

A Report on Legislative Professionalism for the State of New Mexico¹

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EXECUTIVE SUMMARY

As polarization and gridlock continue to grip national politics, Americans are increasingly looking to states to remedy the nation’s most significant challenges. The burden has fallen to the states to address complex issues such as health care, immigration, infrastructure, voting rights, energy, and the environment. Indeed, states’ responses to our current crisis—the coronavirus pandemic—illustrates just how consequential state-level policy making and implementation are for the average American. Attention on states has become even more relevant in recent months as the Supreme Court’s new conservative majority begins to assert its influence on matters of federalism, such as in the 2022 landmark decision *Dobbs v. Jackson Women’s Health Organization* that turned abortion policy over to the states.

But this was not always the case. In the 1960s, state governments—particularly their legislatures—were in crisis. Few legislatures had the capacity to address the daunting issues (particularly civil rights and poverty) that were creating massive political, social, and economic unrest in our states and cities. The *New York Times Magazine* famously referred to them as a study in slow motion that “lumber about their business with all the grace and efficiency of a dinosaur” (Desmond 1955, 15). The *Times* urged states to reform their legislatures’ many “obsolete features” that result in sessions that are a “recurrent, unavoidable public calamity” (15). For example, professional organizations such as the Council of State Governments in 1946, the American Political Science Association in 1954, the National Legislative Conference in 1961, and the Citizens Conference on State Legislatures in 1971 were among those who called for strengthening state legislatures. A wave of legislative reforms across the country followed.

Legislative professionalism refers to the “**enhancement of the capacity of the legislature to perform its role in the policy-making process**” (Mooney 1994). The term can refer either to the **attributes of the legislative institution** or the **characteristics of the people who serve** in the legislature; frequently it refers to both. It should be noted that “professionalism” is not meant to suggest a degree of competency or skill. Rather, the term is used to characterize the *capacity of legislatures* and the degree to which legislators’ primary *career* is as a legislator.

How do we identify professional legislatures? Scholars of state legislatures generally agree on two factors that measure the capacity to legislate: session length and support staff. A third factor, member salary, is often used to measure professionalism as well. But this measure has more to do with the characteristics of the people who serve in the legislature than the legislature itself. Rather, we prefer to think of legislators along a spectrum of legislative **careerism**. For example,

¹ This project was completed with support from the Thornburg Foundation.

do state legislators work full-time or part-time at legislative tasks? And how do legislators identify themselves? Do they have careers outside the legislature?

After almost a century of reforms and analyses from scholars of state legislatures, we can make some conclusions about the consequences of legislative professionalization. **The purpose of this report is to, first, compare the New Mexico state legislature's level of professionalism with states of similar population size and demographics and, second, to present the key findings from work dedicated to the study of legislative professionalization.** Some consequences are clear; others are less so. We will leave it to you, the reader, to determine the relative value of each finding.

Based on accepted measures of professionalism and data available up to the 2015 biennium, we find that the New Mexico state legislature:

- ✓ Meets an average of 70.53 legislative days during each biennium, the **3rd shortest** in the nation.
- ✓ Spends an average of \$394,510 per legislator during each biennium on staff, which ranks **33rd out of 50** in staff spending (or the **18th lowest** in the nation).
- ✓ Maintains about 168 permanent staff—about 1.5 per legislator—which ranks **36 out of 50** states related to employing permanent staff (**15th lowest**).
- ✓ Has the lowest legislator salary in the nation, at zero dollars. New Mexico remains the only state in the nation whose legislators do not receive a salary.
- ✓ Ranks near the bottom of the two most commonly used aggregate measures of professionalism.
- ✓ Can be characterized as an **amateur legislature with dual-career legislators**.

While some conclusions are decidedly mixed, based on the research reviewed below we feel confident in saying that greater legislative professionalism produces:

- ✓ Greater incumbency advantage in elections, but more contested elections as more would-be challengers make the effort to contest incumbents even when their odds of victory remain low.
- ✓ Less membership turnover and thus more stable memberships.
- ✓ More sophisticated and expensive campaigns for office.
- ✓ Less incumbent electoral vulnerability to political and economic shifts, especially those related to the popularity of governors.

- ✓ An increase in the number of progressively ambitious candidates, ones who will more carefully monitor their constituents needs and who will endeavor to represent them accurately in order climb the political ladder.
- ✓ An increase in the effort that legislators put toward to being representatives.
- ✓ More effective and capable lawmaking.
- ✓ More effective bargaining with governors.
- ✓ More stable coalitions in roll-call votes as legislators turn more to party leaders to help their reelections by producing winning coalitions in support of party objectives.
- ✓ Greater ability to oversee executive branch agencies.
- ✓ Stronger regulations around lobbying and campaign finance.
- ✓ Members who are focused more on reelection than legislation.
- ✓ Greater substantive representation.

Our recommendations are the following:

1. Staffing: Increase the number of permanent legislative staff, especially staff connected to individual legislators as opposed to staff that might work for interim committees such as the Legislative Finance Committee or the other permanent, year-round policy committees. Most legislators in NM do not have dedicated staff; they only have access to staff during the legislative session and/or when their work outside the session puts them in contact with institutional staff members. **Additional staff support is the best way to increase legislative capacity.** Among other benefits, increasing professional staff and broadening their distribution in the legislature will mean **greater ability for the legislature to check executive agencies and governmental programs**, and for **individual legislators to build expertise on policy and to conduct constituency service vital to their constituencies.**
2. Salary: Work to provide a salary to legislators not because of its effects on the legislature, and more because it is the fair thing to do. Legislative salary as an indicator of professionalism is linked to a number of important phenomena such as who runs, time spent on the job, legislative productivity and non-voting, district legislation, good government reforms, economic development, etc., but the overall effect of salary is probably not as important as staffing. The question here of course will be where that salary is set.
3. Days in Session: Days in session should be increased to enhance legislative capacity, especially in bargaining with the executive. Increasing session lengths will allow the legislature to become more involved in making policy, in shaping the budget, and running the government itself. As a result, the legislature will become a constant presence that cannot be ignored by the executive or anyone else.

Forward

It has been over two years since we completed our original report on professionalism in New Mexico. During that time, scholars of American politics continued to produce thoughtful research on the consequence of legislative modernization. This follow-up paper is our attempt to incorporate this new research into our analysis of the literature. In all, we identified close to 60 new citations on legislative modernization, some of which required updates to some of our conclusions from the prior paper.

~Dr. Michael Rocca

~Dr. Timothy Krebs

November 2022

As polarization and gridlock continues to grip national politics, Americans are increasingly looking to states to remedy the nation's most significant challenges. The burden has fallen to the states to address complex issues such as health care, immigration, infrastructure, voting rights, energy, and the environment. Indeed, states' responses to our current crisis—the coronavirus pandemic—illustrates just how consequential state-level policy making and implementation are for the average American. Attention on states has become even more relevant in recent months as the Supreme Court's new conservative majority begins to assert its influence on matters of federalism, such as in the 2022 landmark decision *Dobbs v. Jackson Women's Health Organization* that turned abortion policy over to the states.

But this was not always the case. In the 1960s, state governments—particularly their legislatures—were in crisis. Few legislatures had the capacity to address the daunting issues (particularly civil rights and poverty) that were creating massive political, social, and economic unrest in our states and cities. The *New York Times Magazine* famously referred to them as a study in slow motion that “lumber about their business with all the grace and efficiency of a dinosaur” (Desmond 1955, 15). The *Times* urged states to reform their legislatures' many “obsolete features” that result in sessions that are a “recurrent, unavoidable public calamity” (15). For example, professional organizations such as the Council of State Governments in 1946, the American Political Science Association in 1954, the National Legislative Conference in 1961, and the Citizens Conference on State Legislatures in 1971 were among those who called for strengthening state legislatures.

While state scholars had long been interested in the subject of legislative professionalism (e.g. Perkins 1946; Caldwell 1947; Harris 1947), renewed interest in the subject emerged in the 1970s after some states took up the call to strengthen their legislature (e.g. Kennedy 1970; Herzberg and Rosenthal 1971; Ritt 1973; Rosenthal 1974; Smith and Lyons 1977; and Sittig 1977). One of those states was California. In what Kousser (2005) calls a “watershed moment in the process of professionalization,” California passed Proposition 1A in 1966 (Kousser 2005, 12). Legendary CA Assembly Speaker Jesse Unruh (D-CA) championed the initiative that gave the legislature control over its session calendar and salaries. While not the first state to attempt to modernize its legislature, California provided a blueprint for other states to follow, ushering in a wave of legislative reforms across the country.² But as Kousser (2005) also notes, professionalization did not come in just one burst; instead, the process was incremental with varying timelines across states (see also King 2000). Furthermore, reforms did not follow a linear path towards increasing professionalism. Rather, some sets of reforms aimed to roll back previous eras' efforts to professionalize, often in response to public criticism of overly entrenched politicians. California's adoption of term limits through Proposition 140 in 1990 is an example of one such rollback following years of increasing professionalism in the CA legislature.³

After almost a century of reforms and analyses from scholars of state legislatures that followed, we can make some conclusions about the consequences of legislative professionalization. The

² Kansas, for example, began modernizing its legislature in 1933 (Sittig (1977)).

³ Which was then amended by the passage of Proposition 28 in 2012, changing term limits from 8 years in the Senate and 6 years in the Assembly to a combined 12 years.

purpose of this paper is to present the key findings from work dedicated to the study of legislative professionalization. We review decades of scholarly work on the subject and are prepared to offer some conclusions. Some consequences are clear; others are less so. This paper is organized into three sections. First, we discuss the definition and measures of legislative professionalism. Second, we present key findings from decades of academic research on legislative professionalism and its consequences. Finally, we offer some concluding thoughts to guide any future conversations about the merits of professionalizing state legislatures.

MEASURING PROFESSIONALISM

Legislative professionalism refers to the “enhancement of the capacity of the legislature to perform its role in the policy-making process” (Mooney 1994, 70-71). Or, according to political scientists Peverill Squire and Gary Moncrief, legislative professionalism “assesses the capacity of both legislator and legislatures to generate and digest information in the policymaking process” (Squire and Moncrief 2020, 62). While there is considerable agreement on its definition and measures (discussed below), the term “legislative professionalism” can create confusion if not carefully applied. As Alan Rosenthal, a prominent scholar of state legislatures,⁴ details, “professionalism” can refer either to the attributes of the legislative institution or the characteristics of the people who serve in the legislature; frequently it refers to both (Rosenthal 1998, 55). It should be noted that “professionalism” is not meant to suggest a degree of competency or skill. Rather, the term is used to characterize the *capacity of legislatures* and the degree to which legislators’ primary *career* is as a legislator.

In terms of a legislature’s level of professionalism, the key concept is “capacity.” A professional legislature is one that has the *capacity* to legislate. The basic logic is that more professional legislatures are better equipped to play an active role in policymaking than their less well-equipped counterparts (Squire and Moncrief 2020). How do we identify professional legislatures? While some scholars categorize state legislatures into groups with different levels of professionalism (e.g. Kurtz 1992), the most common approach to measuring professionalism has been to use a single variable as a proxy for the subject. Among the first attempts to utilize this approach was Grumm (1971), whose ratings of state legislatures from 1963-1965 became a benchmark for future research.⁵ This includes Morehouse’s (1983) index of state legislatures between 1970-1971, CCSL’s 1971 professionalism data collected through personal interviews of legislators and political insiders, and Bowman and Kearney’s (1988) index of eleven variables across four separate dimensions of professionalism for the years 1982-1985.

While these early measures and those they inspired differ at the margins, scholars of state legislatures generally agree on two factors that measure the capacity to legislate. They are featured in all major studies of professionalism at the state level.

⁴ The National Conference of State Legislatures offers a thoughtful tribute to Professor Rosenthal’s legacy, here: <https://www.ncsl.org/research/about-state-legislatures/alan-rosenthal-wizard-of-democracy.aspx> (accessed July 11, 2020).

⁵ See Mooney (1994) for a review of the early measures of professionalism.

The first is *Session Length*. Sessions must provide sufficient and flexible time for legislatures to accomplish their objectives (Rosenthal 1996). Extra time enables legislatures to become more involved in making policy, in shaping the budget, and running the government itself. Decades of reform—such as removing constitutional restrictions on session lengths—have resulted in legislators spending more time on the job, in and out of session. As a result, “the legislature has become a constant presence that cannot be ignored by the executive or anyone else” (Rosenthal 1996, 171). The most common measure for session length is the number of days the legislature met in the two-year period following the beginning of the biennial (e.g. Bowen and Greene 2014; Squire 1992, 2007, 2017). Studies do vary, however, in whether regular *and* special sessions are included, or just regular sessions. Bowen and Greene (2014) prefer the former because some states use special sessions to circumvent statutory and constitutional limits on the number of days the legislature can meet during a regular session.

The second is *Staff Support*. Rosenthal calls staff support “the single greatest boost to legislative capacity” (Rosenthal 1998, 53). Increasing professional staff and broadening their distribution in the legislature are typically at the top of most legislative reformer’s list of priorities. And for good reason; increased staff means greater support for (Rosenthal 1996): (a) leaders to organize and coordinate legislative business; (b) standing committees to delve more deeply into their policy domains; (c) fiscal committees to play a larger role in the budget process; parties to conduct electoral and legislative responsibilities; (d) the legislature to inquire about the efficiency and effectiveness of executive agencies and governmental programs; and (e) individual legislators to build expertise on policy and to conduct constituency service vital to their districts.

Rosenthal provides an intuitive way to illustrate how session length and support staff intersect to form degrees of professionalism. We present the figure in a slightly revised form below (Figure 1). Note that the “professional” legislature is distinguished by a heavier schedule and a larger staff, while the “amateur” legislature has a lighter schedule and a smaller staff. Some legislatures are in between these two extremes. “Work-intensive” legislatures have heavier schedules but smaller staffs, while “support-intensive” legislatures have light schedules but large staffs. According to Rosenthal, work-intensive legislatures are closer to amateur legislatures than they are to professional ones, while the reverse is true for support-intensive legislatures.

Figure 1: The Professionalization of Legislatures

	Larger Staff	Smaller Staff
Lighter Schedule	Support-intensive Legislature	Amateur Legislature
Heavier Schedule	Professional Legislature	Work-intensive Legislature

Source: Reproduced from Rosenthal (1996).

Two measures are commonly used for staff support. The first, used by Squire, is simply the total number of staff during each session (Squire 2017). This information is limited, however, because staffing data are only available in years when the National Conference of State Legislatures

(NCSL) conducts a survey of legislative staff. Others, including Bowen and Greene (2014), propose a useful alternate: state expenditures for the legislature not paid toward legislative salaries. Taken from the U.S. Census Bureau’s Annual Survey of State Government Finances, expenditures are divided by the number of state legislators in each state and then summed over each respective biennium. Simply stated, this measures each state’s expenditures per legislator during each biennium.⁶

Much of the research reviewed below considers professional legislatures and professional *legislators* as one in the same. Rosenthal (1996) believes this is misguided. He categorizes professionalism as a concept that ought to be restricted to the legislature, and not extend to those who comprise it (Rosenthal 1996).⁷ Rather, it is helpful to think of legislators along a spectrum of legislative careerism. While legislative (or “institutional”) professionalism refers to the measures of capacity noted above, careerism refers to characteristics of legislators. For example, do state legislators work full-time or part-time at legislative tasks? And how do legislators identify themselves? Do they have careers outside the legislature? Rosenthal provides another useful figure to illustrate the potential legislator types:

Figure 2: The Professionalization of Legislators

	Part-time Service	Full-time Service
Short-term Service	Citizen Legislator	Citizen-on-leave Legislator
Long-term Service	Dual-career Legislator	Professional Legislator

Source: Reproduced from Rosenthal (1996).

As we highlight below, research shows that building legislative capacity (e.g. support staff and session length) encourages legislative careerism. Increasing compensation does as well. Research commonly treats *Legislator’s Salary* as a third measure of professionalism in state legislatures (e.g. Bowman and Kearney 1988; Grumm 1971; Morehouse 1983; Squire 1992) but it is conceptually different than the other two. Support staff and session length are connected to the legislature; according to Rosenthal (1996) “they have a direct impact on the way the legislature works but only an indirect impact on legislators as individuals” (175). Compensation, on the

⁶ The original CCSL report contained a third indicator of capacity: *space*. Space was meant to denote the actual physical space where legislative business is conducted (e.g. floor sessions, committee hearings, individual meetings, etc.). While physical space undoubtedly contributes to the capacity of legislatures (and legislators) to do their work, the concept did not gain much traction in the academic literature, perhaps due to difficulties in measuring usable space.

⁷ See also Richard Clucas, “The First Post-term-limits Election in California,” In *Extension of Remarks*, ed. Lawrence C. Dodd, published by the Legislative Studies Section of the American Political Science Association, 1994.

other hand, is connected to the legislator; “it is of direct relevance to the individual members but has no direct effect on the legislature itself” (176).

As we later discuss, member salary likely affects (among other things) who runs for office, who wins, and how long legislators wish to stay in office. As we proceed, it will be more helpful to treat member salary as a *predictor* of careerism or legislator professionalism, rather than a *measure* for careerism or legislator professionalism. Salary is commonly measured as the base salary amount paid to legislators in a given year. Per diem living expenses (vouchered or unvouchered) and non-salary benefits (e.g. insurance or retirement fund payments) are typically not included in the measure. Thus, the measure often underestimates actual compensation for legislators (e.g. Bowen and Green 2014; Squire and Moncrief 2020).

Without a doubt, the most widely used measure for legislative professionalism is the “Squire Index,” named after its creator, political scientist Dr. Peverill Squire (Squire 1992; 2007; 2017). Like others before it (e.g. Grumm 1971; Bowman and Kearney’s 1988), the Squire Index aggregates the three measures above (session length, staff, and salary) into one simple, unidimensional score for each state. The score ranges from 0 (least professional) to 1 (most professional). The key difference between Squire and earlier indices is that rather than assessing dimensions of professionalism to other states, the Squire Index compares states to the *U.S. Congress*, the quintessential professional legislature (Polsby 1968). A key advantage to this approach is that having a standard baseline (Congress) allows for cross-year comparisons across states. In other words, one state’s score does not depend on the level or variability of another state’s professionalism. It is worth noting that despite the Squire Index’s popularity in studies of legislative professionalism—as well as its ease of interpretation—it does have its disadvantages. Perhaps most important is that it conflates indicators connected to the legislature (session length and staff support) with an indicator connected to legislators (salary). Bowen and Greene (2014) provide a thoughtful discussion of the advantages of disaggregating the measure into its respective components.

THE NEW MEXICO STATE LEGISLATURE

How does the New Mexico state legislature compare to its counterparts on measures of professionalism? Unless otherwise noted, the data below are taken from Bowen and Greene’s dataset of state legislatures.⁸ Their data range from the 1973/4 biennium to the 2013/4 biennium, and we present the ten-year average from 2003/4 to 2013/4, as well as each state’s most recent session in the dataset, for each component of legislative professionalism (session length, staff support, and salary).

While more recent data would be ideal, these state-level indicators have been stable since 2010. As scholars have noted, expenditures per legislator (staff) increased in the 1970s, 80s and 90s while salaries and total days in session fluctuated only mildly (e.g. King 1991; Bowen and Greene 2014). Since states rarely implement major legislative reforms—and we are not aware of any major reforms since the 2013/4 biennium—we are confident that Bowen and Greene’s data

⁸ Available here: <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/27595> (accessed April 22, 2020).

provides a reasonable and timely comparison of state-level legislative professionalism. When possible, we do augment their data with the more up-to-date figures.

A Quick Note on Comparing States

We utilize two measures to identify states comparable to New Mexico, population size and population density. Population size is a key determinant of political representation in the U.S., and thus provides a simple proxy to identify states with similar representational needs to New Mexico. Population density, by contrast, measures the ease with which representatives can interact with their constituents, with more densely settled populations being easier, given that people live closer to one another within a given unit of land area. Here are the states whose population sizes are within 1 million people relative to New Mexico (Table 1).

Table 1: Population Sizes Similar to New Mexico

<u>State</u>	<u>Population</u>	<u>Population Difference</u>	<u>Population Density</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>
Maine	1332813	-759621	43.21	73.9547	43
New Hampshire	1343622	-748812	150.07	73.8209	42
Hawaii	1422029	-670405	221.42	90.2403	48
Idaho	1687809	-404625	20.42	63.7351	26
West Virginia	1829054	-263380	76.08	76.5641	45
Nebraska	1904760	-187674	24.80	63.5534	25
New Mexico	2092434	0	17.25	0	0
Kansas	2908776	816342	35.58	61.6628	20
Nevada	2922849	830415	26.63	48.0429	3
Mississippi	2988762	896328	63.69	59.4635	15
Arkansas	2990671	898237	57.48	60.4805	17
Utah	3045350	952916	37.05	65.6182	32

Source: Population data from U.S. Census. The similarity score is taken from Jarman's (2020) analysis found here: <https://www.dailykos.com/stories/2020/2/19/1917029/-How-similar-is-each-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you>. The score measures each state's similarity to New Mexico on a variety of important demographic variables. It runs from 0 (most similar to New Mexico) to 100 (least similar).

But population size alone cannot capture arguably more important determinants of representation such as demographic (e.g. race and ethnicity, age, education, etc.) and economic characteristics (e.g. occupation, income, poverty, industry, etc.). Thus, most tables below include a measure of how similar each state is to New Mexico along demographic and economic characteristics. The **similarity score** ranges from 0 (most similar to New Mexico) to 100 (least similar), while its **rank** ranges from 1 (most similar) to 50 (least similar). The index was developed by David

Jarman of *Daily Kos* (2020) and provides a statistical cross-section of 28 statewide demographic and economic variables.⁹

Below (Table 2) are the 10 states most similar to NM according to Jarman’s measure, along with their respective populations and population densities.

Table 2: 10 Most Similar States to NM

<u>State</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>	<u>Population Size</u>	<u>Population Difference</u>	<u>Population Density</u>
New Mexico	0	0	2092434	0	17.25
Texas	31.905	1	27885195	25792761	106.74
Arizona	32.1695	2	6946685	4854251	61.16
Nevada	48.0429	3	2922849	830415	26.62
North Carolina	49.1946	4	10155624	8063190	208.88
Georgia	50.0113	5	10297484	8205050	178.42
Oklahoma	50.1189	6	3918137	1825703	57.12
South Carolina	51.6122	7	4955925	2863491	164.85
Florida	52.3784	8	20598139	18505705	383.95
Louisiana	52.9667	9	4663616	2571182	107.94
Alaska	53.8379	10	738516	-1353918	1.29

Source: The similarity score is taken from Jarman’s (2020) analysis found here: <https://www.dailykos.com/stories/2020/2/19/1917029/-How-similar-is-each-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you>. The score measures each state’s similarity to New Mexico on a variety of important demographic variables. It runs from 0 (most similar to New Mexico) to 100 (least similar), while the rank runs from 1 (most similar to New Mexico) to 50 (least similar). Population data from U.S. Census.

- ✓ Based on these two measures, one state appears most similar to New Mexico. It is the *only* state that appears in both Tables 1 and 2, indicating a comparable population size and similarity score: the state of **Nevada**.¹⁰ Nevada has about 800,000 more people than New Mexico, and is the 3rd most similar to NM according to the similarity score (after Texas and Arizona, respectively).

⁹ The data can be found here: <https://www.dailykos.com/stories/2020/2/19/%0b1917029/-How-similar-is-each-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you> (accessed May 2, 2020).

¹⁰ See Jarman’s data for to compare New Mexico and Nevada’s Census data: <https://docs.google.com/spreadsheets/d/1OvBe1WLYC1NC-dFJl2ghRH1L-2nCtol09jTqgdprko4/edit#gid=1499462393> (accessed May 2, 2020).

Session Length

Table 3 lists the twenty states with the fewest *days in session* (see above for how days in session is measured).

- ✓ According to Table 3, New Mexico meets an average of 70.53 legislative days during each biennium. That makes NM the **3rd shortest** in the nation.
- ✓ The state of Nevada, the 3rd most similar state to NM according to demographic and economic variables, meets about three weeks, or 23 days, more than NM (94.19 versus 70.53) during their average biennium.
- ✓ The state of Georgia, the 5th most similar state to NM, meets an average of 83.67 days each biennium; about 13 days more than NM.

Table 3: Total Session Length (Bottom 20 States)

<u>State</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>
Wyoming	50	56.83	55	67.09	35
North Dakota	49	67.56	80	78.97	46
New Mexico	48	70.53	64.61	--	--
Utah	47	73.31	62.77	65.62	32
New Hampshire	46	75.06	42	73.82	42
South Dakota	45	75.50	76	64.05	29
New Jersey	44	79.83	93	71.27	39
Georgia	43	83.67	87.57	50.01	5
Virginia	42	86.58	83.97	65.08	30
Alabama	41	89.59	60	55.83	11
Montana	40	93.33	87	70.54	37
Arkansas	39	94.13	133.11	60.48	17
Nevada	38	94.19	87.33	48.04	3
Tennessee	37	94.46	99.74	57.56	13
Florida	36	101.57	88.75	52.38	8
West Virginia	35	102.96	116.89	76.56	45
Louisiana	34	105.66	85.2	52.97	9
Delaware	33	106.90	98	58.68	14
Maine	32	108.18	139	73.95	43

Kentucky	31	111.75	94	66.01	33
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Note: Total session length is measured as the total number of legislative days the legislature met in the two-period following the beginning of each biennium. Legislative days includes both regular and special sessions. The 10-year average includes all sessions held between 2003/04 and 2013/14. The source is Bowen and Greene’s (2014) legislative professionalism dataset found here: <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/27595> The similarity score measures each state’s similarity to New Mexico on a variety of important demographic variables. It runs from 0 (most similar to New Mexico) to 100 (least similar), while the rank runs from 1 (most similar to New Mexico) to 50 (least similar). The similarity score is taken from Jarman’s (2020) analysis found here: <https://www.dailykos.com/stories/2020/2/19/1917029/-How-similar-is-each-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you>

Staff Support

Table 4 lists the twenty states with the fewest *staff expenditures per legislator* (see above for how staff support is measured).

- ✓ According to Table 4, New Mexico spends an average of \$394,510 per legislator during each biennium on staff. That ranks NM **33rd out of 50** in staff spending, or the **18th lowest** in the nation.
- ✓ The state of Georgia, the 5th most similar state to NM according to demographic and economic variables, spends about \$140,000 less than NM per legislator.
- ✓ The state of Oklahoma, the 6th most similar state to NM, spends an almost identical amount on staff as NM: \$385,960 per legislator during their average biennium.
- ✓ New Mexico’s most similar state, Nevada, ranks 9/50 on staff support per legislator. They averaged \$1,177,000 per legislator.

Table 4: Staff Support Per Legislator (Bottom 20 States)

<u>State</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>
New Hampshire	50	64.44	60.53	73.82	42
South Dakota	49	85.24	78.83	64.05	29
Vermont	48	85.46	80.98	72.59	40
North Dakota	47	130.93	134.07	78.97	46
Wyoming	46	145.46	161.89	67.09	35
Montana	45	195.91	195.79	70.54	37
Idaho	44	197.64	183.73	63.74	26
Utah	43	220.43	259.90	65.62	32
Maine	42	221.28	185.40	73.96	43

Kansas	41	225.83	226.0	61.66	20
Mississippi	40	233.64	226.80	59.46	15
Georgia	39	251.75	217.38	50.01	5
Missouri	38	280.75	267.87	63.10	23
Delaware	37	292.45	283.54	58.68	14
Iowa	36	351.25	331.04	70.76	38
Oklahoma	35	385.96	337.41	50.12	6
West Virginia	34	391.94	387.45	76.56	45
New Mexico	33	394.51	354.83	0	0
Colorado	32	430.75	463.65	61.48	19
Minnesota	31	467.09	398.86	73.62	41

Note: Staff support is measured as the state expenditures (in thousands) for the legislature not paid toward legislative salaries. Expenditures are divided by the number of state legislators in each state and then summed over each respective biennium to attain expenditures per legislator during each biennium. The 10-year average includes all sessions held between 2003/04 and 2013/14. The source is Bowen and Greene’s (2014) legislative professionalism dataset found here: <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/27595> The similarity score measures each state’s similarity to New Mexico on a variety of important demographic variables. It runs from 0 (most similar to New Mexico) to 100 (least similar), while the rank runs from 1 (most similar to New Mexico) to 50 (least similar). The similarity score is taken from Jarman’s (2020) analysis found here: <https://www.dailykos.com/stories/2020/2/19/1917029/-How-similar-is-each-state-to-every-other-Daily-Kos-Elections-State-Similarity-Index-will-tell-you>

Table 5 lists the number of permanent, session, and total staff employed by each state in 2015. It is sorted by *permanent staff per legislator*.

- ✓ According to Table 5, New Mexico maintained 168 permanent staff—about 1.5 per legislator—in 2015. New Mexico is **36 out of 50** states related to employing permanent staff (**15th lowest**).
- ✓ New Mexico’s total staff ballooned to 674 during the session due to an increase of 506 short-term session staff. New Mexico maintained about 6 long- and short-term staff members per legislator in 2015. That ranks NM the **30th out of 50** in total staff per legislator, or the **21st lowest** in the nation.
- ✓ By comparison, New Mexico’s most similar state in terms of *both* population size and similarity score, the state of Nevada, maintained 4.51 permanent staff per legislator in 2015, ranking it 13/50, and 9.29 total staff (permanent and session), ranking it 9/50.

Table 5: Number of Staff by State, 2015 (Sorted by Permanent Staff per Legislator)

<u>State</u>	<u>Permanent Staff</u>	<u>Session Staff</u>	<u>Total Staff</u>	<u>Total Legislators</u>	<u>Permanent Staff Per Legislator</u>	<u>Total Staff Per Legislator</u>
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North Dakota	37	85	122	141	0.26 (50)	0.87 (48)
New Hampshire	129	21	150	424	0.30 (49)	0.35 (50)
Vermont	55	37	92	180	0.31 (48)	0.51 (49)
Wyoming	36	73	109	90	0.40 (47)	1.21 (44)
South Dakota	58	56	114	105	0.55 (46)	1.09 (46)
Idaho	76	60	136	105	0.72 (45)	1.30 (43)
Mississippi	140	33	173	174	0.80 (44)	0.99 (47)
Kansas	148	206	354	165	0.90 (43)	2.15 (37)
Montana	136	115	251	150	0.91 (42)	1.67 (42)
Maine	171	35	206	186	0.92 (41)	1.11 (45)
Georgia	221	210	431	236	0.94 (40)	1.83 (41)
Iowa	167	175	342	150	1.11 (39)	2.28 (34)
Delaware	79	79	158	62	1.27 (38)	2.55 (31)
Utah	133	94	227	104	1.28 (37)	2.18 (35)
New Mexico	168	506	674	112	1.50 (36)	6.02 (30)
West Virginia	201	151	352	134	1.50 (35)	2.63 (12)
Oklahoma	224	75	299	149	1.50 (34)	2.01 (39)
South Carolina	280	52	332	170	1.65 (33)	1.95 (40)
Indiana	252	53	305	150	1.68 (32)	2.03 (38)
Tennessee	264	58	322	132	2.00 (31)	2.44 (32)
Missouri	403	23	426	197	2.05 (30)	2.16 (36)
North Carolina	370	308	678	170	2.18 (29)	3.99 (21)
Colorado	228	88	316	100	2.28 (28)	3.16 (27)
Rhode Island	259	0	259	113	2.29 (27)	2.29 (33)
Connecticut	465	125	590	187	2.49 (26)	3.16 (28)
Alabama	349	59	408	140	2.49 (25)	2.91 (29)
Kentucky	375	93	468	138	2.72 (24)	3.39 (25)
Minnesota	568	68	636	201	2.83 (23)	3.16 (26)
Arkansas	435	97	532	135	3.22 (22)	3.94 (22)
Oregon	303	151	454	90	3.37 (21)	5.04 (16)
Maryland	656	117	773	188	3.49 (20)	4.11 (20)
Ohio	476	0	476	132	3.61 (19)	3.61 (24)
Washington	536	257	793	147	3.65 (18)	5.39 (15)
Massachusetts	759	0	759	200	3.80 (17)	3.80 (23)
Virginia	533	289	822	140	3.81 (16)	5.87 (13)
Hawaii	307	284	591	76	4.04 (15)	7.78 (8)
Illinois	784	67	851	177	4.43 (14)	4.81 (19)
<i>Nevada</i>	<i>284</i>	<i>301</i>	<i>585</i>	<i>63</i>	<i>4.51 (13)</i>	<i>9.29 (6)</i>
Nebraska	229	7	236	49	4.67 (12)	4.82 (18)
Wisconsin	649	0	649	132	4.92 (11)	4.92 (17)

Louisiana	743	179	922	144	5.16 (10)	6.40 (10)
Michigan	817	0	817	148	5.52 (9)	5.52 (14)
Alaska	341	172	513	60	5.68 (8)	8.55 (7)
Arizona	521	97	618	90	5.79 (7)	6.87 (9)
New Jersey	727	30	757	120	6.06 (6)	6.31 (11)
Florida	1,446	167	1,613	160	9.04 (5)	10.08 (4)
Pennsylvania	2,358	0	2,358	253	9.32 (4)	9.32 (5)
Texas	2,057	302	2,359	181	11.36 (3)	13.03 (3)
New York	2,776	89	2,865	213	13.03 (2)	13.45 (2)
California	2,098	3	2,101	120	17.48 (1)	17.51 (1)

Note: State rankings in parentheses (ranges from 1, highest number of staff per legislator, to 50, lowest number of staff). Number of staff taken from National Conference of State Legislators, available here: <https://www.ncsl.org/research/about-state-legislatures/staff-change-chart-1979-1988-1996-2003-2009.aspx> (accessed May 1, 2020). Number of legislators from the *Book of States*, available here: <http://knowledgecenter.csg.org/kc/category/content-type/content-type/book-states> (accessed May 1, 2020).

Salary

Table 6 lists the twenty states with the lowest legislator salaries in thousands of dollars (see above for how salary is measured).

- ✓ According to Table 3, New Mexico has the lowest legislator salary in the nation, at zero dollars. **New Mexico remains the only state in the nation whose legislators do not receive a salary.**
- ✓ The state of Nevada, arguably NM's most similar state, ranks 45th in salary. In 2019 they paid a per diem salary of about \$150 per day over a 60-day regular session (about \$9,000 per legislator per year).

Table 6: Base Salary Ranking (Bottom 20 States)

<u>State</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Similarity Score</u>	<u>Similarity Rank</u>
New Mexico	50	0	0	--	--
New Hampshire	49	0.21	0.19	73.8209	42
Alabama*	48	0.99	0.78	55.8253	11
Montana	47	7.667	6.73	70.5376	37
Wyoming	46	8.16	7.68	67.0934	35
Nevada	45	8.67	8.17	48.0429	3
South Dakota	44	12.39	11.14	64.0457	29
North Dakota	43	13.22	16.46	78.9719	46

Texas	42	14.87	13.37	31.905	1
Utah	41	15.48	21.92	65.6182	32
Kansas	40	16.81	14.58	61.6628	20
Vermont	39	19.39	21.41	72.5933	40
Mississippi	38	21.14	18.86	59.4635	15
South Carolina	37	21.48	19.31	51.6122	7
Maine	36	22.58	22.16	73.9547	43
Kentucky	35	22.81	13.29	66.0087	33
Nebraska	34	24.79	22.29	63.5534	25
Rhode Island	33	27.27	27.47	67.9226	36
North Carolina	32	28.82	25.91	49.1946	4
Arkansas	31	30.56	29.47	60.4805	17

Note: Salary in thousands. Measured as the base salary amount paid to legislators in a given year. The 10-year average includes all sessions held between 2003/04 and 2013/14. The source is Bowen and Greene's (2014) legislative professionalism dataset found here: <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/27595> *Alabama increased their salary to about \$43,000 in 2015, officially tying legislators' salary to the state's median annual household income.

Overall Legislative Professionalism

Table 7 shows how all three measures of legislative professionalism—session, staff, and salary—compare across the states most similar to New Mexico's population size. The table is sorted by *population size*.

Table 8 shows how all three measures compare across New Mexico's most similar states according to demographic and economic variables. The table is sorted by Jarman's *similarity score*.

- ✓ New Mexico's legislature is more comparable to its population peers on measures of professionalism than states with similar demographic and economic characteristics.

Table 7: Session, Salary, and Staff by Similar Population Sizes To New Mexico (w/in 1 million)

<u>State</u>	<u>Population</u>	SESSION LENGTH			SALARY			STAFF SUPPORT		
		<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>
Maine	1332813	32	108.18	139	36	22.57	22.16	42	221.28	185.40
New Hampshire	1343622	46	75.05	42	49	0.20	0.18	50	64.44	60.53
Hawaii	1422029	29	127.39	124	10	84.76	96.61	16	643.99	540.92
West Virginia	1687809	24	102.95	116.89	30	35.81	37.14	44	391.94	387.45
Idaho	1829054	35	137.04	115.02	27	33.08	30.52	34	197.63	183.73
Nebraska	1904760	17	153.30	150	34	24.78	22.28	17	639.73	615.19
New Mexico	2092434	48	70.52	64.61	50	0	0	33	394.51	354.82
Kansas	2908776	20	142.46	127.8	40	16.80	14.57	41	225.83	226.06
Nevada	2922849	38	94.19	87.33	45	8.67	8.17	9	1177.60	1037.02
Mississippi	2988762	9	179.12	152.65	38	21.14	18.85	40	233.64	226.79
Arkansas	2990671	39	94.13	133.11	31	30.56	29.47	21	566.31	597.74
Utah	3045350	47	73.31	62.77	41	15.48	21.92	43	220.43	259.91
<i>Means</i>	<i>2285101.45</i>	<i>32.00</i>	<i>113.59</i>	<i>106.93</i>	<i>35.91</i>	<i>24.66</i>	<i>25.43</i>	<i>31.64</i>	<i>432.37</i>	<i>408.20</i>

Source: Professionalism data from Bowen and Greene (2014), and population data from the U.S. Census.

Table 8: Session, Salary, and Staff by Ten Most Similar States to New Mexico

<u>State</u>	<u>Similarity</u>	<u>SESSION LENGTH</u>			<u>SALARY</u>			<u>STAFF SUPPORT</u>		
		<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>	<u>Rank</u>	<u>10-Year Avg</u>	<u>2013/14</u>
New Mexico	0	48	70.53	64.61	50	0	0	33	394.51	354.83
Texas	31.91	27	129.73	146.97	42	14.87	13.37	5	1455.77	1387.16
Arizona	32.17	5	224.98	184.05	21	49.58	44.57	19	594.22	507.77
Nevada	48.04	38	94.19	87.33	45	8.67	8.17	9	1177.60	1037.02
North Carolina	49.20	11	173.46	176.29	32	28.82	25.91	26	522.67	516.08
Georgia	50.01	43	83.67	87.57	28	35.08	32.21	39	251.76	217.38
Oklahoma	50.12	25	136.25	134	14	79.33	71.31	35	385.96	337.41
South Carolina	51.61	16	156.43	199.41	37	21.49	19.31	20	588.78	652.60
Florida	52.38	36	101.57	88.75	19	61.82	55.14	3	2011.42	1730.02
Louisiana	52.97	34	105.66	85.2	23	40.39	43.10	14	683.79	702.10
Alaska	53.84	12	173.36	131.35	15	70.61	93.59	6	70.61	93.59
<i>Means</i>	<i>42.93</i>	<i>26.82</i>	<i>131.80</i>	<i>125.96</i>	<i>29.64</i>	<i>37.33</i>	<i>36.97</i>	<i>19.00</i>	<i>739.74</i>	<i>685.09</i>

Source: Professionalism data from Bowen and Greene (2014), and similarity score from Daily Kos (Jarman 2020).

Figure 3 depicts how the fifty states rank according to the two primary measures of overall legislative professionalism: Bowen and Greene’s (2014) scale and Squire’s Index (2017). Table 8 shows each state’s scores and ranking.

- ✓ **New Mexico’s legislature ranks near the bottom of both measures of professionalism.** It has the 4th lowest Bowen and Greene score (-1.37) and 7th lowest Squire Index score (.14). NM’s scores are below each measure’s respective means of .11 and .22, respectively.

Figure 3: Overall Legislative Professionalism Ranks

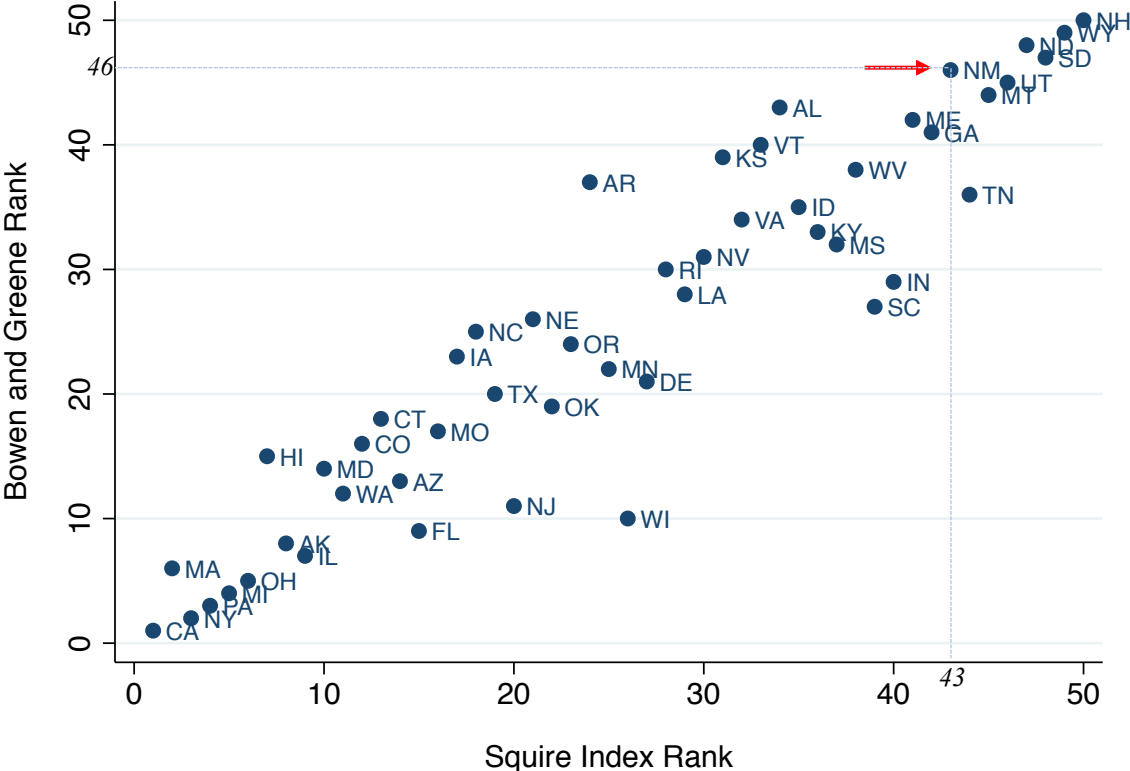


Table 8: Legislative Professionalism Scores

<u>State</u>	<u>Bowen and Greene Score</u>	<u>Bowen and Greene Rank</u>	<u>Squire Index Score</u>	<u>Squire Rank</u>
New Hampshire	-1.60	50	0.048	50
Wyoming	-1.56	49	0.081	49
South Dakota	-1.42	47	0.103	48
North Dakota	-1.43	48	0.112	47
Utah	-1.29	45	0.115	46

Montana	-1.28	44	0.116	45
Tennessee	-0.65	36	0.136	44
New Mexico	-1.38	46	0.14	43
Georgia	-0.93	41	0.149	42
Maine	-0.96	42	0.154	41
Indiana	-0.42	29	0.156	40
South Carolina	-0.36	27	0.156	39
West Virginia	-0.69	38	0.157	38
Mississippi	-0.50	32	0.161	37
Kentucky	-0.64	33	0.162	36
Idaho	-0.65	35	0.169	35
Alabama	-1.25	43	0.175	34
Vermont	-0.91	40	0.178	33
Virginia	-0.64	34	0.178	32
Kansas	-0.80	39	0.181	31
Nevada	-0.48	31	0.182	30
Lousiana	-0.37	28	0.187	29
Rhode Island	-0.44	30	0.2	28
Delaware	-0.09	21	0.203	27
Minnesota	-0.12	22	0.204	25
Wisconsin	0.93	10	0.204	26
Arkansas	-0.68	37	0.207	24
Oregon	-0.13	24	0.214	23
Oklahoma	0.11	19	0.229	22
Nebraska	-0.30	26	0.23	21
New Jersey	0.73	11	0.233	20
Texas	0.06	20	0.234	19
North Carolina	-0.20	25	0.238	18
Iowa	-0.13	23	0.241	17
Missouri	0.18	17	0.243	16

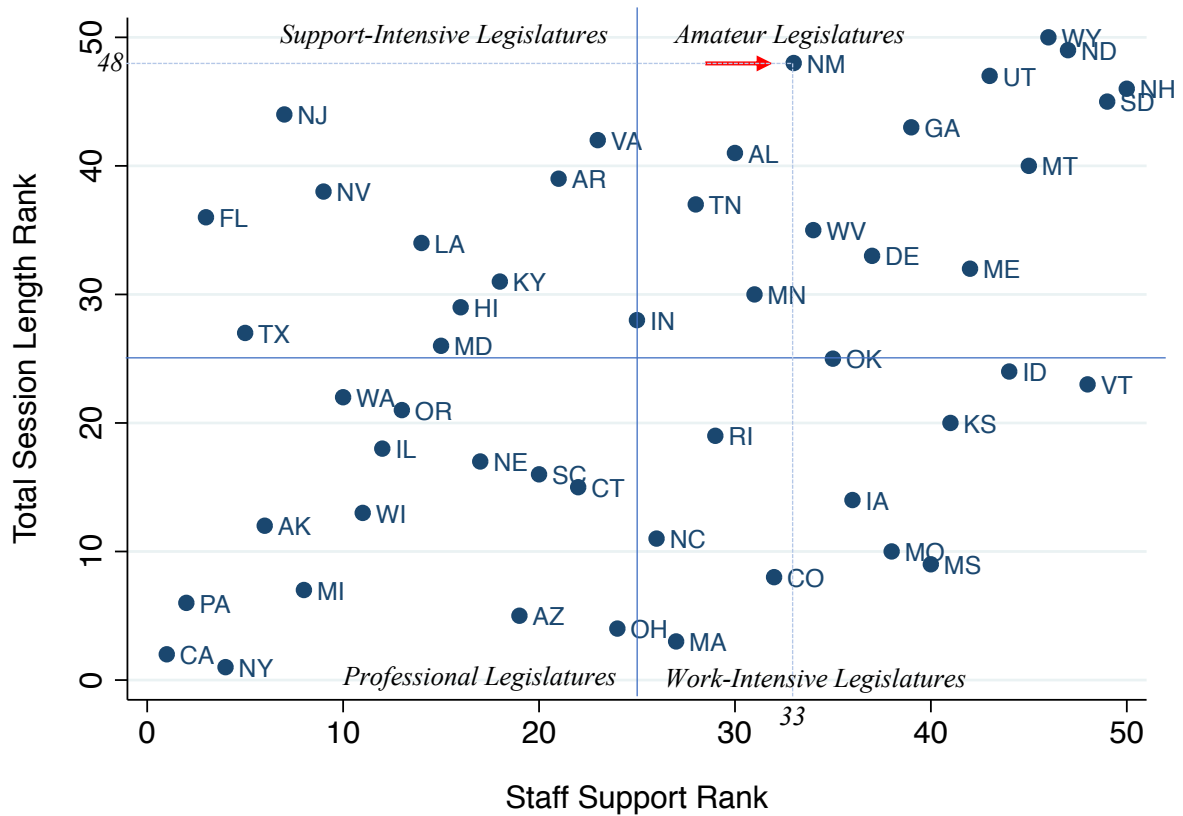
Florida	0.94	9	0.245	15
Arizona	0.48	13	0.264	14
Connecticut	0.15	18	0.267	13
Colorado	0.23	16	0.268	12
Washington	0.56	12	0.272	11
Maryland	0.37	14	0.278	10
Illinois	1.18	7	0.294	9
Alaska	1.02	8	0.296	8
Hawaii	0.33	15	0.321	7
Ohio	1.68	5	0.384	6
Michigan	2.33	4	0.401	5
Pennsylvania	3.16	3	0.417	4
New York	4.72	2	0.43	3
Massachusetts	1.64	6	0.431	2
California	7.21	1	0.629	1

Note: Data from Bowen and Greene (2014) and Squire (2017). Like our data on the individual components of professionalism above, we depict the 10-year average of Bowen and Greene’s overall score. We use their first-dimension score, as it accounts for the majority of variation between states.

Figure 4 below shows a scatterplot between state rankings for total session length and staff support. It is meant to represent Rosenthal’s four types of professional legislatures (see Figure 1). We use each state’s ranking for session length (see Table 3) as a proxy for the heavier/lighter schedule dichotomy along the y-axis, and the ranking for Bowen and Greene’s measure for staff support as a proxy for smaller/larger staff along the x-axis.

- ✓ Following Rosenthal’s typology, **New Mexico’s legislature can be categorized as an “amateur legislature” given its relatively short sessions and small staff support.**

Figure 4: The Professionalization of Legislatures (Session Lengths by Staff Support)

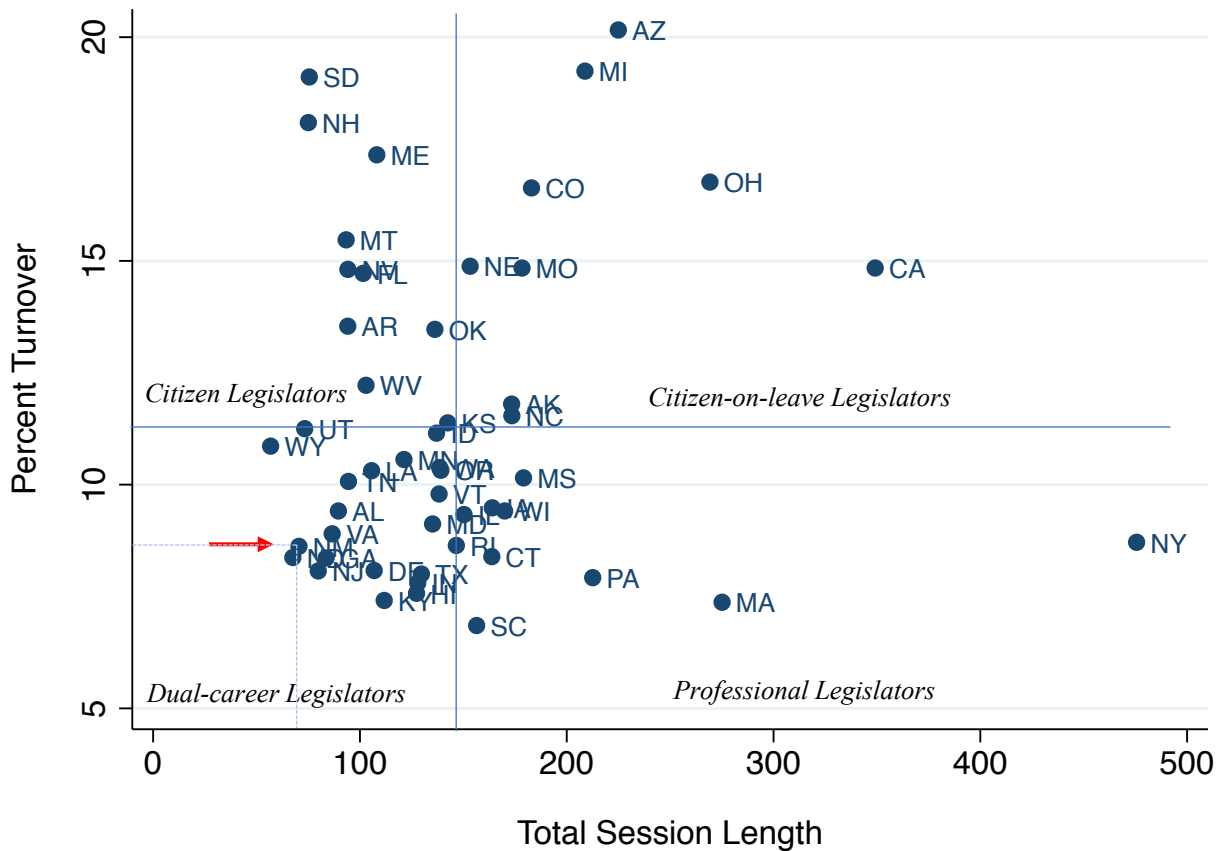


Source: Data from Bowen and Greene (2014)

Figure 5 below shows a scatterplot between each state legislature’s average rate of turnover and total session length. It is meant to represent Rosenthal’s four types of professional legislators (see Figure 2). We use each state’s turnover as a proxy for the short/long term service dichotomy along the y-axis, and each state’s total session length as a proxy for part-full time service. Percent turnover is measured as the average turnover rate of members of each state legislature between 2003 and 2019. Yearly turnover rates were taken from the *Book of States*.

- ✓ Following Rosenthal’s typology, **New Mexico’s legislators can be categorized as “dual-career” given their relatively long careers in the legislature but short session lengths.**
- ✓ **New Mexico’s state legislators have one of the lowest rates of turnover in the nation.** Between 2003 and 2019, New Mexico’s average turnover rate was 8.62%, which is well below the national average of 11.43%. That makes NM the 13th lowest in the nation. **So, while NM’s legislature has one of the shortest sessions in the nation, its legislators have some of the nation’s longest careers.**

Figure 5: The Professionalization of Legislators: Turnover by Session Length



Note: Percent turnover is measured as the average turnover rate of members of each state legislature between 2003 and 2019. Turnover rates were taken from the *Book of States*. Total session length is measured as the number of days the legislature met in the two-year period following the beginning of the biennial session (both regular and special sessions are included). We use the 10-year average for all sessions held between 2003/04 and 2013/14. The source is Bowen and Greene’s (2014) data.

HOW PROFESSIONALISM MATTERS

In this section we outline the effects of legislative professionalism. We do not impose a weight of any kind to the different dimensions discussed below, but we will note where research findings are clearer or stronger, and where they are less clear or weaker. The effects of legislative professionalism should be read in terms of “more or less,” especially since many scholars employ an index of salary, staffing, and days in session to measure professionalism. Even when scholars choose instead to measure professionalism according to one or some number of these component parts, the correct interpretation of findings is relative to less professionalized.

One additional note of caution is in order as we begin this exploration of legislative professionalism and its effect on state politics and policy. Research in this area has been largely if not entirely observational, which means we cannot make definitive statements about the causal influence state legislative professionalism has on state politics or policy, either when it is measured as an index (Squire 2017) or when the major dimensions of professionalism are

considered separately (Bowen and Greene 2014). Although there are clear patterns of association in the research, we are not able to say for certain that legislative professionalism in whole or in part causes changes in the various dependent phenomenon we examine, which we leave to future research.

Electoral Competition and the Incumbent Advantage

Healthy democracy requires that elections be competitive. Competitive elections clarify candidates' issue positions, the differences between candidates in terms of their qualifications and character, and, in general, what is at stake in the election. Because competitive elections clarify choices, they enhance the ability of voters to hold government accountable for its actions.

One dimension of electoral competition concerns the advantage incumbents have over their challengers. The incumbency advantage is the electoral advantage incumbents enjoy simply because they are the current occupants of an office. It has been measured several different ways. Some examine the number of incumbents who seek reelection, and compare that to the number who win and by how much, or margin of victory (e.g. Jewell and Breaux 1988). Some look at incumbent turnover, or the difference between the membership of a legislature at the beginning of a legislative session and the membership of that same legislature immediately after the next election (e.g. Moncrief, Niemi, and Powell 2004). Still others study the sophomore surge—the difference between the incumbent's first victory as a nonincumbent candidate and their first election as an incumbent, controlling for underlying partisan trends within a district and within a given election cycle—and retirement slump, or the decrease in the vote for the incumbent's party once an incumbent is no longer on the ballot (e.g. Breaux 1990). Regardless of how it is measured, effort is made to isolate the advantages derived from being the incumbent, net of other factors that might also influence an incumbent's electoral performance (King 1991).

What have we learned? First, state legislative incumbents enjoy a distinct advantage, one which grew steadily in the latter decades of the 20th century (e.g. Weber, Tucker, and Brace 1991; Cox and Morgenstern 1993).¹¹ Second, legislative turnover decreased, meaning that incumbents were staying in office longer. This trend, however, began to reverse itself in 1990s, a period in which many U.S. states enacted term limits on incumbents, which enforced turnover through statutory means (Moncrief, Niemi, and Powell 2004). More important is the effect that legislative professionalism has on electoral competition. Here there can be little doubt that professional legislatures enhance the incumbent advantage, making elections involving incumbents less competitive. One might assume that elections in professionalized legislatures might be more competitive given that, in theory, the prize to be gained is more valuable, enticing more and stronger candidates into legislative elections. The flaw in this assumption is that what is true for nonincumbents is also true for incumbents, who work hard to hold onto their seats.

In general, studies show that increases in legislative capacity advantages incumbents over challengers. For example, increasing staffing gives incumbents a greater ability to do their jobs representing constituents, which is rewarded by voters (Holbrook and Tidmarch 1991). Of particular importance is the amount of legislative resources devoted to increasing an incumbent's

¹¹ But see Jewell and Breaux (1988).

ability to provide constituency services (King 1991). Others have found that salary is a main driver of the advantage by increasing the probability of incumbent victory (Carey, Niemi, and Powell 2000) and decreasing turnover (Squire 1988). Even increases in legislative budgets more generally—another indicator of legislative capacity—aid the incumbency advantage (Berry, Berkman, Schneiderman 2001; Cox and Morgenstern 1993; Shan and Stonecash 1994), although this effect is greater in single-member districts, compared to multi-member districts (Cox and Morgenstern 1995). More professionalized legislatures not only enhance the incumbent advantage, but they do so by creating conditions that insulate incumbents of both major parties from external forces such as shifting political tides or economic conditions, and/or a weak performance in a previous election (Berry, Berkman, and Schneiderman 2000; Hogan 2004). So, in general, more professionalized legislatures tend to have less turnover and therefore more stable memberships (Moncrief, Niemi, and Powell 2004).

State reformers often claim that increasing salaries will attract a larger pool of challengers. This is true; incumbents *are* more likely to face challengers in states where members earn higher salaries for their service (Squire 2000; Hoffman and Lyons 2014). They are no less likely to be defeated, however. In general, incumbents face weaker challengers (Hogan 2003a, 2003b, 2004) whose ability to make elections more competitive through vigorous campaign spending is severely compromised by their challenger status (Hogan 2004, 2008). Indeed, professionalism only increases competition in open seat elections; that is, when an incumbent is *not* running for reelection (Hogan 2003a; 2004b). **In sum, the advantages that accrue to incumbents as a result of office-holding are electoral advantages that work to stymie the effectiveness of those who seek to unseat them.**¹²

Campaign Spending and Candidate Characteristics

But some challengers are of higher quality than others (e.g. Jacobson 1990) and thus better able to acquire the resources necessary to compete with incumbents. One of the most important among these resources is money. Research indicates that legislative professionalism enhances the quality of challengers' campaigns when such candidates can afford to campaign aggressively (Abbe and Herrnson 2003). Indeed, one of the most consistent findings on elections is that incumbents benefit least from greater expenditures, while challengers and candidates for open seats benefit most (Gierzynski and Breaux 1991). While incumbents *can* scare off challengers with large campaign war chests, these effects are weaker in more professionalized legislatures (Hogan 2001). **Overall, professionalism does not affect campaign spending because its effects are different for different kinds of candidates—positive for incumbents, and negative for both challengers and open seat candidates** (Hogan 2000).

In general, although campaign spending has a significant effect on election outcomes (Gierzynski and Breaux 1991), its importance varies across states and districts because of differences in legislative professionalism, the nature of legislative districts, the number of people who serve in the legislature, district population density, and the role of legislative and party leaders, among other factors. One reason campaigns for more professionalized legislatures are

¹² While salary paid to legislators is a key factor in motivating candidacies, days in session has no effect (Rosenson 2006).

more expensive relative to those for less professionalized legislatures is because a greater number of interest groups get involved in making direct contributions to candidates (Moncrief 1998; Hogan 2005a). More specifically, professionalism's effect on campaign spending is only in general elections, not primary contests, because interest groups are less involved in these intra-party contests (Hogan 1999).

The electoral consequences of legislative professionalism extends beyond advantaging incumbents and disadvantaging challengers. For example, professionalized legislatures were also thought to lead to the election of more Democrats. Because Republicans were more likely to come from the private sector, with more prestigious and lucrative careers, they would be giving up more to serve in professionalized legislatures than Democrats, who tend to come more from careers in lower paid occupations in the government or non-profit sectors. States with professionalized legislatures were also thought to be prone to divided government, with Democrats controlling the legislature and Republicans frequently controlling governorships (Fiorina 1994). Additional evidence, accounting more accurately for partisan voting trends, on the one hand, and the difference between professionalized versus *professionalizing* legislatures on the other, showed no such advantage for Democrats in professional legislatures or Republicans in gubernatorial elections (Squire 1997; Stonecash and Agathangelou 1997).

It also extends to legislators' careers, an important component of legislative commitment and representation. Although this research is less developed than that for the incumbent advantage and legislative competition, a number of key insights have been generated. **Professionalism affects the mix of occupational backgrounds among those who run for the legislature.** Theoretical models of candidate quality suggest that paying politicians simply creates greater material incentives for well-paid professionals to leave the private sector (Besley 2004; Besley and Coate 1997; Osborne and Slivinski 1996). More empirical research indicates that legislative salary has a negative effect on the number of attorneys who run for the legislature, but only a minor, albeit negative, effect on the number of businesspeople who run (Rosenson 2006). Days in session is not related to the number of attorneys who emerge as candidates. And like salary, session length has only a minor negative effect on the number of businesspeople who run for legislative office (Rosenson 2006). Paying elected officials may also alter the recruitment efforts of political parties and interest groups, causing them to look for candidates in highly paid professional occupations (Sanbonmatsu 2006).

Although legislators in professionalized legislatures are significantly more concerned with reelection than those in less professionalized legislatures (Pound 1992; Moncrief, Thompson, and Kurtz 1996; Rosenthal 1998), **professional legislatures also attract more people with what scholars call progressive political ambition, or the desire to use one office to seek another, higher office** (Maestas 2000). Progressively oriented legislators are thought to have greater incentives than those who are less progressively oriented to carefully monitor and accurately assess the policy needs of constituents, enhancing the quality of representation they receive (Maestas 2000). Once elected, salary is negatively related to whether legislators have outside careers, while session length has no effect (Maddox 2004). Higher legislative salaries, however, may decrease the average quality of the individuals who enter politics and who make a career of it, as indicated by private sector career opportunities (Mattozzi and Merlo 2008). Professionalism, especially as indicated by salary, also influences the job perceptions of those

who serve. The amount of compensation, but not days in session or legislative staff, is linked to perceptions among legislators that they spend more time and give more effort to legislative work relative their counterparts in less professionalized legislatures (Kurtz, Moncrief, Niemi, and Powell 2006).

Policy Making and Diffusion

At its core, state legislative professionalism denotes a high level of capacity to engage in lawmaking. “This involves the extent to which the legislature can command the full attention of its members, providing them with adequate resources to do their jobs in a manner comparable to other full-time political actors, and setting up organizations and procedures that facilitate law-making” (Mooney 1994, 71). **On this point, it is clear that more professionalized legislatures are more effective lawmaking bodies.** For instance, greater capacity also allows legislatures to craft highly complex legislation in response to technical policy issues (e.g. energy regulation) (Ka and Teske 2002), as well as legislation that is both innovative and less prone to imitate the legislative choices of neighboring or similar states (Jansa, Hansen, and Gray 2019). Although whether committees—the policy workhorses of legislatures—are more powerful in professionalized legislatures is debatable (Kousser 2005; Richman 2008), Emrich (2022) finds professionalism increases the likelihood of forming conference committees to reconcile inter-chamber differences.

Professionalized legislatures are more productive as well, notwithstanding bills related to federalism where it has no effect (Callaghan and Karch 2021). They pass more bills and witness a lower incidence of missed roll call votes (Hoffman and Lyons 2014). More specifically, increasing the number of days in session substantially reduces the incidence of non-voting because it constrains the ability of legislators to earn outside income (Hoffman and Lyons 2014). Furthermore, the information gathering capacity of the legislature, another indicator of professionalism, produces more strategic non-voting as members can more accurately assess the political implications of roll call votes (Fortunato and Provens 2017). The outcomes of roll call votes are also more coherent and predictable in professionalized legislatures than in less professionalized ones, meaning that from one bill to the next, the successful coalitions that form are less idiosyncratic, and are more unified in terms of political party (Carroll and Eichorst 2013). Professionalism, measured as salary, however, produces more district-specific legislation, as opposed to bills with statewide coverage (Gamm and Kousser 2010), as legislators use their lawmaking power to solidify connections to their constituents.

Scholars have also examined the effect of professionalism on budgetary policy. For example, some argue that legislative professionalism leads to greater state spending relative to states with less professionalized legislatures (Owings and Borck 2000). Others, though, suggest professionalism follows greater state spending (Malhotra 2006, 2008). Regardless, growth in government formed the foundation of efforts to de-professionalize state legislatures in the 1990s, through such mechanisms as term limits (Owings and Borck 2000). Legislative professionalism has, however, been linked to particular *types* of spending. In general, because of their narrower constituencies, legislators tend to favor tangible, place-specific spending on items such as those associated with economic development. By contrast, governors favor redistributive or welfare spending to economic development, because such spending benefits statewide constituencies.

Research demonstrates this difference in priorities; in states with more professionalized legislatures—measured as salary paid to members—the ratio of development to redistributive spending is greater (Barrilleaux and Berkman 2003). Legislative professionalism is also positively linked to higher education spending in states (McLendon, Hearn and Mokher 2009).

Finally, policy diffusion research has incorporated legislative professionalism as a possible driver of policy innovation across several decades of research. Policy diffusion refers to the spread of policies from one state to another. Research findings on legislative professionalism’s effect on diffusion are decidedly mixed and at times contradictory. Walker’s (1969) path-breaking treatment of policy diffusion discusses the role of “pioneering” versus non-pioneering states in the policy diffusion process. Pioneers are states that “provide the most extensive staff and research facilities in their legislatures ...” (p. 885) so that legislators can “give serious consideration to a larger number of new proposals.” (p. 885). In other words, states with more professionalized legislative operations were also mostly to be the first to innovate. Consistent with Walker’s (1969) findings, recent work by Hansen and Jansa (2021) finds that “high resource” legislatures reinvent bills more than low-resource legislatures on average, although they both reinvent complex policies at about the same rate. Furthermore, Jansa, Hansen, and Gray (2019) show that less professional states are more likely to copy other state and national model bills, with the most likely reason being the lack of funding for staff assistance. And legislative professionalism seems to have a strong and positive effect on state adoptions of both state and local level anti-smoking policies (Pacheco 2012; Shipan and Volden 2006). In summary, Jansa, Hansen, and Gray (2018) captures this line of research well:

“While legislatures with more funding for staff have a greater ability to research, deliberate, and innovate when creating policy solutions for difficult social and economic problems, legislatures that have reduced or restrained staff expenditures are more likely to depend on the innovations formulated in other states, and for other citizens, in different circumstances” (761).

This is not to suggest that a consensus exists on the relationship between legislative professionalism and policy diffusion. The study of policy diffusion in the states has a long history of including indicators of professionalism as controls in models designed to explain the process of policy diffusion (e.g. Berry and Berry 1990; Glick and Hays 1991; Gray 1973; Welch and Thompson 1980). Some that included indicators of professionalism found no effect on policy diffusion (e.g. Bouche and Volden 2011; Caron 2021; Hill and Hurley 1988; Kroeger, Karch, and Callaghan 2022; Volden 2006), or little to negative effects (e.g. Bricker and LaCombe 2021; LaCombe and Boehmke 2021; LaCombe, Tolbert, and Mossberger 2022; Mallinson 2020; Makse and Volden 2011; Riverstone-Newell 2013). We are left, then, with a bit of a mixed bag on the topic of policy diffusion. While professional legislatures tend to be more productive overall—and perhaps more innovative—it appears that the relationship between professionalism and policy diffusion is still in need of further clarification.

Executive-Legislative Relations

A key part of lawmaking is bargaining with governors, who in general have become more powerful over time (Smith and Greenbalt 2020). **More professionalized legislatures can**

bargain more effectively with governors in the legislative process. Days in session is a particularly important factor. Longer sessions mean that legislators have more time to craft responses to executive proposals and signals, to plan strategy, and to use the timeline of the legislative session to negotiate better deals for their constituents. Shorter sessions lead to less effective bargaining as part-time legislators anxious to return home to their regular careers weigh the costs and benefits of continued negotiations with governors unaffected by such concerns (Kousser and Phillips 2009, 2012). Enhancing the capacity of the legislature relative to the governor should not be viewed as a zero-sum game, however. Governors are better able to forge compromises with high-capacity legislatures (Dilger, Krause, and Moffett 1995). This includes improved odds of avoiding vetoes on highly salient issues such as the death penalty due to the legislature possessing the capacity to resolve differences earlier in the bill process (Ricknell 2021). That said, governors are also more likely to circumvent professional legislatures by engaging in unilateral activity such as executive orders (e.g. Cockerham 2021; Bolton and Thrower 2022). The effect of legislative capacity, however, may be conditional on interbranch conflict (Bolton and Thrower 2016; Cockerham and Crew 2017) or policymaking capacity (Barber, Bolton, and Thrower 2019).

Indeed, a major function of legislatures is oversight of the executive branch. While legislators write the laws, executive branch agencies implement them. In theory, legislators and their constituents have a concrete interest in seeing that executives implement the law in ways preferred by the legislative branch. In this area, the influence of legislative professionalism is more complex and less clear than in the lawmaking or, as we discuss below, representational realms. Legislatures with larger staff capacity are better able to oversee executive branch agencies compared to ones with smaller staff capacity. At the individual level, legislators with larger staffs are more inclined to engage in agency oversight (Poggione and Reenock 2009).

Staff capacity is positively linked to so-called “fire alarm” procedures, which are legislative requirements that agencies report rule changes to affected interest groups. When concerns are noted by interest groups, staff or legislators, the metaphorical fire alarm sounds, which then allows legislators to aid groups whose interests are threatened. Staffing levels, though, have no effect on requirements that agencies produce risk, economic impact, or cost benefit analyses in conjunction with proposed rule changes (Potoski 1999). Furthermore, professional legislatures that pay higher salaries write more detailed legislation that allows them to, for example, more effectively control state bureaucracies, especially when the legislature is controlled by one party and the governorship controlled by another (Huber, Shipan, and Pfahler 2001; McGrath 2013). On the flip side, they are also less *susceptible* to bureaucratic influence, most notably when bureaucrats attempt to craft statutory language aimed at governing their own behavior (Kroeger 2022).

Although professionalism generally enhances the capacity of legislatures to oversee the executive branch, careerism associated with professionalism tends to undermine it. Oversight is difficult, and with little political payoff except perhaps in cases of administrative failures that generate substantial media coverage, career legislators may forswear it in favor of other more politically beneficial activities. The net effect of professionalism therefore may be little in the way of effective bureaucratic oversight (Woods and Baranowski 2006; Bourdeaux and Chikoto 2008). One important caveat is that this effect is only in conjunction with Democratic legislative

majorities, meaning that the combination of activist Democratic legislators with the greater oversight capacity afforded by professional legislatures, leads to more aggressive oversight (Boehmke and Shipan 2015).¹³

Interest Group Pressure

In addition to enhancing the lawmaking independence of legislatures, legislators and the public they serve may also desire greater independence from interest groups. Organized interests and their lobbyists play a powerful role in American politics. Their influence is particularly evident at the state level. The type of interest groups system (i.e., the range and diversity of interests) in any given state will vary based on the nature and complexity of a state's economy (Thomas and Hrebener 2004). The power of that system, or the degree to which interest groups influence legislatures, varies according to several factors, one of which is legislative professionalism. In theory, less professionalized legislatures have a harder time generating information relevant to legislation, which is often provided by interest groups and their lobbyists (Nownes 2001). As legislatures professionalize, their capacity grows, and they become less reliant on interest groups (Berkman 2001).

Legislatures can influence interest group systems by passing political reform measures that more tightly regulate lobbying activities and/or the ability of groups to finance campaigns. Legislators, however, may have little incentive to regulate interest groups and their lobbyists, as they benefit from the information that lobbyists provide during the legislative process. Lobbyists and the interests they represent can be instrumental in creating the coalitions needed to pass legislation. Lobbyists and interest groups can also be instrumental in campaigns, providing the campaign resources and/or campaign labor essential to securing reelection. Legislators, often poorly paid and overworked, may desire to work for an interest group or lobbying firm once their time in the legislature as elected officials has concluded, creating incentives for members not to treat interest groups too harshly (Ozmy 2013).

At the same time interest groups and lobbyists can be a threat to the public interest, dominating legislative agendas in ways that drown out the perspectives of ordinary citizens. This possibility opens the door to regulation of interest groups to keep them from violating principles of fairness and equity, good governance, and to limit their ability to corrupt the process, or create the appearance of it. Legislative actions designed to promote good governance reforms focus primarily on lobbying and campaign finance. **Research indicates that more professionalized legislatures are more aggressive in their efforts to regulate the relationship between lobbyists and legislators than are less professionalized legislatures.** A greater number of laws defining the meaning of lobbying, prohibiting certain practices, and requiring more extensive lobbying disclosure are more likely to be adopted by more professional legislatures (Ozmy 2013). According to one study, staff resources, as opposed to salary or days in session is largely responsible for this effect (Opheim 1991). Other research confirmed this relationship, but also found a positive relationship for days in session (Ozmy 2013). Recent research from Cluverius

¹³ In one of the few papers that includes professionalism and state legislative-judicial relations, Hack (2022) shows that legislatures are more likely to introduce court-curbing bills as their level of professionalism increases. The substantive effect is small, however.

(2021) also finds varying effects across the three main dimensions of professionalism. Specifically, he finds that legislators with longer sessions are less influenced by grass-roots lobbying, that legislative staff make legislators more likely to be influenced, and that legislator pay has no meaningful effects on legislator influence.

Scholars have also examined the effect of legislative professionalism on the stringency of campaign finance laws. Professional legislatures have stricter limits on corporate and labor contributions, possibly because the sources of campaign donations in these states is more varied than it might be in less professionalized states (Pippen, Bowler, and Donovan 2002). Other models show a strong positive relationship between legislative professionalism and the severity of campaign finance regulations, including reporting requirements, public financing, expenditure and contribution limits (Witko 2007). And while political scandal and other states' decisions influence the adoption of state ethics commissions, more professionalized legislatures, as indicated by salary, are more likely to adopt this good government reform (Rosensen 2003). Paying legislators more does not reduce the incidence of corruption, however (Hoffman and Lyons 2014).

Legislative Leadership

The leadership structure of state legislatures across the 50 states is largely comparable. Lower chambers, usually called a house of representatives, but in some places called an assembly, have speakers, and majority and minority party leaders. Speakers are usually members of the majority party but depending on political and ideological factors when they are chosen, may not be. In state senates, there is usually a president, or a president pro-tempore, or majority leader (Smith and Greenblatt 2020, 188).

Legislative professionalism influences the nature of leadership, as opposed to its structure. Two views on the link between professionalism and leadership have been debated. One suggests that professionalism produces weak leadership structures as the more ambitious legislators attracted to these bodies in the first place focus their attention on their district constituencies as opposed to crafting legislation. For members of more professionalized legislatures the electoral payoffs for legislative service rest in the area of constituency service and position-taking as opposed to the more time-consuming and difficult task of creating policy agendas and building coalitions to support them. According to this logic, leaders should be stronger in *less* professionalized legislatures populated by people whose overriding goal is not reelection (Moncrief, Thompson, and Kurtz 1996, 70).

This view, however, assumes that achieving a party's legislative goals is not in the reelection interests of legislators. An alternative view argues that legislators in more professionalized bodies have greater incentives to empower their leaders to secure policy gains, which members can use in their reelection efforts. In addition to policy gains that leaders might use to advantage rank and file members, stronger leaders control resources that can help their most electorally vulnerable members secure reelection, e.g., committee assignments, campaign donations, staff resources, and favorable scheduling of votes (Clucas 2007). According to this view, the partisan political incentives of individual legislators cause them to empower leaders to produce party gains that, in turn, benefit individual members' reelection chances.

A related view suggests that leadership power is affected by the financial incentives (e.g., salary) and political advancement opportunities provided in each state. According to the framework of career, springboard and dead-end legislatures, leaders should be strongest in career and dead-end legislatures, and weakest in springboard. This is so because the incentives for members to delegate power to leaders are strongest in career and dead-end legislatures, and weakest in springboard, which places a premium on individual political entrepreneurship (Squire 1988; Richman 2010). Leaders also have longer tenures in legislatures that are more professionalized (Kousser 2005).

In the end, we are left with competing conclusions about the relationship between professionalism and leadership power. Some scholars find that professionalism strengthens leaders' powers (e.g. Clucas 2007) while others find the opposite (Moncrief, Thompson, and Kurtz 1996; Richman 2010). Furthermore, in the research's most recent contribution, Shay (2021) finds no relationship between the two. Perhaps Richman's (2010) study provides a framework for future clarification. First, he finds a robust and negative relationship between professionalism and the Speaker's powers, measured as an index across five variables (leadership appointments, committee appointments, control of campaign and staff resources, power over floor procedures, and term limits on the office of Speaker).¹⁴ However, the effect of legislative professionalism varies across subindexes. Richman (2010) finds that professionalization has a strong negative influence on the Speaker's appointment, resources, and committee powers, but it does not significantly influence procedural powers or tenure.

Descriptive Representation

Political scientists conceptualize representation primarily from two angles. One is descriptive representation, while the other is substantive. Descriptive representation asks a simple question: To what degree do the members of a legislature, in the aggregate, look like or mirror the population they serve, in terms of demographic variables like race/ethnicity, income, education, or occupation? Substantive representation, on the other hand, asks whether the policies adopted by the legislature represent the preferences of the people as a whole.

Descriptive representation is important to consider because a greater diversity of opinions and life experiences brought to bear on decision-making is thought to produce better outcomes. Representation of women in state legislatures has garnered significant scholarly attention (Darcy, Welch, and Clark 1994). Early research into the descriptive representation of women in state legislatures leads to the clear conclusion that women are underrepresented in professional legislatures (Diamond 1977; Hogan 2001a; Nechemias 1987; Norrander and Wilcox 1998; Rule 1981; Squire 1992). Days in session negatively affects the presence of Democratic women in legislatures, but salary has no effect on the presence of women (Sanbonmatsu 2002). Party leaders in professionalized legislatures are more likely to think that men have an electoral advantage over women, but more professionalized legislatures, more specifically ones with

¹⁴ Created by Clucas (2001) and later updated by Mooney (2013), the index of Speaker power is the foundation of many studies on leadership in state legislatures (e.g. Miller, Nicholson-Crotty, and Nicholson-Crotty 2011; Mooney 2013; Richman 2010; Shay 2021).

longer sessions, have more resources to gauge the electoral prospects of female legislators, which can then be used to their advantage. So, while most research finds women are less likely to be represented in professionalized legislatures, these same legislatures have resource advantages that can be used to aid female candidates, especially incumbents (Sanbonmatsu 2002). This tradeoff may explain why research finds that legislative professionalism has little to no effect on the presence of women legislators overall (Hogan 2001a).

Professionalized legislatures create a more conducive environment for women elected officials to work on issues relevant to women (Carroll and Tayler 1989). But research on how well women fit in less personalized, more information-oriented environments is mixed. Some research indicates that these settings advantage female lawmakers because they are less likely to be controlled by male-dominated networks and modes of operating (Blair and Stanley 1991). Other work, however, indicates that the more male-dominated professionalized legislatures make legislative life especially difficult for women (Rosenthal 1998). Still others find that gender itself, not the type of legislature, explains bill-passage and attaining leadership positions (Ellickson and Whistler 2000). Demands of legislative life are different for women, too. For example, women legislators receive more requests for constituency casework than their male counterparts, especially when resources such as legislative staff are more plentiful (Richardson and Freeman 1995).

There has been less research on the representation of racial and ethnic minorities in state legislatures. What work that has been done suggests that professionalism increases the presence of African American legislators (Squire 1992; Clark 2019). The interaction between the percentage of Latinos in a state's population and legislative professionalization reduces the number of Latinos who serve in the legislature (Casellas 2009). In other words, professionalism's effect on Latino representation is particularly pronounced in states with large Latino populations. Professionalism has a negative effect on the descriptive representation of white female legislators, but no effect on the representation of women of color (Scola 2013). Professionalism, though, has a strong and positive effect on the representation of black women (Reingold, Haynie, and Bratton 2014).

A third dimension that has garnered attention from scholars is the link between professionalism and a legislature's occupational diversity. Professionalism lowers the occupational diversity of legislatures as officeholders identify more as full-time legislators, and as they distance themselves from their previous careers (Squire 1992). Professionalism, and salary especially, increases the distance between the kinds of industry groups in a state and the occupational composition of the legislature (Battista 2013). Citizen legislatures attract those whose livelihoods are not connected to the marketplace per se (students, homemakers, and retirees), and other individuals like real estate and insurance agents, who can set their own schedules and who won't be fired for taking long-periods away from the job as they execute their legislative duties (Squire 1992). There was some expectation that professionalism would increase representation of those from blue-collar occupations, but this has not been the case, as the greater salary offered by professional legislatures makes the job *more* attractive to those from high prestige/high salary occupations (Carnes and Hansen 2016).

Substantive Representation

Unlike descriptive representation, substantive representation attempts to assess the degree to which the policy choices of government truly reflect the will of the people. In other words, if you had perfect information about the policy preferences of a state's population, would the choices of state government reflect this in a meaningful way? In general, state governments get high marks for reflecting the will of their residents in the policy process. States with more ideologically conservative residents tend to get more conservative policies, while states with more ideologically liberal residents tend to get more liberal policies (Erikson, Wright, and McIver 1993; Tausanovitch 2019). But what precisely is the role of legislature in producing these substantive policy benefits?

According to Lax and Phillips (2009, 2012), a state might be considered responsive if there is a correlation between public opinion on the issues (e.g., abortion, education, electoral reform, gaming, gay and lesbian rights, health care, immigration) and the policy choices of state government. For example, professionalized legislatures are quicker to respond to the preferences of their constituents than less professionalized legislatures (Pacheco 2012). This also supports expectations derived from work showing that the resources provided by professional legislatures enhance progressively-minded legislators' ability to monitor public opinion and to act on their constituent's policy needs (Maestas 2003).

But responsiveness is not the only consideration (Lax and Phillips 2009, 2012); another is policy congruence, or the degree to which state policy actually matches what the majority wants, across a number of different policy areas. Liberal policies may be adopted in a state with a liberal population, but the policy itself may still diverge from what the majority prefers. Lax and Phillips (2012) label this divergence in policy the "democratic deficit," and find that it is strikingly present at the state level, where majorities get what they prefer only about "half the time" (148). **Legislative professionalization positively influenced the link between opinion and both responsiveness and congruence and was most pronounced in states whose legislature met in longer sessions as opposed to ones with larger staffs or greater salaries** (Lax and Phillips 2012, 160). Interestingly, term limits, a sign of backsliding on legislative professionalism, was also shown to enhance policy representation.

More recently, Caughey and Warshaw (2018) examined the link between state-level public opinion and policy over several decades. They find that party control has a direct effect on short-term policy choices, with liberal parties pursuing more liberal policies, but that the overall effect of opinion on policy change was more gradual. In contrast to Lax and Phillips (2012), they find no evidence that the degree of legislative professionalism, measured as number of days in session, mediates the influence of mass opinion on policy. The flip side of this of course is whether the behavior of legislators affects the behavior of voters. Rogers (2017) find that roll-call votes of state legislators have little connection to voter decisions about which candidates to support and that this disconnect is stronger in states with more professionalized legislatures, measured as number of legislative staff. Whether legislative professionalization enhances policy representation or whether the policy choices of legislators serve as a mechanism of accountability remain open questions.

Other research indicates a third mechanism for state legislative policy responsiveness, namely the decisions of local officials. Shipan and Volden (2006), for example, showed that more professionalized legislatures were more likely than less professionalized ones to adopt statewide anti-smoking statutes as the number of local ordinances grew to cover an increasing share of a state's population. Although the mechanism in this study is slightly different—local elected officials' policy actions versus the policy views of state residents—the idea is largely similar, namely, that more professionalized legislatures are better able to deliver substantive policy representation to state residents than less professionalized ones.

Public Approval

The vast majority of state legislatures in the U.S. have increased their level of professionalization over the past 50 years. Most meet annually, and for longer periods of time, and most provide some form of payment to legislators for their service. The budgets for legislatures have grown, and legislative staffs increased for a number of years, before leveling off (Smith and Greenblatt 2020, 199). They are more inclusive of women and minorities than at any time in U.S. history (Smith and Greenblatt 2020), and the public has more interaction with the people who serve in them (Squire 1993).

Despite these developments, early research suggested that state legislatures were generally held in low regard by the public, a condition that was especially true for professionalized legislatures. Not only did the public pay less attention to these types of legislatures, but they were also far more likely to be viewed negatively than less professionalized ones (Squire 1993; Kelleher and Wolak 2007). More recent scholarship, however, suggests that the negative public approval of professionalized legislatures resulted from a failure to account for the ideology of survey respondents. When properly accounted for, the negative effect of professionalization disappears. Liberals want more from government, therefore they are more supportive of professional legislatures, whereas conservatives want less, and so are less supportive. Moderates fall in-between these two extremes in their approval of professionalized state legislatures (Richardson, Konisky, and Milyo 2012).

Opinion of the legislature is also filtered through a partisan lens; people offer more favorable assessments of the legislature when their party controls it, and less favorable ones when it does not. Legislative professionalism also has a negative effect on approval both in general and among those with more knowledge, consistent with previous findings, but this effect is not particularly large (Richardson and Milyo 2016, 275). According to recent studies, the effect of legislative professionalism on individual-level trust in state government is nil (Wolak, 2020), while its effect on overall opinion of state government is positive and significant (Bowen 2022, 477). More research is necessary to sort out these differences, but it is likely the discrepancy relates to the differences between individual-level surveys versus aggregate indicators of state government approval.

Legislative Norms

Legislative norms play a key role in structuring legislative life and engagement among legislators. Often informal norms of behavior shape legislators' expectations about the legislative

process and can directly affect the quality of one’s experience in the legislature itself. From seniority systems to how legislators address one another during legislative sessions, norms structure the work of legislatures in ways that allow legislators to get their work done, and to avoid the pitfalls of working in highly contentious environments.

It was once thought that highly professionalized legislatures are more congenial, less prone to “hard-ball” politics (e.g. Caldeira, Clark, and Patterson 1993; Matthews 1960; Polsby 1968; Reingold 1996; Rosenthal 1981). Because their memberships are more stable than those in legislatures that are less professionalized, members of professionalized legislatures have more incentives to get along, to uphold notions of professional courtesy and respect, even in the face of considerable partisan disagreement and, perhaps, intense personal animosity. This is less likely to be the case in less professionalized legislatures where turnover is more variable. Frequent interactions among a stable group of individuals creates a more positive, and less contentious political atmosphere, since today’s interactions are likely to influence future ones, increasing the incentive to get along.

Like the U.S. Congress (Reynolds 2021), incivility in state legislatures is a growing concern among the public and legislators (Andrews 2017; Rosenthal 2005). Interestingly, in contrast to earlier work some scholars argue that increased professionalism may *weaken* the tradition and norms of legislative bodies, leading to a decrease in socializing among legislators and the undermining of interpersonal trust (Thompson, Kurtz, and Moncrief 1996). Kettler, Fowler, and Witt (2022), for example, find that perceptions of civility among state legislators is higher for states with citizens legislatures. They explain it this way:

“Incivility appears to be most common where legislators are full-time professional politicians and rely less on their inter-personal connections. Specifically, in states with citizen legislatures, legislators are playing a less active role in state politics and are operating among a discrete group of policy actors. Thus, legislators are both under less pressure and have more incentives to maintain working relationships with others. In contrast, legislators in states with professional legislatures are on the forefront of political decision-making, so they are under more scrutiny from media, peers, and constituents” (Kettler, Fowler, and Witt 2022, 64).

Their logic provides some justification for Herrick and Thomas’ (2021) finding that candidates running for professionalized legislatures reported more violence than their counterparts in citizen legislatures during the COVID-19 pandemic.

Of course, the recent increase in polarization is also a major reason for the rise in incivility in legislatures. But legislative professionalism has been linked to the increased polarization of political parties as well, which reduces the avenues for bipartisan consensus and increases the electoral incentives for conflict (Hinchliffe and Lee 2016; Jesuale 2022). The silver lining here is that while polarization is difficult to solve in the short term, institutional reforms, as Kettler, Folwer, and Witt (2022) note, may “create an environment more conducive to civility” (64). Fortunately, scholars, think tanks, and policy makers at all levels of government—most notably the National Conference of State Legislatures (e.g. Andrews 2017), Brookings Institution (e.g.

Reynolds 2021), and even the Select Committee on Modernization of Congress—appear to be taking the issue seriously.¹⁵

CONCLUSION

This review has focused on the meaning of state legislative professionalism and the effects it has in a range of critical areas. States seeking to enhance one or more elements of professionalism by, for example, increasing staff or the amount of time spent in session, or by paying legislators more for their service, have an extensive research base upon which to ground such decisions. We have endeavored here to present the nuances associated with the meaning of professionalism and to share insights on its effects gleaned from research conducted over the past 50 years. To be certain, increasing legislative capacity is not like flipping a switch, whether that switch be greater salary, more days in session, or more professional staff. One, a combination, or all three could be selected, and any one of these would influence the capacity of the legislature to act as an independent body.

Although the main era of state legislative professionalism (1960 to 1990) has long since passed, its consequences endure. That said, professionalism as both a subject of research and legislative reform appears to be finding renewed interest among scholars and policy makers. For example, momentum is building among scholars to revisit its consequences given that: (1) states have become central to policy change and diffusion in light of gridlock at the national level and Supreme Court decisions pushing hot button issues back to the states (e.g. Dorrell and Jansa 2022; Kroeger, Karch, Callaghan 2022; LaCombe and Boehmke 2021; LaCombe, Tolbert, and Mossberger 2021; Mallinson 2021; Makse 2021); (2) the U.S. continues to experience transformational demographic shifts that raise questions about the relationship between institutions, such as legislative professionalism, and descriptive representation (e.g. Clark 2019); and (3) state legislatures' attempts to reign in governors, especially after unprecedented growth in executive power during the coronavirus pandemic (e.g. Bolton and Thrower 2022; Cockerham 2021; Greenblatt 2021).

While we expect future research to further clarify the consequences of professionalism in light of these and other changes, we believe two important conclusions are worth emphasizing. First, consistent with foundational theories of institutionalism in general (e.g. Shepsle 1979; March and Olson 1984), it is clear that legislative professionalism has a multitude of important—and sometimes *competing*—effects. For example, professionalism may diversify candidate pools for legislative office, but it also entrenches incumbents. Professionalism provides the capacity needed for legislatures to check governors, bureaucracies, and lobbyists, but it also may increase polarization in the institution. Professionalism might foster responsiveness to the public, but it may also decrease trust in government. The picture is further complicated by the fact that these consequences not only differ across different indicators of professionalism (e.g. staff, session length, and salary) but a state's other institutions as well (e.g. campaign finance laws, term limits, electoral rules, legislative leadership powers, etc.).

¹⁵ See <https://modernizecongress.house.gov> for information on the Select Committee on the Modernization of Congress (accessed August 10, 2022).

Second, the independence of the legislature from outside forces such as the executive branch and interest groups and their lobbyists, is key to representative government, and greater professionalization is perhaps the only way to get there. This is not to say that governors and interest groups will not influence the legislature; to suggest that outcome would be unwarranted in the extreme. It is also not to say that amateur legislatures always lack an ability to represent the policy needs of their constituents. It is to say, however, that greater professionalization will help to insulate the legislature from these outside forces and better equip it to speak with its own voice in policy matters.

The multitude of consequences requires policy makers to weigh the often-competing effects of professionalism. Indeed, political scientists and policy makers have learned a lot about the consequences of professionalism since California passed Proposition 1A in 1966 under the leadership of Speaker Unruh. We hope this review provides a roadmap for policy makers and reformers in states such as New Mexico who seek clarity on the effects of legislative professionalism.

While some findings are decidedly mixed, based on the research reviewed above we feel confident in saying that greater legislative professionalism produces:

- ✓ Greater incumbency advantage in elections, but more contested elections as more would-be challengers make the effort to contest incumbents even when their odds of victory remain low.
- ✓ Less membership turnover and thus more stable memberships.
- ✓ More sophisticated and expensive campaigns for office.
- ✓ Less incumbent electoral vulnerability to political and economic shifts, especially those related to the popularity of governors.
- ✓ An increase in the number of progressively ambitious candidates, ones who will more carefully monitor their constituents needs and who will endeavor to represent them accurately in order climb the political ladder.
- ✓ An increase in the effort that legislators put toward to being representatives.
- ✓ More effective and capable lawmaking.
- ✓ More effective bargaining with governors.
- ✓ More stable coalitions in roll-call votes as legislators turn more to party leaders to help their reelections by producing winning coalitions in support of party objectives.
- ✓ Greater ability to oversee executive branch agencies.
- ✓ Stronger regulations around lobbying and campaign finance.

- ✓ Members who are focused more on reelection than legislation.
- ✓ Greater substantive representation.

Our recommendations for the state of New Mexico are the following:

1. Staffing: Increase the number of permanent legislative staff, especially staff connected to individual legislators as opposed to staff that might work for interim committees such as the Legislative Finance Committee or the other permanent, year-round policy committees. Most legislators in NM do not have dedicated staff; they only have access to staff during the legislative session and/or when their work outside the session puts them in contact with institutional staff members. **Additional staff support is the best way to increase legislative capacity.** Among other benefits, increasing professional staff and broadening their distribution in the legislature will mean **greater ability for the legislature to check executive agencies and governmental programs**, and for **individual legislators to build expertise on policy and to conduct constituency service vital to their districts.**
2. Salary: Work to provide a salary to legislators not because of its effects on the legislature, but because it is the fair thing to do. Legislative salary as an indicator of professionalism is linked to a number of important phenomena such as who runs, time spent on the job, legislative productivity and non-voting, district legislation, good government reforms, economic development, etc., but the overall effect of salary is probably not as important as staffing. The question here of course will be where that salary is set.
3. Days in Session: Days in session should be increased to enhance legislative capacity, especially in bargaining with the executive. Increasing session lengths will allow the legislature to become more involved in making policy, in shaping the budget, and running the government itself. As a result, the legislature will become a constant presence that cannot be ignored by the executive or anyone else.

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