002, p. 12.
- ⁷¹ i.e. the Clean Elections controversy raging at the legislature and the SJC.
- ⁷² Those eight states are: Illinois, Missouri, New Mexico, North Dakota, Oregon, Texas, Utah, and Virginia. See NCSL, <http://www.ncsl.org/programs/legman/about/Limits.htm>.
- ⁷³ *Id.*
- ⁷⁴ *Id.* The other states that limit aggregate PAC contributions are Arizona, Connecticut, Kentucky, Louisiana, Maine, Minnesota, Nebraska, Rhode Island, Tennessee, and Washington.
- ⁷⁵ *Id.* The 11 states with lower state party-to-candidate contribution limits are Arkansas, Delaware, Idaho, Kentucky, Maryland, Montana, New Hampshire, Oklahoma, South Carolina, Vermont, and West Virginia.
- ⁷⁶ The Public I, Center for Public Integrity; compiled by the National Institute on Money in State Politics for “State Secrets: A joint investigation of Soft Money in the States.” http://www.public-i.org/statesecrets_02_072601.htm.
- ⁷⁷ Limits on contributions to political parties in Massachusetts are similar to limits on contributions to candidates. *Id.*
- ⁷⁸ As outlined by the Office of Campaign and Political Finance (OCPF), “a political committee must be organized under and in compliance with the provisions of M.G.L. c. 55 in order for it to contribute to Massachusetts candidates.” Interpretive Bulletin #82-01; Issued July 1982, Revised May 21, 1997.
- ⁷⁹ Massachusetts is second to lowest in dollar transfers from national to state parties, with Vermont at the lowest with \$4,000 in transfers. Source: Center for Responsive Politics “State Secrets,” at <http://www.50statesonline.org/dtaweb/ssdatasearch.asp?L1=20&L2=9&L3=30&L4=10&L5=50&State=&Display=ContributionsTNP>
- ⁸⁰ Marc Breslow, et al, *Revitalizing Democracy: Clean Elections Reform Shows the Way Forward*, Money and Politics Implementation Project, January 2002, p.8.
- ⁸¹ *Id.*
- ⁸² *Id.*
- ⁸³ This earnings figure is not limited to state legislative races. League of Women Voters of Massachusetts, Citizen Education Fund, “Free Air Time Campaign” advisory of April 1, 2002.
- ⁸⁴ *An Agenda for Legislative Reform*, Coalition for Legislative Reform Press Release, “Transparency, Accountability, Credibility,” Nov 2000.