

ABSTRACT

Title of Dissertation: A COLLECTION OF RED STATES AND
BLUE STATES: OUT-PARTY THREAT
AND CONTEMPORARY STATE
LAWMAKING

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How does the balance of partisan control at the national level influence state politics? Unlike decades past, partisan control of the federal government is now virtually up for grabs in every election. As a result, when one side manages to gain unified control of the presidency and Congress, they face strong partisan incentives to actually act on their agenda. This is deeply problematic for those in the minority. Not only do they have little control over the national policy-making process, but their past policy achievements and favored programs are jeopardized by the majority.

Outside of Washington, this political context also has implications for state lawmakers. Unlike national politics, unified control of state governments has reached historic levels, with 38 states under unified government (as of September 2021)—up from a low of 19 states in 1998. Meanwhile, average seat margins in state legislatures have expanded considerably, with veto-proof majorities

also reaching all-time highs. As a consequence, majority-party lawmakers are increasingly free to run their states in a way that is consistent with their party's governing philosophy, with little to no resistance.

In this dissertation, I advance a theory of contemporary state policymaking centered on the idea of out-party threat, in which majority-party lawmakers—guided by electoral considerations—exhibit more partisan policy activism as their state's policy preferences are increasingly threatened by federal action from the opposing party. As the balance of national partisan control changes, so does this out-party threat, which, in turn, re-calibrates the political calculus for state lawmakers. I test my theory by examining state lawmaking from 2001 to 2019, a period during which the federal government oscillated between unified and divided partisan control. Using data on bill introduction and enactment across twelve of the most common policy areas in state politics, I find that more threatening political contexts lead to higher volumes of bills introduced in states controlled by the national out-party, particularly in policy areas more important to the party's base and in states that are less nationally competitive. Only among Democratic-controlled states, however, does this heightened volume actually translate into more bills enacted into law. These results serve to re-shape our understanding of contemporary state policymaking and federal-state relations, shedding light not only on why states may choose to engage in partisan policy activism, but under which national political conditions.

A COLLECTION OF RED STATES AND BLUE STATES:
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LAWMAKING

by

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Dedication

Dedicated to all of the graduate students fighting to make it in this business.

Your work is important and needed.

Acknowledgments

There aren't enough pages to say "thank you" enough, but I'll try my best. First and foremost, thank you to Ali Vidler, my love and best friend, who has sacrificed more than anyone to help make this dream a reality. There are not enough words to thank her for sticking by me all these years. From weekends in the library to the quiet nights at home while I pored over readings, she kept me going whenever I started doubting myself. She deserves a Ph.D. as much as I do.

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contagious, and still is. I owe so much of what I've accomplished to his guidance, support, and friendship.

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I'm thankful Tim Hwang and the team at FiscalNote for their amazing gen-

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Chapter 1: Introduction

“I believe our nation is facing another major existential threat . . . to the progress that we have attained. Californians may accept the lawfulness of the November election, but millions of us do not accept the sentiment delivered by this election. And it is up to us to pass policies that would firewall Californians—and what we believe—from the cynical, short sighted, and reactionary agenda that is rising in the wake of the election.”

- Anthony Rendon (D), Speaker of the California State Assembly, December 5, 2016.

On December 5th, 2016, California State Assembly Speaker Anthony Rendon took to the floor to open what would be no ordinary legislative session. Just one month earlier, Republican Donald Trump scored a surprise victory over Democrat Hillary Clinton in the 2016 presidential election. Despite losing the popular vote, Trump carried thirty states and notched 308 Electoral College votes. To make matters worse for Democrats, Republicans also held on to their majorities in the U.S. House and Senate. Trump was set to ascend to the presidency with unified Republican government and the votes in Congress to actually act on

the party's policy agenda.

Rendon was acutely aware of the threat that unified Republican control in Washington posed to California, one of the country's most liberal states ([Caughey and Warshaw, 2016](#)), where an overwhelmingly Democratic electorate rejected Trump by a margin of more than four million votes:

"All of us were sent here to represent our districts. To make laws. And ... to perform the oversight that ensures laws are carried out in the best interests of the people of California. It is increasingly apparent that those interests will not be a concern for the next President ... or for the majority in Congress ..."

The Democratic Speaker promised an ambitious legislative agenda counter to that being proposed in Washington. This included codifying and expanding liberal social protections—for women, Muslims, the LGBTQ community, and immigrants—that were at risk of being rolled back under Republican control, as well as a host of other state and national policy issues. As Rendon described the coming session to the Assembly: "this is no ordinary time. And it will require an extraordinary effort from each of us."

This turned out to be no exaggeration. By the end of the state's legislative session in late 2018, the California Assembly and Senate had sent more than 1,200 bills to Governor Jerry Brown's desk, the most in over a decade, with many of the items representing ambitious steps on key Democratic policy issues, such as net neutrality, climate change, and gender equality, among others ([Myers, 2018](#)). This

heightened legislative activity, however, raises an important question: why now? After all, California Democrats had enjoyed continuous unified control of the state's governing institutions since 2011 and legislative majorities in both chambers since the late 1990s. Why did Democratic lawmakers not act on these policy items in previous sessions? What was different about this particular legislative session that prompted so much activity? The answer, I argue, has to do with the balance of partisan control in Washington and the threat it poses to out-party lawmakers in the states.

In this dissertation, I advance a theory of contemporary state policymaking centered on the idea of out-party threat, in which majority-party lawmakers exhibit more partisan policy activism as their state's policy priorities are increasingly threatened by federal action from the opposing party. I argue that this is shaped by two key factors at the national level: heightened partisan competition for control of Congress and the presidency and the deep polarization between the two parties. Unlike decades past, where the Democratic Party held firm control of Congress, partisan control is now up for grabs in almost every election ([Lee, 2016](#)). With more intense party competition in Washington, when one side manages to attain unified control, they face strong partisan incentives to actually act on their agenda. For the minority, this is deeply problematic. Not only do they have little control over the national policymaking process, but their past policy gains are jeopardized by the majority.

At the same time, trends in partisan polarization in Washington have raised the stakes of the conflict. When a party gains control over the levers of na-

tional power, they are increasingly empowered to pursue a policy platform that is anathema to the opposing party. Out-party voters who strongly reject this platform are likely to be fearful, angry, and highly mobilized in response to the threat of federal action, which may potentially force their state in a policy direction that they strongly oppose. If the state is controlled by the national out-party, this partisan mobilization pressures state lawmakers to use their majorities to take bold action on the party's policy agenda, as well as adopt a more adversarial approach vis-à-vis the federal government. As the balance of national partisan control changes, so does the policy threat, which in turn re-calibrates the political calculus for state lawmakers.

While existing research has shown that state partisan control leads to change in the ideological orientation of policy outputs, particularly in recent decades ([Caughey et al., 2017](#)), less attention has been paid to the possible conditional nature of these effects ([Miras and Rouse, 2021](#)). Contemporary American politics has been marked by what legal scholar Jessica [Bulman-Pozen \(2014\)](#) describes as “partisan federalism,” in which the convergence of heightened partisanship and overlapping areas of policy responsibility between state and federal government leads out-party state lawmakers to resist federal action. This includes, for instance, refusing to comply with aspects of federal law that state lawmakers deem unconstitutional ([Bulman-Pozen and Gerken, 2009](#)). Yet, while a considerable amount of empirical work has examined the role of partisanship in state responses to specific federal policies ([Balla and Deering, 2015](#); [Barrilleaux and Rainey, 2014](#); [Palazzolo et al., 2008](#); [Rigby, 2012](#); [Rigby and Haselswerdt,](#)

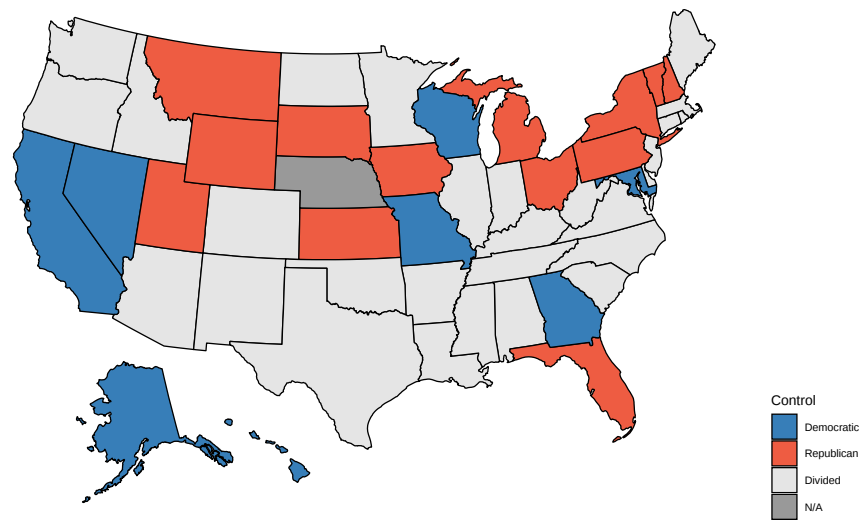
2013; Shelly, 2008; Travis et al., 2016), political scientists have yet to explore how misalignments in partisanship influence the overall thrust of state policymaking more broadly.

1.1 Why Study States with Unified Partisan Control?

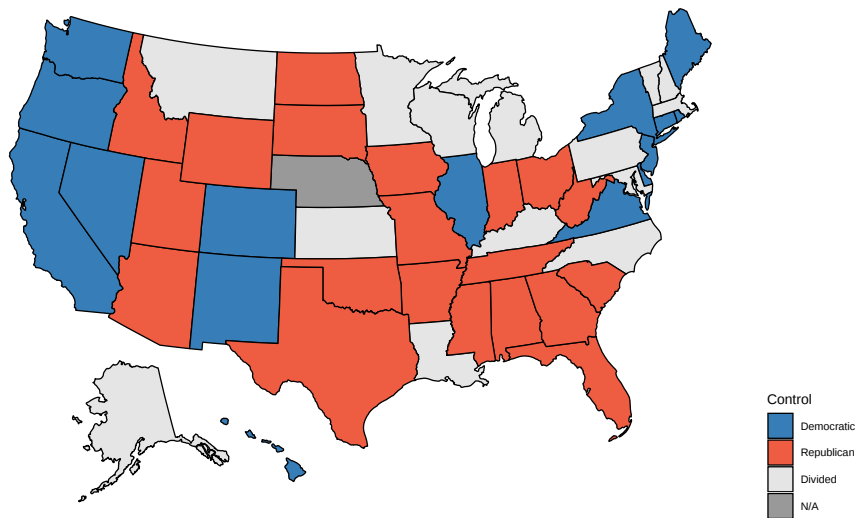
My theory focuses, in particular, on states with unified partisan control, wherein one party controls all three branches of state government: the governorship, state senate, and state house.¹ The simple reason for this is that unified partisan control is the most common partisan configuration in contemporary state politics, with the vast majority of states fully controlled by one party or the other. For instance, as shown in [Figure 1.1](#), which compares the layout of state partisan control in 2001 and 2020, at the onset of the Bush administration in 2001, only 21 states had unified government. Among them, eight were held by Democrats and 13 were controlled by Republicans. By 2020, this number swelled to 35 states, with 15 controlled by Democrats and 20 controlled by Republicans.²

¹These are sometimes referred to as “trifectas” among observers of state politics. I use “unified government,” “unified partisan control,” and “trifectas” interchangeably throughout this dissertation.

²These figures do not include Nebraska due to its unicameral, non-partisan legislature.



(a) 2001



(b) 2020

Figure 1.1: Unified State Government, 2001-2020

Source: [Klarner \(2013\)](#); [National Conference of State Legislatures \(2020\)](#).

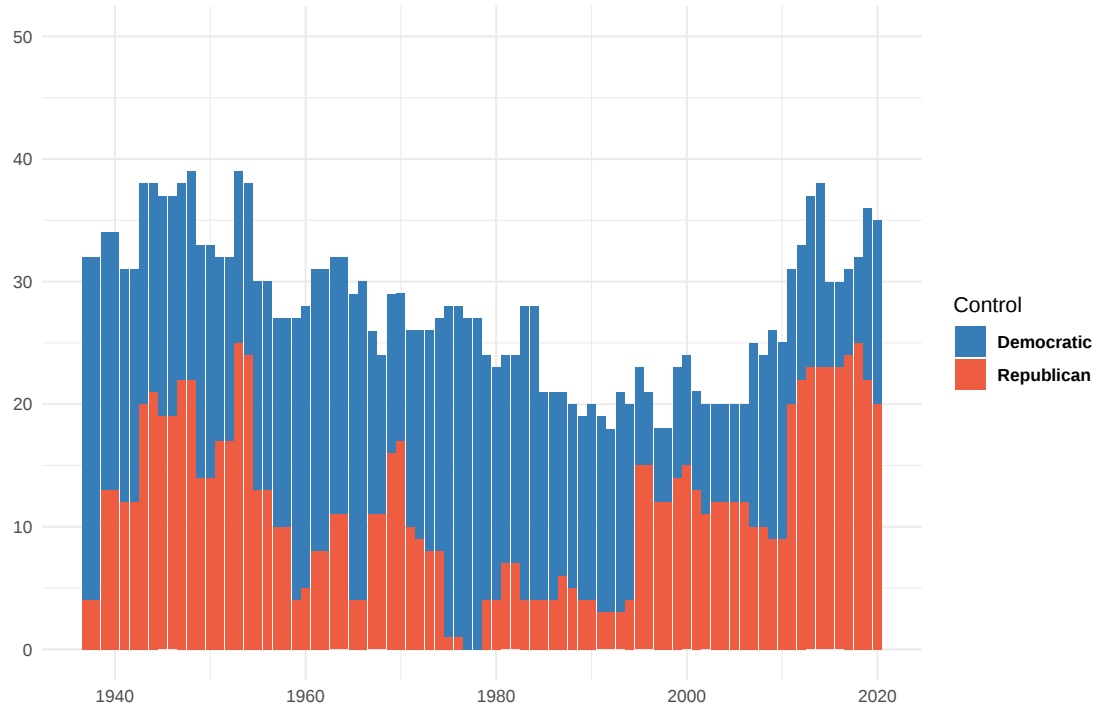


Figure 1.2: Frequency of Unified Partisan Control, 1937-2020

As [Figure 1.2](#) makes clear, these are nothing short of historic levels of unified government. For much of the post-war period, the number of states with unified control saw a steady decline over time, reaching a low of only 18 states in the the mid-1990s. Around the turn of the century, this trend quickly reversed. For instance, in the two decades from 1981 to 2000, only 21 states, on average, saw unified government in a given year. From 2001 to 2020, this number grew to about 27 states, on average. Since 2001, unified government in the states has actually been more common than divided government, occurring in roughly 55 percent of all state-years, which is up from about 44 percent in the twenty years prior. In fact, every year since 2011 has seen at least 30 states with unified gov-

ernment, a level of one-party control not seen since the 1950s.

The composition of unified control has also changed over time. For much of the period shown in [Figure 1.2](#), Democratic-controlled states far outnumbered those controlled by Republicans. From the late 1930s, all the way up until the 1990s, the vast majority of partisan trifectas were Democratic, often by sizable margins. It was not until 1994 that Republicans began making serious inroads in state governments, which began a period of Republican advantage at the state-level. For instance, from 1981 to 2000, roughly 69 percent of unified state governments were Democratic, while only 31 percent were unified Republican. Since 2001, however, most instances of unified state government have been Republican-controlled (61 percent), though the partisan breakdown has been more balanced than the eras of Democratic advantage in the decades prior.

Not only is unified state government now exceedingly common, but it has also become sustained in a growing number of states. [Figure 1.3](#) shows each state's full breakdown of partisan control from 1980 to 2020. The blue tiles indicate unified Democratic control, while red represents unified Republican control and grey squares indicate divided government. For instance, of the states that currently have unified government, most have maintained it for quite some time. Some states, such as Utah, North and South Dakota, Texas, South Carolina, Idaho, Florida, and Georgia have had unified Republican control for the entirety—or near entirety—of the two decades since 2000. Others, still, have developed solid Republican control in more recent years, such as Arizona, Alabama, Arkansas, Indiana, Mississippi, Ohio, Oklahoma, and Wyoming. Though not as numerous

as the Republican-controlled states, many Democratic states have also seen firm control. California, Connecticut, Delaware, Hawaii, Illinois, Oregon, Rhode Island, and Washington, have each had unified Democratic government for nearly all of the last decade.

What this illustrates is that unified control has become increasingly sustained. Not only is it more common than it was in decades past, but when state parties gain full control, they are increasingly unlikely to lose it. Thus, as partisan control becomes more entrenched, majority-party lawmakers are increasingly free to run their states in a way that is consistent with their party's governing philosophy, without facing serious threats to their hold on power. This development raises a number of important questions about how majority-party lawmakers in these states actually leverage this partisan power. For example, do they use their majorities to consistently push ambitious partisan agendas, or are they more selective in which issues they prioritize and when? what explains when and how states choose to actually flex their partisan muscle in pursuit of their policy goals? Understanding contemporary state policymaking has become increasingly synonymous with understanding what state lawmakers do when they have unified control, because they often do.

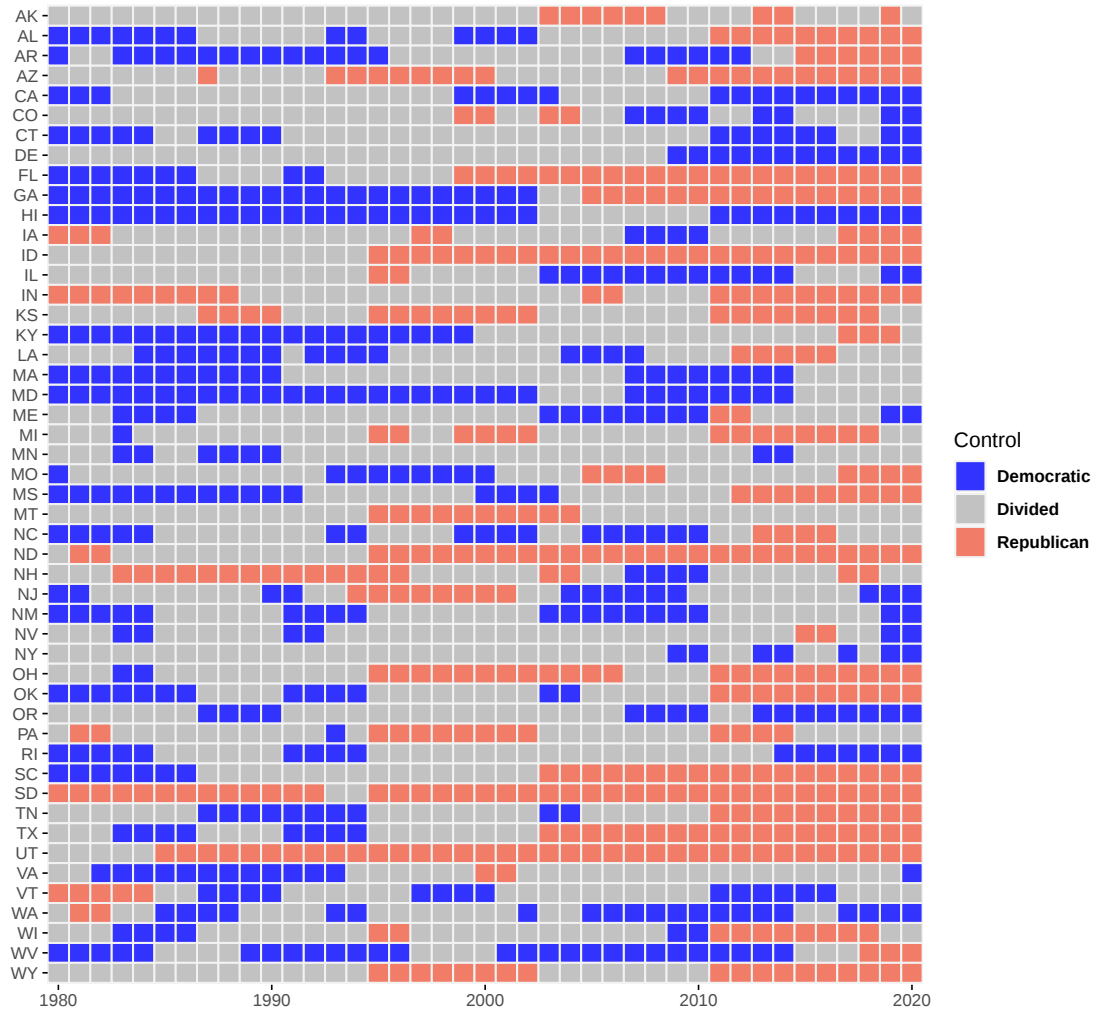


Figure 1.3: Unified Partisan Control, By State, 1980-2020

1.2 State Partisan Control and Policy Outputs

This work straddles two separate but related academic literatures. The first is the literature on the policy effects of partisan control, which has examined whether the party in control of state governing institutions actually matters for policy outputs. In other words, does Democratic or Republican control lead, re-

spectively, to more liberal and conservative state policy? Much of the findings in this area have been mixed.

A number of studies have found little to no effect of partisan control. [Hofferbert \(1966\)](#), for instance, found no relationship between partisan control and state welfare policy outcomes. [Winters \(1976\)](#) found the party in control to have no effect on redistribution vis-à-vis taxes and spending levels. Similarly, [Garand \(1988\)](#) found no relationship between partisan control and growth in the size of government, measured in terms of state expenditures. More recently, [Lax and Phillips \(2011\)](#) found no evidence to suggest that Democratic control of the governor or state legislature made a state more likely to adopt the liberal position on a number of policy issues (e.g., health care, gay rights, abortion, etc.)—though a liberal government ideology, more broadly, did lead to more liberal state policy.

Other studies, however, did find significant effects of partisan control. In an analysis of state welfare spending between 1950 and 1980, [Dye \(1984\)](#) found that Democratic control did effect spending in some states, particularly those with more party competition, while having no effect in others. Similarly, [Alt and Lowry \(1994\)](#) examined state budgets from 1968 to 1987 and found significant budgeting differences between periods of Democratic and Republican control, with full Democratic control leading to higher levels of taxes and spending as a percentage of personal income (also see [Alt and Lowry, 2000](#)).

[Besley and Case \(2003\)](#) examined the effect of partisan control on levels of taxes and spending from 1950 to 1998. They found Democratic control of state legislatures to produce more redistribution for family assistance programs than

Republicans. While Democratic governors did not produce a similar effect, they did lead to more generous workers' compensation plans for state employees. [Reed \(2006\)](#) also found partisan control of state legislatures to have important consequences for state tax burdens, with Democratic control yielding larger tax burdens than Republican control, though Democratic control of the governorship had no such effect. Meanwhile, [Kousser \(2002\)](#) found Democratic-controlled state legislatures to be far more generous with regard to discretionary Medicaid spending than Republican-controlled legislatures. Control of the governorship, however, again had no effect.

[Leigh \(2008\)](#) examined how partisan control of the governorship influenced policy outcomes in a variety of areas, such as tax rates, welfare benefits, and the overall size of government over the course of roughly six decades, from 1941 to 2002. He found gubernatorial partisanship to have little effect on policy outcomes in each of these areas. [Fredriksson et al. \(2013\)](#), however, found that the effect of partisan control of the governorship is conditional on whether the governor is re-electable (not in their last term as governor) or a lame duck, with re-electable Democratic governors increasing tax rates relative to Republicans, but lame duck Democrats having no effect.

Others have studied how partisan control influences outcomes in specific policy areas. [Medoff et al. \(2011\)](#), for instance, examined the effects of partisan control on the restrictiveness of each state's abortion policy. They found that Republican control to increase the likelihood of a state implementing a parental involvement law for abortions. Likewise, [Cummins \(2011\)](#) found that partisan

control appeared to influence rate of health insurance coverage, with Republican control producing more expansive health insurance coverage among a state's residents than Democratic control.

Perhaps the most comprehensive study to date on the effects of partisan control has been from [Caughey et al. \(2017\)](#). Unlike much of the previous literature, which focused on specific periods of time or limited sets of policy areas, [Caughey et al. \(2017\)](#), equipped with a dynamic measure of state policy liberalism (see [Caughey and Warshaw, 2016](#)), examined the effects of partisan control from 1936 to 2014. Leveraging a regression discontinuity design, as well as a series of dynamic panel models, they found that both Democratic governors and state legislatures push the overall ideological orientation of state policy in a liberal direction. However, they also found these effects to be rather negligible until roughly the 1980s, upon which the effect of partisan control grew significantly. Thus, this work speaks to many of the conflicting results in the previous literature. What this literature has largely missed, however, is an exploration of a temporal element to this relationship, by which the effect of partisan control on policy outputs may fluctuate depending on the political context.

1.3 Federal-State Relations and the Rise of Partisan Federalism

Research on federal-state relations has shown that contemporary state politics does not happen in a vacuum. Instead, policymaking at the state level is often shaped by what happens—or does not happen—in Washington. This dynamic

has become increasingly salient in recent decades. As [Kincaid \(1990\)](#) describes, the relationship between the federal government and the states has gone through a transformation over the past half-century, from the “cooperative federalism” of the postwar period to a newer form of “coercive federalism,” in which Washington has relied increasingly on coercive tools, such as unfunded mandates, to force states into compliance with federal policy ([Kincaid, 1990](#); [Posner, 2007, 2008](#)). As a result, federal-state relations have naturally grown more confrontational in recent years, with states often engaging in what [Bulman-Pozen and Gerken \(2009\)](#) refer to as “uncooperative federalism,” marked by states launching legal challenges to federal legislation or obstructing the implementation of federal policies and programs.

Various factors have been singled out as potential motivations for state resistance to federal policies. In the spirit of [Lowi \(1964\)](#), some scholars have argued that the character of state resistance to federal authority is often motivated more broadly by the nature of the policies themselves, with federal-state conflict more likely in some policy areas than others (e.g., environmental policy), particularly those with little federal funding and frequent mandates ([Gormley Jr., 2006](#)).

Indeed, a number of studies have found the politics of state resistance to vary across issues. [Soss et al. \(2001\)](#) examined how states responded to the creation of the Temporary Assistance for Needy Families (TANF) program. They found that restrictive state policies were driven primarily by government ideology and each state’s racial composition. In an examination of state resistance to the 2001 No Child Left Behind Act, [Shelly \(2008\)](#) found that formal challenges

from states were influenced largely by a state's capacity rather than its partisanship. [Jochim and Lavery \(2015\)](#) found similar dynamics with state support for Common Core, with bipartisan state opposition to the standards emerging as the challenges of implementation came into focus. [Regan and Deering \(2009\)](#) examined state opposition to the 2005 REAL ID Act, which required states to adopt various procedures in the issuance of identification cards (e.g., driver's licenses). They found that state resistance was driven mainly by cost concerns (e.g., unfunded mandates), issues of state sovereignty, privacy concerns, and interest group activity, while gubernatorial partisanship had no effect.

Another often-overlooked component of American federalism is each state's ability to pursue policies independent of what the federal government is doing ([Krane, 2007](#); [Teaford, 2002](#); [Zimmerman, 1992](#)). In many instances, these policies may even run counter to federal policy altogether ([Krane, 2007](#)). As [Krane \(2007, p. 462\)](#) summarizes, states may do this for a variety of reasons, such as filling policy voids left open by federal inaction (see [Dinan and Krane, 2006](#); [Gamkhar and Pickerill, 2012](#); [Reeves, 1990](#)), correcting or modifying any perceived failings of existing federal policies, signaling the importance of policy issues to the federal government, or simply reacting to policies passed in other states.

In examining why states were particularly active in this regard during the George W. Bush administration, [Krane \(2007, p. 472\)](#) goes on to argue that the interaction of state capacity, institutional distinctiveness relative to the federal government (e.g., plural executives, direct democracy, etc.), common policy problems across state lines, and a more pragmatic and less polarized politics has provided

state policymakers with both the ability and motivation to pursue their own policies independent of Washington.

Some empirical research on this state policy activism has provided support for [Krane \(2007\)](#). [Palazzolo et al. \(2008\)](#), for instance, examined state adoption of VVPR (voter-verifiable paper record) legislation following the passage of the 2002 Help America Vote Act (HAVA). While efforts to expand HAVA to include paper voting records failed in Congress, many states took it upon themselves to implement VVPR from 2003 to 2007. [Palazzolo et al. \(2008\)](#) found that state adoption of this type of voting legislation was more likely in states with more activist group activity, legislative professionalization, moralist political cultures, and Democratic majorities in the state legislature.

More recent scholarship has highlighted the role of partisanship in federal-state relations. [Bulman-Pozen \(2014\)](#) argues that the convergence of partisan polarization and increasingly overlapping policy responsibilities has led to an era of “partisan federalism,” in which federal-state relations provides an arena for partisan conflict. According to this view, state resistance is driven by partisan calculations, with opposition to federal laws coming from states controlled by the national out-party (also see [Conlan, 2017](#)).

A considerable amount of empirical research has supported this notion of partisanship informing state resistance to federal policies. [Jensen \(2017\)](#) argues that state governors—mirroring the polarized political environment in which they now operate—have come to prioritize partisan interests in their decision-making. For instance, [Nicholson-Crotty \(2012\)](#) found gubernatorial partisanship to be a

significant factor in explaining states' decisions to reject federal aid money during the Obama administration, with Republican governors far more likely to refuse federal grants ([Nicholson-Crotty, 2015](#)). In a similar vein, [Miller and Blanding \(2012\)](#) found that partisanship played a role in the speed with which states accepted federal stimulus money through the American Recovery and Reinvestment Act of 2009 (ARRA), with Republican governors being roughly 60 percent less likely to certify ARRA on a given day than Democratic governors. This dynamic is also prevalent within state legislatures. For instance, [Olson et al. \(2017\)](#) examined the rise of nullification legislation in state legislatures, in which states have sought to nullify federal laws that they believed to be unconstitutional. They found that from 2010 to 2016, Republican control of state legislatures had a significant effect on both introduction and passage of nullification bills.

In addition to governors and state legislatures, partisan resistance has also emerged within state executive branches more broadly. As [Nolette \(2017\)](#) has shown, state attorneys general have increasingly challenged federal policies along partisan lines. During the Obama administration, for instance, Republican attorneys general used multi-state lawsuits to oppose the president's key initiatives across a wide range of policy areas, such as healthcare reform, restrictions on greenhouse gas emissions, and immigration (among many others), while many Democratic attorneys general supported the administration's efforts. This has accelerated even further—albeit by Democratic attorneys general—in the early years of the Trump administration ([Nolette and Provost, 2018](#)). [Napolio and Peterson \(2019\)](#) found that partisan resistance can even emerge within state admin-

istrative agencies. Examining resistance by state agencies to federal energy policy initiatives during the Obama administration, they found that partisan differences between federal and state bureaucrats, particularly in the American South, led to increased resistance to orders from the Federal Energy Regulatory Commission.

This dynamic is particularly evident in the growing literature on state resistance to the 2010 Affordable Care Act (“ACA”), which has overwhelmingly found partisanship to have played a central role. For instance, [Rigby \(2012\)](#) and [Balla and Deering \(2015\)](#) both found that Republican control of state governing institutions was the most important predictor of state resistance to the law. [Rigby and Haselswerdt \(2013\)](#) found that partisanship also influenced whether or not states decided to establish their own health insurance exchanges to comply with the ACA (or refuse to do so and rely on the federal exchange), with Democratic-controlled states considerably more likely to establish exchanges than states controlled by Republicans. In a similar vein, [Barrilleaux and Rainey \(2014\)](#) found that whether a state accepted or rejected the ACA’s Medicaid expansion was driven almost entirely by partisanship rather than a state’s uninsured population, with every Democratic governor accepting the expansion and most Republican governors rejecting it. [Travis et al. \(2016\)](#) found that this was particularly salient among southern Republicans. For instance, while the effect of having a Republican governor on ACA resistance was statistically significant among southern states, it did not reach statistical significance with non-Southern Republican governors (also see [Vukadin, 2015](#)).

Finally, more recent work by [Miras and Rouse \(2021\)](#) has examined how

the misalignment in partisan control between federal and state government influences the broader ideological orientation of state policymaking. Using the measure of state policy liberalism from [Caughey and Warshaw \(2016\)](#), [Miras and Rouse \(2021\)](#) found that from 1974 to 2014, states controlled by the national out-party—particularly Democratic-controlled states—were far more active in pushing state policy in their preferred ideological direction when the opposing party had greater partisan control over the national policy agenda in Washington. Consistent with partisan federalism ([Bulman-Pozen, 2014](#)), they also found this dynamic to be a largely contemporary phenomenon, emerging in the more polarized political environment since the mid-1990s.

Nevertheless, partisan federalism is still a relatively new phenomenon, and there are many aspects of it that have yet to be examined by this growing literature. Namely, most of the existing work in this area focuses primarily on state responses to specific federal actions (e.g., NCLB, ACA, etc.). Looking at this dynamic exclusively through the lens of state resistance to specific policies, however, only tells part of a larger story (e.g., see [Krane, 2007](#)). In particular, it does not speak to how partisan differences between federal and state control may shape state policymaking more broadly. Meanwhile, those who have taken a broader approach to studying this relationship have done so using state-level ideology estimates ([Miras and Rouse, 2021](#)), which provide only general snapshots of shifts in state policy, while shedding little light on the political dynamics at play within states during periods of partisan misalignment.

1.4 Outline of the Dissertation

This dissertation proceeds as follows. In Chapter 2, I present my theory of contemporary state policymaking. I discuss how changes in national party competition and polarization have re-shaped the relationship between Washington and the states, providing fertile ground for policy activism by the national out-party. Next, I then detail how the balance of partisan control in Washington and the threat of federal action by the opposing party shapes the political contexts and incentives for state lawmakers, with more threatening scenarios providing a stronger impetus for legislative action.

In Chapter 3, I illustrate how party mobilization (and de-mobilization) has coincided with the balance of partisan control at the national level. Examining trends in voting, fundraising, and political protest, I show that unified government has a significant mobilizing effect on the out-party. Specifically, I found that unified national government leads to higher voter turnout, stronger electoral performance by the national out-party in elections at both the federal and state levels, stronger fundraising by the national out-party, and heightened levels of political activism against the party in power.

In Chapter 4, I assess whether the threat of counter-partisan action influences state lawmaking. Using data from FiscalNote on bill introduction and enactment across all regular state legislative sessions from 2001 to 2019, I show that unified national government has important consequences for lawmaking in states controlled by the out-party. In particular, I find that more threatening national

contexts lead to higher volumes of bills introduced in states with unified control, particularly in policy areas more important to the party's base and in states that are less nationally competitive. Only among Democratic-controlled states, however, do more threatening national contexts actually lead to more bills being enacted into law, with anywhere from dozens to hundreds of additional bills being enacted when Republicans have control in Washington than when the federal government is divided or under unified Democratic control. Finally, in Chapter 5, I conclude by summarizing my findings, highlighting the contributions of this project, and outlining avenues for future research.

Chapter 2: A Theory of Contemporary State Policymaking

In this dissertation, I propose a theory of contemporary state policymaking centered on out-party threat, in which majority-party lawmakers in the states exhibit more partisan policy activism as their state's policy preferences are increasingly threatened by federal action from the opposing party, rather than federal inaction. I argue that this relationship stems from two broad trends in American politics: heightened competition for control of national governing institutions and widening partisan polarization in Washington.

For much of the mid-twentieth century, Democrats held firm control of Congress, with Republicans relegated to seemingly perpetual minority status. In the 1980s, however, this hold on congressional power began to loosen, which began an era of relative parity between the parties. Thus, partisan control is now virtually up for grabs in every election ([Lee, 2016](#)). Amid more intense party competition in Washington, when one side manages to attain unified control, they face strong partisan incentives to actually act—often hastily—on their partisan agenda. For the minority, this is deeply problematic. Not only do they have little control over the national policymaking process, but their past policy gains are jeopardized by the majority ([Berry et al., 2010](#); [Maltzman and Shipan, 2008](#);

[Ragusa, 2010](#)).

At the same time, trends in polarization in Washington have raised the stakes of this party competition. When a party gains control over the levers of national power, they are increasingly empowered to pursue a policy platform that is anathema to the opposing party. Out-party voters and interest groups who strongly reject this platform are likely to be fearful, angry, and highly mobilized in response to the threat of counter-partisan federal action (e.g., see [Mason, 2013, 2018](#)), which—depending on the balance of partisan control in Washington—may potentially force their state in a policy direction that they strongly reject. If the state is controlled by the national out-party, this partisan mobilization should pressure state lawmakers to use their majorities to take bold action on the party’s policy agenda, as well as adopt a more adversarial approach vis-a-vis the federal government. As the balance of national partisan control changes, so does the policy threat, which in turn re-calibrates the political calculus for state lawmakers.

In this chapter, I present my theory of contemporary state policymaking. First, I discuss how changes in national party competition, particularly the changing nature of competition for the presidency and the alignment of presidential electoral performance and state partisan control, shapes the relationship between Washington and the states and provides a fertile ground for federal-state conflict. I then discuss how the balance of partisan control in Washington and the threat of counter-partisan action shapes state policymaking by examining the causal pathways for state policy activism. Finally, I outline how some partisan scenarios are far more threatening than others, which provide different incentives for state

lawmakers and thus lead to different state policy responses.

2.1 Changes in Party Competition in Washington

While partisan competition for control of state government has grown less competitive, competition for control of national governing institutions has also changed in important ways, each of which serve to shape the contours of federal-state relations. Namely, competition for control of Congress and the presidency has grown more competitive, with unified government now far less common than it once was. In addition, the nature of presidential competition has changed. Though both parties have remained competitive in presidential elections, the victories are now much narrower. With landslide victories replaced with a reliable red-blue map, presidents no longer win many states controlled by the other party. At the same time, growing polarization between the parties has raised the stakes of the conflict, with the parties now offering vastly different—and often mutually exclusive—solutions for the nation’s problems.

First, party competition for control of Congress and the presidency has become more competitive. Throughout much of the post-war era in American politics, the Democratic Party was in firm control of Congress, with sizable majorities in both the House and Senate. [Figure 2.1](#) visualizes the breakdown in national partisan control from 1940 to 1980. Each of the tiles for the House, Senate, and presidency indicate which party controlled the institution in that year, while the top panel indicates the overall balance of partisan control (unified or divided

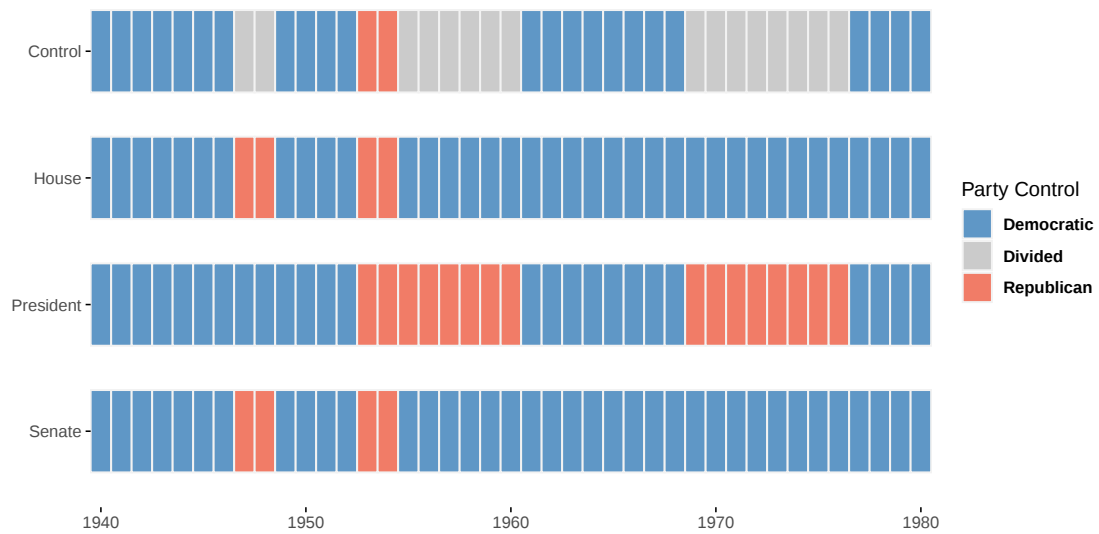


Figure 2.1: National Partisan Control, 1940-1980

government). As this figure shows, over the course of four decades, Republicans only controlled Congress for a total of four years. Moreover, not only did Democrats maintain control over the chambers, but they did so with comfortable majorities. For instance, from the 1950s to the 1980s, Senate Democrats often held a 2:1 majority, often with upwards of 60 seats, while Democrats in the House enjoyed majorities of 250 seats or more before finally losing their majority in the 1994 midterm elections (Lee, 2016, 26-27). Thus, unified control of the federal government was quite common. From 1949 to 1980, there were nine congresses (18 years) of unified government—eight of which were Democratic, with only one instance of Republican control during the Eisenhower administration (the 83rd Congress). In other words, unified government occurred more than half of the time during this period.

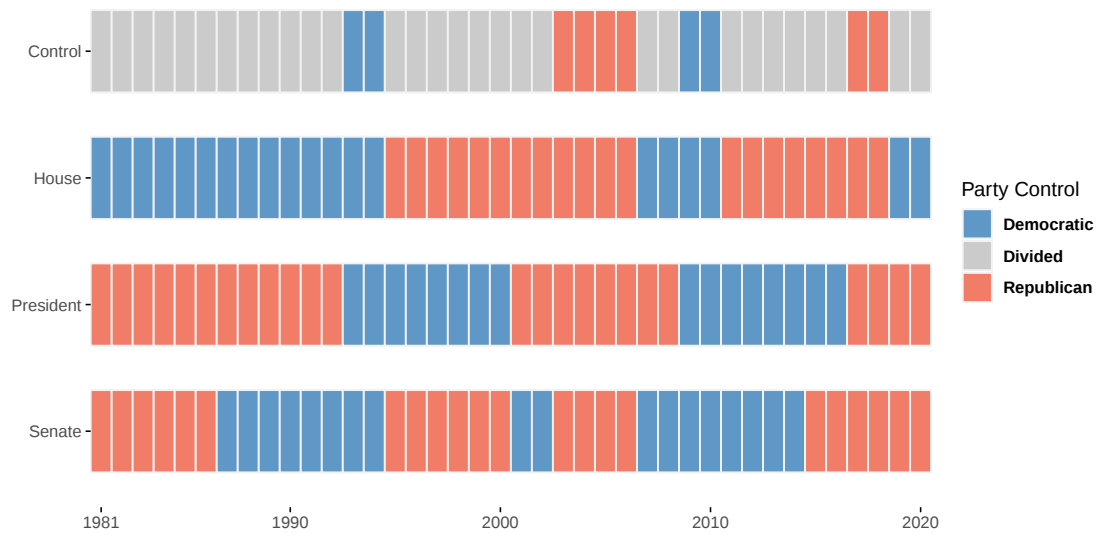


Figure 2.2: National Partisan Control, 1981-2020

As [Figure 2.2](#) shows, however, since 1980, party competition in Washington has intensified, particularly in Congress, with the parties controlling each chamber for roughly equal amounts of time. Further, majorities have gotten considerably smaller. For example, as [Lee \(2016, 27\)](#) notes, while House Republicans never held a minority larger than 192 seats from 1958 to 1994, no House minority since 1994 has had a minority of less than 200 seats. As a result, unified control of the federal government is now far less common than it was for much of the twentieth century. Since 1981, for instance, there have been only ten years of unified partisan control, four of which were Democratic (during the Clinton and Obama administrations), and six held by Republicans (during the George W. Bush and Trump administrations). Thus, unlike much of the postwar period, where unified government was fairly common, contemporary politics has been marked by

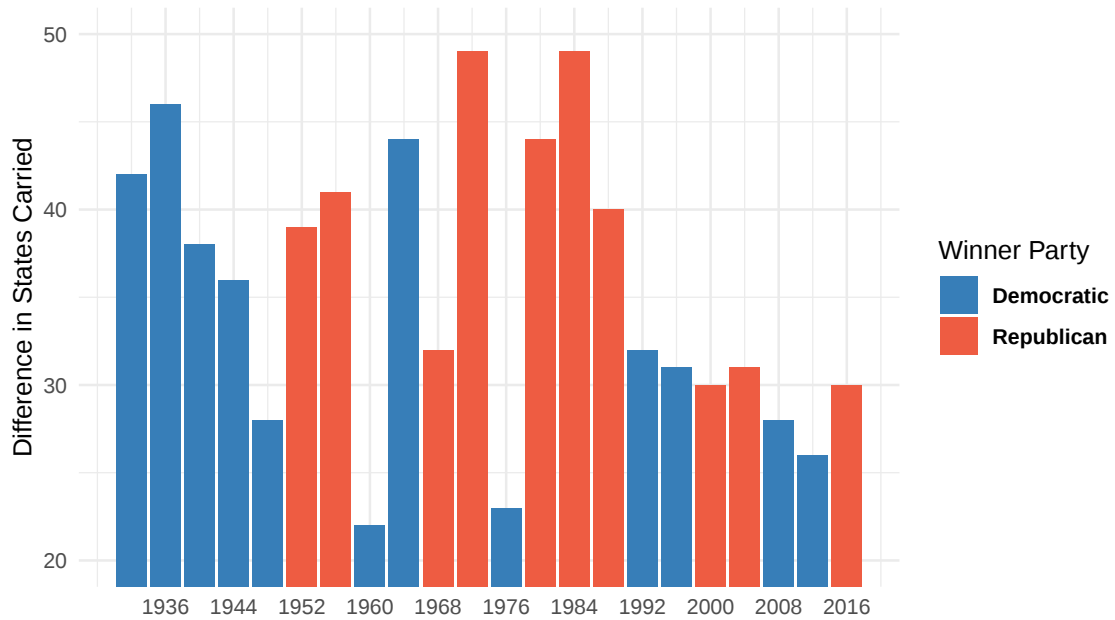


Figure 2.3: States Carried by Winning Presidential Candidates, 1932-2016

stretches of divided government, punctuated by brief instances of unified control.

Nevertheless, while Congress was under firm Democratic control until the 1990s, the presidency has remained largely competitive, insofar as the number of presidents from each party has been fairly balanced. For instance, from 1940 to 2016, there have been nine terms of Republican presidencies and ten terms of Democratic presidencies. Yet, despite this partisan parity, the nature of presidential competition has changed dramatically in recent decades. For much of the postwar era, presidents of both parties often won in landslide victories, with sizable margins in both the popular vote and the Electoral College (Lee, 2016). This is no longer the case in American politics. Presidents now win by carrying fewer states and securing smaller shares of Electoral College votes than presi-

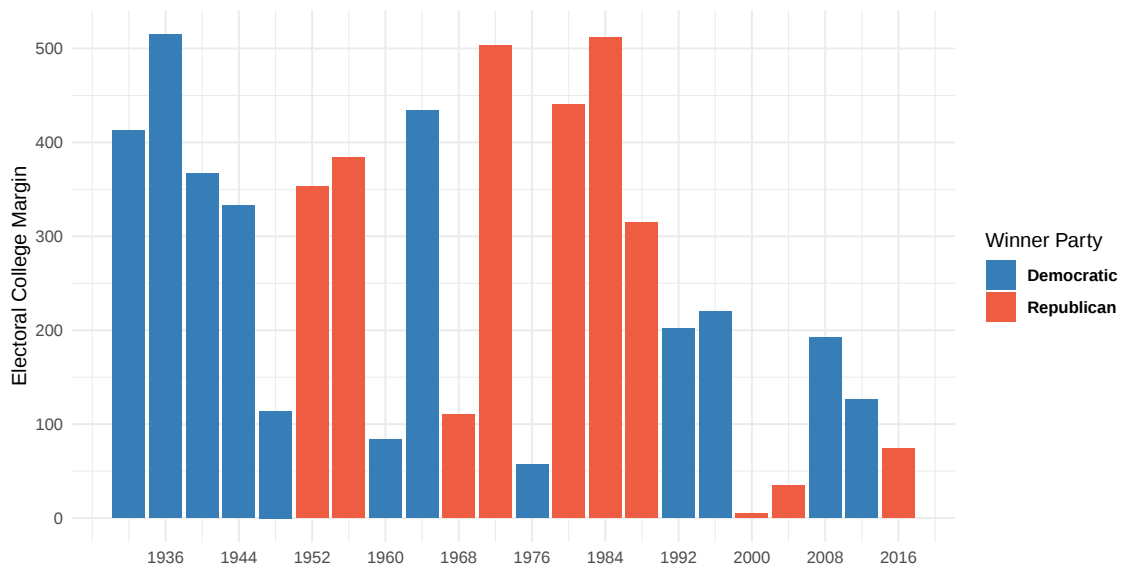


Figure 2.4: Electoral College Margins by Presidential Winners, 1932-2016

dents past. Perhaps more importantly, presidential election results now closely align with state partisan control, such that presidential candidates are no longer competitive in states controlled by the other party.

Figure 2.3 shows the total number of states carried by winning presidential candidates from 1932 to 2016. As this figure illustrates, candidates in recent decades have won the presidency by carrying far fewer states than presidents in the past. From 1932 to 1996, for instance, the winning presidential candidate carried an average of 37 states. By comparison, from 2000 to 2016, the winning candidate has only carried 29 states, on average. While presidents Roosevelt (1932, 1936), Eisenhower (1956), Johnson (1964), Nixon (1972), Reagan (1980, 1984), and George H.W. Bush (1988) each were elected by carrying 40 states or more, since 2000, only one president, George W. Bush, has managed to carry more than 30

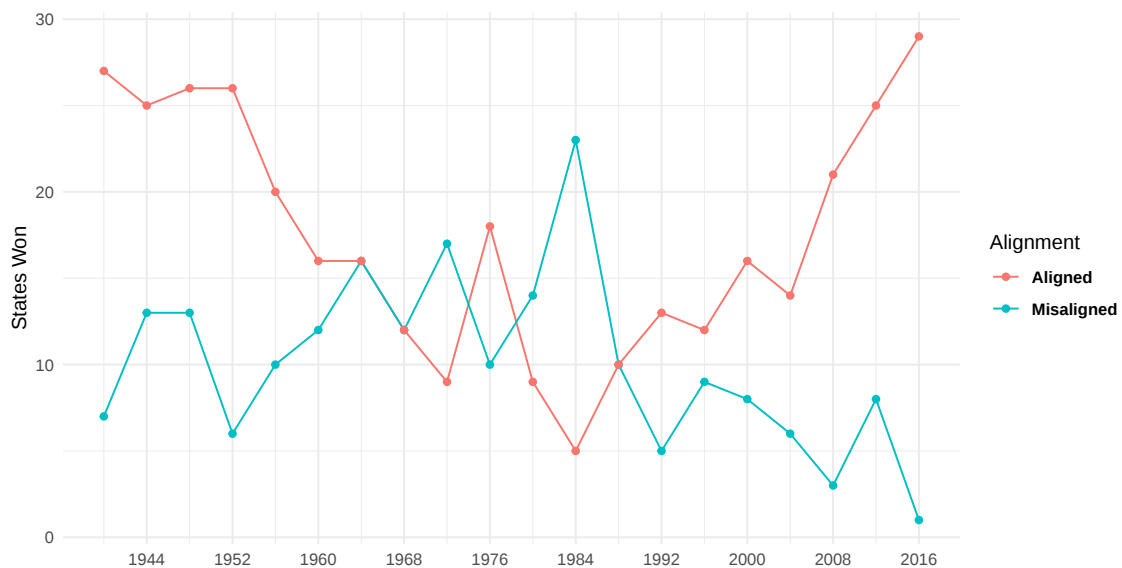


Figure 2.5: Presidential Candidate Performance in States with Full Partisan Control, 1932-2016

states on their way to the presidency (2004).

Similarly, [Figure 2.4](#) displays the margins of victory in the Electoral College between presidential winners and their main opponents. As this figure shows, landslide victories used to be common in presidential elections. Throughout much of the post-war period, when presidents of both parties would win, they would do so by a margin well upwards of 300 electoral votes. For instance, from 1932 to 1996, the average margin of victory in the Electoral College was about 315 electoral votes; from 2000 to 2016, however, the average margin of victory was only around 86 votes. Moreover, from 1932 until the late 1980s, only four out of 15 presidential contests were decided by roughly 100 electoral votes or fewer: Truman's defeat of Dewey in 1948, Kennedy's victory over Nixon in 1960, Nixon's win over Humphrey in 1968, and Carter's defeat of Ford in 1976.

Though this development has certainly had important implications for national politics, it has also played a key role in re-shaping federal-state relations. Broad victories meant that even if a state's government was controlled by one political party, the state's voters would often support presidents from the opposing party. Since the 1990s, however, candidate performance has become increasingly aligned with state partisan control. See [Figure 2.5](#), which shows the number of states won by presidential candidates that had unified government. As this figure illustrates, for much of the postwar era, presidential candidates would often win in states where the other party maintained complete partisan control, as well as in states that aligned with their own partisanship. This is clearly no longer the case. Since the mid-1990s, presidential competition has increasingly mirrored state partisan control, with candidates more frequently winning states that are aligned with them politically and losing states with misaligned control. For instance, in his bid for re-election in 1984, Ronald Reagan, alone, won 23 states with unified Democratic control. In 2016, Hillary Clinton and Donald Trump combined to win only one fully misaligned state (Clinton's winning Nevada).

This alignment between state partisan control and presidential competition is particularly important for understanding the politics of partisan misalignment. Though much of this earlier period was considered an era of "cooperative federalism" ([Kincaid, 1990](#)), state lawmakers also likely faced strong political incentives to cooperate with the federal government (or, at the very least, not obstruct the president's agenda), especially if the state's voters supported the president's platform in the last election. This cross-party support for both the president and

state lawmakers likely had the effect of tamping down on any demand for state resistance or the pursuit of some alternative policy agenda. This is no longer the case, however. Now, presidents almost always face a number of states where they were both soundly rejected in the last election and the other party has firm control over the state's governing institutions, which sets the stage for intergovernmental competition.

Meanwhile, greater differentiation between the parties and internal cohesiveness has raised the stakes of party competition. At the onset of the postwar period, the parties were not clearly differentiated and lacked internal unity and cohesiveness, which prompted a report from the [American Political Science Association](#) (1950) advocating for a more responsible two-party system, in which the two parties provide clear policy choices for voters while maintaining enough internal unity to act on those programs. In the decades since, many would likely agree that much of the report has come to fruition (though see [Baer and Bositis, 1993](#); [Fiorina, 2006](#)). The parties are now considerably distinct from one another, exhibiting greater partisan unity than in decades past (for a nice review of this, see [Lee, 2015](#), 263-264). Moreover, heightened competition for control of national governing institutions has incentivized the parties in Washington to highlight and accentuate their differences ([Lee, 2016](#)).

This distinctiveness and cohesion make partisan control of national governing institutions that much more meaningful. As [Fiorina \(2006, 244\)](#) describes, while partisan control of government was always valuable, it is particularly valuable in the presence of such cohesive parties:

“if majority control of the House or Senate means relatively little for policymaking because moderate Republicans and Democrats hold the balance of power, which party formally holds control means less than when policy is decided within each party caucus. Similarly, the knowledge that the president’s program either will be rubber-stamped by a supportive congressional majority or killed by an opposition majority makes unified control of all three institutions that much more valuable.”

Yet, this also makes the prospect of the other party having control that much more threatening for the minority party. When the parties were more similar and the national policy agenda was controlled by a majority of moderate lawmakers from each party, changes in control were less consequential. In a more polarized political context, however, the opposing party gaining control means that they are increasingly enabled to enact a policy agenda that is largely antithetical to that of the minority.

2.2 Out-Party Threat and State Policy Activism

In light of these developments, when a party does manage to gain unified control of the presidency and both chambers of Congress, there are strong partisan incentives to act swiftly on their policy agenda. In the contemporary Congress, parties have even taken steps to expedite the policymaking process. For instance, congressional majorities have ceded a considerable amount of power

to party leadership (Rohde, 1991; Sinclair, 2012), who have, in turn, streamlined the legislative process to pursue the party's policy agenda (e.g., Curry, 2015; Smith, 2014). Nevertheless, while legislative gridlock can still occur during unified government (Brady and Volden, 2005; Krehbiel, 1996, 1998), it is considerably less likely (Binder, 1999, 2014).

For the minority party, this is especially problematic, both procedurally and substantively. Procedurally, the minority party is marginalized, with little ability to influence the legislative process through amending activity. As Lee (2015, 262) describes, given the streamlined legislative process in the House, "the minority party enjoys little opportunity to shape outcomes or even put the majority on the record in awkward ways." Even in the Senate, where supermajority rules have persisted (Binder et al., 2007; Koger, 2010), the use of the "nuclear option" has limited the ability of minority-party senators to obstruct administrative and judicial nominations (Smith, 2014). More recently, this has even now extended to Supreme Court nominations, as was the case with the nominations of Neil Gorsuch and Brett Kavanaugh. Minority status is perhaps even more problematic from a substantive standpoint. Not only can the party in power move to enact their own policy agenda, but it leaves policy enacted by the out-party vulnerable to being scaled back or eliminated (Berry et al., 2010; Maltzman and Shipan, 2008; Ragusa, 2010).

Outside of Washington, however, this is also deeply threatening for states controlled by the national out-party. As discussed above, scholars have highlighted how the United States has entered a new era of federalism in recent

decades, one that is much more coercive than the “cooperative federalism” of decades past, with the federal government often trying to force states into compliance (Kincaid, 1990; Posner, 2007, 2008). Indeed, as the literature on federal-state relations has demonstrated, many key policy initiatives are the federal level—including those passed largely along party lines—require the cooperation of states, including those controlled by the national out-party (e.g., Barrilleaux and Rainey, 2014). Thus, when the opposing party gains unified control at the federal level, states controlled by the national out-party are at increased risk of being pushed in a policy direction that cuts against that state’s partisan orientation.

As I argue, this partisan policy threat from Washington is what fuels contemporary state policy activism and leads state lawmakers to adopt a more adversarial approach vis-à-vis the federal government. This relationship is driven by two key mechanisms, illustrated in Figure 2.6, both of which run in the same direction. The first is electoral, by which the mobilization of out-party voters and aligned interest groups exert pressure on majority-party state lawmakers for policy activism. The second mechanism focuses on the threat to legislators’ individual policy goals and preferred programs, which encourages bold state-level policy action in response. The next few sections explore each of these, in turn, while also considering potentially complicating factors, such as legislative term limits.

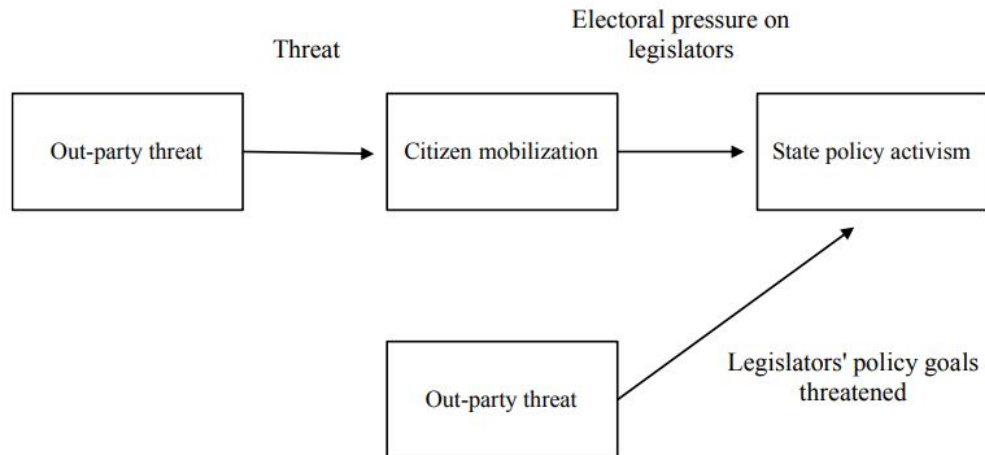


Figure 2.6: Out-Party Threat and State Policy Activism

2.2.1 The Electoral Connection

The first mechanism driving this relationship between out-party threat and contemporary state policy activism is electoral. As [Mayhew \(1974\)](#) famously underscores in *The Electoral Connection*, legislators are motivated, first and foremost, by electoral considerations, such that the pursuit of reelection plays an outsized role in informing much of what legislators do. As [Fenno \(1978\)](#) observes in his examination of House members in their districts, securing reelection is the proximate goal of legislators and is ultimately what makes their other goals, such as policy, achievable.

Indeed, evidence from congressional scholarship has shown, empirically, that the prospect of reelection influences legislative behavior. For instance, [Herrick et al. \(1994\)](#) examined legislative behavior in Congress from 1955 to 1985 (the 84th through 103rd Congress), comparing the activity of retiring and non-retiring legislators in the House. They found that non-retiring legislators traveled

to their districts more frequently, employed more staff, and had better attendance in roll-call votes than retiring legislators. Legislators seeking reelection, on average, also introduced more seemingly frivolous legislation on unfamiliar policy topics, while retiring legislators exhibited more focused agendas.

Of course, while voters often know very little about state politics, they are increasingly engaged with national politics ([Hopkins, 2018](#)). Further, many have come to view the opposing party in an increasingly negative light ([Abramowitz and Webster, 2016](#); [Iyengar et al., 2012](#)). Thus, when one party gains unified national control, out-party voters that strongly rejected the national majority-party's platform are likely to be angry, fearful, and highly mobilized in response to the threat of federal action from the opposing party (e.g., see [Mason, 2013, 2018](#)).

In states where the national out-party does have partisan control, and thus the ability to act, out-party voters and activists are likely to look to state legislators as a source of resistance and counter-partisan policy activism. For example, following the election of Donald Trump in 2016, which gave Republicans unified control of the federal government, party leaders and activists in California pushed the state's Democratic lawmakers to defend the state's liberal interests against Republican efforts to roll back Obama-era policies on issues like health-care, climate change, and immigration ([Myers, 2016](#)). Eric Bauman, Chairman of the Los Angeles County Democratic Party at the time, even openly called on state-level Democrats to push back against the Trump administration:

"The election of Donald Trump ushers in one of the darkest eras in our

nation's modern political history . . . many across the state and country are frightened, and they are right to feel that way . . . I call on Governor Brown and our Legislature to build a metaphorical legal wall to keep our residents safe from the grim and cynical vision that Donald Trump has laid out for America" (Myers, 2016).

Faced with this pressure, state legislators, guided by electoral concerns, are likely to respond to this mobilization by resisting federal action and using their majorities to take bold action on the party's policy agenda.

2.2.2 Out-Party Interest Groups

Interest groups also play a key role in this electoral pathway. Interest groups are policy demanders—their main goal is advance their policy agenda, and they do so by exerting their influence in the party nominations process, where voters often pay little attention (Bawn et al., 2012; Karol, 2009). In states dominated by one political party, these primary elections are particularly important and decisive (see Caughey, 2018).

Interest group activity used to be largely bipartisan. The logic to this approach was that groups sought not to alienate either party in an effort to maintain the ability to advance their agenda regardless of which party was in control (Key, 1942). Since the mid-twentieth century, however, interest groups have become increasingly partisan, with many aligning themselves with one political party (Krimmel, 2017). As Grumbach (2018, 418) discusses, this interest group parti-

sanship “may be especially extreme at the state level: Many of the groups that remain bipartisan are concentrated in the foreign policy and national security arenas, a policy area that is largely confined to the national level.”

Many such groups are powered by what [Grumbach \(2020\)](#) conceptualizes as “interest group activists”: the ideological extreme political activists that comprise many organizations. These activists play an important role for legislators, providing a significant source of campaign resources, from monetary contributions to get-out-the-vote efforts ([Moon, 2004](#)).¹ Moreover, they are deeply engaged in the policy process and are much more likely to contact their legislators, with many organizations even facilitating this contact ([Grumbach, 2020](#)). Thus, [Grumbach \(2020\)](#) found that political contributions from these group-affiliated activists has had a polarizing effect on state legislatures, with legislators that are more reliant on these contributions exhibiting more ideologically-extreme legislative behavior than those who receive fewer contributions from these activists.

Many groups also have the ability to engage in venue shopping, where they can strategically direct their resources, and thus their influence, toward those places that are more receptive to their agenda ([Baumgartner and Jones, 2010](#)). Polarization in Washington has made the states particularly attractive venues. As [Grumbach \(2018, 418\)](#) notes, “Polarization reduces the ability of the minority party and their aligned policy demanders to influence or extract compromises from the majority party, increasing the relative benefit of shifting their focus to

¹As [Fenno \(1978\)](#) describes, these activists would comprise a legislator’s “primary constituency.” Beyond voting for a candidate, these are the supporters that provide vital electoral assistance, such as volunteering for a legislator’s campaign.

the states.” Thus, during periods where the opposing party has unified control in Washington, party-affiliated groups are likely to gravitate toward those states where the out-party has unified control and could advance the group’s policy efforts. Given each of these factors, out-party-aligned interest groups, powered by the activists that comprise them ([Grumbach, 2020](#)), are highly likely to demand ambitious policy change when their interests are threatened and state lawmakers have the majorities to act.

2.2.3 The Issue of Term Limits

One potentially complicating factor for this causal pathway are legislative term limits. As shown in [Figure 2.7](#), there are currently 15 state legislatures that are term limited. These limits take a number of different forms and typically range anywhere from 8 to 16 years of service. While most states only limit the number of consecutive years served, some states have lifetime limits on the total number of years served, which are considerably more restrictive (see [National Conference of State Legislatures \(2015\)](#)). The issue with term limits is that preventing state legislators from seeking re-election via term limits may sever the connection between citizen mobilization and state policy activism.

The academic literature on term limits, however, suggests that this is not likely to be an issue. Surveys of state legislators have shown, for instance, survey research has shown that term limited legislators hold similar career ambitions as those who are not term limited ([Carey et al., 1998, 2000, 2006](#)). For instance,

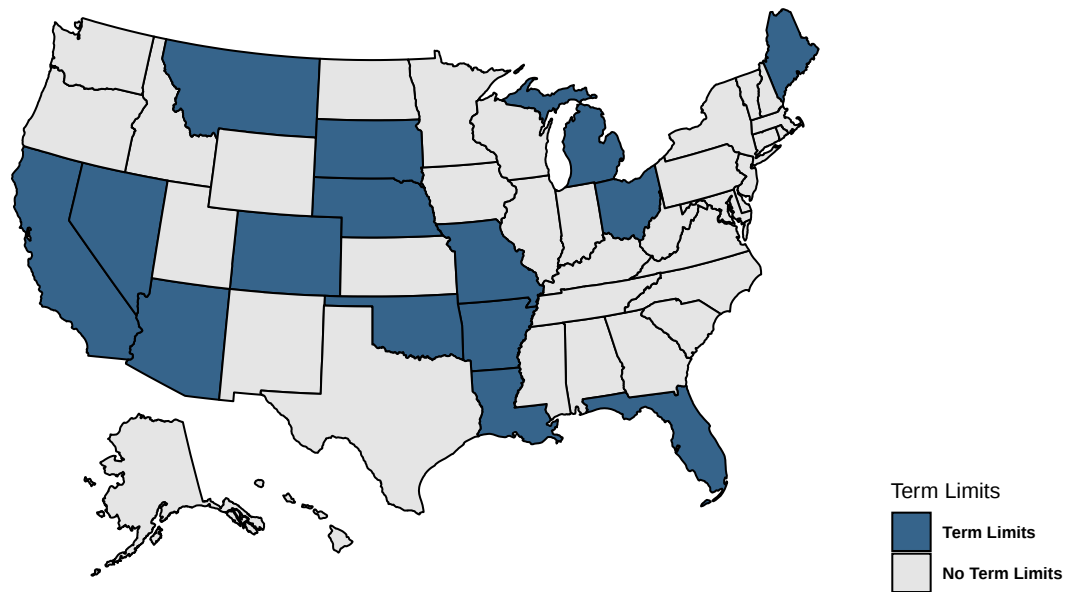


Figure 2.7: Term Limited State Legislatures

[Herrick and Thomas \(2005\)](#) survey state legislators in fifteen states and found that while term limited legislators were less issue-motivated, they actually exhibited greater ambition with regards to pursuing higher political office than those not term limited (also see [Powell, 2000](#); [Steen, 2006](#)).² Thus, it would still make sense for term limited legislators to respond to mass citizen mobilization, particularly when seeking higher office in states dominated by the national out-party.

Further, research on the behavioral effects of term limits suggests that term limits may even exacerbate the dynamic described above. For instance, [Carey et al. \(2006\)](#) found that term limited legislators nearing the end of their terms often adopt a more Burkean style of representation, focusing less on district-specific issues in favor of broader state-level policy issues (also see [Carey et al., 1998](#),

²Contextual work has also found that many term limited legislators choose return to local government following their tenure in the state legislature. For instance, see [Tothero \(2003\)](#).

2000). Thus, even those legislators representing more competitive state legislative districts may be increasingly inclined to act in favor of the broader state party's policy platform, with impending term limits leaving them insulated from any potential backlash.

2.2.4 State Legislators' Policy Goals Under Threat

The second mechanism emphasizes state legislators' personal policy priorities. Electoral concerns notwithstanding, legislators are also purposive actors, with their own policy goals beyond just being re-elected to public office (Hall, 1987, 1996). These policy goals can be directly threatened by the partisan balance in Washington, as policies that they support may be rolled back or eliminated, while counter-partisan federal action may jeopardize their policy initiatives at home. This has been evident in recent years between California's Democratic-controlled government and the Trump administration on issues such as environmental regulation and affordable housing (Davenport, 2019; Frias, 2019). Indeed, in the first legislative session following Trump's victory and Republicans taking control of Congress, California's Democratic majority adjusted their legislative strategy to account for the threat of counter-partisan action from Washington (Wilson, 2017). In some ways, this even provided an opportunity for Democratic lawmakers to pursue more ambitious policies that were previously viewed as too radical, such as single-payer health insurance (Abramsky, 2017; Wilson, 2017).

2.3 Gradations of Out-Party Threat

As the balance of power in Washington changes, so does the threat of counter-partisan action, which, in turn, changes the political calculus for state lawmakers. As I outline in this research, there are varying degrees of this out-party threat, each of which shape state policymaking in meaningful ways. This is a departure from existing theories of partisan federalism, which have focused primarily on partisan conflict between state control and the presidency ([Bulman-Pozen, 2014](#), 1096-1097). As [Miras and Rouse \(2021\)](#) discuss, however, there are varying degrees of misalignment in partisan control between state and federal government. While control of the presidency is absolutely central to the politics of partisan misalignment, a president from the opposing party may be more or less problematic for state lawmakers depending on the partisan balance in Congress. For instance, whether states are up against a president whose party holds unified control in Congress (e.g., President Obama from 2009-2010; President Trump from 2017-2018) or a president that is checked by Congress are very different circumstances, with the former being far more problematic for states controlled by the national out-party ([Miras and Rouse, 2021](#)). Thus, much of the existing literature does not speak to how the balance of partisan control in Washington shapes the contours of partisan federalism.

2.3.1 Partisan Misalignment

The first scenario is full partisan misalignment, where the opposing party has full unified control in Washington and considerable policymaking power, both to enact their agenda, as well as roll back policy gains made by the minority. This is the most alarming scenario for national out-partisans and thus the most mobilizing. As [Miras and Rouse \(2021\)](#) have shown, this partisan context leads states with full partisan control to be particularly active in advancing an ideological policy agenda, especially Democratic-controlled states.

2.3.2 Divided Government

Divided government in Washington is slightly less problematic for out-party lawmakers in the states, with both parties having the ability to check the implementation of the other's policy agenda. For example, even if the president is of the opposing political party, they are checked by at least one chamber of Congress, which is often enough to stymie their agenda and provide administrative oversight (e.g., [Howell and Pevehouse, 2007](#); [Kriner and Schickler, 2016](#); [Parker and Dull, 2009](#)). In the case of the Senate, this may also entail blocking the president's preferred nominees for judicial nominations or key administrative posts. Nevertheless, presidents still have the power to act on their party's policy agenda unilaterally, through executive orders, policy directives, or the creation of new government agencies ([Howell, 2003](#); [Howell and Lewis, 2002](#); [Moe and Howell, 1999](#)). Thus, while this context is less alarming than full partisan

misalignment, it is still more mobilizing than partisan alignment.

2.3.3 Partisan Alignment

The most advantageous for majority-party state lawmakers is full partisan alignment, during which their party also maintains unified control over the levers of national power in Washington. This scenario allows them to cede much of the party's agenda to their national co-partisans (e.g., see [Vock, 2016](#)), and provides the lowest impetus to take strong partisan stances of their own and is thus the least demanding from a lawmaking standpoint. While this leads to almost no co-partisan mobilization, it is the most mobilizing for the out-party.

Chapter 3: Mobilizing Against the Majority: Unified Government and Party Mobilization

The first step in testing my theory is to demonstrate that party mobilization and demobilization has coincided with the balance of partisan control in Washington. The overarching question is: is there really heightened political activity during more threatening political contexts? As I show in this chapter, the answer is a resounding “yes.” This chapter examines how more threatening political contexts mobilize the out-party against the party in control of federal power. In particular, this mobilization occurs in a variety of ways, such as voting, fundraising, and political protest. Overall, the goal of this chapter is illustrate that this out-party mobilization actually occurs when one party gains unified control of the federal government, which, in turn, leads to more policy activism from state lawmakers.

This chapter proceeds as follows. First, I discuss the existing literature in this area to highlight that this out-party mobilization has been a well-established finding in political science. Next, I then examine trends in three types of political activity, voting, fundraising, and political protest, and discuss how each coincide with the balance of federal control. These set the stage for the rest of my disser-

tation and provide an important theoretical underpinning for the analyses that follow.

3.1 Existing Research on Out-Party Mobilization

When one party gains power at the federal level—controlling the presidency, in particular—they tend to lose seats in the next election. Indeed, one of the most reliable patterns in American politics is that the president’s party often loses House seats in midterm election cycles. For instance, the president’s party has lost seats in 37 of the 40 midterm elections from 1862 to 2018 ([Campbell, 1993](#)). The only exceptions to this trend came in 1932, 1998, and 2002, where the president’s party managed to gain a total of nine, five, and eight seats, respectively.¹

A considerable amount of literature has been devoted to explaining this trend of party mobilization and de-mobilization. Perhaps the most notable explanation has been Angus Campbell’s ([1960](#)) theory of “surge and decline.” According to Campbell, the president’s party does well in presidential elections and then loses ground in midterm elections because presidential elections are high-stimulus contests, which lead to a surge in turnout among peripheral voters in support of the winning candidate. This turnout surge has coattail effects for congressional candidates of the winning party. Midterm elections, on the other hand, are low-stimulus elections, where many of these peripheral supporters of the

¹These results were so unusual that many studies have closely examined these cycles to highlight the unique circumstances that produced these outcomes (e.g., see [Campbell, 2003](#); [Herrnson and Morris, 2007](#)).

party in power stay home and core partisan voters—some of whom may have crossed party lines to support the winning candidate in the last election—revert back to their previous partisan predispositions.

While election results have lent support for Campbell's (1960) theory of surge and decline in both congressional (Campbell, 1991, 1993, 1997) and state elections (Campbell, 1986), the theory has various weaknesses. Namely, scholars have not found significant differences in the electorates between presidential and midterm cycles (Wolfinger et al., 1981). This led to others, such as James Campbell (1987), introducing revised theories of surge and decline, which posit that the presidential turnout surge is among partisan voters of the advantaged party, not independent voters, as Campbell (1960) originally argued.

Others have explained this pattern as being the result of midterm voters' assessments of presidential performance (Campbell, 1997, 2003; Jacobson, 2004; Tufte, 1975, 1978). This "referendum theory" is the idea that the out-party gains seats in midterm elections because these contests tend to be referendums on the performance of the party in power. For instance, Tufte (1975) found that the president's popularity rating and their management of the economy influenced their party's fortunes in midterm elections. Similarly, Campbell (1997) found that each additional point on the president's approval rating come the midterm elections saves their party one additional seat, while each additional percentage point in real income growth reduces the number of seats losses by roughly 1.5 seats.

As more recent work has noted, however, the referendum explanation still leaves much to be explained. Namely, many presidents have actually been rela-

tively popular around the time of midterm elections, only to see their party lose countless seats nonetheless. This ultimately led to what scholars now refer to as “balance theory,” or the idea that voters support the out-party in midterm election cycles to provide a check on the party in power in an effort to produce more moderate policy ([Alesina and Rosenthal, 1995](#); [Bafumi et al., 2010](#)). Using polling data on the generic ballot—which asks voters which party they plan to support rather than specific candidates—from 1946 to 2006, [Bafumi et al. \(2010\)](#) find that voters increasingly balance against the president’s party as a midterm nears. Moreover, this support for the out-party is not linked to perceptions of presidential performance.

While perhaps the most applicable to my theory, this explanation does not account for the broader balance of partisan control amid which this balancing occurs. These balancing effects should be considerably stronger during periods of unified government where the need for balance is clearer than with divided control. Namely, when government is already divided, there is likely to be less of a clear need for balancing because the parties are already sharing power. As I show in this chapter, there is strong evidence to suggest that this may also be driven by out-party mobilization in response to unified control.

3.2 Voter Mobilization

I first examine whether state voter turnout is higher, on average, during periods of unified government in Washington. To do this, I ran four linear regres-

sion models, shown in [Table 3.1](#). The dependent variable is state turnout rate for each state and year, from 1980 to 2018, calculated by the U.S. Elections Project.² The main predictor, *Unified National Government*, is a dichotomous variable, equal to 1 if the federal government is under unified control at the time of the election, 0 if otherwise. I also account for a number of control variables that may influence a state's aggregate voter turnout. *State Presidential Competitiveness* reflects the statewide Democratic margin in two-party vote share in the last presidential election, collected from the [Congressional Quarterly \(2018\)](#) Voting and Elections Database.³ This variable captures how competitive a state is at the national level. *Presidential Approval* is the president's job approval rating from the latest Gallup poll prior to Election Day.⁴ *Senate Race* and *Gubernatorial Race* are dichotomous variables, indicating whether there was a senate or gubernatorial race in that particular state and year. Finally, I also include the statewide *Unemployment Rate*, collected from the [University of Kentucky Center for Poverty Research \(2020\)](#), to account for broader economic conditions, as well as a dichotomous variable to control for whether or not it is a presidential election year, where turnout is often considerably higher.

Models (1) and (2) in [Table 3.1](#) show the baseline effects of unified national government on state-level voter turnout, while models (3) and (4) also account for each of the covariates described above. Further, models (1) and (3) include all

²The turnout rate is calculated as the turnout rate for the highest office on the ballot in each state.

³This variable represents the Democratic statewide vote share minus the Republican statewide vote share.

⁴These data, originally from Gallup, were collected and compiled by [Peters \(2021\)](#) and the American Presidency Project.

	<i>Dependent variable:</i>			
	State Turnout Rate			
	(1)	(2)	(3)	(4)
Unified National Government	2.24*** (0.29)	3.24*** (0.31)	1.43*** (0.27)	3.13*** (0.32)
State Presidential Competitiveness			−0.01 (0.02)	−0.06** (0.03)
Presidential Approval			−0.12*** (0.01)	−0.09*** (0.01)
Senate Race			1.08*** (0.20)	1.03*** (0.25)
Gubernatorial Race			1.12** (0.54)	0.79 (0.55)
Unemployment Rate			0.07 (0.07)	−0.15* (0.08)
Presidential Election Year	16.60*** (0.56)	19.00*** (0.52)	15.73*** (0.54)	18.34*** (0.57)
State Fixed Effects	Yes	Yes	Yes	Yes
Years	1980-2018	Post-2000	1980-2018	Post-2000
Observations	1,048	550	979	490
R ²	0.70	0.79	0.73	0.82

Note: *p<0.1; **p<0.05; ***p<0.01
OLS estimates, state-clustered SEs in parentheses.

Table 3.1: Unified National Government and State Turnout

election cycles from 1980 to 2018, while models (2) and (4) only cover elections in the post-2000 period. Each of the four models do not include any special elections occurring outside of Election Day. Moreover, all four models include state fixed effects to capture the within-state changes in voter turnout.

Looking first at the baseline models, the coefficients for unified national government in models (1) and (2) are positive and statistically significant at the .01-level. Controlling only for differences in turnout between presidential and

midterm election cycles, state turnout was roughly 2.2 percentage points higher, on average, in election years when the national government was unified than in elections that occurred amid divided control. This turnout effect is one point larger when looking only at post-2000 elections, with unified government leading to about 3.2 percentage points in additional state voter turnout, on average, relative to election years during divided government.

These results are robust even when accounting for state competitiveness, presidential approval, senate and gubernatorial races, and economic conditions. The coefficients for unified government in models (3) and (4) are both positive and statistically significant at the .01-level. As the coefficients indicate, from 1980 to 2018, a state's voter turnout, on average, was about 1.4 percentage points higher in elections that occurred during unified government than elections that occurred amid divided control. In post-2000 cycles, unified government, on average, has led to nearly 3.1 additional percentage points in a state's voter turnout. Overall, these results show that state-level voter turnout tends to be considerably higher when the election is to break or sustain unified government.

The question, however, is whether this heightened voter turnout actually translates into electoral performance for the out-party. To examine this, [Table 3.2](#) shows the effect of unified government on statewide Democratic two-party vote share in races for the House of Representatives. This variable, calculated by [Congressional Quarterly](#) (2018), represents the aggregate statewide performance of all Democratic House candidates in each state and election year. The main independent variable has been broken out into two dichotomous variables, each

	<i>Dependent variable:</i>			
	Statewide House Democratic Vote Share			
	(1)	(2)	(3)	(4)
National Gov: Unified Democratic	−3.43*** (0.62)	−2.38*** (0.75)	−8.03*** (1.19)	−5.82*** (1.04)
National Gov: Unified Republican	0.14 (0.98)	2.51*** (0.54)	−0.28 (0.71)	1.51** (0.61)
State Presidential Competitiveness			0.21*** (0.06)	0.41*** (0.10)
Presidential Approval			−0.17*** (0.04)	−0.34*** (0.06)
Senate Race			0.80* (0.41)	0.93 (0.58)
Gubernatorial Race			−0.40 (0.56)	−0.39 (0.83)
Unemployment Rate			1.02*** (0.27)	−0.14 (0.25)
Presidential Election Year	0.07 (0.44)	0.59 (0.44)	−1.07*** (0.41)	−0.68 (0.64)
State Fixed Effects	Yes	Yes	Yes	Yes
Years	1980-2018	Post-2000	1980-2018	Post-2000
Observations	980	490	980	490
R ²	0.02	0.03	0.12	0.27

Note: *p<0.1; **p<0.05; ***p<0.01
OLS estimates, state-clustered SEs in parentheses.

Table 3.2: Unified National Government and Statewide House Vote Share

indicating whether the federal government is under unified Democratic or Republican control, respectively. All other covariates and model specifications remain the same.

As shown in model (1), unified Democratic government in Washington leads to a drop in statewide Democratic House vote share of about 3.4 percentage points. This effect is statistically significant at the .01-level. Unified Republi-

can control, on the other hand, has no effect on Democratic vote share. This is different, however, when looking at post-2000 elections. In model (2), unified Democratic government depresses Democratic vote share by roughly 2.4 points, on average. When Republicans have unified control, however, Democratic two-party vote share increases by about 2.5 points. Each of these effects are statistically significant, which thus suggests that unified government leads to decreases in the majority party's vote share and increases in the statewide vote share of the national out-party.

Like with voter turnout, these results are robust to the inclusion of covariates. In model (3), unified Democratic control leads to a reduction in Democratic House vote share by about eight percentage points. This is particularly sizable in comparison to the results in model (1). There is no comparable effect, however, from unified Republican control. In post-2000 elections, Democratic vote share falls by nearly six points when Democrats hold control in Washington. When Republicans have unified control, however, Democratic vote share jumps by an average of 1.5 points in the out-party's direction. These effects are statistically significant at the .01-level and .05-level, respectively.

Perhaps most importantly, we see this same effect with state-level elections. [Table 3.3](#) replicates the models from [Table 3.2](#) using the total Democratic vote share in state legislative elections. These data were calculated from Carl Klarner's (2021) state legislative election returns dataset.⁵ Similar to the previous table, this

⁵These data are available at <https://www.klarnerpolitics.org/>. I am deeply grateful to Carl Klarner for generously providing me with the updated data, without which this analysis would not be possible.

	<i>Dependent variable:</i>			
	State Legislative Dem. Vote Share			
	(1)	(2)	(3)	(4)
National Gov: Unified Democratic	−2.47*** (0.38)	−2.97*** (0.46)	−5.05*** (0.51)	−3.91*** (0.68)
National Gov: Unified Republican	−0.56 (0.72)	2.41*** (0.35)	−0.31 (0.56)	1.98*** (0.40)
State Presidential Competitiveness			0.11*** (0.03)	0.23*** (0.04)
Presidential Approval			−0.07*** (0.02)	−0.13*** (0.02)
Senate Race			0.61** (0.27)	0.75*** (0.27)
Gubernatorial Race			0.42 (0.36)	0.76* (0.43)
Unemployment Rate			0.77*** (0.18)	−0.33** (0.13)
Presidential Election Year	0.17 (0.25)	0.85** (0.37)	0.03 (0.35)	0.75* (0.45)
State Fixed Effects	Yes	Yes	Yes	Yes
Years	1980-2018	Post-2000	1980-2018	Post-2000
Observations	924	462	924	462
R ²	0.02	0.12	0.10	0.30

Note: *p<0.1; **p<0.05; ***p<0.01
OLS estimates, state-clustered SEs in parentheses.

Table 3.3: Unified National Government and State Legislative Vote Share

dependent variable was calculated by aggregating the total statewide votes for Democratic and Republican state legislative candidates in general elections and then calculating the total two-party vote share.

Overall, the results are largely consistent with the results among House races discussed above. Beginning with model (1), in election years where the federal government is under unified Democratic control, the total Democratic

vote share for state legislative races falls, on average, by nearly 2.5 points, an effect that is statistically significant at the .01-level. However, there is no comparable uptick amid unified Republican control. The results are more pronounced in elections post-2000. In model (2), unified Democratic control leads to a nearly three point drop in state-level Democratic vote share, while elections that occur amid unified Republican control lead to an increase in Democratic vote share of 2.4 percentage points, on average. Both of these effects are statistically significant at the .01-level.

Consistent with the results above, these effects are also very strong after controlling for my set of control variables. Across all election cycles from 1980 to 2018, shown in model (3), unified Democratic government led to a five point reduction in Democratic vote share, an effect that is statistically significant at the .01-level. Unified Republican control, however, had no effect. Looking specifically at post-2000 elections, the effect of unified Democratic control diminishes by about one point, leading to a nearly four point drop in Democratic vote share, while unified Republican control leads to a nearly two point increase in Democratic vote share.

3.3 Fundraising

Another key indicator of out-party mobilization is the amount of money raised in terms of political fundraising. If the out-party's base is energized, they should be more likely to give money in the form of campaign contributions in an

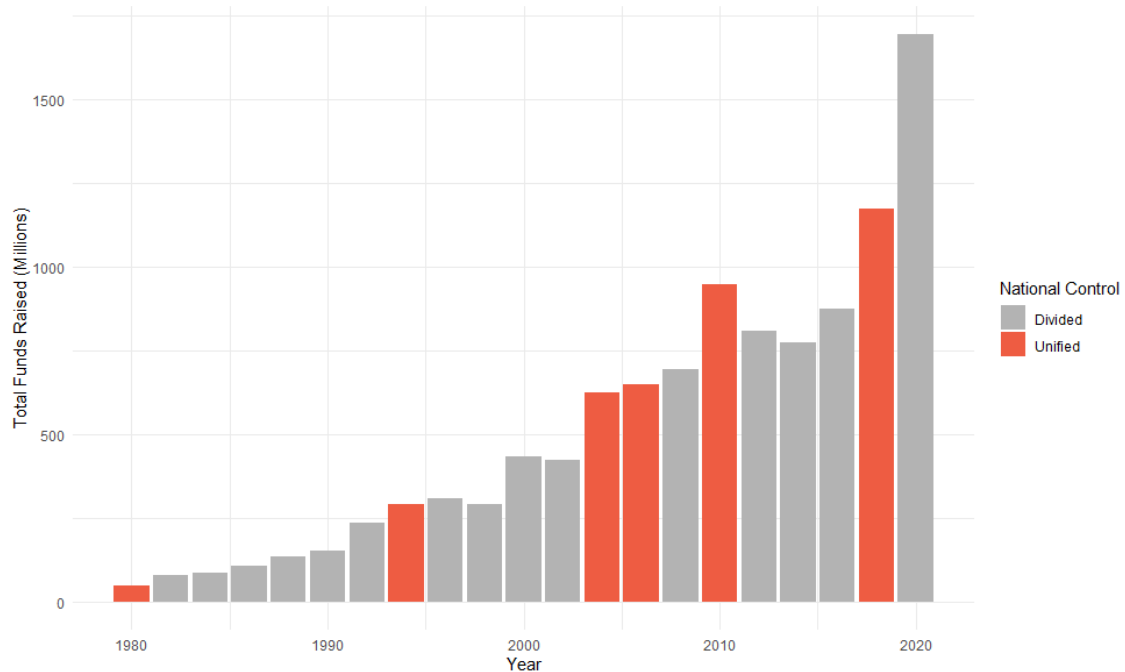


Figure 3.1: Total Funds Raised, House and Senate Races, 1980-2020

effort to dislodge the majority from power. To examine this dynamic, I analyze individual contributions to House and Senate candidates in every national election cycle from 1980 to 2020.⁶ These data capture all individual donations greater than \$200, as required by the Federal Election Commission. Thus, these figures do not reflect countless small dollar donations, which means they are likely to be conservative estimates of the full extent of fundraising.

Figure 3.1 shows the total funds raised by Democratic and Republican congressional candidates in each election cycle, from 1980 to 2020. In other words, this is the total amount of money raised by candidates from both parties in each year. As expected, we see significant jumps in fundraising activity in election cycles occurring during unified government. For instance, from 2002 to 2004 and

⁶Special thank you to Charlie Hunt for generously providing these data in an aggregated form.

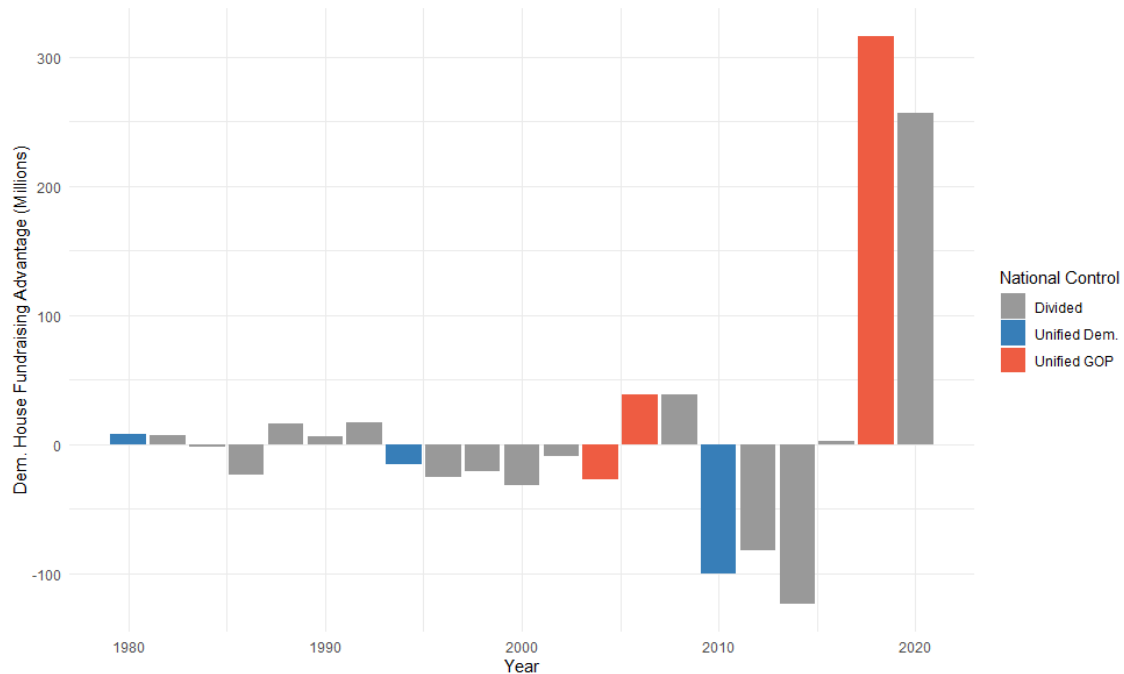


Figure 3.2: Democratic Fundraising Advantage, House and Senate Races, 1980-2020

2006, total fundraising increased by nearly \$250 million. After Democrats broke Republicans' unified control in 2006, fundraising remained relatively flat in 2008, before jumping by roughly \$300 million amid Democratic control in 2010. After Republicans took back control of the House in 2010, fundraising flattened again during divided government from 2012 to 2016. Fundraising then jumped again by a slightly larger magnitude in 2018 amid unified Republican government. The outlier is 2020, which saw record fundraising for House and Senate candidates amid a number of hotly contested races and Democrats expanding the map of battlegrounds to expensive states like Texas and Georgia. Nevertheless, the general trend has been sizable jumps in fundraising activity when one party holds unified control of government.

There is evidence to suggest that these upticks during unified government

significantly benefit the out-party. [Figure 3.2](#) shows the partisan fundraising advantage in each election cycle across national partisan configurations. Positive values indicate a fundraising advantage for Democrats, while negative values represent a fundraising advantage for Republicans. As this figure shows, there does appear to be a clear backlash effect to unified control. Since 2000, we tend to see the out-party doing better in terms of congressional fundraising when the president is the of the opposing party. The largest net shifts between cycles, however, occur when one party gains unified control. For example, between 2008 and 2010, the shift in fundraising between elections went from a \$40 million Democratic advantage to a \$100 million Republican advantage. This trend continued in 2012 and 2014 before reverting back to roughly zero in 2016. In 2018, there was a sizable jump in favor of Democrats amid unified Republican government, with a fundraising advantage of more than \$300 million. This continued through the 2020 presidential election, albeit with a slightly smaller advantage of about \$250 million.

Table 3.4 shows the effect of unified national government on state-level partisan fundraising advantages for all statewide congressional races. Essentially, this is the difference in aggregate statewide fundraising, represented in millions, between all Democratic and Republican candidates. Thus, positive values indicate a Democratic fundraising advantage, while negative values indicate a Republican advantage.

In model (1), unified Democratic government is associated with about a \$700,000 disadvantage in fundraising for Democratic House and Senate candi-

	<i>Dependent variable:</i>			
	Democratic Fundraising Advantage			
	(1)	(2)	(3)	(4)
National Gov: Unified Democratic	−0.69 (0.44)	−2.15* (1.29)	−1.33** (0.54)	−0.40 (1.47)
National Gov: Unified Republican	2.30*** (0.63)	2.11*** (0.51)	1.98*** (0.56)	2.14*** (0.56)
State Presidential Competitiveness			0.06*** (0.02)	0.10* (0.06)
Presidential Approval			−0.04** (0.02)	−0.06*** (0.02)
Senate Race			−0.26 (0.21)	−0.55 (0.41)
Gubernatorial Race			0.31 (0.23)	0.84* (0.50)
Unemployment Rate			−0.06 (0.09)	−0.64*** (0.20)
Presidential Election Year	0.35 (0.25)	0.09 (0.49)	−0.28 (0.21)	−0.46 (0.43)
State Fixed Effects	Yes	Yes	Yes	Yes
Years	1980-2020	Post-2000	1980-2020	Post-2000
Observations	1,012	529	965	482
R ²	0.02	0.03	0.06	0.09

Note: *p<0.1; **p<0.05; ***p<0.01
OLS estimates, state-clustered SEs in parentheses.

Table 3.4: Unified National Government and Congressional Fundraising, 1980-2020

dates, on average. This gap widened in post-2000 elections, with unified Democratic control leading to a \$2.15 million fundraising gap. However, neither of these effects reach conventional levels of statistical significance. The results become clearer after accounting for the slate of covariates. In model (3), Democratic control leads to a fundraising disadvantage of roughly \$1.3 million, an effect that is statistically significant at the .01-level. As the results in model (4) show, how-

ever, this disadvantage has largely dissipated in the post-2000 period, as the coefficient is relatively small and lacks statistical significance. We see the opposite effect when Republicans hold unified control in Washington. In models (1) and (2), unified Republican control is associated with Democratic congressional fundraising advantages of \$2.3 and \$2.1 million, respectively. Each of these effects are statistically significant at the .01-level. These results are robust even after accounting for covariates, as the coefficients in models (3) and (4) are consistent with the baseline results and statistically significant at the .01-level.

Overall, what these data illustrate is that the national out-party often sees a sizable fundraising advantage when the opposing party holds unified control in Washington, which is consistent with my theory of out-party mobilization.

3.4 Political Protest: The Case of the Anti-Trump Resistance

Out-party mobilization is also evident through political protest activity. As scholars have highlighted, demonstrations signal the intensity of opposition to government action (or prospective government action) ([Fassiotto and Soule, 2017](#); [Gillion, 2012](#); [Lohmann, 1993](#)). Given that engaging in political demonstrations is both comparably risky and costly behavior relative to other forms of participation ([Verba et al., 1995](#)), it provides strong signals about the intensity of opposition or support for a particular government action (or prospective action) ([Wouters and Walgrave, 2017](#)).

In this section, I examine the mobilization and de-mobilization of the anti-

Trump resistance movement from 2017 to 2020. This movement provides a strong indicator of out-party mobilization throughout the Trump administration, as it was comprised primarily of those affiliated with the out-party (Fisher et al., 2017) and endorsed broad opposition to the Trump administration and its policy actions (e.g., see Gambino and Gabbatt, 2017). In light of my theory, we should see a sizable mobilization during unified Republican government in 2017 and 2018, followed by a significant de-mobilization after Democrats took back control of the House of Representatives in the 2018 midterm elections, which broke Republicans' hold of government and produced a less threatening political context for Democrats.

To do this, I leverage data from the Crowd Counting Consortium, which used crowd sourcing to track political protest activity during the Trump administration. These data include, for example, locations of demonstrations, crowd size estimates, and details of the events (e.g., reasons for protesting), as well as whether each event was anti-Trump, pro-Trump, or neither. These data have been utilized for a variety of academic studies (e.g., Andrews et al., 2018; Miras, 2019). To examine how the intensity of anti-Trump protest activity fluctuated during the Trump administration, I aggregated these event data to develop monthly and yearly estimates of overall anti-Trump protest turnout. These estimates reflect the aggregate "best guess" estimates, which were calculated using a simple average of the high and low estimates for each event size.⁷

⁷The findings presented in this section are consistent even when substituting the best guesses for the low or high estimates.

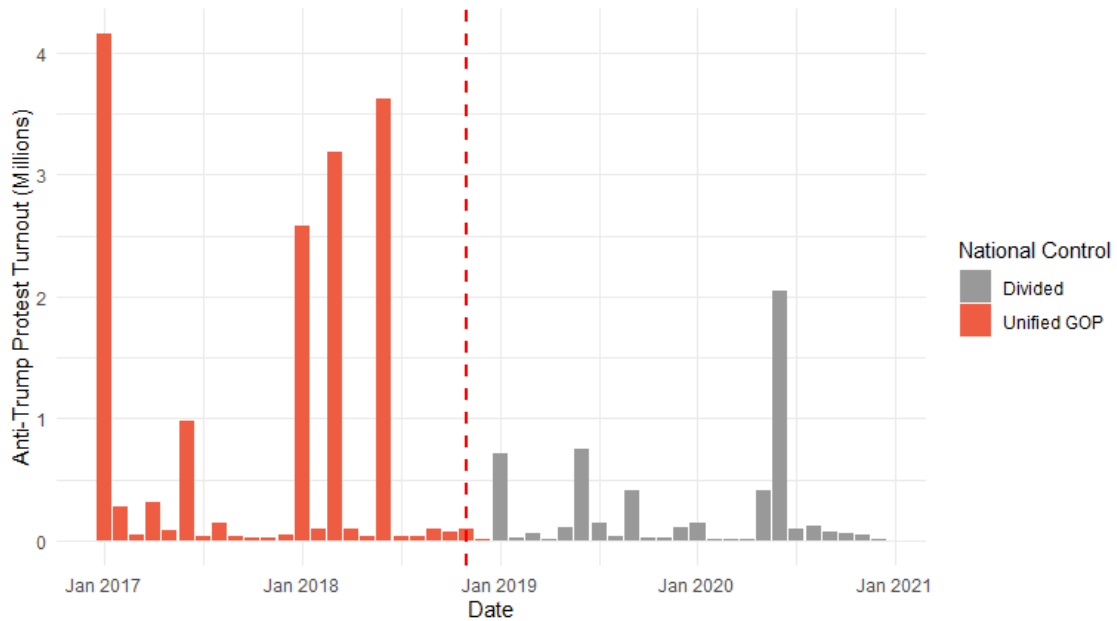


Figure 3.3: Anti-Trump Protest Turnout, By Month, 2017-2020

Figure 3.3 shows the monthly turnout, measured in millions, at anti-Trump demonstrations from January 2017 to December 2020, with the color of the bars representing the balance of partisan control at the national level and the dashed line indicating the 2018 midterm elections. As this figure illustrates, beginning with the Women’s March in January 2017, which saw more than four million demonstrators across the U.S., anti-Trump protest was quite intense during the first two years of the Trump administration. This period was marked by multiple months of exceptionally high turnout driven by large, nationwide demonstrations, such as the 2018 Women’s March (January 2018), the March for Our Lives (March 2018), and the 2018 Pride and Families Belong marches (June 2018).

After Democrats took back control of the House of Representatives in January 2019 and broke Republicans’ unified hold of government, turnout at anti-Trump demonstrations fell considerably. Though there were some months of

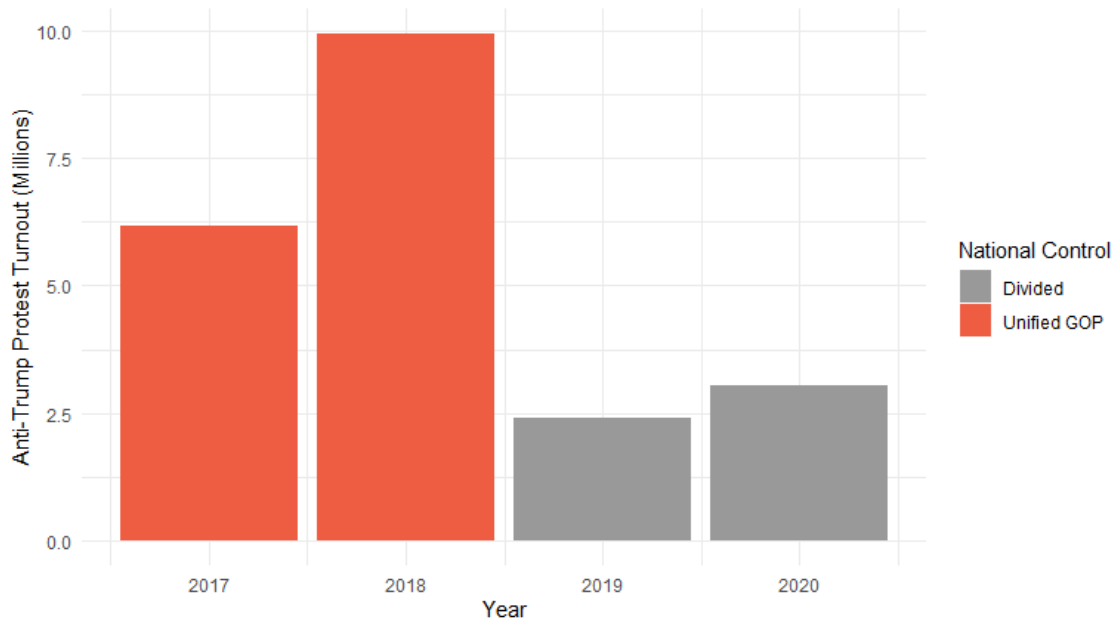


Figure 3.4: Anti-Trump Protest Turnout, By Year, 2017-2020

elevated protest activity in 2019 and 2020, only three broke the half million attendance mark, with the only one even approaching the size and scope of 2017-2018 protests being the George Floyd protests in the summer of 2020. Even the Women’s March, which saw turnout of more than two million demonstrators just one year before, recorded less than 750,000 participants in 2019.

The precipitous decline in anti-Trump turnout is appears even starker when aggregating by year. [Figure 3.4](#) shows the total anti-Trump protest turnout, aggregated by year. In the first year of the Trump administration, there were roughly 6.3 million anti-Trump demonstrators in total. In 2018, turnout increased even further, to roughly 10 million marchers nationwide. After Democrats took control of the House, total turnout in 2019 fell 75 percent, to about 2.5 million demonstrators. Although turnout then grew slightly in 2020 to about three million, it remained considerably lower than the levels seen in 2017 and 2018.

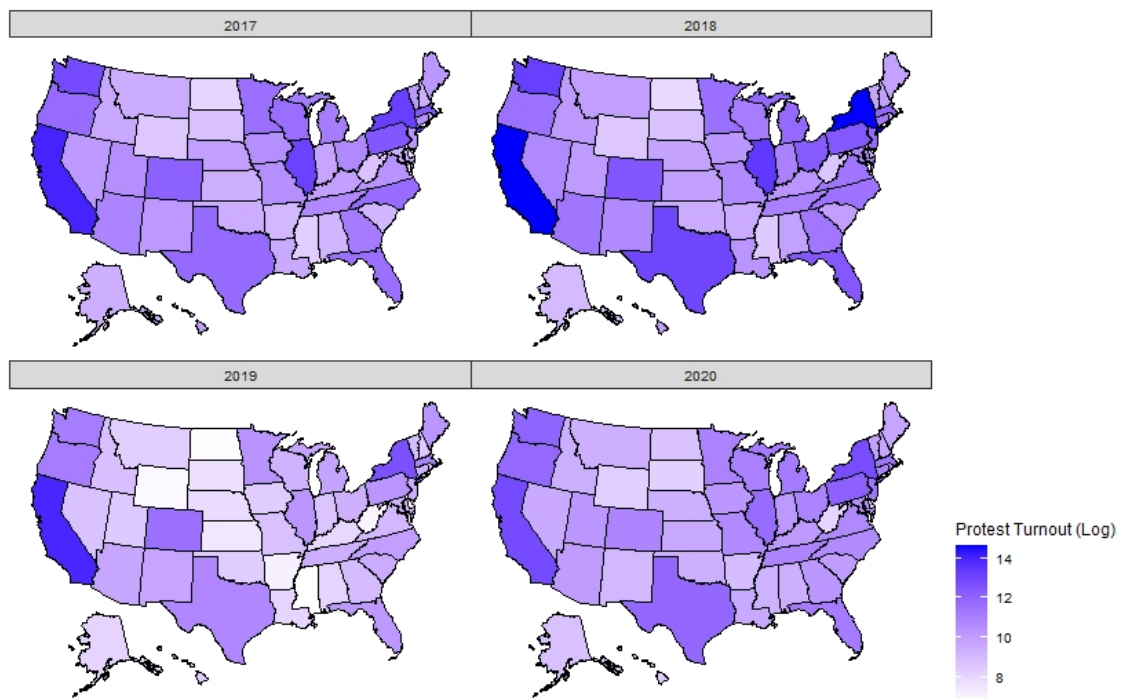


Figure 3.5: Geography of Anti-Trump Protest Turnout, 2017-2020

Figure 3.5 shows the geography of anti-Trump demonstrations in each state and year. In these maps, states are shaded based on their logged statewide turnout at anti-Trump demonstrations. As this figure illustrates, the anti-Trump protest activity of 2017-2018 was deep and widespread, occurring even in predominantly conservative states, such as Texas and Florida, as well as large, liberal states, such as New York and California. As the balance of partisan control in Washington changed following the 2018 midterm elections, demonstrations receded all over the country, as shown by the map becoming noticeably lighter in 2019-2020. The only states where protest activity remained relatively high in 2019, for instance, were California and New York. What this figure ultimately shows is that these declines in anti-Trump protest activity following the 2018 midterms

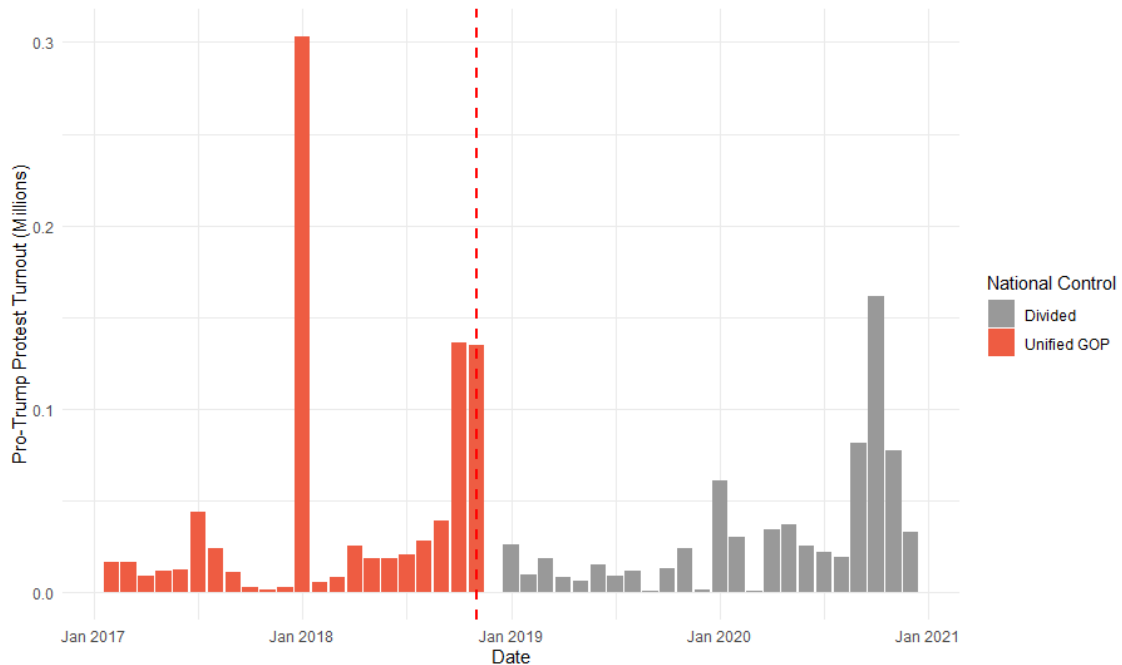


Figure 3.6: Pro-Trump Protest Turnout, By Month, 2017-2020

were not isolated and limited to a handful of states. Rather, the declines in anti-Trump turnout from their high-water mark in 2018 occurred nationwide after Democrats took control of the House and the threat of Republicans enacting their policy agenda diminished.

By comparison, the trends in pro-Trump and non-Trump related protests over the same period were noticeably different. Particularly, we do not see the same stark decline in these demonstrations as we do with anti-Trump protests. [Figure 3.6](#) shows the trend in monthly pro-Trump demonstrations from January 2017 to December 2020. Unlike the anti-Trump demonstrations shown above, there is no clear drop-off in protest turnout following the November 2018 midterm elections. Aside from a sizable spike in pro-Trump protesters in January 2018, driven primarily by the 2018 March for Life in Washington, D.C., the figures be-

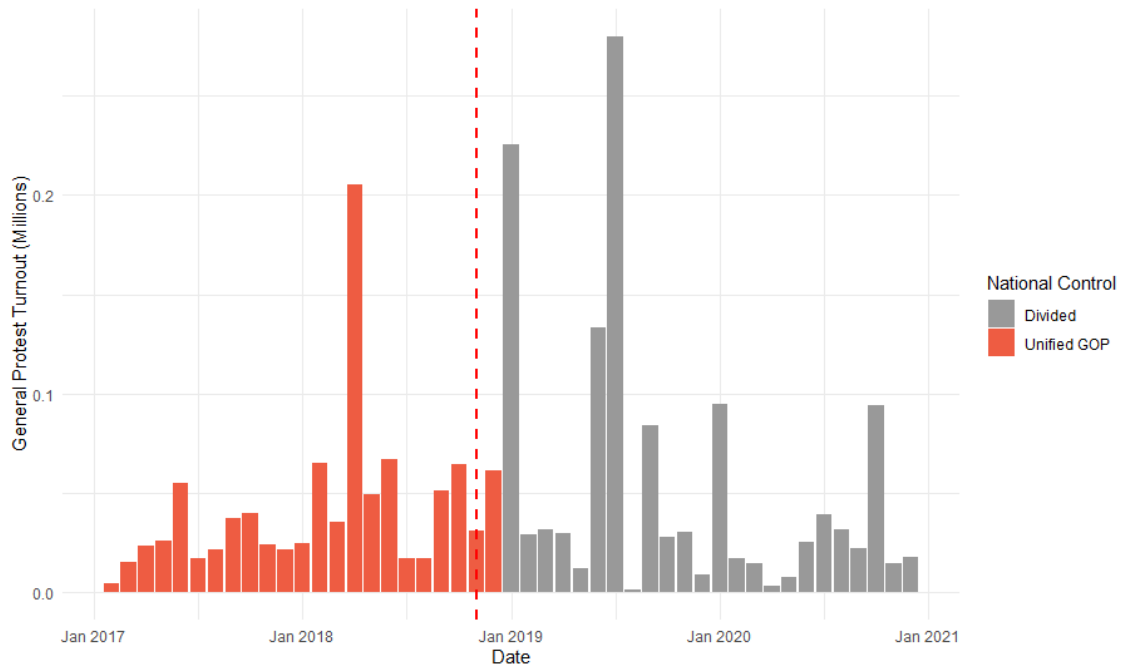


Figure 3.7: Other (Unrelated) Protest Turnout, By Month, 2017-2020

fore and after the change in partisan control follow a nearly identical pattern.

The same is true with protests unrelated to President Trump. [Figure 3.7](#) shows monthly crowd size totals at demonstrations that were neither pro-Trump, nor anti-Trump. These events include everything from general protests about policy issues, such as rallies for immigration reform or against oil drilling on public lands, as well as specific issues at the state and local level, such as school walkouts or demonstrations following local police incidents. As this figure illustrates, turnout for these general protests was consistent throughout the Trump administration. Unlike anti-Trump demonstrations, which saw a sizable decline following the 2018 midterm elections, there is no clear movement in these data between 2017-2018 and 2019-2020.

Thus, as these data illustrate, the intensity of the anti-Trump resistance

movement, which was comprised overwhelmingly by supporters of the out-party, coincided with the balance of national partisan control. Anti-Trump protest activity saw much greater intensity during the first two years of the Trump administration, during which Republicans held unified control of Congress and the presidency and had the power to enact the president's agenda. This grass-roots anti-Trump activism contributed to a sizable Democratic victory in the 2018 midterm elections (Fisher, 2021). After taking back control of the House of Representatives and breaking Republicans' hold of national government, however, this out-party activism saw a significant and rapid de-mobilization. As Matt Yglesias (2019) of *Vox* described, Nancy Pelosi taking over as Speaker of the House "left liberals less alarmed." In other words, the ability to provide a legislative check on the Trump administration and stymie the Republican agenda in Washington made the political context less threatening for Democrats, which, in turn, led to a precipitous decline in anti-Trump activism.

3.5 Conclusion

In this chapter, I conducted initial tests of my theory by examining how more threatening political contexts mobilize the out-party against the party in power at the national level. To do this, I examined trends in voter turnout, two-party vote share, fundraising, and political protest activity. In all, I found strong evidence to suggest that unified national government has a significant mobilizing effect on the out-party, as captured by each of these various indicators.

First, I found that state-level voter turnout is higher in elections that occur amid unified government in Washington. From 1980 to 2018, state voter turnout in national elections was nearly 1.5 points higher in election cycles that occurred during unified government. Since 2000, the effect of unified national government on state-level turnout was upwards of three percentage points. This was true even after accounting for various other factors, such as the presence of senate and gubernatorial races, economic conditions, and whether it was a presidential election year.

Second, unified government also leads to stronger electoral performance by the out-party in both congressional and state legislative races. Since 2000, unified Democratic government at the national level has led to a nearly six point drop in statewide Democratic vote share in races for the House of Representatives, while unified Republican government has led to a 1.5 point increase in statewide Democratic House vote share. Meanwhile, at the state level, Democrats' total statewide vote share for state legislative races was nearly four points lower in elections that occurred during unified Democratic government in Washington and roughly two points higher when Republicans held unified control.

Third, unified government also leads to fundraising windfalls for the out-party. For instance, total fundraising for congressional races (House and Senate) has seen sizable increases in election cycles occurring amid unified national government. This is often to the benefit of the out-party, with fundraising swinging firmly against the party in power. Using state-aggregate FEC contribution data, I found that Democratic candidates, collectively, raise roughly \$2 million more

than Republicans in election cycles occurring during unified Republican government. During cycles with unified Democratic control, on the other hand, Republicans out raise Democrats by roughly \$1.3 million, though this advantage has weakened considerably since 2000.

Lastly, I also explored how out-party mobilization is evident through political protest activity by examining the rise and fall of the anti-Trump resistance movement from 2017 to 2020. Using data on protest crowd size estimates from the Crowd Counting Consortium, I showed that while turnout at anti-Trump demonstrations reached historic levels in 2017 and 2018, it plummeted dramatically after Democrats took control of the House of Representatives in the 2018 midterm elections. For instance, just one year after Democrats broke Republicans' unified hold of government, anti-Trump protest activity fell by 75 percent, from roughly 10 million demonstrators in 2018 to roughly 2.5 million in 2019 and 2020. Similar declines were not evident, however, with pro-Trump demonstrations or general protest activity unrelated to President Trump.

Chapter 4: Quantitative Analysis of State Lawmaking

In the last chapter, I showed that the out-party mobilization described in my theory—the central force driving state legislators’ actions—indeed occurs during periods of high partisan threat. In this chapter, I use a dataset of state bills introduced and enacted across twelve policy areas to examine whether the threat of counter-partisan federal action influences state lawmaking.

Using these data, I test three hypotheses about state lawmaking, all derived from my theory detailed in Chapter Two. First, I hypothesize that states with unified partisan control will introduce more bills, all else equal, in legislative sessions where the national political context is more threatening. Second, I hypothesize that states with unified partisan control will enact more legislation, all else equal, in legislative sessions where the national political context is more threatening. These effects are likely to be strongest in states that more strongly reject the national majority party, providing more favorable venues for partisan policy activism in response to the threat of federal policy change. Thus, my third hypothesis posits that any legislative effects of partisan threat should be stronger in states that more heavily favor the national out-party.

In the next section of this chapter, I detail the variables and data sources

used in this analysis. In the second section, I examine the results of my models to assess the evidence to support my first and second hypotheses. I then test my third hypothesis by including an interaction analysis to examine how these effects differ by how nationally competitive each state is. In the final section, I summarize my results and discuss the findings in broader context.

4.1 Variables and Data

In this analysis, I rely on a number of dependent and independent variables to test my hypotheses on state lawmaking. I also account for a number of covariates, which control for a variety of institutional, political, and socioeconomic factors that may also influence policy outcomes. Each of these variables, as well as the data sources used, are described in the sections below.

4.1.1 Dependent Variables

The dependent variables in this analysis capture the total number of bills enacted in each state legislative session. These are the number of bills that passed both chambers of the state legislature and were signed into law by the governor. I used FiscalNote to collect lawmaking data from all legislative sessions from 2001 to 2019.¹ These data were collected at the legislative session level and include only regular legislative sessions²—any special or fiscal sessions are excluded.

¹I am deeply grateful to Tim Hwang and FiscalNote for their generosity in providing access to their platform for the purposes of this research.

²I examine full legislative sessions, rather than state-years, for two reasons. The first simply has to do with availability. The vast majority of state legislative data are made available at the session level rather than broken out by state-year. Second, many states have two-year legislative

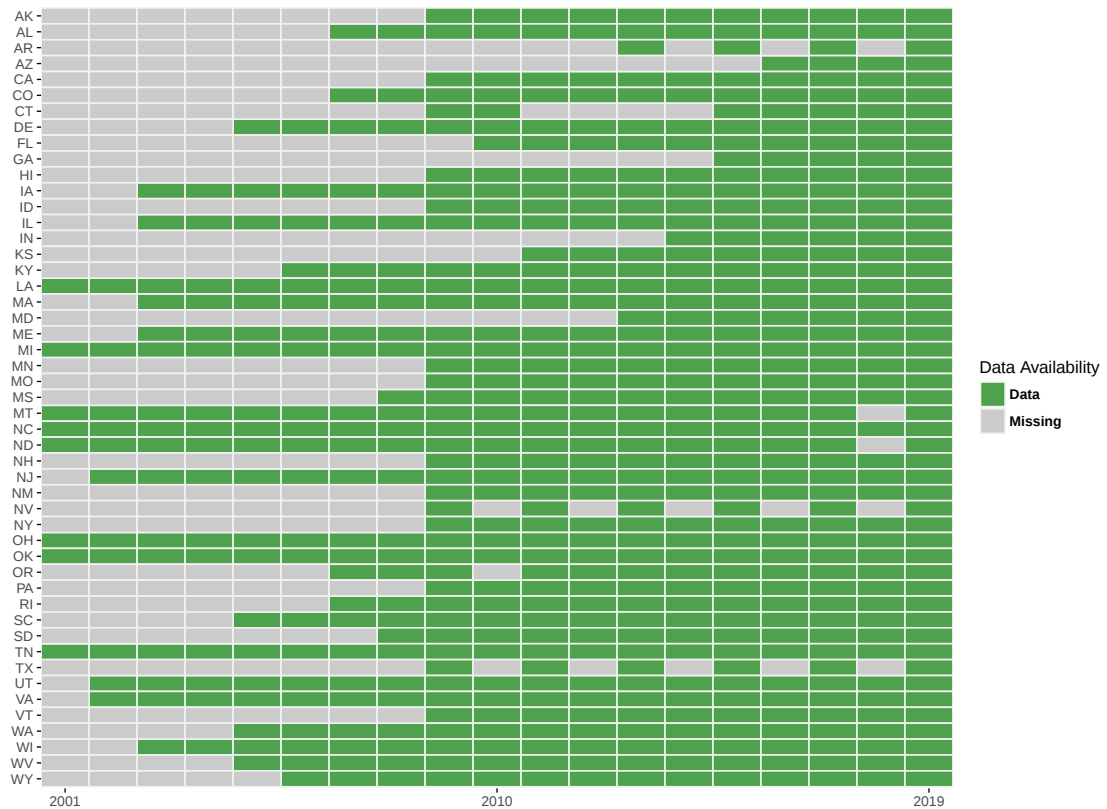


Figure 4.1: Lawmaking Data Availability, 2001-2019

Notably, there are differences in the amount of data available from each state legislature. [Figure 4.1](#) visualizes the availability of lawmaking data from every state legislature over this time period. The green boxes indicate the range of years covered in the dataset for each state, while gray boxes represent missing data. For some states, such as Louisiana, Michigan, Montana, North Carolina, Ohio, Oklahoma, and Tennessee, lawmaking data are available for the entire time sessions (e.g., 2015-2016, 2017-2018, etc.), while others have one-year sessions. With states that have two-year sessions, breaking the data into state-years may obscure important information. For example, it could be that state lawmakers tend to be more active in the first year of a two-year session than the second. This could present the illusion of a decline in lawmaking activity, even if it is considerably higher when comparing the current session to the previous one. Thus, full sessions are the more appropriate unit of analysis for the purposes of capturing broader changes in lawmaking activity.

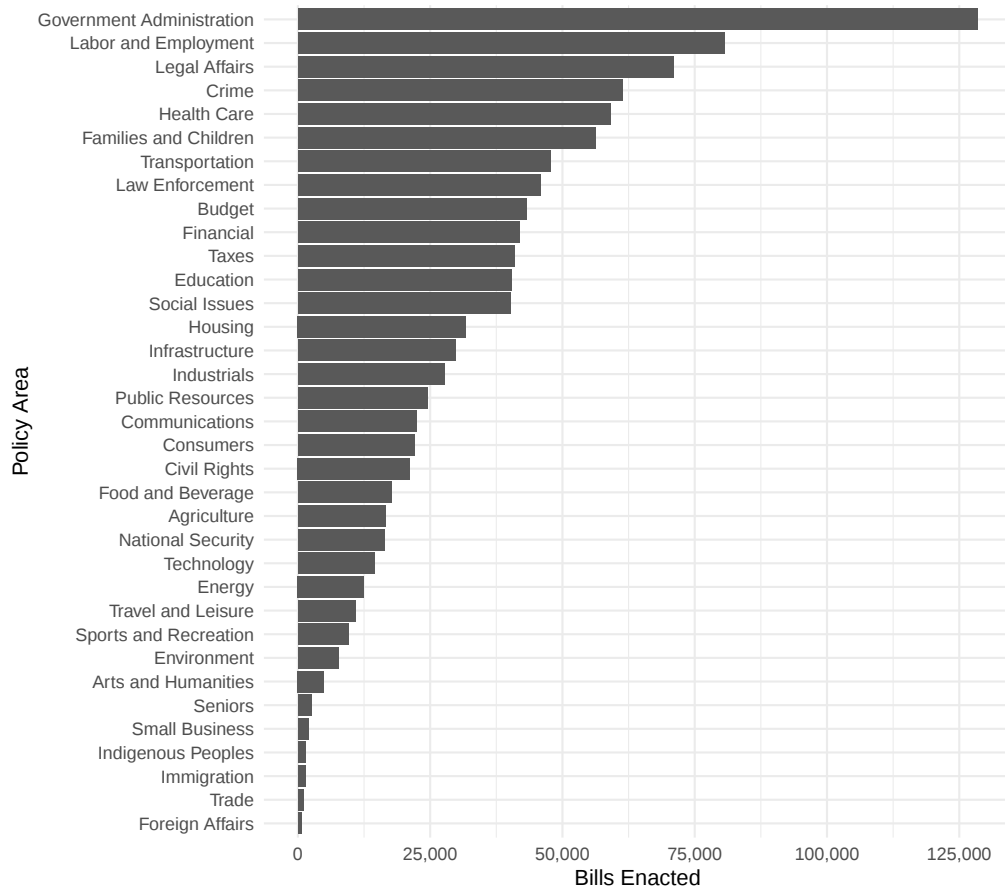


Figure 4.2: Most Common Bills Enacted, 2001-2019

period. Others, such as Georgia, Arizona, and Indiana, are more limited. Nevertheless, despite these differences in availability, roughly 70 percent of all state-years from 2001 to 2019 are covered in this dataset, which provide enough data to examine the variation in lawmaking across political context.

FiscalNote also codes each bill to one of 35 policy categories, which include issue topics such as civil rights, education, health care, immigration, and law enforcement, to name but a few. Each of these categories cover a number of sub-topics. For example, civil rights captures all bills on the issues of incarceration, the death penalty, equal protection, the first amendment, gender, privacy,

race, reproductive issues, search and seizure, sexual orientation, voting rights, and others. Meanwhile, the environment category captures all bills pertaining to climate change, endangered species, and environmental quality and standards. The full breakdown of the components of each policy category can be found in the Appendix. I rely on FiscalNote's issue topic coding scheme in this analysis.

[Figure 4.2](#) shows the total count of bills in each of the 35 policy areas across the time period. These categories are not mutually exclusive—a bill can be cross-listed to multiple categories. For example, a bill on the issue of law enforcement may be also be coded to the issues of crime and civil rights. As this figure shows, the most common policy category over this time period, with more than 125,000 bills enacted, was government administration, which encompasses bills on elections, municipal governments, state executive agencies, the governor, and the state legislature. This is followed by the issues labor and employment, legal affairs, crime, health care, and families and children, each with over 50,000 bills enacted. Other categories, such as the environment, indigenous peoples, immigration, trade, and foreign affairs, are considerably less common.

In this chapter, I limit my analysis to only the most common bill categories, or those policy areas in the top third of total categories in terms of bill frequency. This includes the top 12 policy areas in [Figure 4.2](#), from government administration to education. I adopt this approach because it allows me to filter out any infrequent, niche policy areas, such as travel and leisure or sports and recreation, among others, and focus primarily on those areas of state lawmaking that receive the most legislative attention. In other words, this captures most of the policy

areas key to the functioning of state government. Nevertheless, I include results for all of the remaining policy categories in the Appendix.

4.1.2 Explanatory Variables

The key explanatory variables in the forthcoming analyses capture the extent of partisan misalignment between the state and federal levels of government. These variables were constructed from data on state and federal partisan control, from 2001 to 2019, and reflect the various scenarios outlined in Chapter 2. State partisan control data were collected from [Klarner \(2013\)](#) and the [National Conference of State Legislatures \(2020\)](#). This variable is arranged as a categorical variable and captures instances of unified state government amid varying national political contexts.

This variable contains seven categories, each of which represent political contexts at various levels of threat. *Republican misalignment* and *Democratic misalignment* capture the most threatening scenarios for Republican- and Democratic-controlled states, respectively. These contexts occur when one party has unified control at the state level, while the other has unified control in Washington. *Partial Republican misalignment* and *Partial Democratic misalignment* capture scenarios where the states have unified partisan control while the federal government is divided. This scenario is moderately threatening for unified state governments. Finally, *Republican* and *Democratic alignment* capture those legislative sessions where state and federal government are politically aligned. These are the

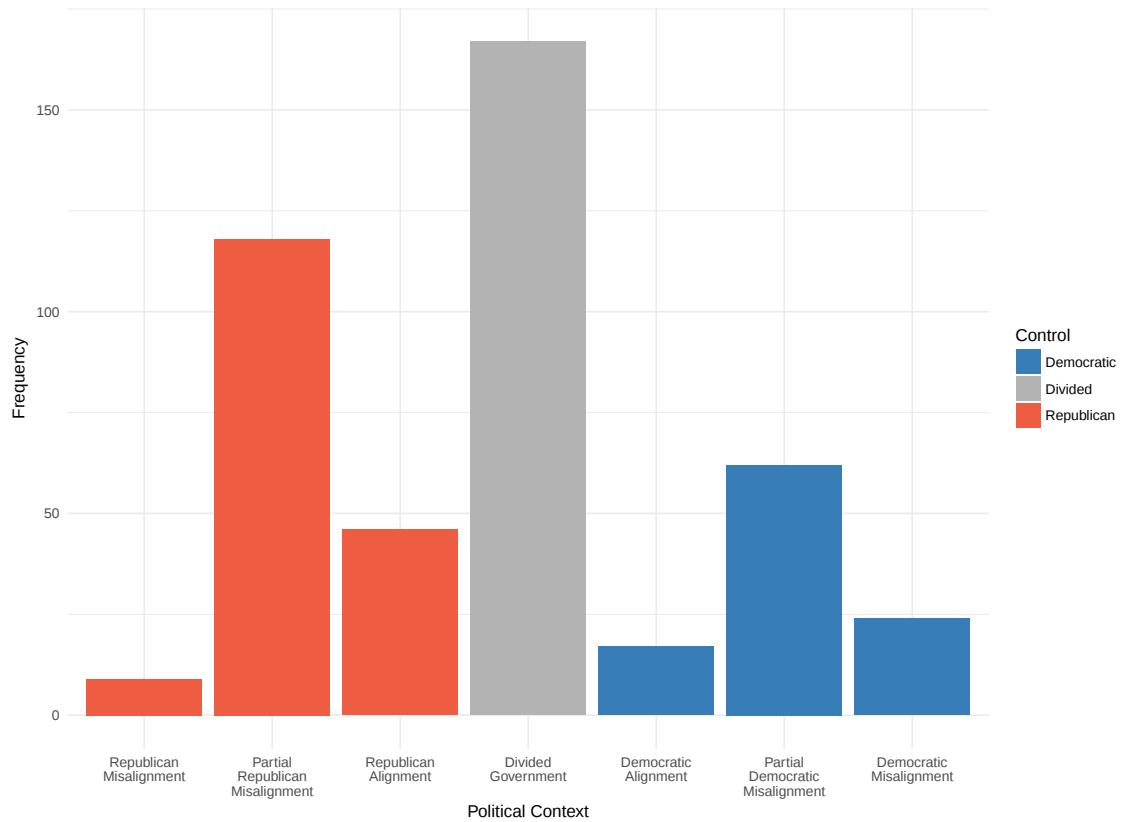


Figure 4.3: Legislative Sessions by Political Context, 2001-2019

least threatening scenarios for each party. Each of these contexts are compared to divided state government, the reference category.

Figure 4.3 shows the distribution of state legislative sessions by political context, from 2001 to 2019. The red bars represent the distribution of political contexts for states with unified Republican control, while the blue bars show the distribution of scenarios among Democratic-controlled states. The gray bar represents divided state government. As this figure illustrates, when states have unified partisan control, the most common political context is partial misalignment. This is particularly true for Republican-controlled states. Alignment and misalignment, however, are noticeably less common. Among Republican-controlled

states, there were 46 aligned sessions and only 9 misaligned sessions. Among Democrats, these low- and high-threat scenarios are more balanced, 17 aligned sessions and 24 misaligned sessions. As I argue, these are the sessions that should see the most noticeable shifts in lawmaking activity.

4.1.3 Covariates

I also control for a number of covariates that may potentially influence state lawmaking activity, namely citizen ideology, legislative professionalism, national party competitiveness in each state, union density, and the existence of legislative term limits. Each of these variables are described below.

Citizen Ideology. *Citizen Ideology* uses the citizen ideology measure from [Berry et al. \(1998\)](#), which estimates how liberal or conservative a state's citizenry is. This variable ranges from 0 to 100, with higher values indicating a more liberal state, and lower values indicating a more conservative state. This is important to control for, as states with a more liberal (conservative) citizenry are perhaps more likely to elect more liberal (conservative) legislators.

Legislative Professionalism. Notably, not all state legislatures are equal, as some are far more professionalized than others, with longer legislative sessions and greater policymaking resources. These differences are substantive and important to account for. For instance, scholars have shown that governors are more successful in bargaining for their policy priorities with legislatures that are less professionalized ([Kousser and Phillips, 2012](#)). For *Legislative Professionalism*, I rely

on the first dimension of the measure of legislative professionalism developed by [Bowen and Greene \(2014\)](#).³ This measure captures between-state differences in legislators' salaries, session length, and expenditures for staff and resources.

National Party Competitiveness. To capture *National Party Competitiveness*, I include the Democratic margin of victory, using the two-party vote share in each state from the last presidential election. Hence, values in the positive direction indicate states that lean more Democratic in presidential elections, while negative values indicate states that more Republican. Values closer to zero indicate states that are competitive in presidential elections.

Union Density. I also control for state union density, as research has shown that union activity has an important effect on political mobilization ([Delaney et al., 1988](#); [Radcliff, 2001](#)) and policymaking ([Radcliff and Saiz, 1998](#); [Witko and Newmark, 2005](#)). To do this, I rely on estimates of state union density from [Hirsch et al. \(2001\)](#), which reflect the percentage of each state's nonagricultural workforce that belong to a union (including public employees).

Term Limits. As shown in [Figure 2.7](#) above, a number of states limit their legislators to a fixed number of years in office. These limits have been shown to have a wide number of effects on state policymaking, such as the issues that legislators focus on ([Carey et al., 2006](#)), as well as the level of expertise that they develop and the complexity of the laws that they pass ([Kousser, 2005, 2006](#)). Recent work has also found that term limits have led to more partisan polarization

³While many scholars often rely on the Squire index to capture the variation in legislative professionalism (see [Squire, 2017](#)), the first dimension of the Bowen and Greene measure is both highly correlated with the Squire index and has been estimated for each state and legislative session, as opposed to Squire's periodic updates at specific points in time.

within state legislatures ([Olson and Rogowski, 2020](#)). Thus, to account for this, I include a dichotomous variable, *Term Limits*, equal to “1” if a state has term limits in effect in both of its legislative chambers in a given year, or “0” if otherwise. Research has shown that term limits have had a polarizing effect on state legislatures ([Olson and Rogowski, 2020](#)). Thus, they are a key institutional to account for in this analysis.

4.2 Statistical Results

To test my hypotheses, I use a series of Poisson models to regress the count of bills introduced and enacted across each policy category on the predictors described above. I include state fixed effects to account for unit heterogeneity and the standard errors are clustered by state. As scholars have shown, this is an approach for modeling panel count data that is robust to both overdispersion and correlation over time within each group ([Cameron and Trivedi, 2013](#); [Trivedi, 2010](#)).

In this analysis, I focus primarily on the predicted counts of bills introduced and enacted derived from the model results. For space considerations, the raw Poisson regression results are presented in the Appendix. These coefficients are relatively difficult to interpret and thus not particularly useful, so I focus only on the predicted counts, which are more informative and intuitive in their interpretation.

4.2.1 Bills Introduced

The first question explored in this chapter is whether the political context influences the overall volume of state legislative activity. That is, are legislators in states with unified control introducing more legislation as the threat of counter-partisan action in Washington grows? Figures 4.4 and 4.5 show the predicted count of bills introduced but not enacted in each policy category and degree of misalignment. The x-axes each range from 1-7, with each number representing a different political context. This was done for the purpose of not cluttering the axis. “1” indicates GOP misalignment, and “7” represents Democratic misalignment. “4” is divided government, the reference category.

A few initial findings are clear from these figures. First, a considerable amount of legislative activity occurs during periods of divided state government. Across every policy category, divided government leads to a relatively large number of bills introduced in comparison to unified control. Second, Republican control, on average, generally leads to more bills introduced than unified Democratic control, regardless of the national balance of power. This is true across nearly all policy categories. However, there appear to be stark differences by party, with legislative activity in Democratic states being considerably more responsive to political context.

Beginning with Republican control, across most policy categories, states with unified Republican control do not appear to introduce more legislation as the political context grows more threatening. Rather, on most issues, they actu-

ally introduce more legislation as the political context becomes less threatening. This is true with regards to government administration, labor and employment, health care, transportation, law enforcement, budget, and financial bills. In each of these policy categories, the predicted count of total bills introduced actually increases as a Republican-controlled state moves from a misalignment to alignment. For instance, consider government administration legislation, the most common policy category. As the political context in a state shifts from Republican alignment to misalignment, the predicted count of government administration bills decreases by approximately 75 bills.

Other policy areas do not appear to be influenced whatsoever by the political context. Bills introduced on the issues of labor and employment, legal affairs, crime, and education are virtually flat across the various levels of partisan threat, with very little movement in one direction or the other. There are some policy areas, however, where the predicted count of bills introduced does appear to be support my hypothesis. In particular, the number of bills introduced on the issue of families and children appears to be strongly influenced by the level of partisan threat. For instance, while the predicted count of bills introduced remains virtually unchanged between alignment and partial misalignment (when the federal government shifts from unified Republican to divided), it increases by roughly 250 bills as a state shifts to the most threatening context. Moreover, the 95 percent confidence intervals indicate that this heightened legislative activity is clearly distinguishable from the other scenarios.

There is a similar result with tax bills, though the effects are notably more

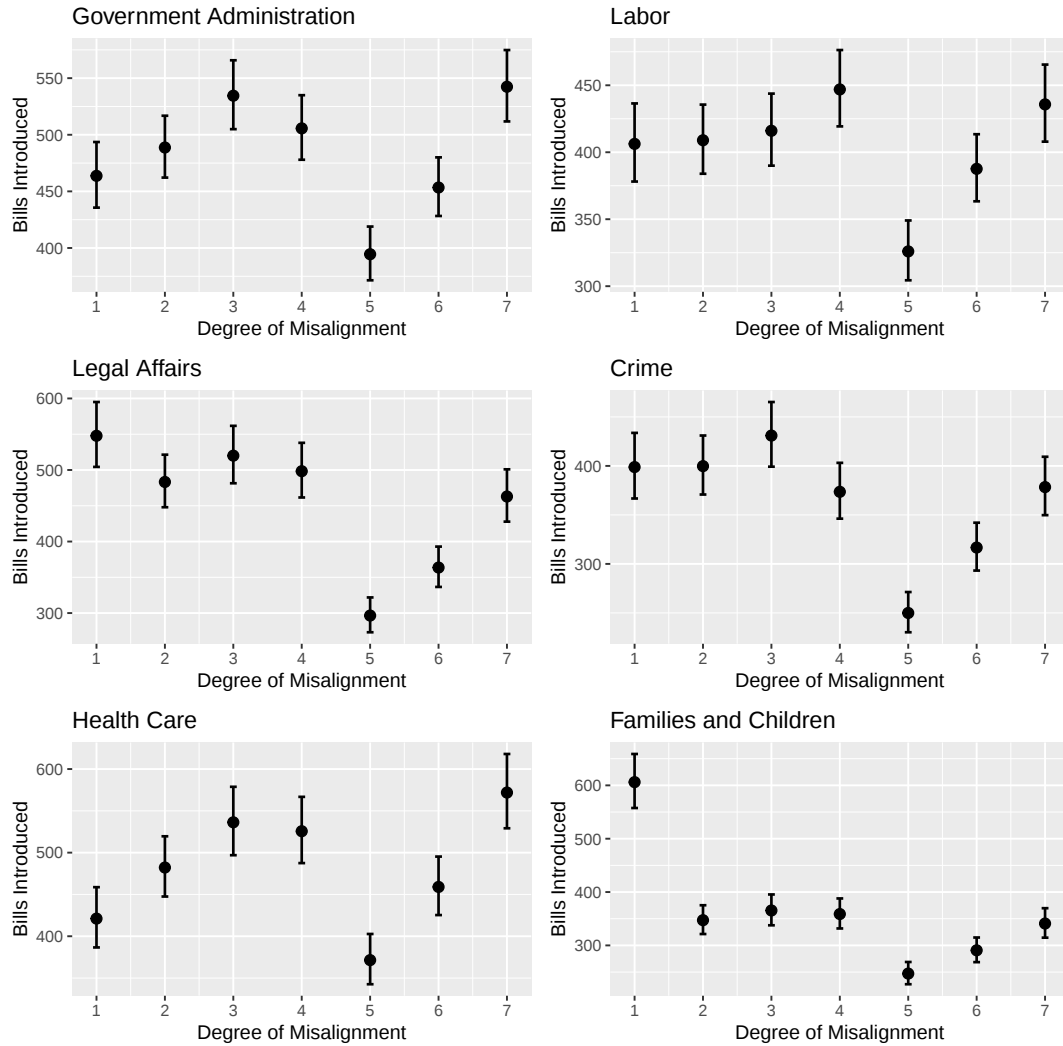


Figure 4.4: Predicted Count of Bills Introduced by Policy Category (Topics 1-6) and Political Context, 2001-2019

modest. When the federal government is under unified Republican control or divided, the predicted count of tax-related bills introduced in Republican-controlled states is roughly 150 per legislative session. When the federal government shifts to unified Democratic control, the predicted count of bills introduced jumps to about 175 bills. These results provide at least partial support for my first hypothesis among Republican-controlled states.

There is considerably strong support for my hypothesis with Democratic

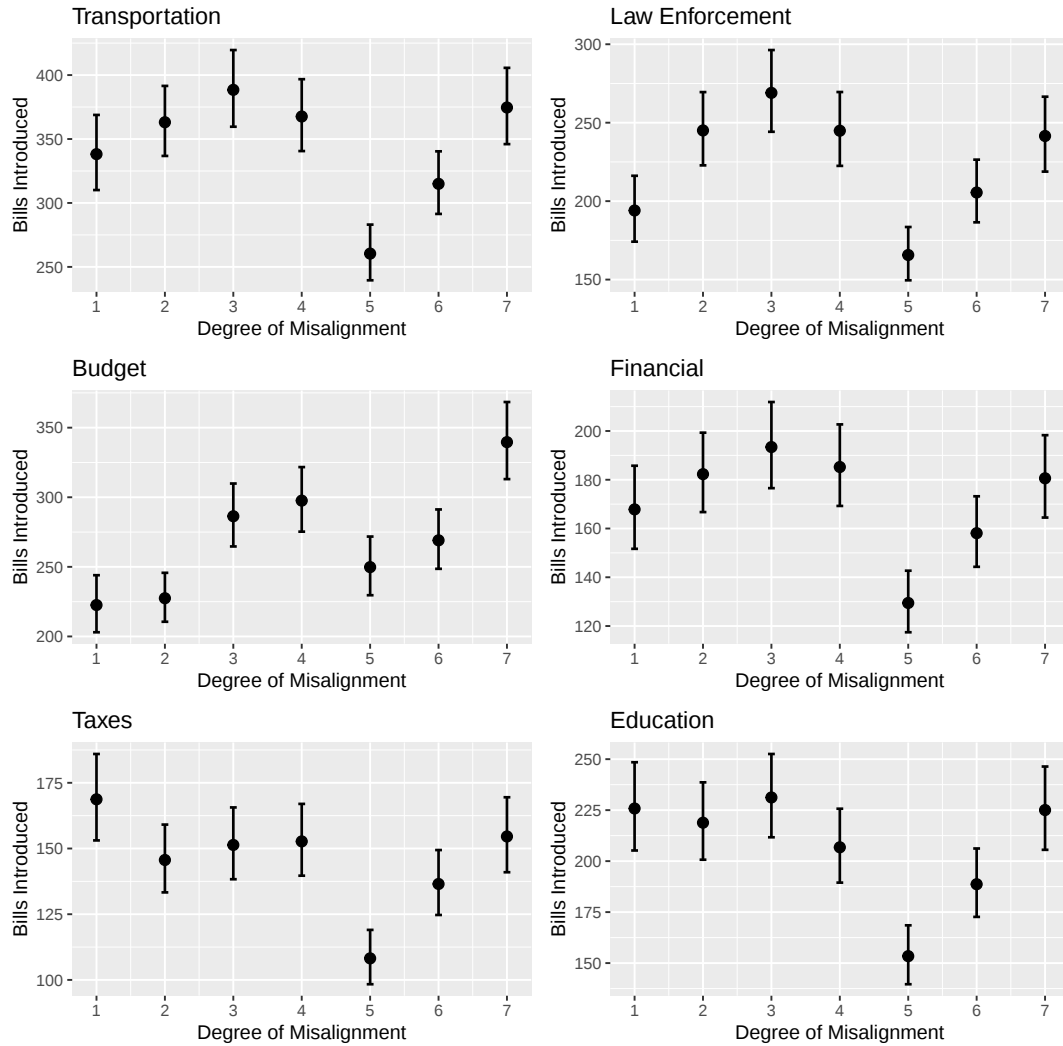


Figure 4.5: Predicted Count of Bills Introduced by Policy Category (Topics 7-12) and Political Context, 2001-2019

state control. Across all 12 policy categories, the predicted counts of bills introduced grow significantly as the policy threat increases, with the most sizable effects of unified control appearing during periods where Republicans hold unified control at the federal level. For instance, moving from Democratic alignment, the least threatening context, to Democratic misalignment, the most threatening context, leads to about 30 additional tax bills introduced, 75 more education bills, and upwards of 100 to 150 additional bills introduced in government admin-

istration, labor and employment, legal affairs, health care, transportation, law enforcement, budget, and financials. Moreover, across almost every policy issue, the confidence intervals between these results show little—if any—overlap, which suggests that these effects are also statistically distinguishable from each other.

The most significant effects are in the area of health care, which captures all bills introduced pertaining to biotechnology, health care providers, health insurance, Medicare and Medicaid, pharmaceuticals, and medical equipment and devices. During periods of partisan alignment, Democratic-controlled states introduce less than 400 health care bills in a given legislative session, which is less than every other scenario. As the political context shifts to Democratic misalignment, however, the predicted count of bills introduced jumps to nearly 600 bills, more than every other scenario.

Overall, these results begin to tell an interesting story about the partisan dynamics of state legislative activity in states with unified control. Consistent with my first hypothesis, legislative volume in Democratic-controlled states appears to be highly responsive to balance of national partisan control, with lawmakers introducing far more bills in high-threat environments than low-threat environments. This suggests that lawmakers in these states may be more selective in what gets introduced during low-threat environments and become less restrained as the threat level increases. Republican-controlled states, meanwhile, only introduce more legislation in response to high-threat contexts in the areas of taxes and families and children, each of which are important to party activists

([Grumbach, 2020](#)).

4.2.2 Bills Enacted

State lawmakers may be introducing a lot more bills in high-threat environments, but are they actually enacting more bills? In this section, I explore whether these flurries in lawmaking activity also translate into more bills being signed into law. Figures [4.6](#) and [4.7](#) plot the predicted counts of bills enacted by policy category and political context. The x-axis is the same as in the figures for bills introduced above, ranging from 1-7, with “1” indicating Republican misalignment, “7” representing Democratic misalignment, and “4” being divided government, the reference category. Similar to the results for bills introduced, there are important differences by party.

With Republican control, across multiple policy categories, the results generally run in the opposite direction of my hypothesis, with the largest effects occurring during periods of alignment rather than misalignment. Consider, for example, the most common state policy category: government administration. During periods of alignment, the least threatening political context, unified Republican control leads to about 80 bills enacted in a given legislative session. As the policy threat increases, however, this effect actually weakens considerably, falling to less than 60 bills amid full misalignment. Moreover, we see similar results with nearly all other policy categories. For instance, the same shift leads to about 15 fewer labor and employment bills, 8 fewer legal affairs bills, 25 fewer

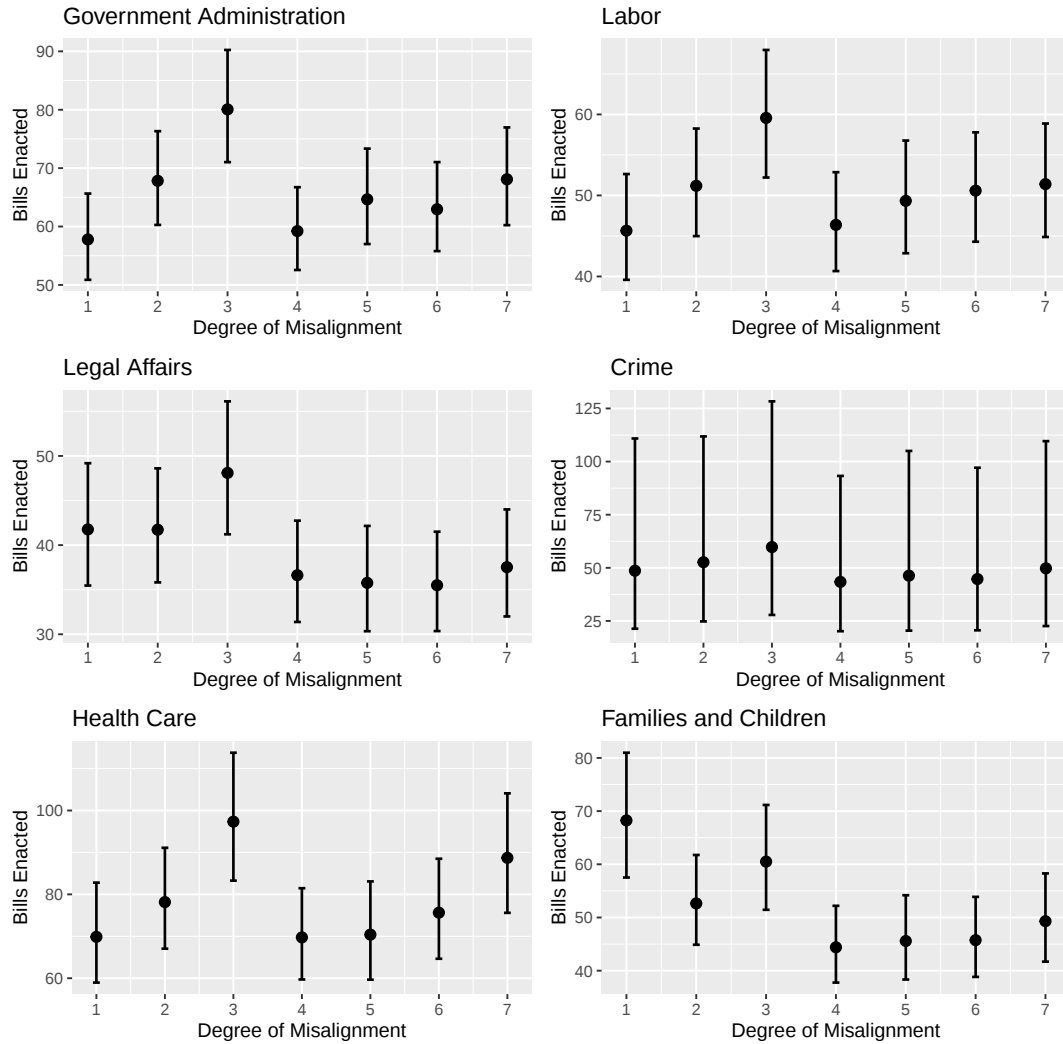


Figure 4.6: Predicted Count of Bills Enacted by Policy Category (Topics 1-6) and Political Context, 2001-2019

health care bills, 15 fewer transportation, law enforcement, budget, and financial bills respectively, and nearly 10 fewer education bills.

In some policy areas, there is no change at all in the number of bills enacted. The predicted counts of crime bills that get signed into law, for instance, remain virtually unchanged as the political context shifts, though the very wide confidence intervals indicate that there is quite a bit of variability with bills enacted in this area. Further, tax bills, which showed heightened legislative volume in high-

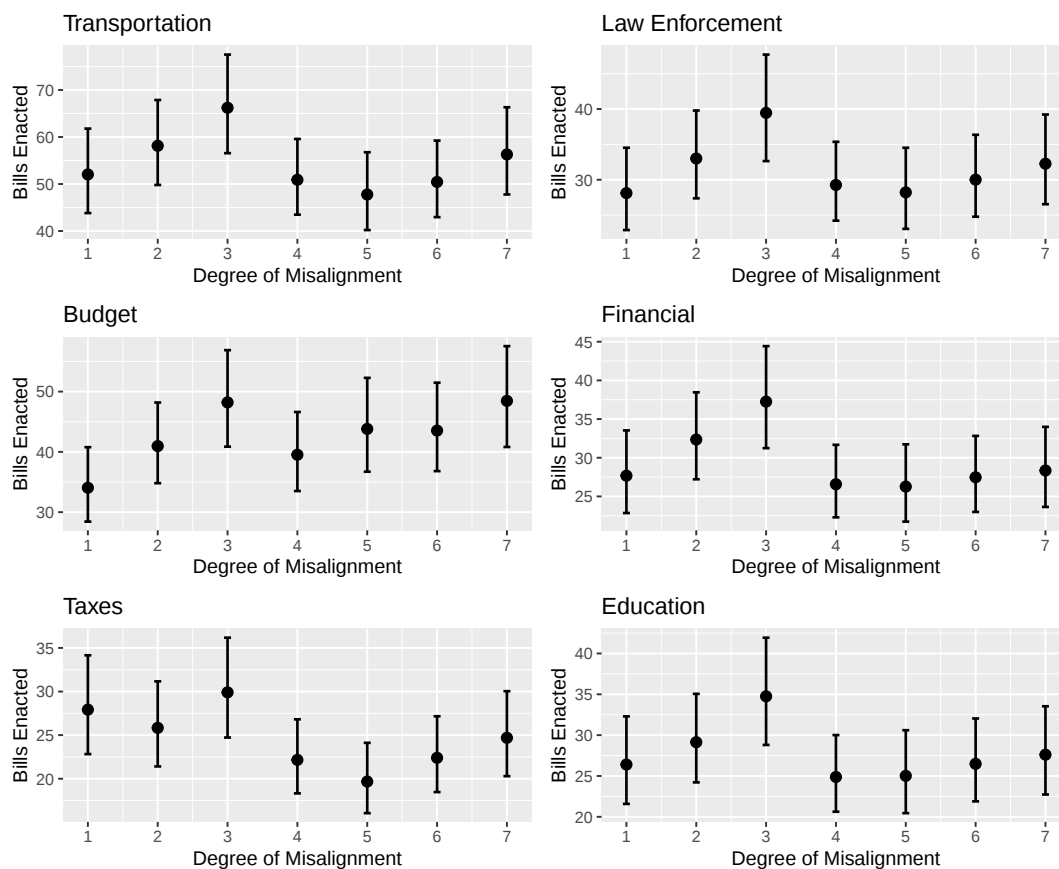


Figure 4.7: Predicted Count of Bills Enacted by Policy Category (Topics 7-12) and Political Context, 2001-2019

threat contexts in the previous analysis, are also virtually flat. This suggests that while legislators in red states may introduce more tax legislation in high-threat political contexts, they do not necessarily enact more tax bills.

We can see from the results that there is only one policy area, families and children, which encompasses all legislation on the issue of adoption, child care, marriage, and other related issues, where the predicted count of bills enacted grows as the political context becomes more threatening. During periods of alignment, unified Republican control leads to about 60 bills families and children bills enacted in a legislative session. This effect declines slightly as the federal govern-

ment falls under divided control. When the federal government is unified Democratic, however, the predicted count increases to about 70 bills enacted in a given session.

Once again, there is considerably more support for my hypothesis with Democratic-controlled states. Across most policy categories, the predicted counts of bills enacted grow stronger as states shift from low- to high-threat scenarios, with the most sizable effects coming during periods where Republicans hold unified control in Washington. For most policy areas, these effects are modest. In the areas of government administration, labor and employment, legal affairs, crime, financial, and education, there effects are basically flat. In others, the effects are clearer. For instance, moving from the low-threat to high-threat contexts lead to about five or more bills enacted in the areas of families and children, transportation, law enforcement, budget, and taxes.

Consistent with the trends in bills introduced in the previous analysis, this is most noticeable in the area of health care, which captures all bills enacted pertaining to biotechnology, health care providers, health insurance, Medicare and Medicaid, pharmaceuticals, and medical equipment and devices. During periods of partisan alignment, the roughly 70 health care bills enacted is virtually unchanged from divided government. As national partisan control shifts in the favor of Republicans, however, the number of bills enacted in a given legislative session grows to about 90 bills, an increase of 20 additional bills.

Overall, these results suggest that more threatening political contexts lead to more laws enacted, as hypothesized, though the results are more modest than

found with bills introduced and are generally limited to Democratic states. Red states, across most policy categories, tend to enact more legislation during less threatening, more advantageous political contexts, where their party also maintains unified control in Washington. The exception is, once again, in the area of families and children policy, where they enact more legislation amid high-threat contexts. Blue states tend to enact more legislation amid high-threat scenarios, where Republicans have control of the national policy agenda in Washington. These effects are broad and emerge across most policy areas. However, with the exception of health care bills, the effects are quite modest. Nevertheless, they do provide some evidence to support my second hypothesis.

4.2.3 Shades of Red and Blue: Interaction Analysis

Thus far, I have examined how partisan misalignment and the threat of counter-partisan action at the federal level influences lawmaking in red states and blue states. However, not all red states and blue states are the same. Rather, they often come in various shades of red or blue. For example, in 2019, Nevada, New Jersey, and California each had unified Democratic control, which provided Democratic lawmakers in each state with the power to enact an agenda that cuts against the Trump administration's agenda in Washington. This does not mean, however, that each state will be equally receptive. Just three years prior, Hillary Clinton, the Democratic candidate for the presidency, won all three states, but by significantly different margins. While Clinton narrowly carried Nevada by less

than three percentage points in the two-party vote share, the former Secretary of State carried New Jersey by more than 14 percentage points and California by upwards of 30 points. As I hypothesize, this is likely to have a significant effect on how each of these states respond to the threat of counter-partisan action, with the latter two states, where the Trump administration was more soundly rejected, being more receptive to Democratic policy activism at the state level.

Figure 4.8 is a density plot showing the distribution of national competitiveness across all states with unified partisan control included in my analysis. The x-axis captures national competitiveness, which reflects the Democratic margin of victory in the two-party vote share in each state. The vertical dashed lines represent the median competitiveness values for red and blue states, respectively. Positive values indicate states that supported the Democratic candidate in the last election, while negative values indicate states that supported the Republican. In other words, this visualizes the shades of red and blue among those states with unified government.

As we can see from the vertical lines in this figure, the median red state over this time period supported Republican presidential candidates by roughly a 20 point margin, while the median blue state supported Democratic candidates by about a 12 point margin. However, even among states with unified control, there is a considerable amount of variation in how competitive they are in national elections. National competitiveness among red states is normally distributed and ranges from states as red as -51 points in favor of Republicans to 17 points in favor of Democratic presidential candidates, with a standard deviation of about

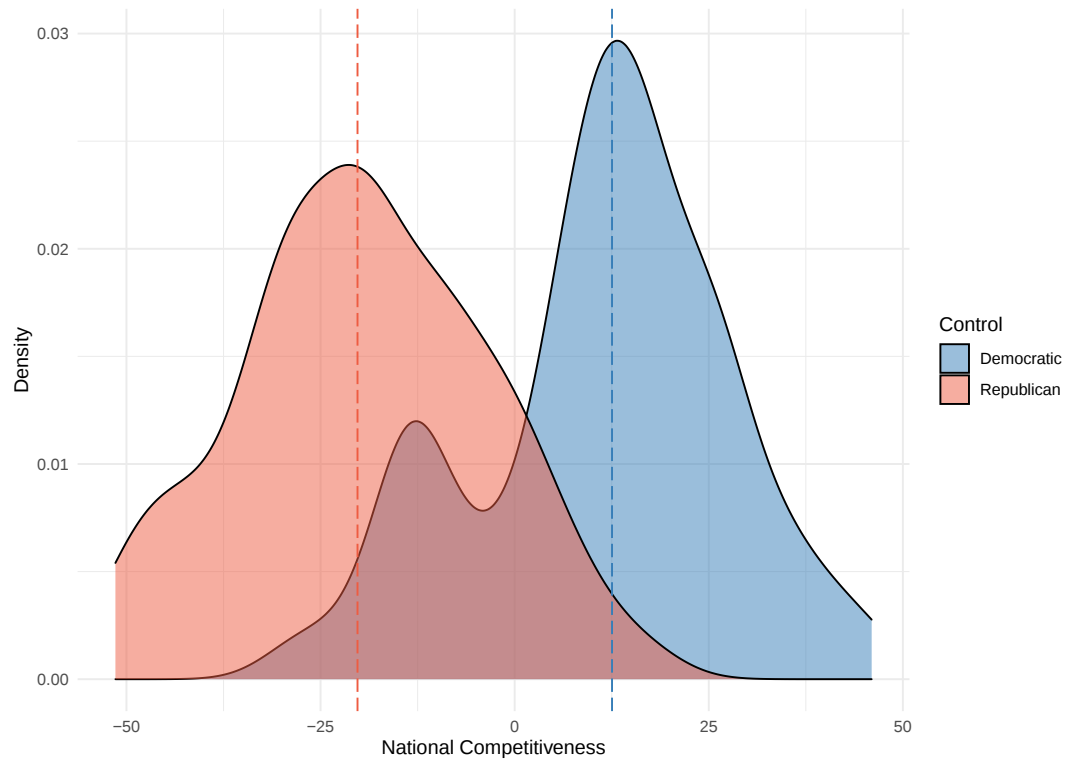


Figure 4.8: Distribution of National Competitiveness By State Partisan Control, 2001-2019

16 points. The distribution among states with unified Democratic control is bimodal. While most of the density is around the median value of 12 points, there is a second group of states clustered around -12 points, which is comprised primarily of Democratic-controlled states in the South at the onset of this time period that are now firmly controlled by Republicans. These data range from a minimum of -27 points in favor of Republicans to 45 points in favor of Democrats. The standard deviation is virtually equal to that of Republicans, at around 16 points. As I hypothesize, states that are a deeper shade of red or blue are likely to be more receptive to partisan policy activism than states that are unified but more competitive.

To examine this, I expanded my models for bill introductions and bill en-

actments to account for the possibility of interactive effects between policy threat and state lawmaking. Specifically, I ran the same Poisson models described above, but with an interactive term between political context and national competitiveness. Once again, I focus solely on the predicted counts of bills introduced and enacted. The raw regression coefficients are available in the Appendix.

4.2.3.1 Red States

Figures 4.9 through 4.12 show the predicted counts of bills introduced and enacted for red states across levels of national competitiveness. The x-axis follows the same coding as the plots in the sections above, such that “1” represents Republican misalignment, “2” represents partial misalignment, and “3” represents Republican alignment.⁴ The colors of the points show how the predicted counts differ by level of national competitiveness. The green points represent the mean red state, which is 20 points in favor of Republican presidential candidates, while the other colors indicate the predicted counts one and two standard deviations above and below the mean. If my hypotheses are supported, we should see the counts of bills introduced and enacted be larger in states that are more favorable to Republicans, shown by the blue and red points, than in states that are lighter shades of red.

Figures 4.9 and 4.10 show the predicted counts of bills introduced for all twelve policy areas across levels of national competitiveness. Similar to the find-

⁴I break the plots up by red and blue states in this section because of the fact that the means and standard deviations differ by partisan control. This allows me to use the party-specific means and standard deviations.

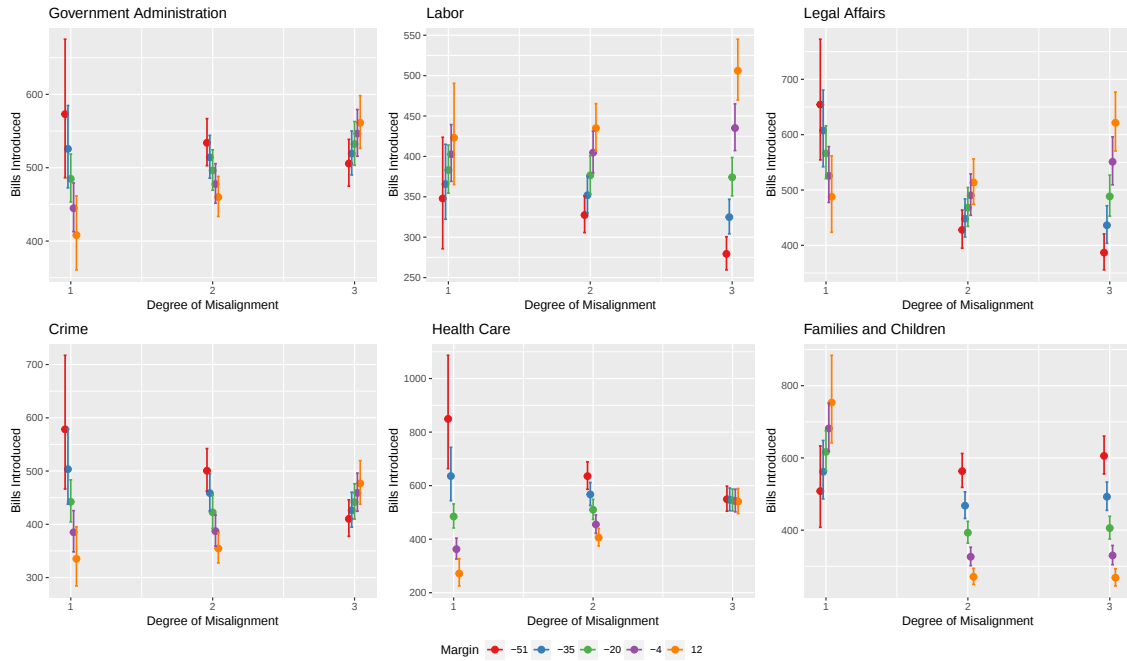


Figure 4.9: Bills Introduced in Red States By National Competitiveness, Issues 1-6

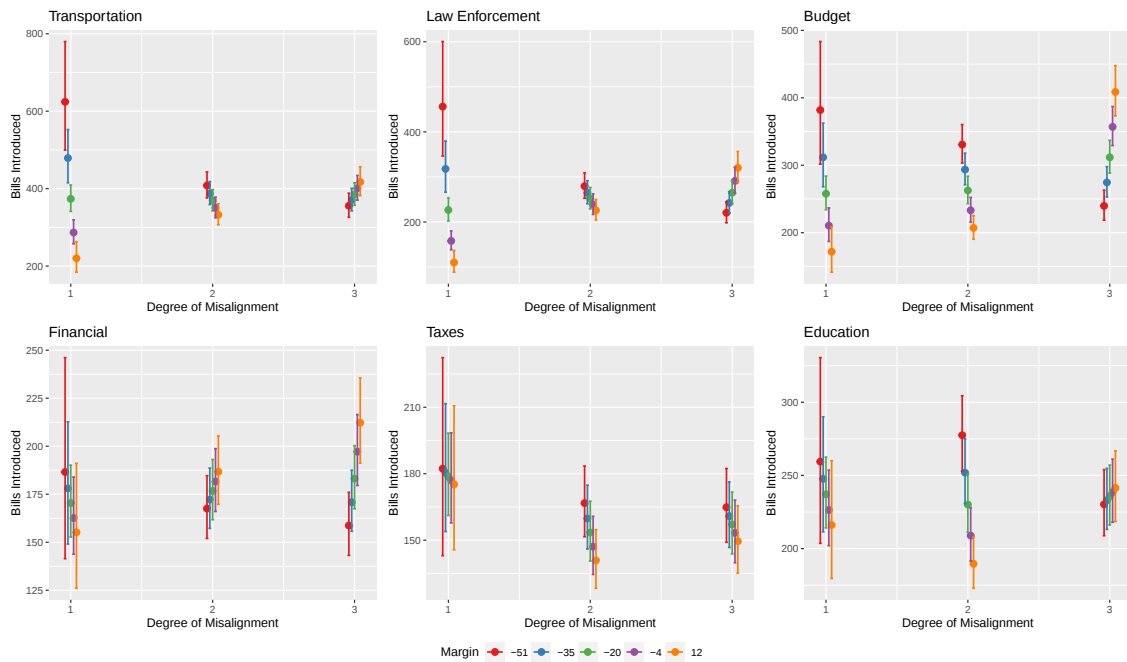


Figure 4.10: Bills Introduced in Red States By National Competitiveness, Issues 7-12

ings above, there is support for my hypothesis in some policy areas, but not in others. With government administration, legal affairs, crime, health care, trans-

portation, law enforcement, and budget bills, we see that redder states tend to react far more aggressively to more threatening political contexts. For instance, if we look at the average red state, there is virtually no change in bills introduced across political contexts. The only exception to this is in the area of families and children, where partisan misalignment leads to more bills introduced than the less-threatening contexts.

The effects are considerably larger if we look at states that are redder than the mean. In states that are just one standard deviation redder than the mean, favoring Republicans in presidential elections by about 35 points, moving from the low-threat to high-threat political context leads to roughly 50 more bills in the areas of health care and law enforcement, 75 more crime bills, nearly 100 additional labor bills, and more than 150 legal affairs bills. In states two standard deviations above the mean—deep red states—the effects are even larger, with the same shift leading to about 75 more government administration and labor bills and as many as 200 to 250 additional bills introduced in the areas of legal affairs, crime, health care, transportation, law enforcement, and budget, all of which provides strong support for my hypothesis.

These effects are in stark contrast to those found among more competitive states. In states one and two standard deviations below the mean, shown by the purple and orange points, respectively, shifting from the low-threat to high-threat contexts leads to fewer bills introduced across most policy categories, including government administration, labor, legal affairs, crime, health care, transportation, law enforcement, budget, and financial, while it remains virtually flat with taxes

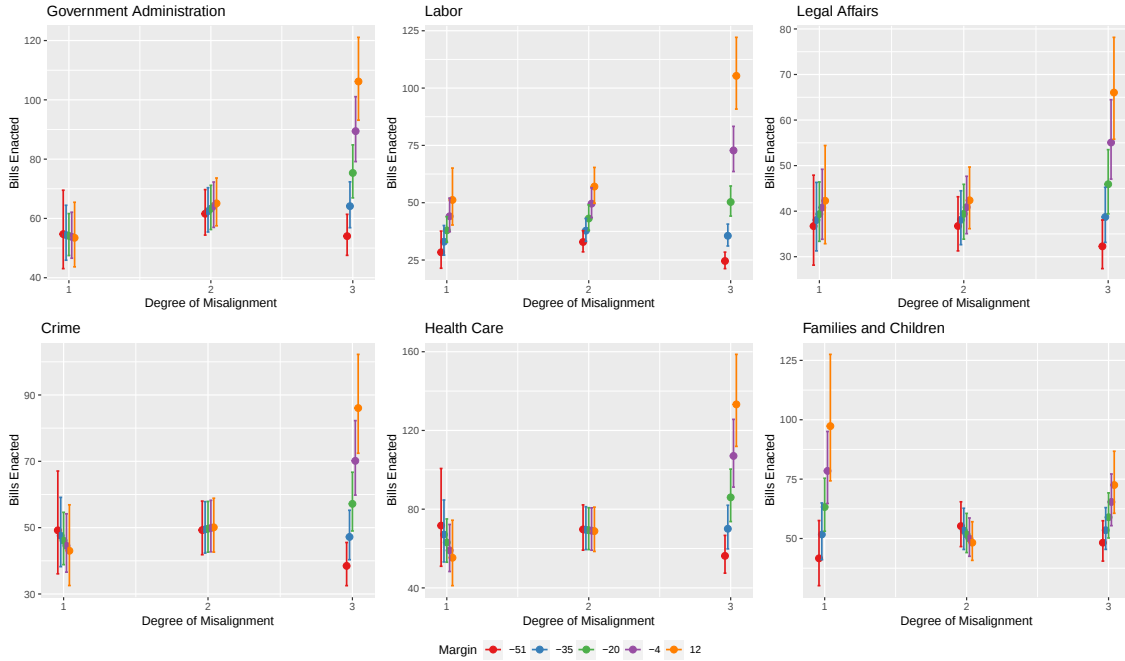


Figure 4.11: Bills Enacted in Red States By National Competitiveness, Issues 1-6 and education. The only policy category where these states indicate support for my hypothesis is family and children, where shifting from the low-threat to high-threat context leads to more than 200 additional bills introduced.

Figures 4.11 and 4.12 show the same plots for bills enacted. Overall, they suggest that, once again, while high-threat contexts may lead to more bills introduced in many policy areas, this dynamic does not seem to translate into more bills actually enacted, even in the reddest of red states. Beginning with the mean red state, there is little difference in the predicted counts of bills enacted across political contexts across almost all policy categories. If anything, there are slightly more bills enacted during periods of partisan alignment in areas like government administration, crime, and health care.

Unlike bill introductions, this does not change with states that are one or

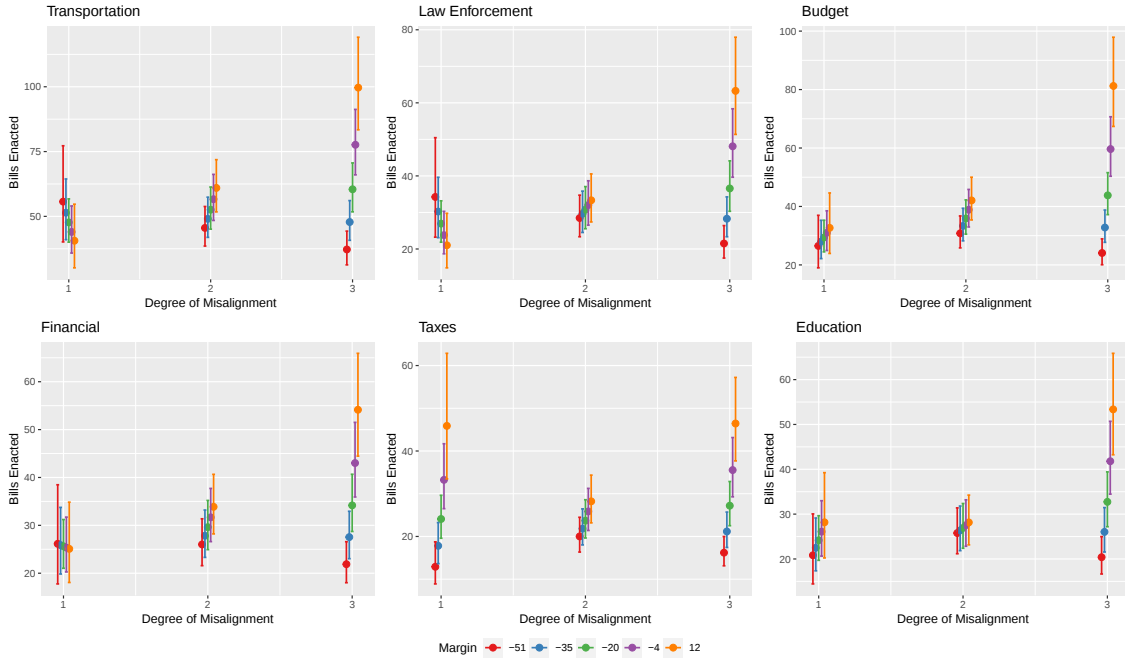


Figure 4.12: Bills Enacted in Red States By National Competitiveness, Issues 7-12

two standard deviations redder than the mean. Across every policy category, we see no increases in the predicted counts of bills enacted as the political context grows more threatening. In states that are more competitive than the mean state, we actually see the opposite effect, with more competitive states enacting more legislation during periods of alignment. This may be explained by states following the lead of the federal government in places that are less competitive nationally rather than using state majorities to pursue a counter-partisan agenda. The only exception is with families and children bills, where we actually see the opposite effect than hypothesized, with less competitive states enacting slightly more legislation as the political context grows more threatening.

4.2.3.2 Blue States

Figures 4.13 through 4.16 show the same predicted counts of bills introduced and enacted for blue states. Consistent with the figures in the previous sections above, “5” indicates Democratic alignment (federal government unified Democratic), “6” represents partial Democratic misalignment (federal government under divided control), and “7” indicates Democratic misalignment (federal government unified Republican), the most threatening scenario. The green points represent the mean blue state, which favors Democratic candidates in presidential elections by roughly 11 percentage points in the two-party vote share. Meanwhile, the blue and red points represent states with unified Democratic government that are one and two standard deviations below the mean, while the purple and orange points indicate states that are one and two standard deviations bluer than the mean, respectively.

Figures 4.13 and 4.14 show the predicted counts in bills introduced in blue states across levels of national competitiveness. Beginning with the mean blue state, we can see that, across most policy categories, there are increases in the number of bills introduced as the political context grows more threatening. For instance, moving from the least threatening context to the most threatening leads to more than 100 additional bills introduced in the areas of government administration, legal affairs, crime, health care. In most other policy areas, however, such as budget bills or taxes, the effects are relatively flat.

While this provides some support for my hypothesis, these effects are rela-

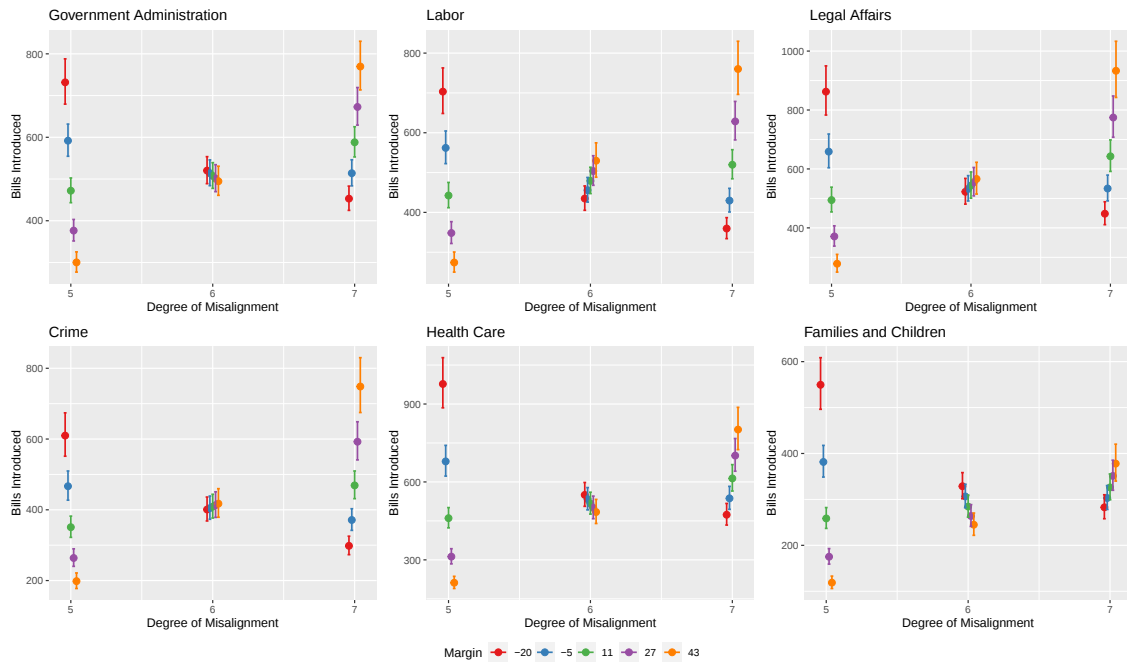


Figure 4.13: Bills Introduced in Blue States by National Competitiveness, Issues 1-6

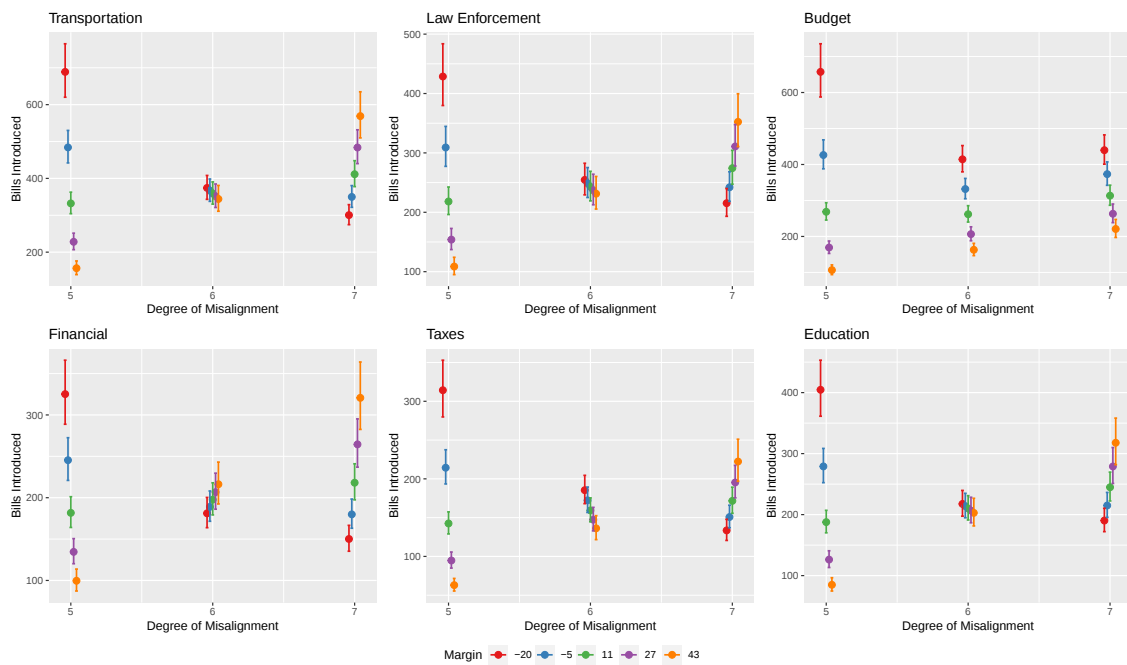


Figure 4.14: Bills Introduced in Blue States by National Competitiveness, Issues 7-12

tively modest in comparison to states that are even bluer than the average blue state. For instance, during periods of Democratic alignment when Democrats hold unified control in Washington, deep blue states introduce far fewer bills across every policy category than more competitive states. Shifting from the low-threat to high-threat contexts, however, leads to sizable increases in bills introduced. In states one standard deviation bluer than the mean, moving from the least threatening to most threatening context leads to more than 100 additional bills in the areas of families and children, law enforcement, financials, taxes, and education, more than 200 additional bills in government administration, labor, and transportation, and roughly 300 additional crime bills. In the areas of legal affairs and health care, this shift leads to upwards of 350 additional bills introduced in a given legislative session.

In the bluest states, those two standard deviations bluer than the mean, the effects are considerably large. In these states, moving from Democratic alignment to misalignment leads to roughly 100 additional bills introduced in the areas of the budget and taxes, more than 200 additional bills on the issues of law enforcement, financials, and education, nearly 300 additional families and children bills, 400 additional transportation bills, roughly 500 more bills introduced in government administration, labor, and health care, and roughly 600 more bills in legal affairs and crime. Moreover, in almost every policy category, the confidence intervals indicate that these predicted counts are statistically distinguishable from each other, with very little overlap. Indeed, with the exception of budget bills, deep blue states go from introducing the fewest bills during periods of alignment

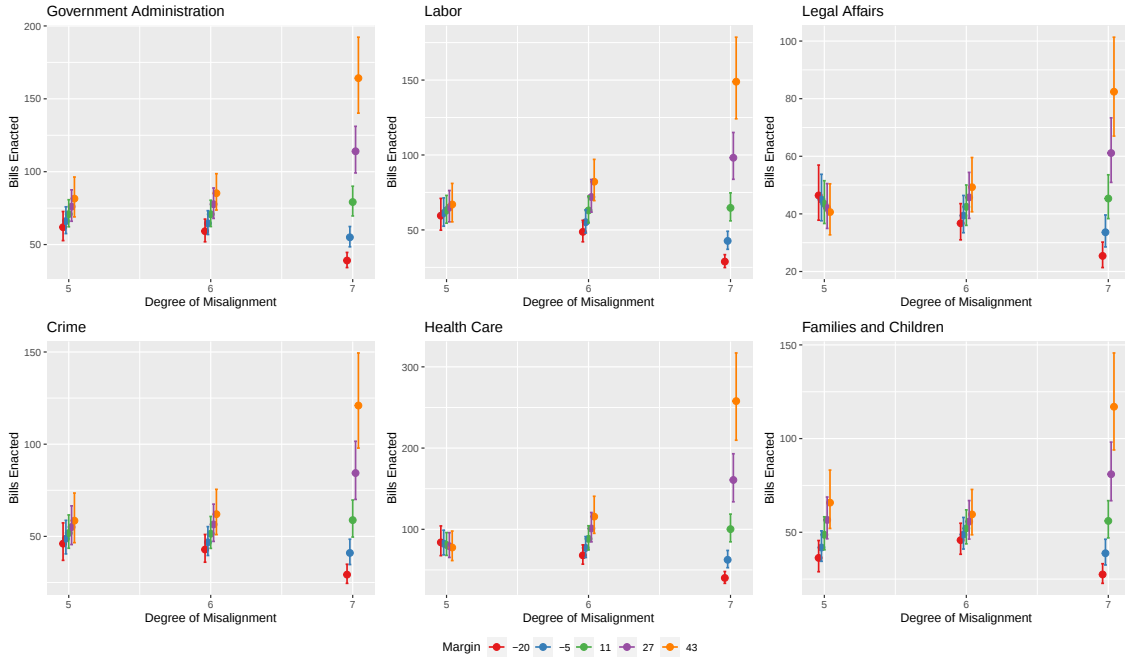


Figure 4.15: Bills Enacted in Blue States by National Competitiveness, Issues 1-6 to the most bills during periods of misalignment.

Blue states that are redder than the mean behave markedly different by comparison, with the effects running in the opposite direction. In these sets of states, the predicted counts of bills introduced fall as the political context becomes more threatening. This is evident across all policy categories, though it is less pronounced in some areas, such as budget bills. In other words, they actually introduce more legislation during less threatening contexts and fewer bills during the most threatening contexts. As mentioned with red state above—which see similar effects in more competitive states—this may be the case of lawmakers in states with less favorable political environments following the lead of the federal government rather than pursuing aggressive counter-partisan agendas that cut against the efforts of the majority in Washington.

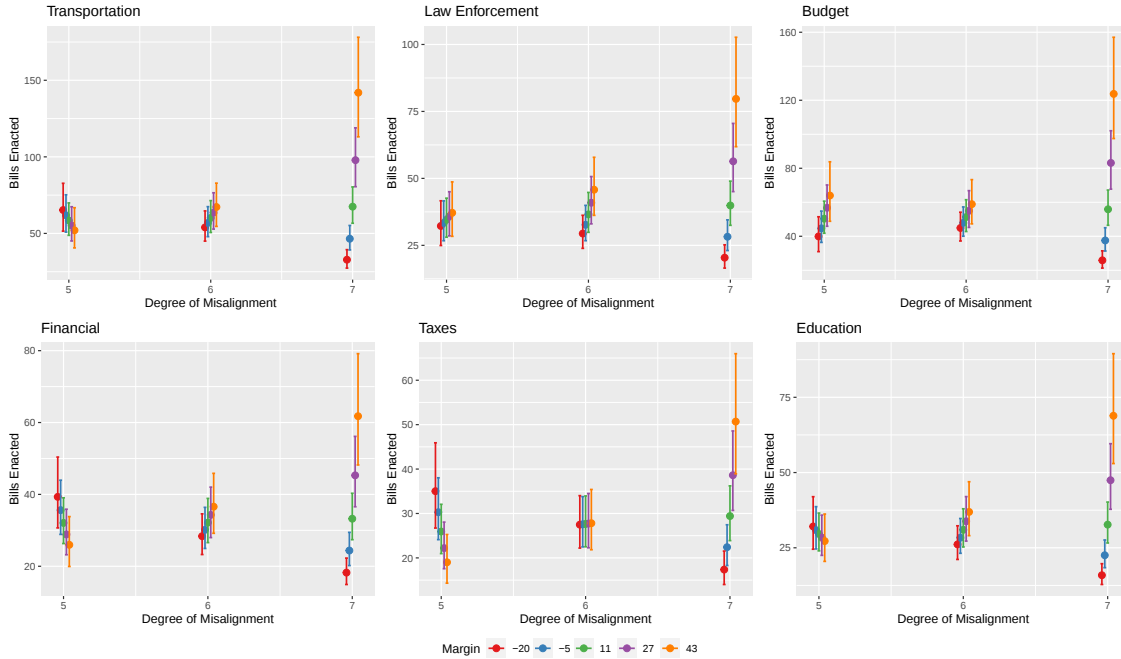


Figure 4.16: Bills Enacted in Blue States by National Competitiveness, Issues 7-12

Figures 4.15 and 4.16 show the same plots for bills enacted across each of the twelve policy categories. Just visually, we can see in these figures that in blue states, there is strong evidence to support my hypothesis. When the federal government is under unified Democratic control or divided, there is little difference in the predicted counts of bills enacted across levels of national competitiveness, though bluer states tend to enact slightly more bills than more competitive states. During periods of misalignment, however, we see sizable differences in the number of bills enacted, with bluer states enacting far more bills—across all twelve policy categories—than states that are more nationally competitive.

From these plots, we can also see that there are noticeable differences between states at various levels of competitiveness, with deep blue states reacting to more threatening political contexts much differently than more competitive

states. For instance, there is no evidence to support my hypothesis in the mean blue state. Across all policy categories, the predicted counts of bills enacted are virtually flat, with no increase in the number of bills signed into law as the political context gets more threatening for state lawmakers. With states that are redder than the mean, the predicted counts—as was also the case with bills introduced—decrease slightly when shifting from the low-threat to high-threat contexts.

With states bluer than the mean, however, we do see significant increases in the counts of bills enacted as the political context becomes more threatening. In states one standard deviation bluer than the mean, a shift in the political context from low-threat to high-threat leads to about 15 more financial bills enacted, roughly 20 more bills enacted in the areas of legal affairs, families and children, law enforcement, budget, taxes, and education, more than 25 additional bills enacted in the areas of labor and crime, and more than 50 government administration, health care, and transportation bills enacted. In deep blue states, those two standard deviations bluer than the mean, the same shift leads to even larger effects, with about 30 more financial and tax bills enacted, more than 40 additional legal affairs, law enforcement, families and children, and education bills enacted, 60 more budget bills, and more than 70 labor and crime bills enacted. In the areas of government administration and transportation, this shift leads to nearly 100 more bills enacted. The largest effect is in the area of health care, where a shift in the political context from low-threat to high-threat in states two standard deviations bluer than the mean leads to more than 150 additional bills enacted.

Thus, there is strong evidence to support my hypothesis among blue states,

particularly very blue states. In these states, not only do more threatening political contexts leads to more bills introduced, but this actually translates into more bills being enacted into law. Ultimately, what this suggests is that states that are deeper shades of red and blue are more favorable settings for more aggressive policy activism than states that are more competitive and could realistically change control in the next election.

4.3 Conclusion

In this chapter, I assessed my theory by testing a number of hypotheses about how changes in the national political context influence lawmaking in states controlled by the national out-party. To do this, I collected data on bill introduction and enactment from all regular state legislative sessions from 2001 to 2019, limiting my analysis to the twelve most common policy categories over this period: government administration, labor and employment, legal affairs, crime, health care, families and children, transportation, law enforcement and public safety, the budget, financial regulation, taxes, and education. Using a series of Poisson models, I then examined whether the national political context influences bill introduction and enactment.

I first looked across all states. I found evidence that the national political context indeed influences the volume of legislation introduced in state legislatures. Blue states introduce more bills when Republicans hold unified government in Washington than when the federal government is divided or under

Democratic control. This is true across all policy categories, but it is particularly strong in areas like health care, where a change in the political context from Democratic alignment to misalignment leads to hundreds of additional bills introduced. Among red states, the evidence is much weaker. Across almost all policy categories, the volume of legislation introduced is not higher when Democrats have control at the federal level. The exceptions, however, are with tax bills and legislation pertaining to families and children, each of which are of particular important to the party's base.

However, I found little evidence to suggest that this heightened volume of bills introduced leads to more legislation enacted into law. Among blue states, for instance, the number of bills enacted increases as the political context grows more threatening, though the effects are modest. The largest effects are again in the area of health care. With red states, however, there is virtually no evidence that more threatening political contexts lead to more bills being enacted.

Yet, not all red and blue states are the same. Though they may each have unified government, California is much bluer than Maine in terms of national politics, while Texas is considerably redder than New Hampshire. In each of these cases, the former—which often overwhelmingly rejects the opposing party in national elections—is likely to be a far more receptive venue for aggressive counterpartisan action than the latter. Thus, I also conducted an interaction analysis to assess whether states are more reactive to threatening political contexts depending on nationally competitive they are. The results were striking.

In Republican-controlled states, there is evidence that that redder states are

more responsive to political context than competitive states. In states that are redder than the mean red state, more threatening political contexts often lead to hundreds of additional bills introduced in the areas of government administration, legal affairs, crime, health care, transportation, law enforcement, and budgetary issues. Yet, while redder states may introduce more bills when Democrats have control in Washington, there is no evidence that they actually enact more bills into law.

The evidence is much stronger among Democratic-controlled states. Across all twelve policy categories, states that are bluer than average both introduce, as well as enact, anywhere from dozens to hundreds of additional bills when Republicans have control in Washington than when the federal government is divided or controlled by Democrats. This is not the case, however, in blue states that are more nationally competitive than the mean, where the number of bills introduced and enacted are relatively flat—or even running in the opposite direction—across political contexts.

In all, what these results suggest is that red and blue states react in respond to changes in national control in different ways. Deep red states appear to be more expressive in their lawmaking, introducing more bills in certain policy areas, such as crime, health care, and law enforcement, though not necessarily enacting more legislation. Deep blue states not only introduce more legislation when Republicans have national control, but they actually enact more bills into law as well. These findings make sense in light of previous literature, which has highlighted important differences between the parties' govern-

ing philosophies, with Democrats much more focused on concrete government action while Republicans tend to prioritize ideological principles over policy outputs ([Grossmann and Hopkins, 2015, 2016](#)), as well as recent work, which has found Democratic-controlled states to generally be more responsive to national politics than Republican-controlled states ([Miras and Rouse, 2021](#)).

Chapter 5: Conclusion

5.1 Summary of Findings

In Chapter 3, I provided an initial test of my theory by examining various indicators of party mobilization across political contexts. A key part of my theory is the idea that unified government is uniquely threatening to the interests of the out-party, which leads to significant out-party mobilization against the party in power. To test this, I examined how unified partisan control leads to significant changes in various indicators of political mobilization, such as voter turnout, election results, fundraising, and political protest activity. On each of these fronts, I presented a number of key findings.

First, using state-level turnout data from the U.S. Elections Project ([McDonal](#)[d, 2020](#)) to examine the effect of unified national government on voter turnout, I found that even after controlling for a variety of covariates, such as statewide senate and gubernatorial races, economic conditions, and whether it was a presidential election year, turnout was roughly 1.4 percentage points higher in election cycles that occurred during unified government. Moreover, in elections since 2000, the effect of state turnout was greater than three points in additional turnout.

Second, I also found that unified government translates into stronger elec-

toral performance for the out-party. Using data on statewide two-party vote share in elections for the U.S. House of Representatives ([Congressional Quarterly, 2018](#)), I found that since 2000, Democrats performed nearly six percentage points worse, on average, in elections that occurred amid unified Democratic government, but performed roughly 1.5 points better, on average, in elections occurring while Republicans held unified control at the national level. This was even evident with state legislative performance. Using data on state legislative election returns from [Klarner \(2021\)](#), which I aggregated to the state level, I found that from 2000 to 2018, Democrats performed nearly four points worse in state legislative elections that occurred during unified Democratic government in Washington, but nearly two points stronger in elections that occurred amid unified Republican government.

Third, I found significant swings in political fundraising in the direction of the out-party during periods of unified control. Relying on contribution data from the Federal Election Commission for all House and Senate candidates from 1980 to 2020, I found sizable jumps in total fundraising in election cycles occurring amid unified government, often to the benefit of the out-party. After aggregating these data by state and party, I found that Democratic candidates raise roughly \$2 million more than Republicans statewide in election cycles occurring during unified Republican control in Washington. During cycles with unified Democratic control, however, Republicans outraise Democrats by roughly \$1.3 million statewide, though this advantage has largely dissipated since 2000.

Finally, I also showed that out-party mobilization is evident in political

protest activity by examining the mobilization and de-mobilization of the anti-Trump resistance movement from 2017 to 2020. Using protest event crowd size estimates from the Crowd Counting Consortium, I found that turnout at anti-Trump demonstrations—despite reaching historic levels in 2017 and 2018—fell precipitously after Democrats took control of the House of Representatives in the 2018 midterm elections, breaking Republicans’ unified hold of national government. For example, after Democrats won a majority of seats in the House, thus affording them greater ability to block the Republicans’ policy agenda, anti-Trump protest activity fell by about 75 percent, from roughly 10 million demonstrators in 2018 to about 2.5 million in 2019 and 2020. I did not find similar declines, however, with pro-Trump demonstrations or general protest activity unrelated to President Trump, both of which remained constant over this same period.

In Chapter 4, I assessed how changes in the national political context influence state lawmaking. I used FiscalNote to collect data on bill introductions and enactment from the most common policy categories from all regular state legislative sessions from 2001 to 2019, including government administration, labor and employment, legal affairs, crime, health care, families and children, transportation, law enforcement and public safety, the budget, financial regulation (and deregulation), taxes, and education. Using a series of Poisson count models, I uncovered a number of important findings about how the national partisan balance influences lawmaking at the state level.

First, I found that the national political context influences the volume of legislation that gets introduced in state legislatures. Across all twelve policy cat-

egories, blue states—states with unified Democratic control—introduce more legislation when Republicans have unified control in Washington than they do during periods when the national government is divided or controlled by Democrats. This is particularly strong in areas like health care, where a change in the political context from the least threatening to most threatening environment leads to hundreds of additional bills introduced. Red states—those with unified Republican control—saw virtually no increase in bills introduced, across nearly every policy category, as the national political context became more threatening. The only exceptions, however, were tax legislation and bills pertaining to families and children, both of which are particularly important to the party’s base. Yet, I found little evidence that this increased volume of legislation introduced actually led to more bills being enacted into law. For instance, blue states saw only modest increases in bills enacted as the political context grew more threatening, with the largest effects once again in the area of health care. Among red states, however, the national political context showed virtually no effect on the count of bills enacted in any policy area.

Second, I also found that these effects are largely conditional on a state’s national political competitiveness. Not all red and blue states are the same—states that are redder or bluer than average are more receptive venues for aggressive counter-partisan action. For instance, interacting state partisan control with states’ presidential election margins, I found that Republican-controlled states redder than the average red state introduce more legislation as the political context grew more threatening, though this does not translate into more bills being

enacted into law. I found no such effect, however, in competitive red states, which remained relatively unchanged across political contexts.

These interactive effects are considerably stronger in states controlled by Democrats. With Democratic-controlled states, I found that across all twelve policy categories, states bluer than average introduce—as well as enact—anywhere from dozens to hundreds of additional bills when Republicans have control in Washington than when the federal government is divided or under Democratic control. This is not the case, however, in blue states that are more nationally competitive than the mean. In these states, the number of bills introduced and enacted remained relatively flat—or even running in the opposite direction—as the political context shifted in favor of Republicans.

5.2 Contributions of this Dissertation

This project makes a number of contributions to the academic literature on state policymaking and federalism. First, it represents be a timely contribution to the literature on state policymaking and the effects of partisan control. As described above, most states are now firmly controlled by one party or the other, with changes in control becoming more unlikely. Thus, understanding contemporary state politics is increasingly synonymous with understanding what lawmakers do when they have a firm grip on the levers of state power, because they often do. Building on existing literature of state policymaking, my theory suggests that there is an important conditional nature to the effects of partisan con-

trol, such that state lawmakers tend to be most active in leveraging their partisan majorities when the opposing party has unified partisan control in Washington—the most threatening scenario—and least active when their own party maintains control over the national policy agenda. This may ultimately shed light not just on whether partisan control actually matters, but when it should be most consequential for policy outcomes.

Second, this project also provides important nuance about partisan federalism by clarifying why some state lawmakers choose to adopt a more adversarial stance to federal action than others, as well as when and where this partisan conflict is more or less likely to occur. While much of the existing literature has focused on the misalignment in partisanship between state lawmakers and the president, my theory expands the scope of this misalignment to account for the broader partisan balance in Washington. Whether a president enjoys a Congress controlled by co-partisans or is constrained by divided government are much different scenarios, each of which provide a different political context and, thus, prompt different responses from the states.

Third, this project sheds light on an emerging area of checks and balances in the American political system, one with timely implications for American democracy. State opposition to federal action, whether driven by partisan calculations or not, serves as a powerful check on federal power ([Bulman-Pozen and Gerken, 2009](#); [Bulman-Pozen and Metzger, 2016](#)). Even during periods of unified government in Washington, with one party firmly in control of the national policy agenda, the states now provide the national out-party with powerful vehicles for

sustaining partisan conflict and delaying—even preventing—policy action by the majority ([Bulman-Pozen, 2014](#)). While this development may provide the minority party with another source of representation and further limit the possibility of federal overreach, state opposition to federal policies on the basis of partisanship, as was the case with the Affordable Care Act, for example, also limits the majority party’s ability to enact its agenda and respond to national problems.

Finally, this research may also have important implications for American democracy. Recent work on democratic backsliding in the American states has shown that Republican partisan control of state governments has led to poorer democratic performance ([Grumbach, 2021](#)). Indeed, following the 2020 presidential election, in which Democrats gained unified control at the national level, a number of Republican-controlled states, such as Georgia, Florida, and Texas, have responded by introducing a flurry of election bills aimed at implementing new voting restrictions ([Corasaniti and Epstein, 2021](#)). Given the current balance of partisan control in Washington, the out-party threat dynamic described in this dissertation may be accelerating this democratic backsliding, though more work is needed to explore this potential relationship.

5.3 Avenues for Future Research

This dissertation project represents only the beginning of a much larger research agenda exploring state policymaking and intergovernmental partisan conflict, with countless questions yet to be answered. For example, I argue that this

entire process begins with citizens, as mass out-party mobilization puts pressure on state lawmakers to engage in partisan policy activism. Yet, the empirical evidence that I bring to bear is only in the aggregate. Future projects may wish to examine this phenomenon at the individual level, providing additional understanding as to how citizens respond to changes in the national partisan context. Namely, how do Americans, particularly those living in predominantly red or blue states, react to partisan misalignment? For instance, do we see important changes in political attitudes? Another project may examine whether a more threatening political environment leads to more ambitious ballot initiative activity from citizens and advocacy groups.

Other avenues may emphasize the role of state executives, which were outside the scope of this dissertation. For instance, how do governors respond to the threat of counter-partisan action at the national level? Do they issue more partisan executive orders? Do they highlight more partisan issues in their public addresses? There are also questions regarding the role of state attorneys general, almost all of whom are directly elected by voters and often have their own policy motivations (e.g., see [Gleason and Provost, 2016](#); [Provost, 2010, 2011](#)) (e.g., see [Provost 2010](#), [Provost 2011](#), [Gleason and Provost 2016](#)). Do they respond to more threatening political contexts by engaging in more lawsuits against the federal government? Are they less likely to show bipartisanship in multi-state litigation? Also, do they exhibit changes in their regulatory actions against industry?

Finally, there are also potentially important dynamics to be studied in states with divided government. For example, do in-party governors strategically dis-

tance themselves from the national party depending on their state's political landscape (e.g., Republican governors in Maryland or Massachusetts, Democratic governors in Kentucky, North Carolina, or Louisiana)? Each of these questions have the potential to fill multiple articles and dissertations, and if future scholars so choose to answer them, I look forward to reading.

Appendix

A.1 Detailed Policy Categories

Note: **Bold*** indicates a top-12 policy category included in the analysis.

Policy Category	Bill Topics
Agriculture	Agricultural Crops
	Agricultural Equipment
	Agricultural Prices
	Aquaculture and Fisheries
	Farms
	Food Safety
	Horticulture
	Meat and Livestock
	Organic
	Pesticides and Fertilizer
	Veterinary Care
	Other
Arts and Humanities	Libraries and Museums
	Performing Arts
	Visual Arts
	Other
Budget*	Appropriations
	Deficits and Debt
	Economic Development
	Government Contracting/Procurement
	Government Lending
	Other

Policy Category	Bill Topics
Civil Rights	Detention, Incarceration, and Death Penalty Equal Protection First Amendment Rights Gender Privacy Race Reproductive Issues Searches and Seizures Sexual Orientation Voting Rights Other
Communications	Books and Print Media Internet Radio Telecommunications Television Marketing Digital Media Other
Consumers	Consumer Affairs Consumer Products Commercial Services Product Safety Other
Crime*	Illicit Drugs Juvenile Organized Crime Procedure and Sentencing Property Crime Violent Crime White Collar Crime Other
Education*	Adult Education Higher Education Pre-K-12 Education Special Education Teaching and Administration Vocational Education Other

Policy Category	Bill Topics
Energy	Coal Nuclear Oil and Gas Alternative/Renewable Energy Other
Environment	Climate Change Endangered Species Environmental Quality/Standards Other
Families and Children*	Adoption Child Care Marriage Issues Other
Financial*	Accounting Banking and Investment Bankruptcy Financial Regulation Insurance Other
Food and Beverage	Alcohol Food Services Tobacco Other
Foreign Affairs	Arms Control and Nonproliferation Embassies and Americans Abroad Human Rights International Aid and Disaster Relief International Security Democracy and Rule of Law Treaties Other

Policy Category	Bill Topics
Government Administration*	Campaign Finance Elections Federal Agencies Federal Executive Federal Legislature Municipal Governments Social Security State Agencies State Executive State Legislature Other
Health Care*	Biotechnology Health Care Providers Health Insurance Medicare and Medicaid Medical Practice Pharmaceuticals Medical Equipment and Devices Other
Housing and Property	Commercial and Industrial Property Property Insurance Residential Property Other
Immigration	Immigration Other
Indigenous Peoples	Indigenous Peoples Other
Industrials	Chemicals Industrial Goods Industrial Services Minerals and Raw Materials Other
Infrastructure	Transport Infrastructure Utilities Waste Management Other

Policy Category	Bill Topics
Labor and Employment*	Benefits and Pensions Occupational Safety Unemployment Unions Wages and Compensation Other
Law Enforcement*	Disaster Response Firearms First Responders Other
Legal Affairs*	Antitrust Civil Law and Procedure Federal Judiciary Intellectual Property State Judiciary Other
National Security and Defense	Armed Forces Homeland Security Intelligence Veterans Other
Public Resources	Land Use and Conservation Marine, Coastal Resources, and Waterways Parks, Natural Reserves, Recreational Areas Other
Seniors	Seniors Other
Small Business	Small Business Other
Social Issues	Animal Rights Charities and Nonprofits Mental and Physical Disability Welfare and Poverty Other
Sports and Recreation	Hunting and Fishing Sports Other

Policy Category	Bill Topics
Taxes*	Capital Gains Tax Estate and Gift Tax Income Tax Payroll Tax Property Tax Sales and Excise Tax Tariffs and Customs Duties Other
Technology	Hardware Innovation Semiconductors Software and IT Services Science and Research Other
Trade	Customs Enforcement Trade Agreements Trade Regulations Other
Transportation*	Aviation Ground Transportation Marine Transportation Other
Travel and Leisure	Gambling Hospitality Tourism Other

A.2 Raw Poisson Regression Estimates

	Govt. Admin.	Labor	Legal	Crime	Health Care	Families
	(1)	(2)	(3)	(4)	(5)	(6)
GOP Misalignment	−0.09 (0.10)	−0.10 (0.11)	0.09 (0.11)	0.07 (0.10)	−0.22 (0.14)	0.52*** (0.17)
Partial GOP Misalignment	−0.03 (0.09)	−0.09 (0.09)	−0.03 (0.11)	0.07 (0.10)	−0.09 (0.09)	−0.03 (0.10)
GOP Alignment	0.06 (0.14)	−0.07 (0.15)	0.04 (0.17)	0.14 (0.13)	0.02 (0.12)	0.02 (0.15)
Dem. Alignment	−0.25 (0.25)	−0.32 (0.26)	−0.52** (0.26)	−0.40 (0.30)	−0.35 (0.28)	−0.37 (0.29)
Partial Dem. Misalignment	−0.11 (0.07)	−0.14* (0.08)	−0.32** (0.15)	−0.17* (0.09)	−0.14 (0.10)	−0.21** (0.09)
Dem. Misalignment	0.07 (0.06)	−0.03 (0.06)	−0.07 (0.07)	0.01 (0.06)	0.08 (0.08)	−0.05 (0.07)
State FE	✓	✓	✓	✓	✓	✓
Controls	✓	✓	✓	✓	✓	✓
N	443	443	443	443	443	443
Log Likelihood	−38,477.81	−32,185.69	−40,604.04	−23,801.34	−25,441.41	−25,311.29
AIC	77,075.62	64,491.38	81,328.09	47,722.69	51,002.82	50,742.59

*p < .1; **p < .05; ***p < .01

Poisson coefficients, standard errors clustered on states in parentheses.

Table A.2: Poisson Coefficients for Bills Introduced, Issues 1-6

	Transportation	Law	Budget	Financials	Taxes	Education
	(1)	(2)	(3)	(4)	(5)	(6)
GOP Misalignment	−0.08 (0.14)	−0.23 (0.19)	−0.29 (0.22)	−0.10 (0.10)	0.10 (0.08)	0.09 (0.09)
Partial GOP Misalignment	−0.01 (0.11)	0.001 (0.10)	−0.27** (0.13)	−0.02 (0.09)	−0.05 (0.08)	0.06 (0.10)
GOP Alignment	0.06 (0.16)	0.09 (0.16)	−0.04 (0.21)	0.04 (0.15)	−0.01 (0.14)	0.11 (0.16)
Dem. Alignment	−0.34 (0.28)	−0.39 (0.29)	−0.17 (0.20)	−0.36 (0.26)	−0.34 (0.31)	−0.30 (0.28)
Partial Dem. Misalignment	−0.15* (0.09)	−0.18* (0.09)	−0.10 (0.14)	−0.16* (0.08)	−0.11 (0.09)	−0.09 (0.09)
Dem. Misalignment	0.02 (0.07)	−0.01 (0.06)	0.13 (0.13)	−0.03 (0.06)	0.01 (0.07)	0.08 (0.07)
State FE	✓	✓	✓	✓	✓	✓
Controls	✓	✓	✓	✓	✓	✓
N	443	443	443	443	443	443
Log Likelihood	−18,847.26	−19,474.91	−23,279.43	−14,891.96	−15,495.79	−17,603.84
AIC	37,814.52	39,069.83	46,678.85	29,903.92	31,111.59	35,327.69

*p < .1; **p < .05; ***p < .01

Poisson coefficients, standard errors clustered on states in parentheses.

Table A.3: Poisson Coefficients for Bills Introduced, Issues 7-12

	Govt. Admin.	Labor	Legal	Crime	Health Care	Families
	(1)	(2)	(3)	(4)	(5)	(6)
GOP Misalignment	−0.02 (0.12)	−0.02 (0.13)	0.13 (0.08)	0.11 (0.09)	0.002 (0.13)	0.43*** (0.12)
Partial GOP Misalignment	0.14* (0.07)	0.10 (0.07)	0.13* (0.07)	0.19*** (0.07)	0.11 (0.07)	0.17** (0.07)
GOP Alignment	0.30** (0.14)	0.25 (0.19)	0.27 (0.17)	0.32** (0.15)	0.33** (0.16)	0.31 (0.19)
Dem. Alignment	0.09 (0.15)	0.06 (0.17)	−0.02 (0.16)	0.07 (0.15)	0.01 (0.17)	0.03 (0.16)
Partial Dem. Misalignment	0.06 (0.06)	0.09 (0.07)	−0.03 (0.08)	0.03 (0.06)	0.08 (0.08)	0.03 (0.07)
Dem. Misalignment	0.14 (0.10)	0.10 (0.11)	0.02 (0.10)	0.14 (0.12)	0.24* (0.14)	0.10 (0.13)
State FE	✓	✓	✓	✓	✓	✓
Controls	✓	✓	✓	✓	✓	✓
N	443	443	443	443	443	443
Log Likelihood	−11,035.87	−8,945.77	−7,908.71	−6,457.98	−7,020.36	−6,886.78
AIC	22,191.75	18,011.53	15,937.42	13,035.97	14,160.71	13,893.57

*p < .1; **p < .05; ***p < .01

Poisson coefficients, standard errors clustered on states in parentheses.

Table A.4: Poisson Coefficients for Bills Enacted, Issues 1-6

	Transportation	Law	Budget	Financials	Taxes	Education
	(1)	(2)	(3)	(4)	(5)	(6)
GOP Misalignment	0.02 (0.13)	−0.04 (0.18)	−0.15 (0.17)	0.04 (0.11)	0.23*** (0.08)	0.06 (0.07)
Partial GOP Misalignment	0.13* (0.07)	0.12* (0.07)	0.04 (0.11)	0.20** (0.08)	0.15*** (0.06)	0.16** (0.06)
GOP Alignment	0.26 (0.16)	0.30* (0.17)	0.20 (0.18)	0.34** (0.16)	0.30* (0.16)	0.33* (0.17)
Dem. Alignment	−0.06 (0.18)	−0.04 (0.17)	0.10 (0.13)	−0.01 (0.18)	−0.12 (0.25)	0.01 (0.17)
Partial Dem. Misalignment	−0.01 (0.07)	0.03 (0.07)	0.10 (0.08)	0.03 (0.08)	0.01 (0.07)	0.06 (0.08)
Dem. Misalignment	0.10 (0.10)	0.10 (0.10)	0.20 (0.15)	0.06 (0.11)	0.11 (0.10)	0.10 (0.12)
State FE	✓	✓	✓	✓	✓	✓
Controls	✓	✓	✓	✓	✓	✓
N	443	443	443	443	443	443
Log Likelihood	−5,251.05	−5,249.44	−5,544.77	−4,797.18	−4,402.87	−4,947.42
AIC	10,622.10	10,618.88	11,209.54	9,714.37	8,925.75	10,014.84

*p < .1; **p < .05; ***p < .01

Poisson coefficients, standard errors clustered on states in parentheses.

Table A.5: Poisson Coefficients for Bills Enacted, Issues 7-12

	Govt. Admin.	Labor	Legal	Crime	Health Care	Families
	(1)	(2)	(3)	(4)	(5)	(6)
GOP Misalignment	−0.18 (0.16)	−0.15 (0.20)	−0.11 (0.14)	−0.13 (0.13)	−0.48* (0.26)	0.68*** (0.23)
Partial GOP Misalignment	−0.10 (0.09)	−0.14* (0.08)	−0.15 (0.11)	−0.11 (0.09)	−0.21** (0.08)	−0.13 (0.09)
GOP Alignment	0.05 (0.14)	−0.05 (0.16)	−0.02 (0.19)	0.09 (0.14)	−0.002 (0.13)	−0.13 (0.17)
Dem. Alignment	0.05 (0.12)	0.09 (0.19)	0.04 (0.20)	0.01 (0.16)	0.10 (0.17)	−0.05 (0.23)
Partial Dem. Misalignment	−0.02 (0.07)	−0.03 (0.09)	−0.08 (0.10)	−0.04 (0.08)	−0.03 (0.11)	−0.17 (0.13)
Dem. Misalignment	0.02 (0.07)	−0.04 (0.09)	−0.02 (0.10)	−0.05 (0.08)	0.03 (0.11)	−0.14 (0.10)
GOP Mis. x Natl. Comp.	−0.01 (0.01)	−0.01 (0.01)	−0.02** (0.01)	−0.02*** (0.01)	−0.02 (0.01)	0.01 (0.01)
Partial GOP Mis. x Natl. Comp.	−0.01 (0.005)	−0.01 (0.004)	−0.01* (0.01)	−0.01*** (0.004)	−0.01** (0.004)	−0.01* (0.005)
GOP Align. x Natl. Comp.	−0.002 (0.004)	−0.001 (0.005)	−0.01 (0.01)	−0.01 (0.004)	−0.004 (0.005)	−0.01** (0.005)
Dem. Align. x Natl. Comp.	−0.02 (0.01)	−0.03* (0.01)	−0.03** (0.01)	−0.03* (0.01)	−0.03* (0.01)	−0.02 (0.02)
Partial Dem. Mis. x Natl. Comp.	−0.005 (0.004)	−0.01 (0.005)	−0.01* (0.01)	−0.01 (0.005)	−0.01 (0.01)	−0.002 (0.01)
Dem. Mis. x Natl. Comp.	0.004 (0.01)	0.002 (0.01)	−0.003 (0.01)	0.01 (0.01)	0.004 (0.01)	0.01 (0.01)
N	443	443	443	443	443	443

*p < .1; **p < .05; ***p < .01

Poisson coefficients, standard errors clustered on states in parentheses. All models include twoway fixed effects.

Table A.6: Poisson Coefficients for Bills Introduced, Interaction Models, Issues 1-6

	Transportation	Law	Budget	Financials	Taxes	Education
	(1)	(2)	(3)	(4)	(5)	(6)
GOP Misalignment	-0.35*	-0.59*	-0.40	-0.22	0.08	0.04
	(0.19)	(0.30)	(0.38)	(0.15)	(0.10)	(0.12)
Partial GOP Misalignment	-0.10	-0.10	-0.28**	-0.09	-0.11*	-0.05
	(0.09)	(0.09)	(0.11)	(0.08)	(0.07)	(0.08)
GOP Alignment	0.06	0.14	0.21	0.002	-0.06	0.11
	(0.15)	(0.16)	(0.21)	(0.15)	(0.14)	(0.16)
Dem. Alignment	0.12	0.06	0.21	0.11	0.15	0.14
	(0.18)	(0.19)	(0.16)	(0.18)	(0.19)	(0.17)
Partial Dem. Misalignment	-0.05	-0.05	0.03	-0.04	0.04	-0.01
	(0.10)	(0.09)	(0.19)	(0.10)	(0.08)	(0.11)
Dem. Misalignment	-0.04	-0.03	0.17	-0.05	-0.03	0.04
	(0.08)	(0.08)	(0.21)	(0.08)	(0.08)	(0.11)
GOP Mis. x Natl. Comp.	-0.02***	-0.03**	-0.01	-0.01*	-0.005	-0.01
	(0.01)	(0.01)	(0.02)	(0.01)	(0.005)	(0.01)
Partial GOP Mis. x Natl. Comp.	-0.01*	-0.01**	-0.002	-0.01**	-0.01*	-0.01***
	(0.005)	(0.004)	(0.01)	(0.004)	(0.004)	(0.004)
GOP Align. x Natl. Comp.	-0.002	-0.0002	0.01	-0.005	-0.01	-0.003
	(0.005)	(0.005)	(0.01)	(0.004)	(0.004)	(0.004)
Dem. Align. x Natl. Comp.	-0.03*	-0.03*	-0.02*	-0.03**	-0.03*	-0.03**
	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.01)
Partial Dem. Mis. x Natl. Comp.	-0.01	-0.01*	-0.01	-0.01	-0.01*	-0.01
	(0.005)	(0.004)	(0.01)	(0.004)	(0.01)	(0.01)
Dem. Mis. x Natl. Comp.	0.01	0.002	-0.01	0.003	0.004	0.004
	(0.005)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
N	443	443	443	443	443	443

*p < .1; **p < .05; ***p < .01

Poisson coefficients, standard errors clustered on states in parentheses. All models include twoway fixed effects.

Table A.7: Poisson Coefficients for Bills Introduced, Interaction Models, Issues 7-12

	Govt. Admin.	Labor	Legal	Crime	Health Care	Families
	(1)	(2)	(3)	(4)	(5)	(6)
GOP Misalignment	-0.12 (0.26)	-0.07 (0.24)	0.05 (0.17)	-0.02 (0.21)	-0.19 (0.25)	0.58*** (0.21)
Partial GOP Misalignment	0.06 (0.08)	0.05 (0.08)	0.05 (0.10)	0.10 (0.10)	-0.02 (0.08)	0.07 (0.09)
GOP Alignment	0.43* (0.26)	0.49 (0.35)	0.39 (0.32)	0.50* (0.27)	0.47 (0.30)	0.37 (0.37)
Dem. Alignment	0.11 (0.14)	0.23 (0.20)	0.13 (0.16)	0.10 (0.14)	0.15 (0.16)	-0.05 (0.19)
Partial Dem. Misalignment	0.09 (0.08)	0.16* (0.09)	0.03 (0.08)	0.07 (0.08)	0.13 (0.10)	0.07 (0.09)
Dem. Misalignment	0.02 (0.06)	-0.01 (0.09)	-0.06 (0.06)	0.02 (0.09)	0.03 (0.08)	-0.06 (0.09)
GOP Mis. x Natl. Comp.	-0.01 (0.01)	-0.002 (0.01)	-0.01 (0.01)	-0.01 (0.01)	-0.01 (0.01)	0.01 (0.01)
Partial GOP Mis. x Natl. Comp.	-0.004 (0.004)	-0.003 (0.004)	-0.01 (0.005)	-0.01 (0.004)	-0.01** (0.004)	-0.01 (0.005)
GOP Align. x Natl. Comp.	0.01 (0.01)	0.01 (0.01)	0.004 (0.01)	0.01 (0.01)	0.005 (0.01)	0.002 (0.01)
Dem. Align. x Natl. Comp.	-0.001 (0.01)	-0.01 (0.01)	-0.01 (0.01)	-0.002 (0.01)	-0.01 (0.02)	0.005 (0.01)
Partial Dem. Mis. x Natl. Comp.	0.001 (0.004)	-0.003 (0.005)	-0.003 (0.01)	0.0003 (0.005)	-0.0005 (0.01)	-0.001 (0.005)
Dem. Mis. x Natl. Comp.	0.02** (0.01)	0.01 (0.01)	0.01 (0.01)	0.02 (0.01)	0.02** (0.01)	0.02* (0.01)
N	443	443	443	443	443	443

*p < .1; **p < .05; ***p < .01

Poisson coefficients, standard errors clustered on states in parentheses. All models include twoway fixed effects.

Table A.8: Poisson Coefficients for Bills Enacted, Interaction Models, Issues 1-6

	Transportation	Law	Budget	Financials	Taxes	Education
	(1)	(2)	(3)	(4)	(5)	(6)
GOP Misalignment	−0.21 (0.22)	−0.31 (0.36)	−0.26 (0.38)	−0.09 (0.22)	0.42*** (0.12)	0.02 (0.15)
Partial GOP Misalignment	0.08 (0.08)	0.03 (0.09)	−0.03 (0.09)	0.15 (0.10)	0.11 (0.07)	0.06 (0.08)
GOP Alignment	0.44 (0.27)	0.49 (0.31)	0.46* (0.26)	0.50* (0.28)	0.47* (0.28)	0.54 (0.34)
Dem. Alignment	0.13 (0.18)	0.07 (0.15)	0.13 (0.18)	0.22 (0.22)	0.19 (0.25)	0.16 (0.16)
Partial Dem. Misalignment	0.08 (0.08)	0.07 (0.08)	0.18* (0.10)	0.10 (0.10)	0.15** (0.07)	0.12 (0.09)
Dem. Misalignment	−0.02 (0.06)	−0.0001 (0.07)	0.04 (0.08)	−0.03 (0.07)	0.03 (0.06)	−0.02 (0.08)
GOP Mis. x Natl. Comp.	−0.01 (0.01)	−0.02 (0.01)	−0.004 (0.02)	−0.01 (0.01)	0.01* (0.01)	−0.002 (0.01)
Partial GOP Mis. x Natl. Comp.	−0.003 (0.004)	−0.01 (0.004)	−0.003 (0.01)	−0.003 (0.005)	−0.003 (0.004)	−0.01 (0.004)
GOP Align. x Natl. Comp.	0.01 (0.01)	0.01 (0.01)	0.01 (0.01)	0.01 (0.01)	0.01 (0.01)	0.01 (0.01)
Dem. Align. x Natl. Comp.	−0.01 (0.02)	−0.01 (0.01)	−0.0003 (0.01)	−0.01 (0.01)	−0.02 (0.02)	−0.01 (0.01)
Partial Dem. Mis. x Natl. Comp.	−0.004 (0.01)	−0.002 (0.004)	−0.003 (0.01)	−0.003 (0.005)	−0.01* (0.005)	−0.002 (0.004)
Dem. Mis. x Natl. Comp.	0.02* (0.01)	0.01 (0.01)	0.02 (0.01)	0.01 (0.01)	0.01 (0.01)	0.02* (0.01)
N	443	443	443	443	443	443

*p < .1; **p < .05; ***p < .01

Poisson coefficients, standard errors clustered on states in parentheses. All models include twoway fixed effects.

Table A.9: Poisson Coefficients for Bills Enacted, Interaction Models, Issues 7-12

A.3 Model Results for All Policy Categories: Bills Introduced

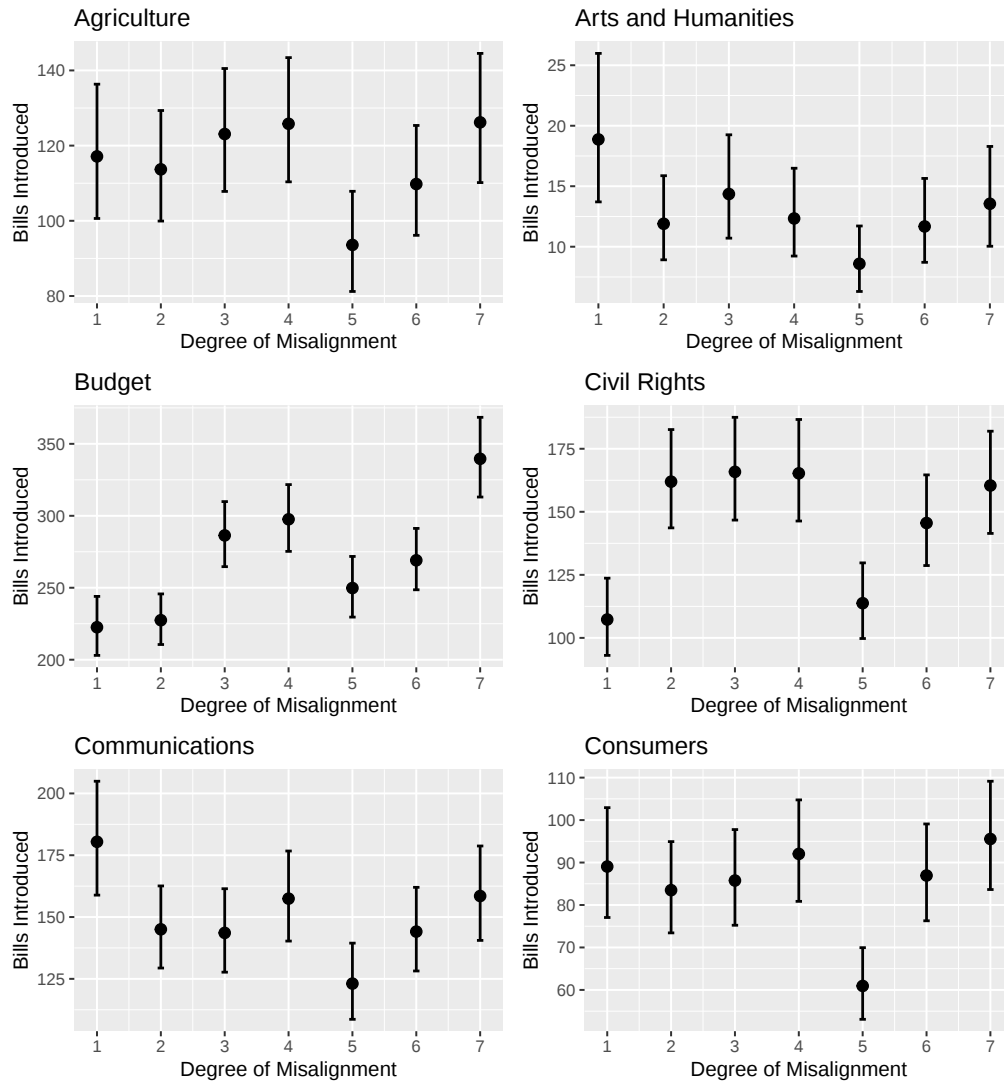


Figure A.1: Predicted Count of Bills Introduced by Policy Category (Topics 1-6) and Political Context, 2001-2019

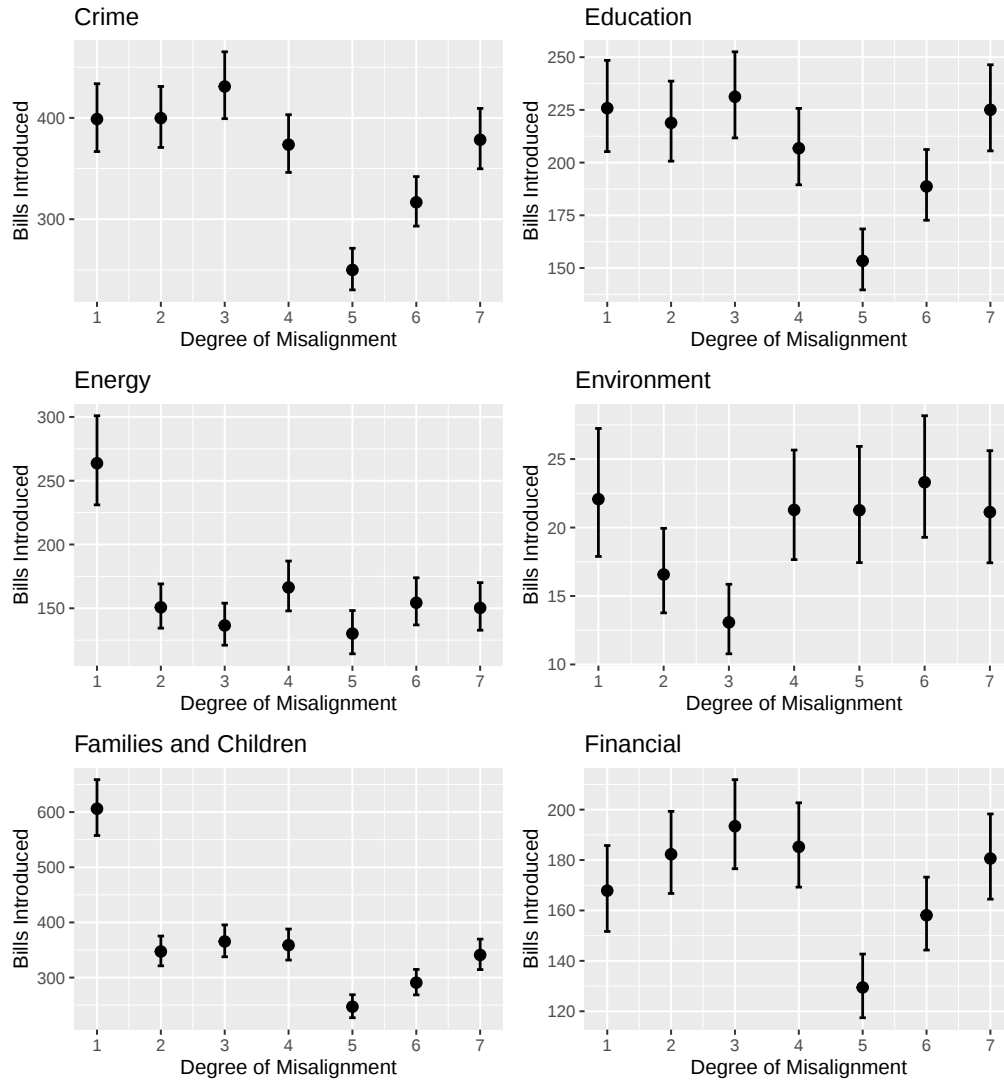


Figure A.2: Predicted Count of Bills Introduced by Policy Category (Topics 7-12) and Political Context, 2001-2019

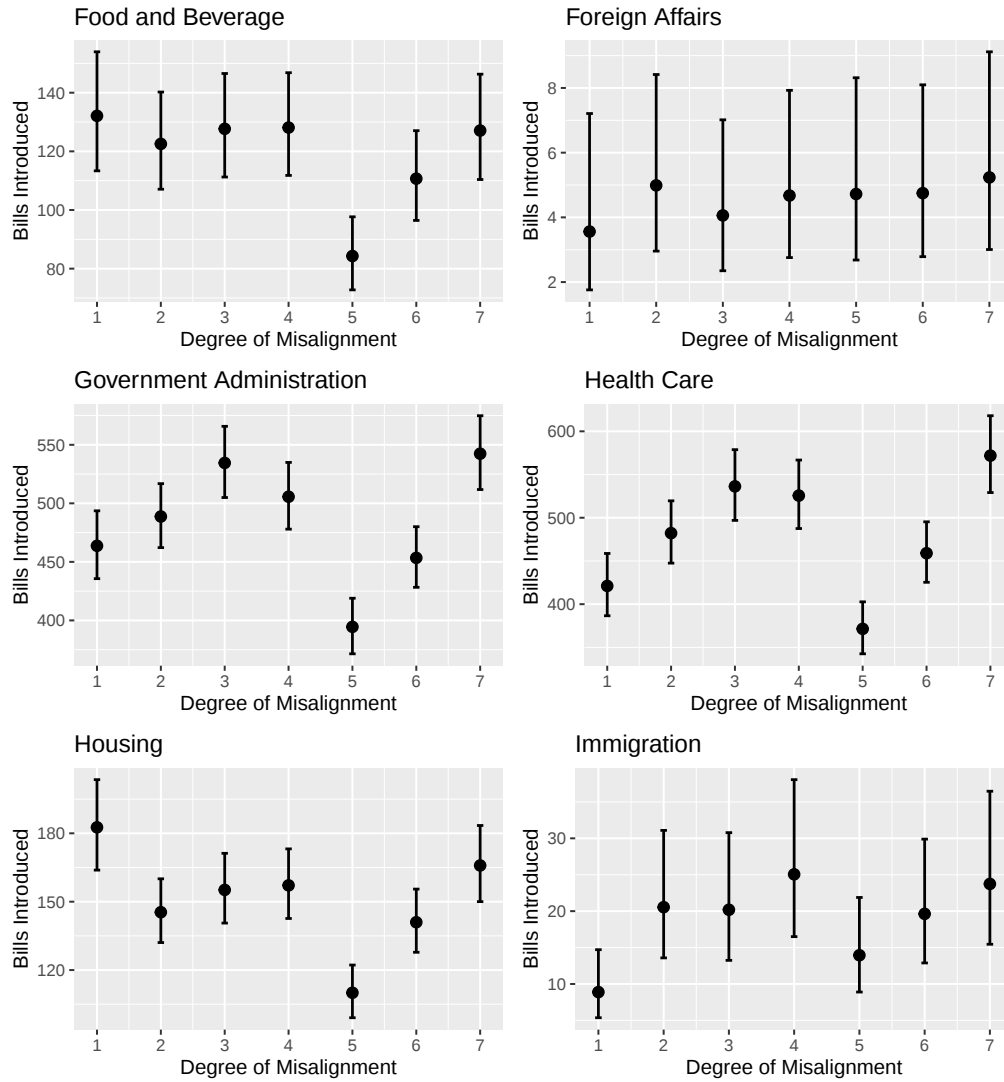


Figure A.3: Predicted Count of Bills Introduced by Policy Category (Topics 13-18) and Political Context, 2001-2019

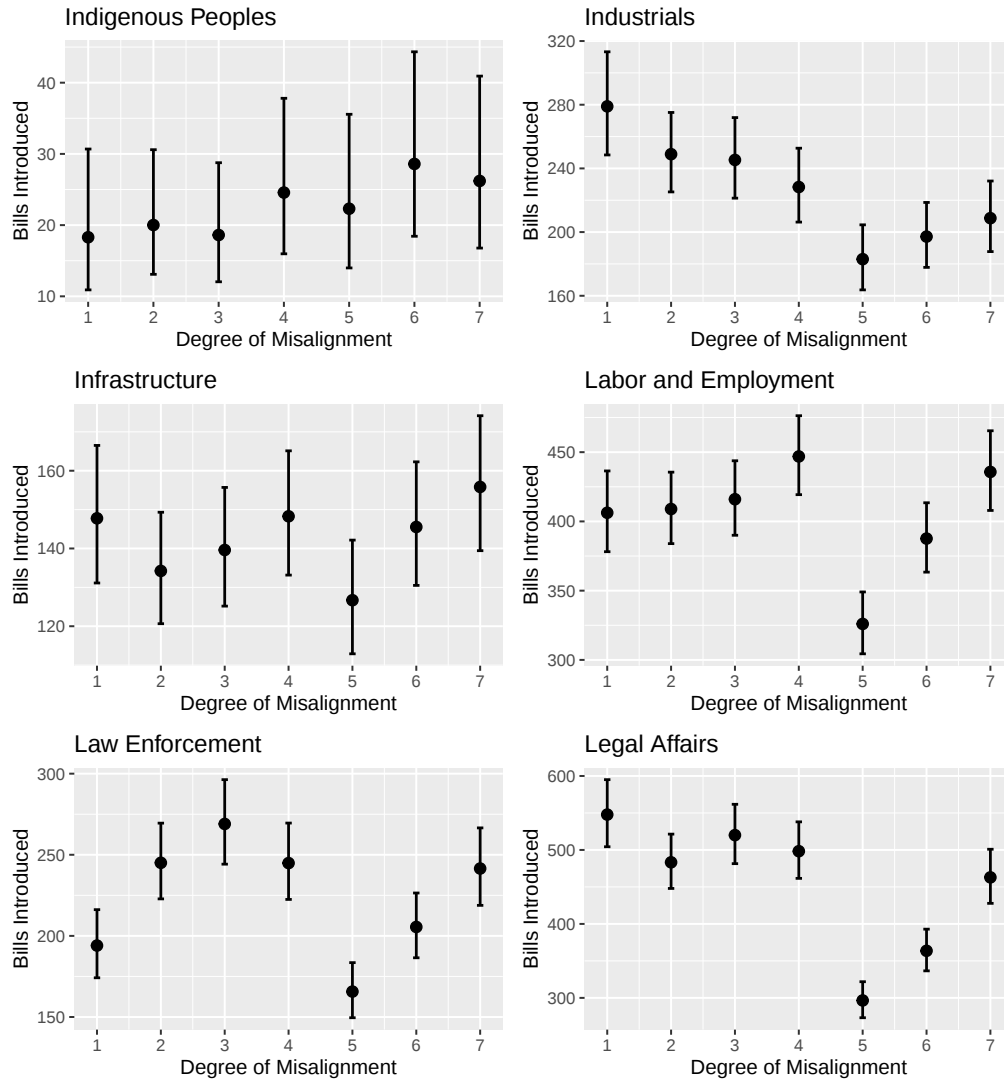


Figure A.4: Predicted Count of Bills Introduced by Policy Category (Topics 19-24) and Political Context, 2001-2019

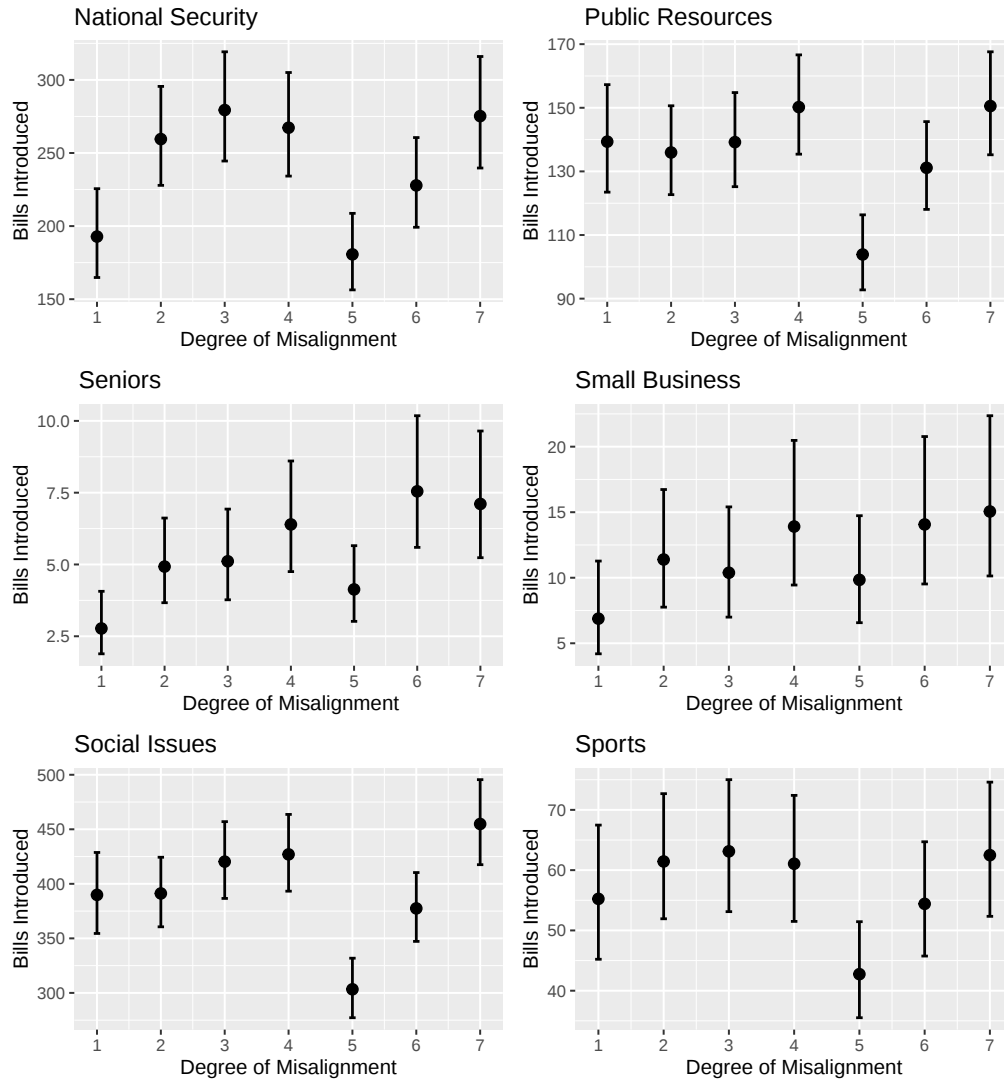


Figure A.5: Predicted Count of Bills Introduced by Policy Category (Topics 25-30) and Political Context, 2001-2019

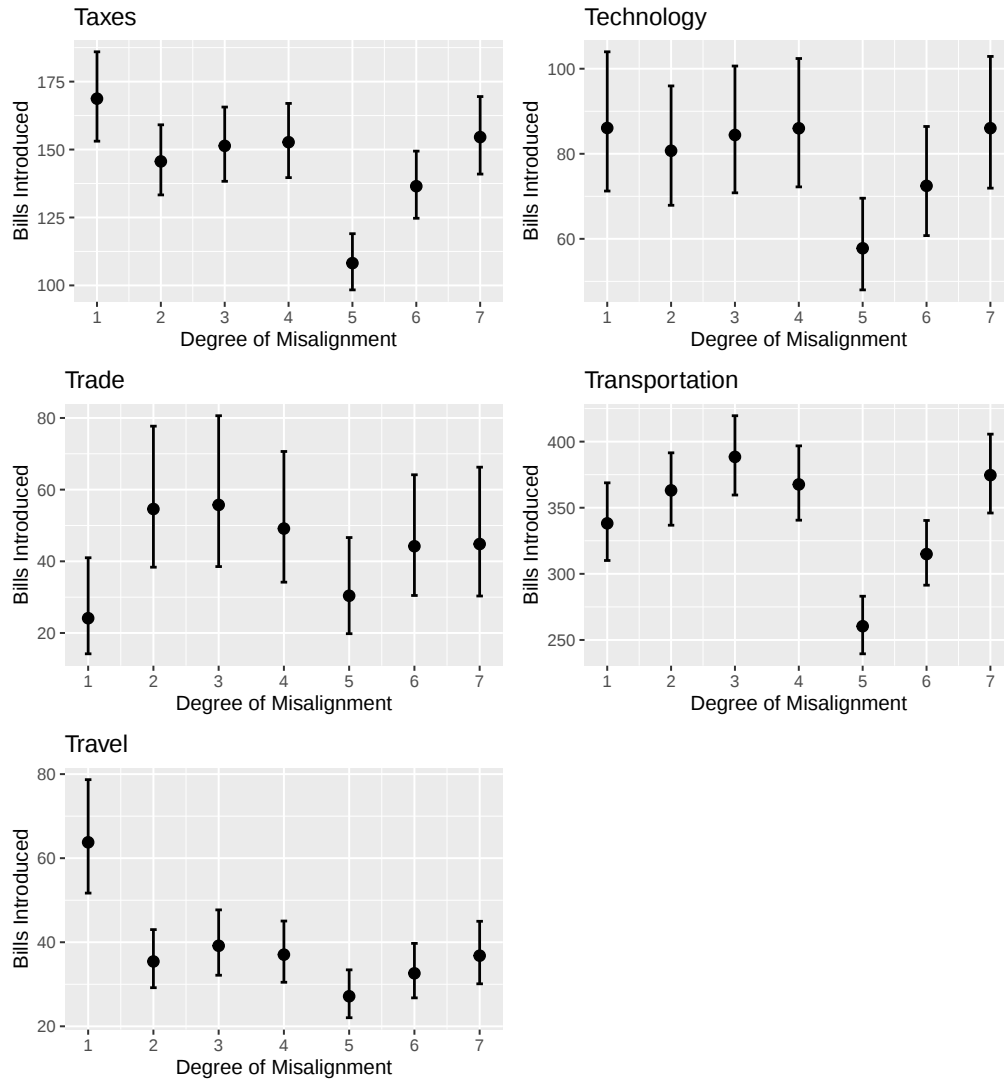


Figure A.6: Predicted Count of Bills Introduced by Policy Category (Topics 31-35) and Political Context, 2001-2019

A.3.1 Red States

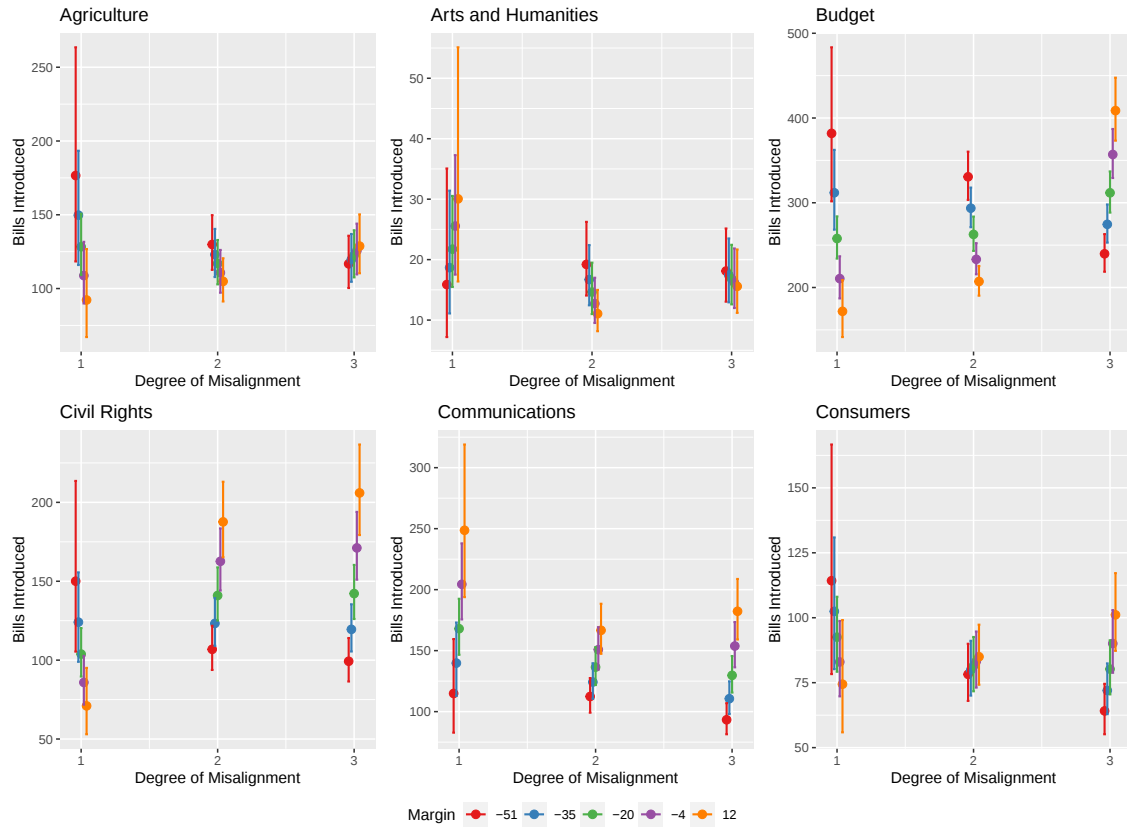


Figure A.7: Predicted Count of Bills Introduced in Red States by Policy Category (Topics 1-6), 2001-2019

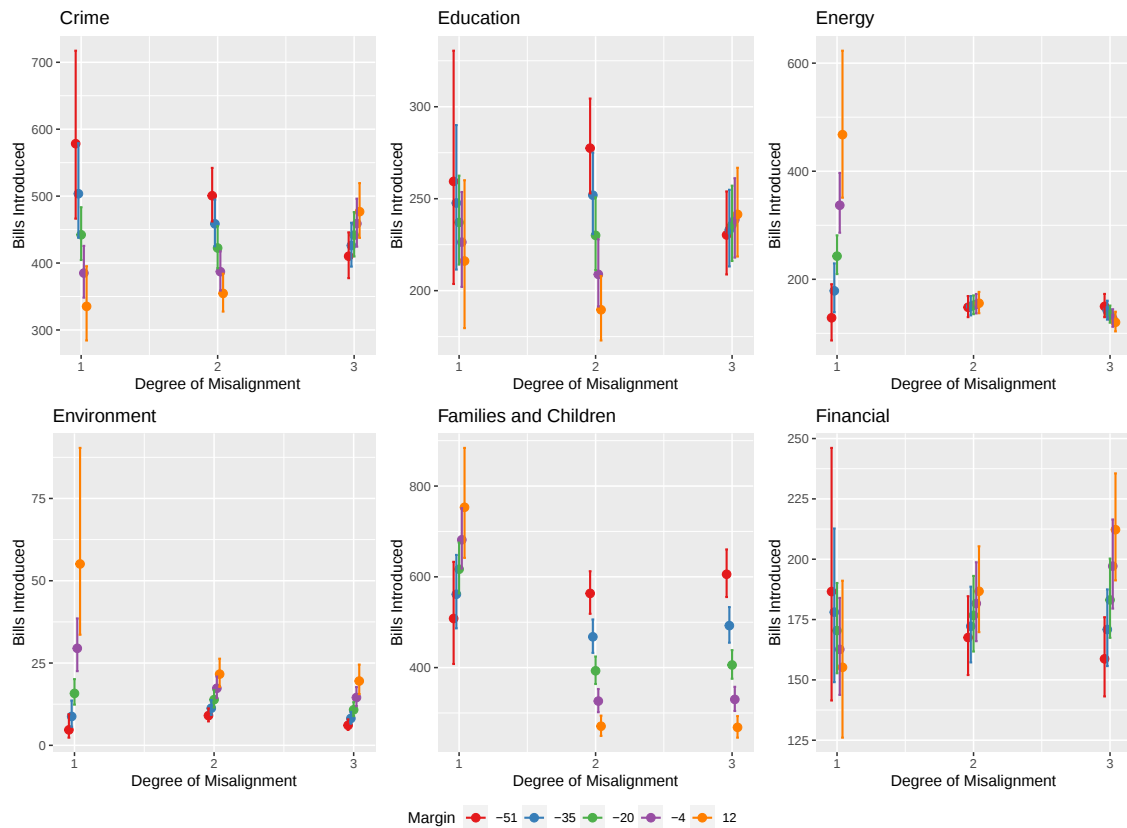


Figure A.8: Predicted Count of Bills Introduced in Red States by Policy Category (Topics 7-12), 2001-2019

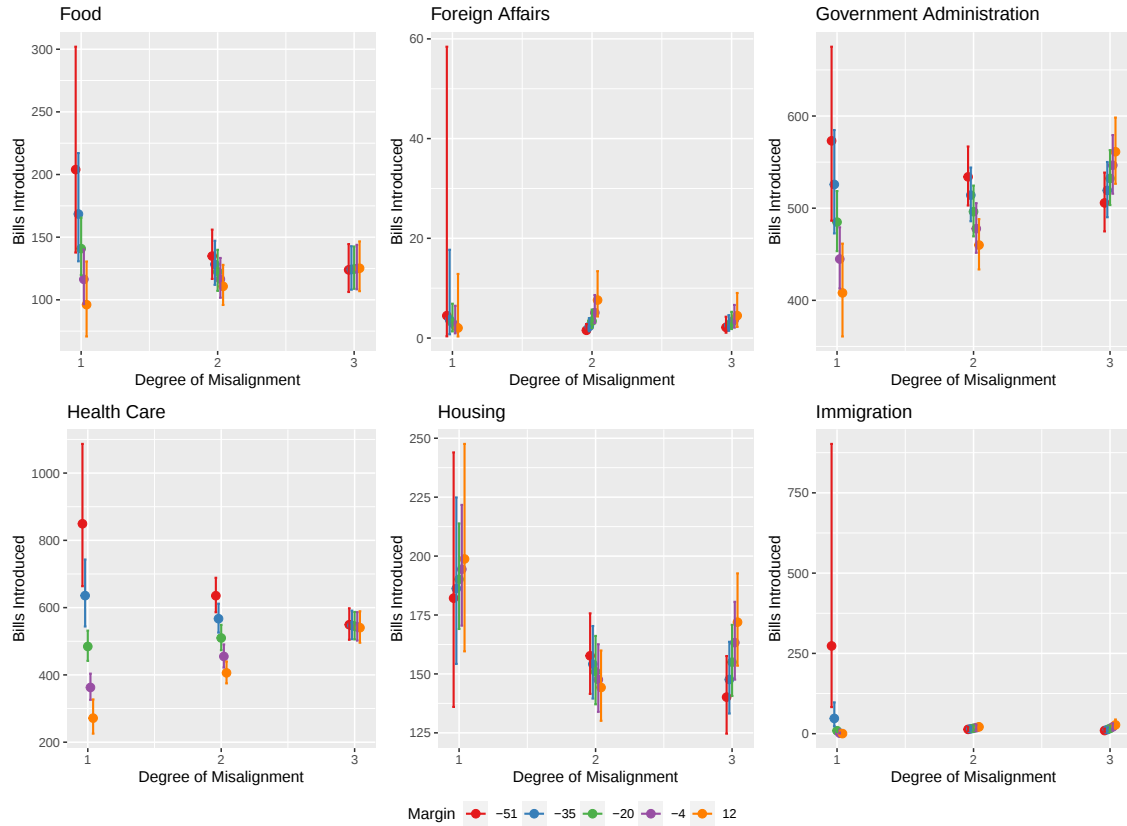


Figure A.9: Predicted Count of Bills Introduced in Red States by Policy Category (Topics 13-18), 2001-2019

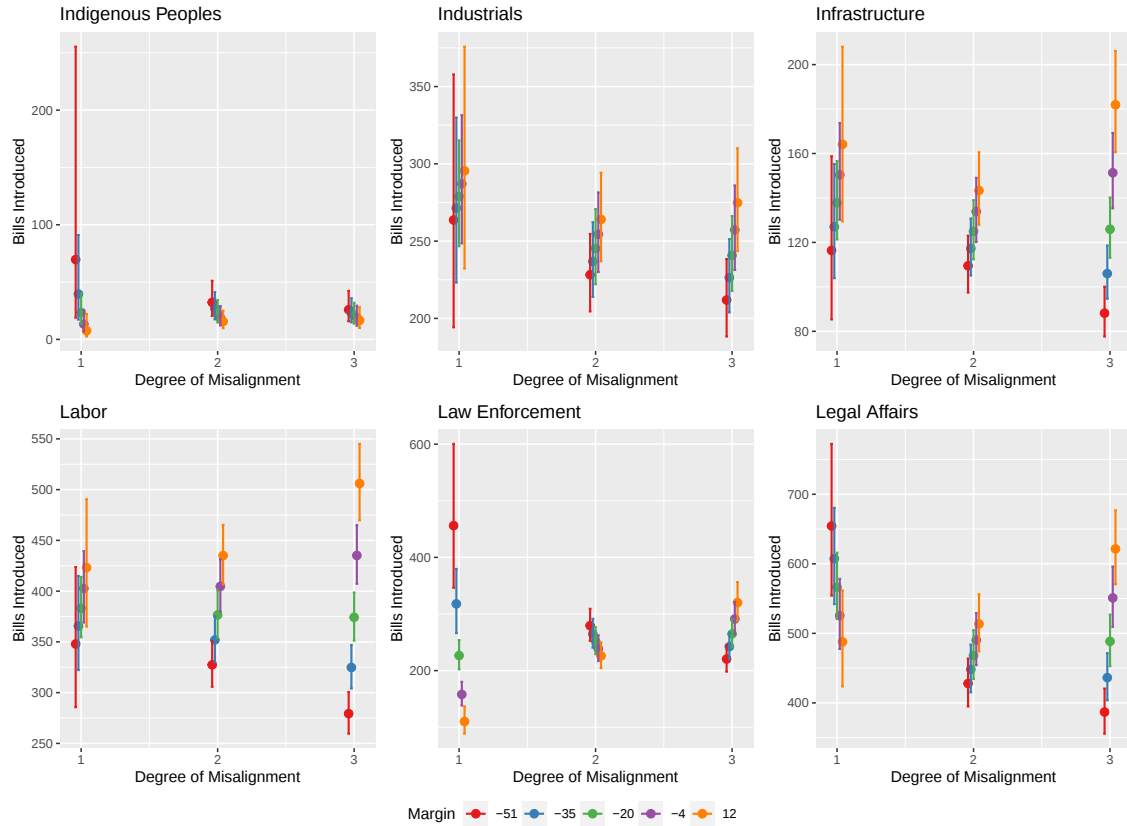


Figure A.10: Predicted Count of Bills Introduced in Red States by Policy Category (Topics 19-24), 2001-2019

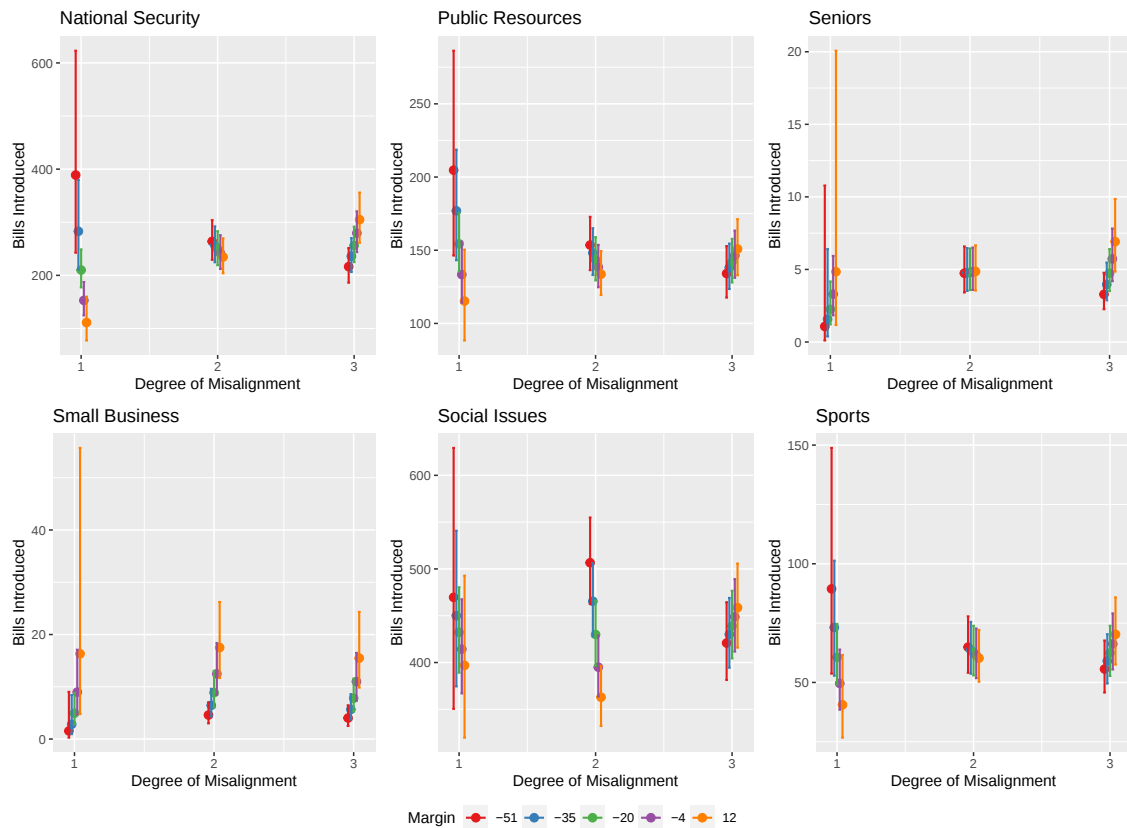


Figure A.11: Predicted Count of Bills Introduced in Red States by Policy Category (Topics 25-30), 2001-2019

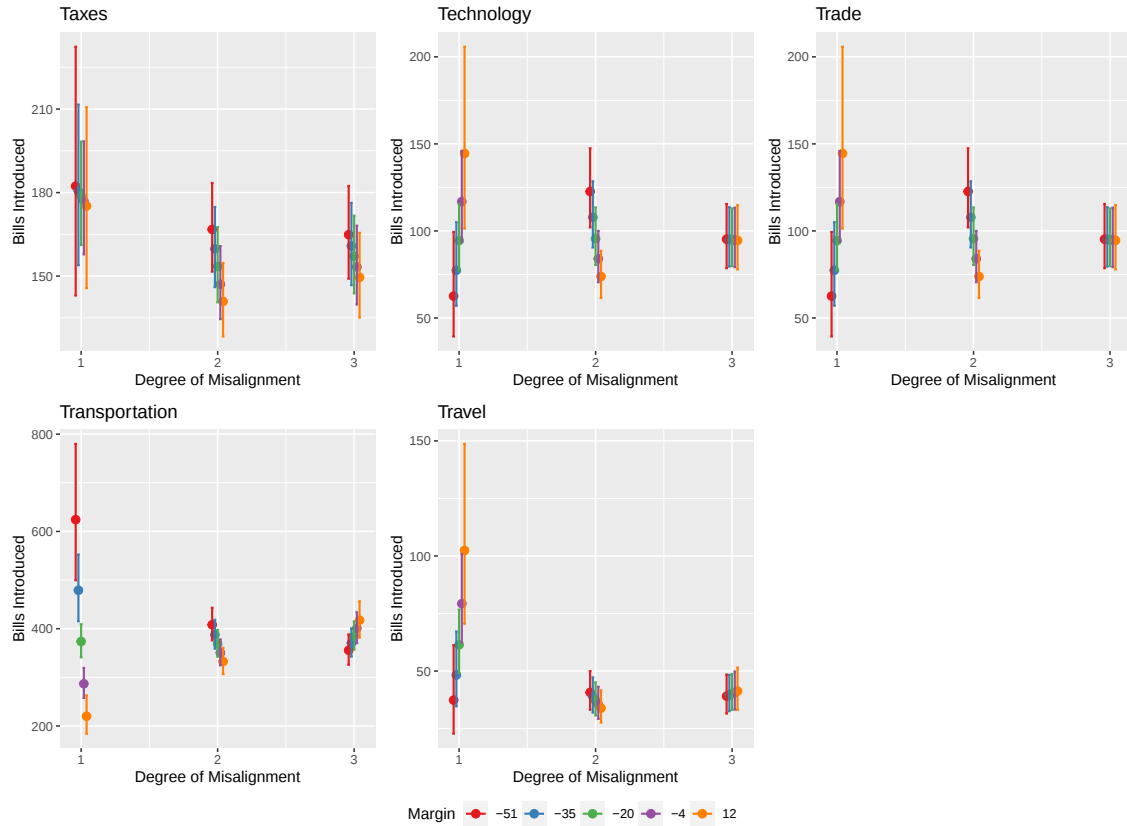


Figure A.12: Predicted Count of Bills Introduced in Red States by Policy Category (Topics 31-35), 2001-2019

A.3.2 Blue States

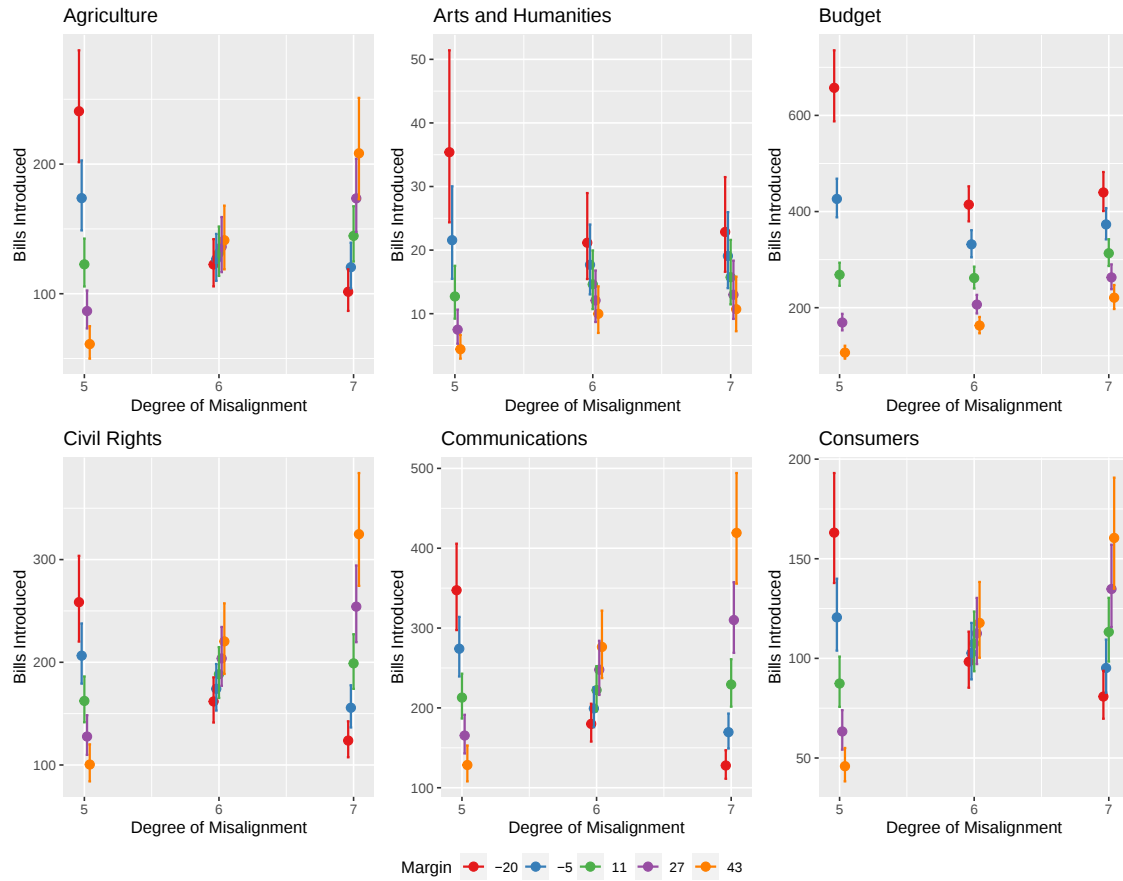


Figure A.13: Predicted Count of Bills Introduced in Blue States by Policy Category (Topics 1-6), 2001-2019

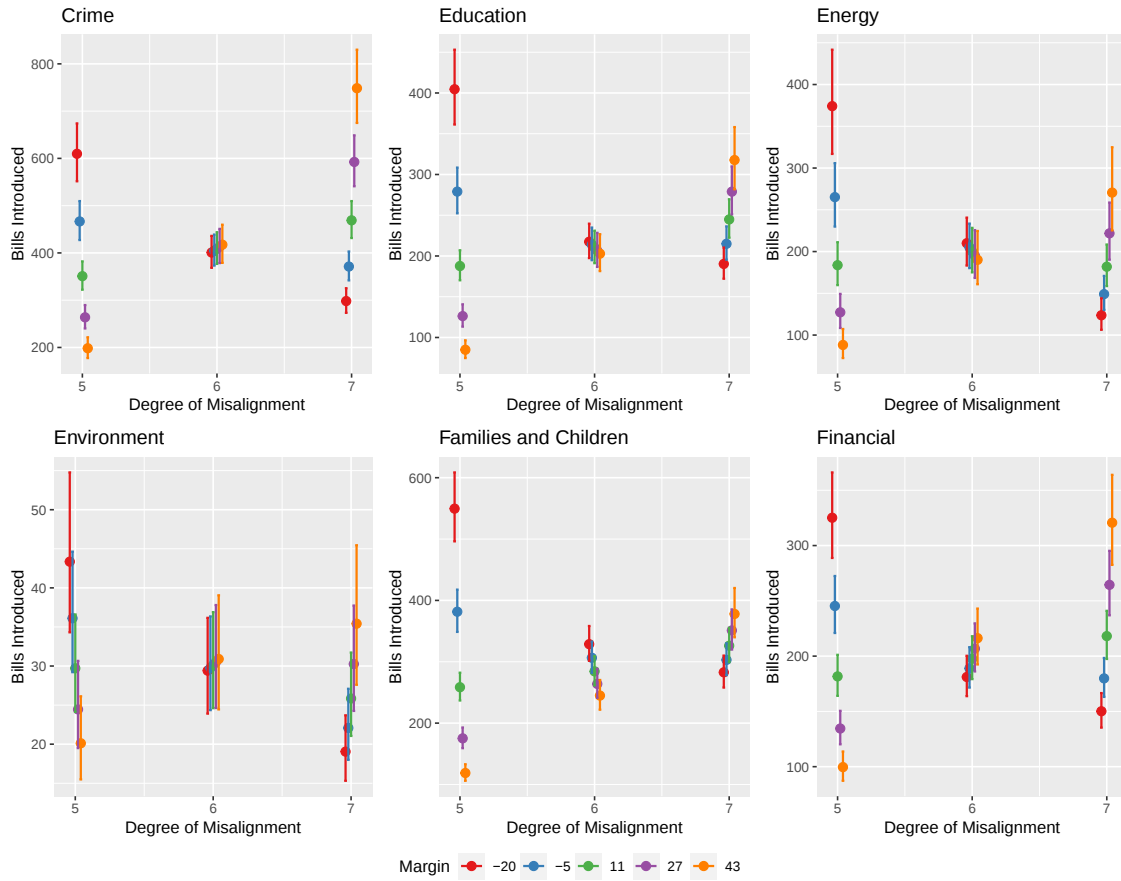


Figure A.14: Predicted Count of Bills Introduced in Blue States by Policy Category (Topics 7-12), 2001-2019

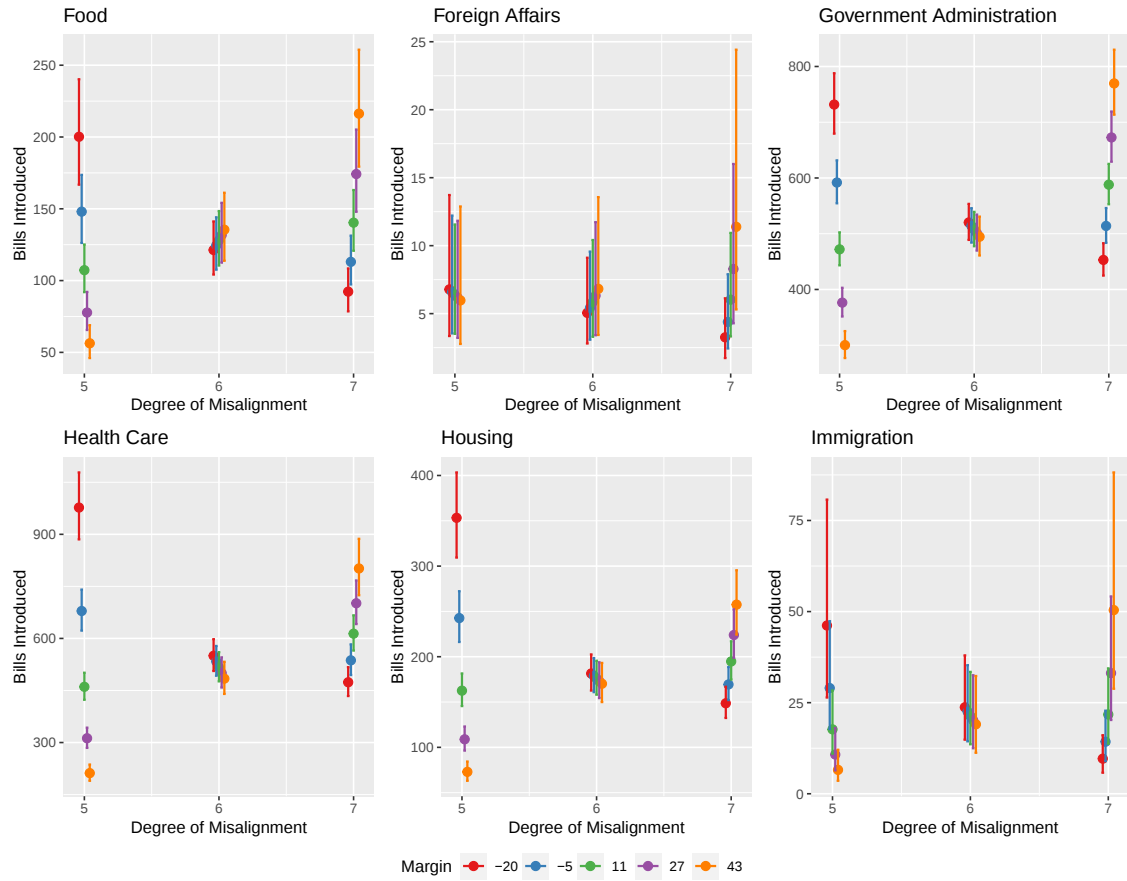


Figure A.15: Predicted Count of Bills Introduced in Blue States by Policy Category (Topics 13-18), 2001-2019

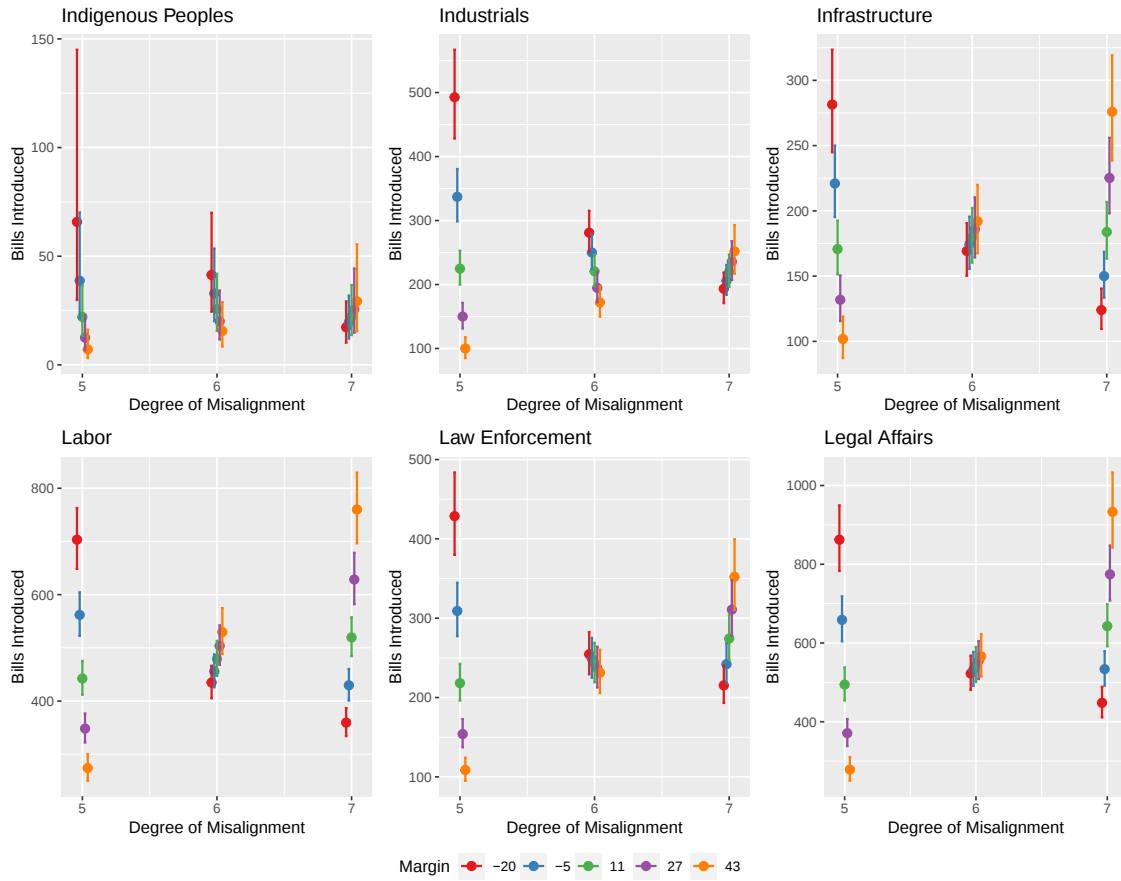


Figure A.16: Predicted Count of Bills Introduced in Blue States by Policy Category (Topics 19-24), 2001-2019

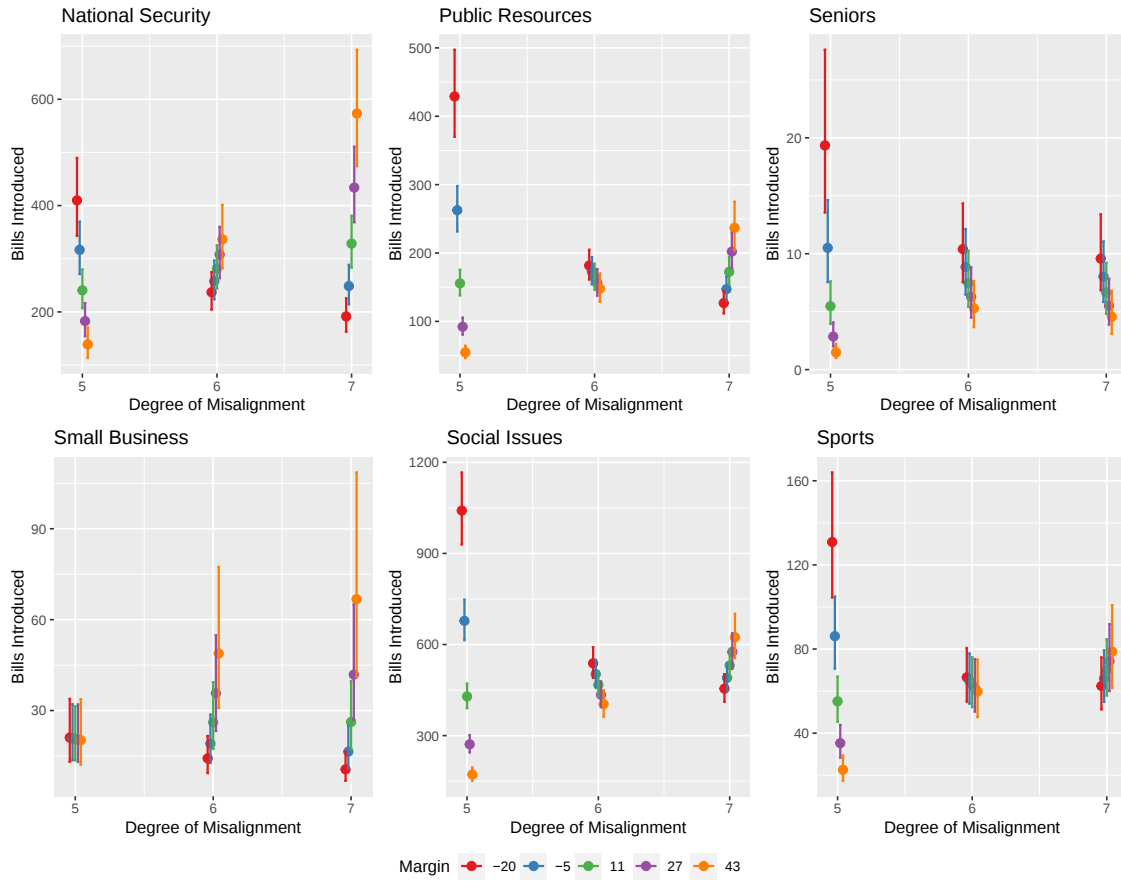


Figure A.17: Predicted Count of Bills Introduced in Blue States by Policy Category (Topics 25-30), 2001-2019

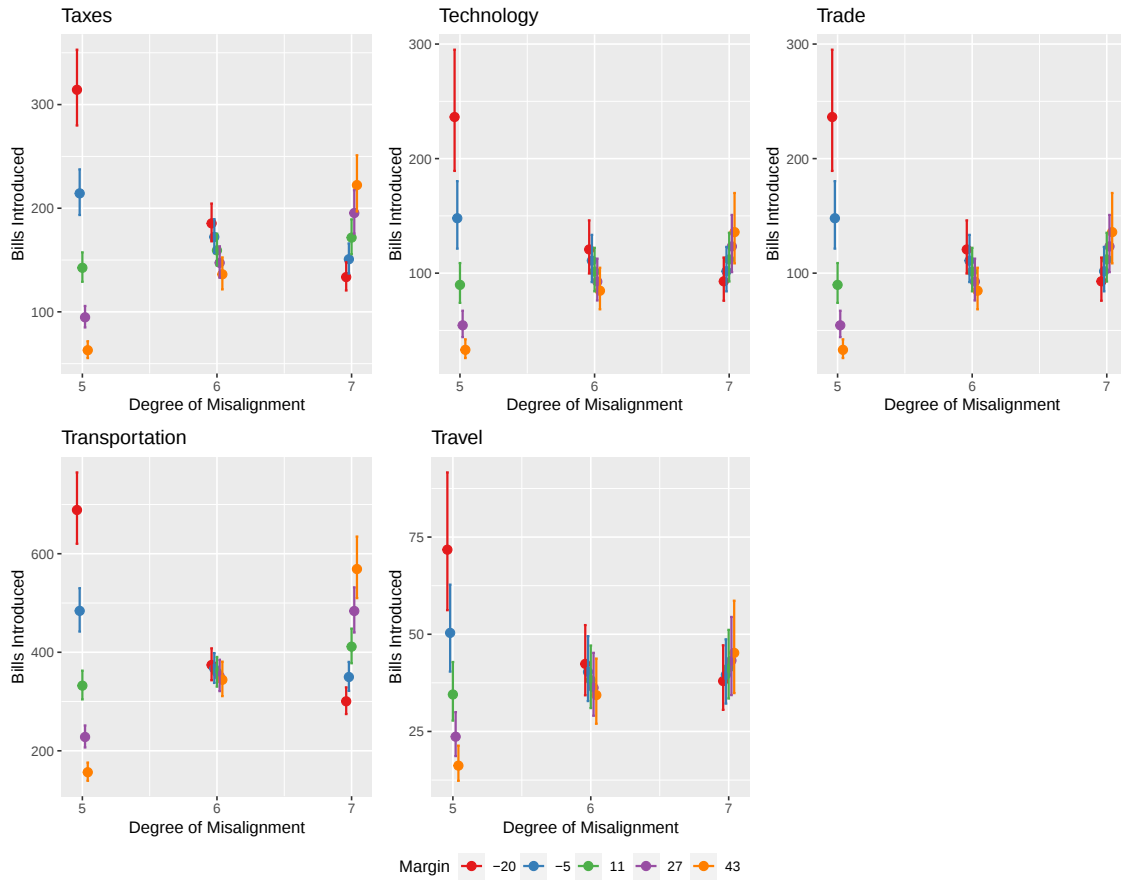


Figure A.18: Predicted Count of Bills Introduced in Blue States by Policy Category (Topics 31-35), 2001-2019

A.4 Model Results for All Policy Categories: Bills Enacted

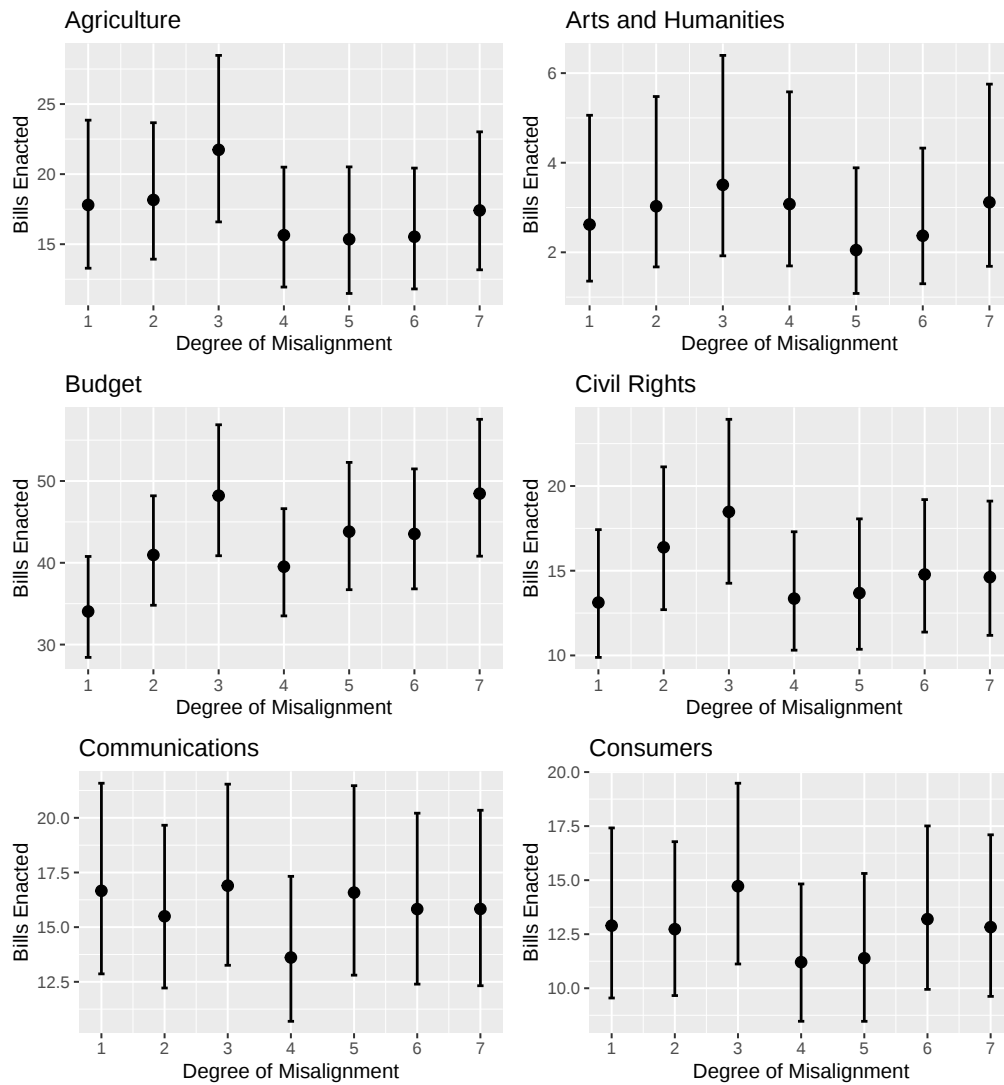


Figure A.19: Predicted Count of Bills Enacted by Policy Category (Topics 1-6) and Political Context, 2001-2019

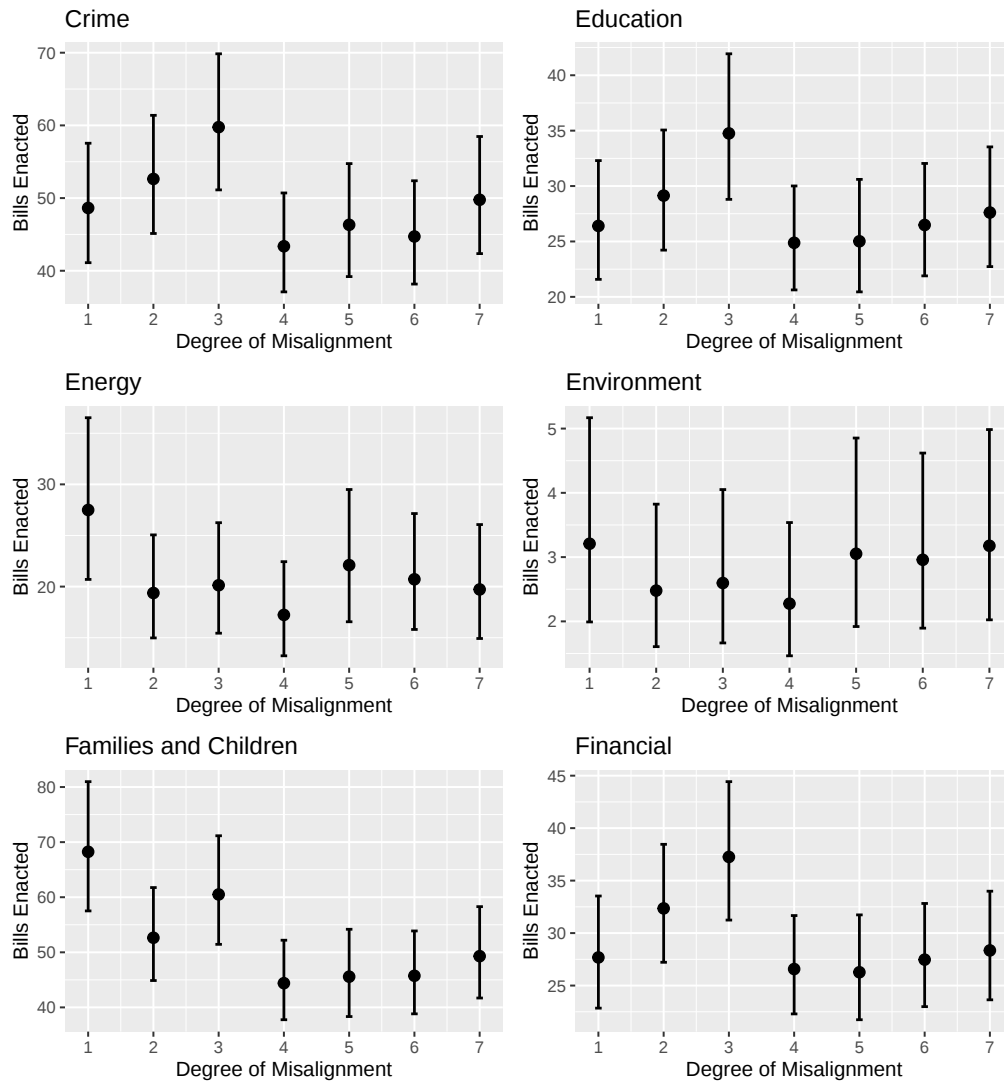


Figure A.20: Predicted Count of Bills Enacted by Policy Category (Topics 7-12) and Political Context, 2001-2019

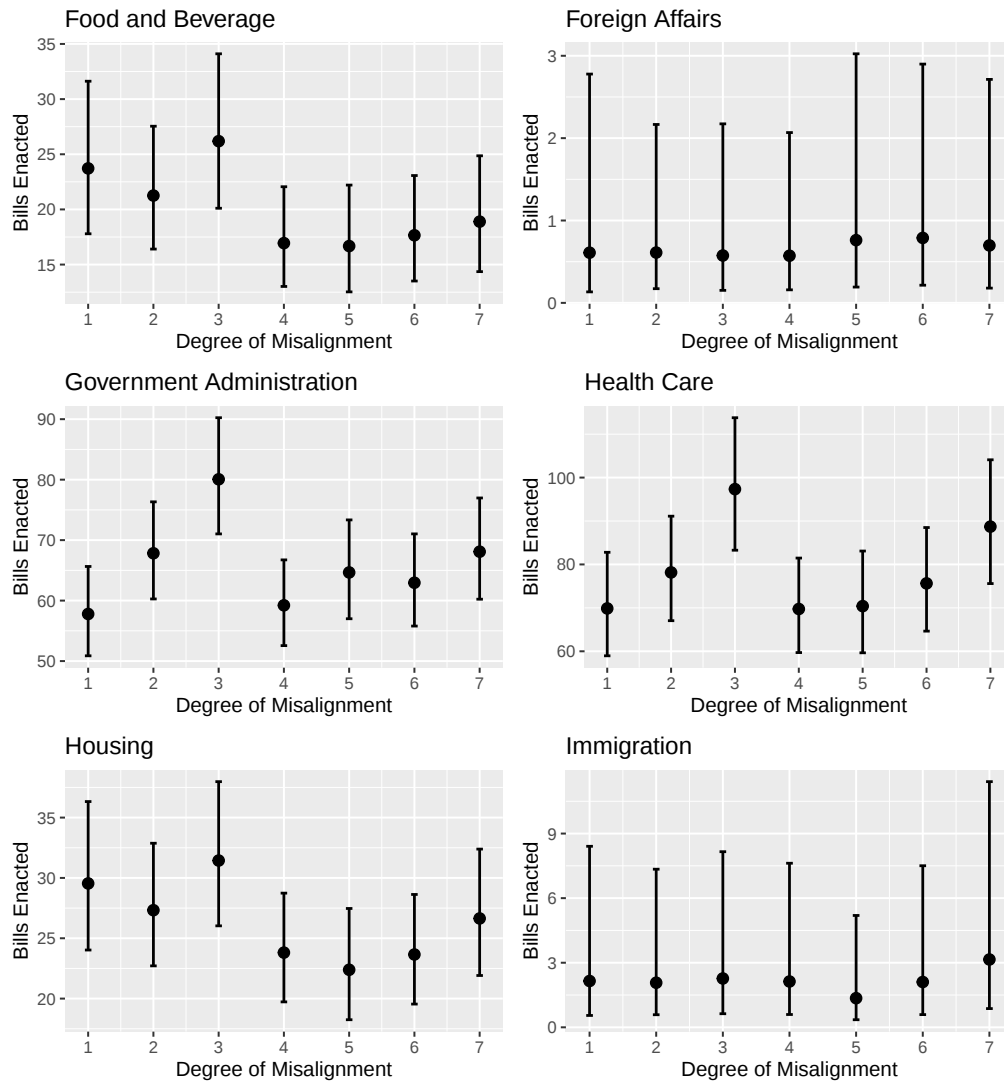


Figure A.21: Predicted Count of Bills Enacted by Policy Category (Topics 13-18) and Political Context, 2001-2019

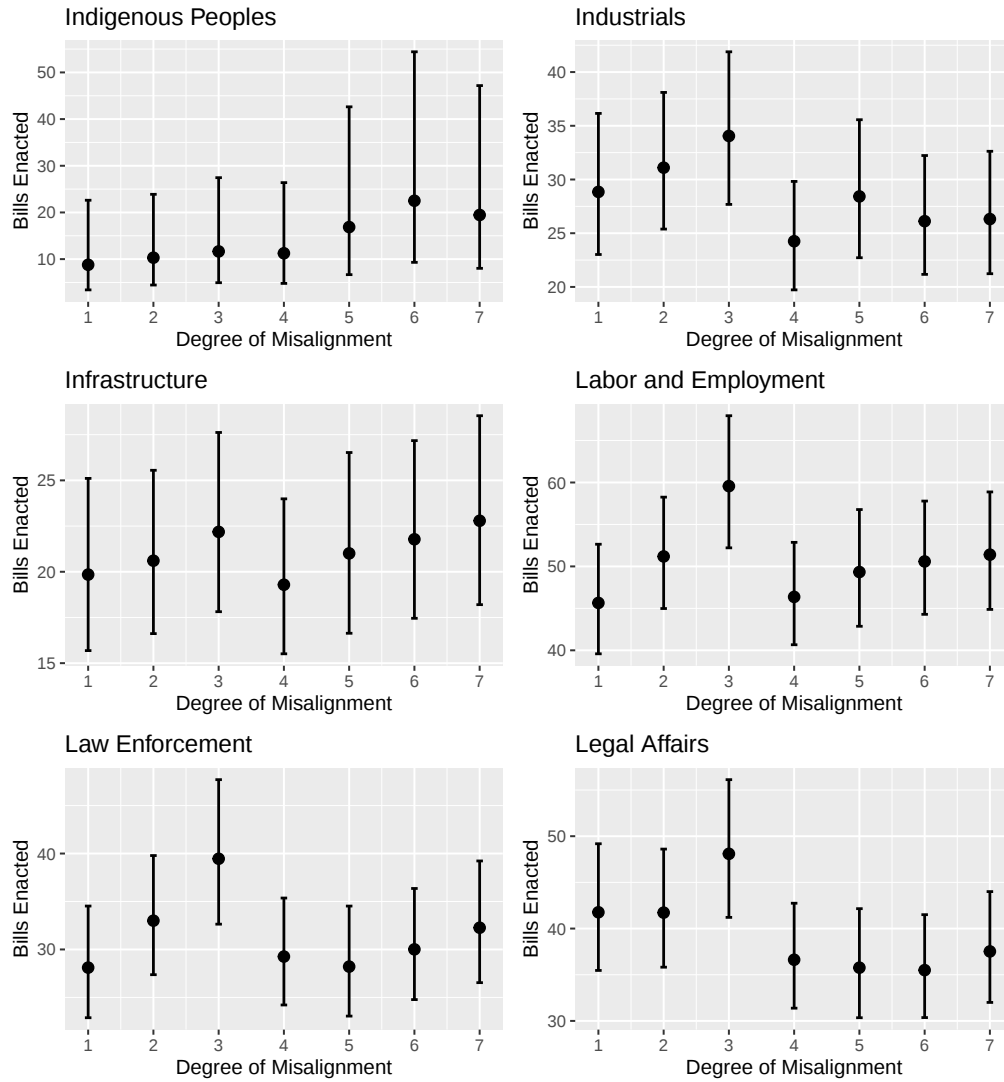


Figure A.22: Predicted Count of Bills Enacted by Policy Category (Topics 19-24) and Political Context, 2001-2019

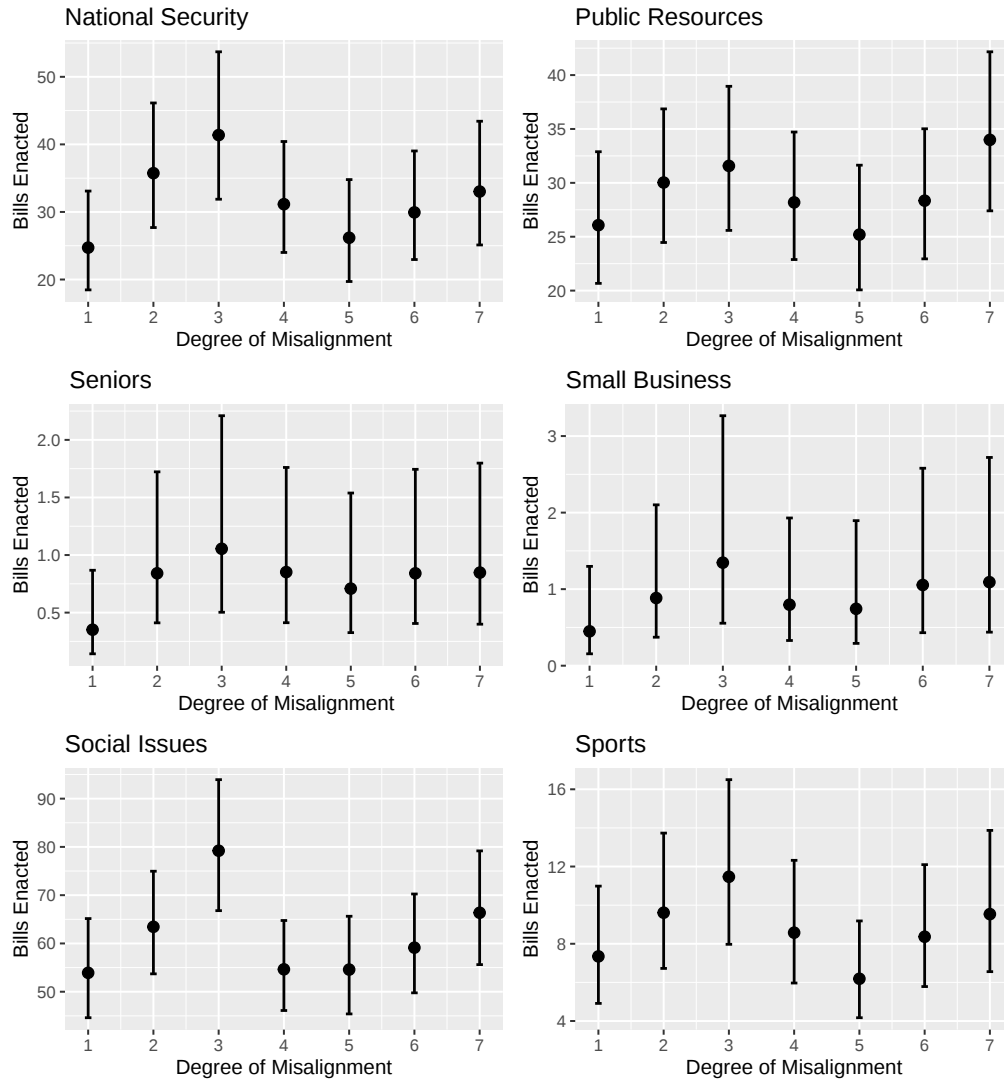


Figure A.23: Predicted Count of Bills Enacted by Policy Category (Topics 19-24) and Political Context, 2001-2019

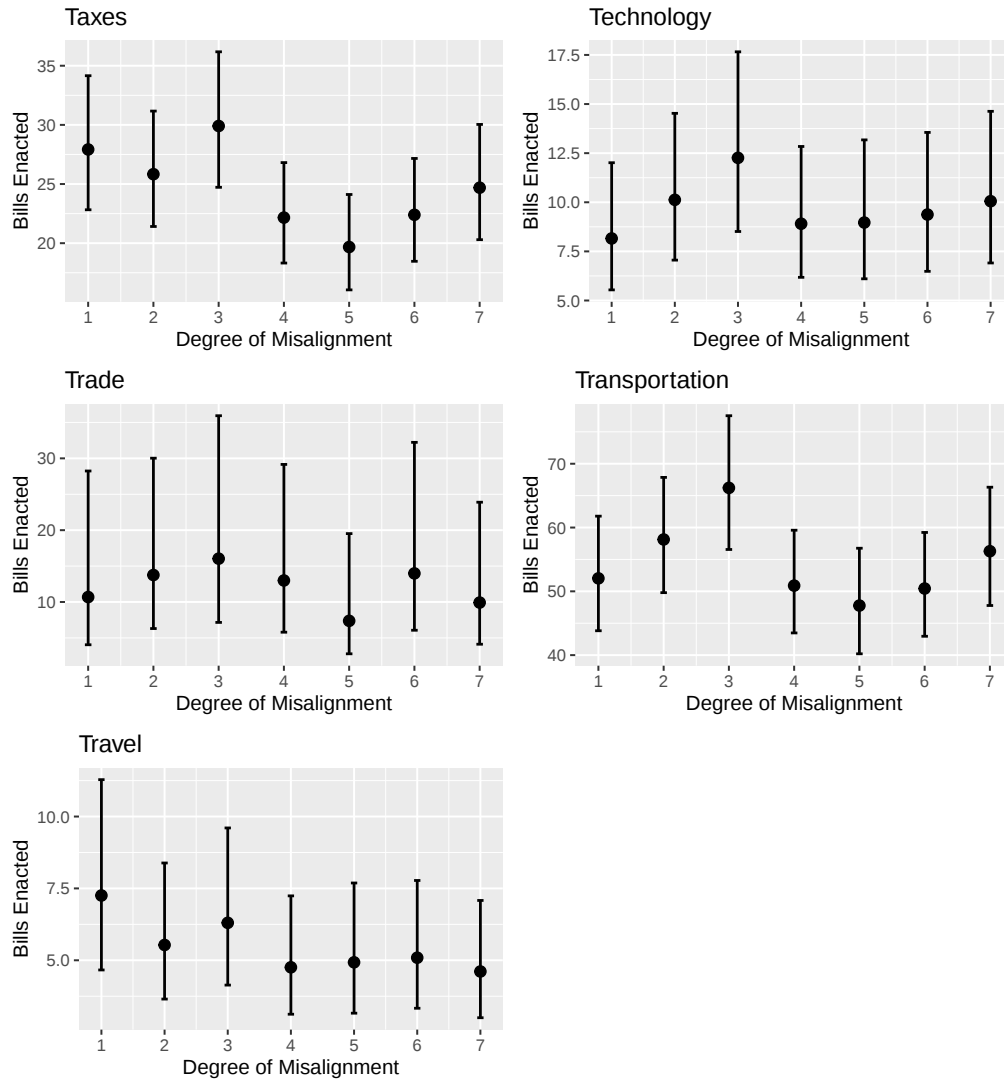


Figure A.24: Predicted Count of Bills Enacted by Policy Category (Topics 31-35) and Political Context, 2001-2019

A.4.1 Red States

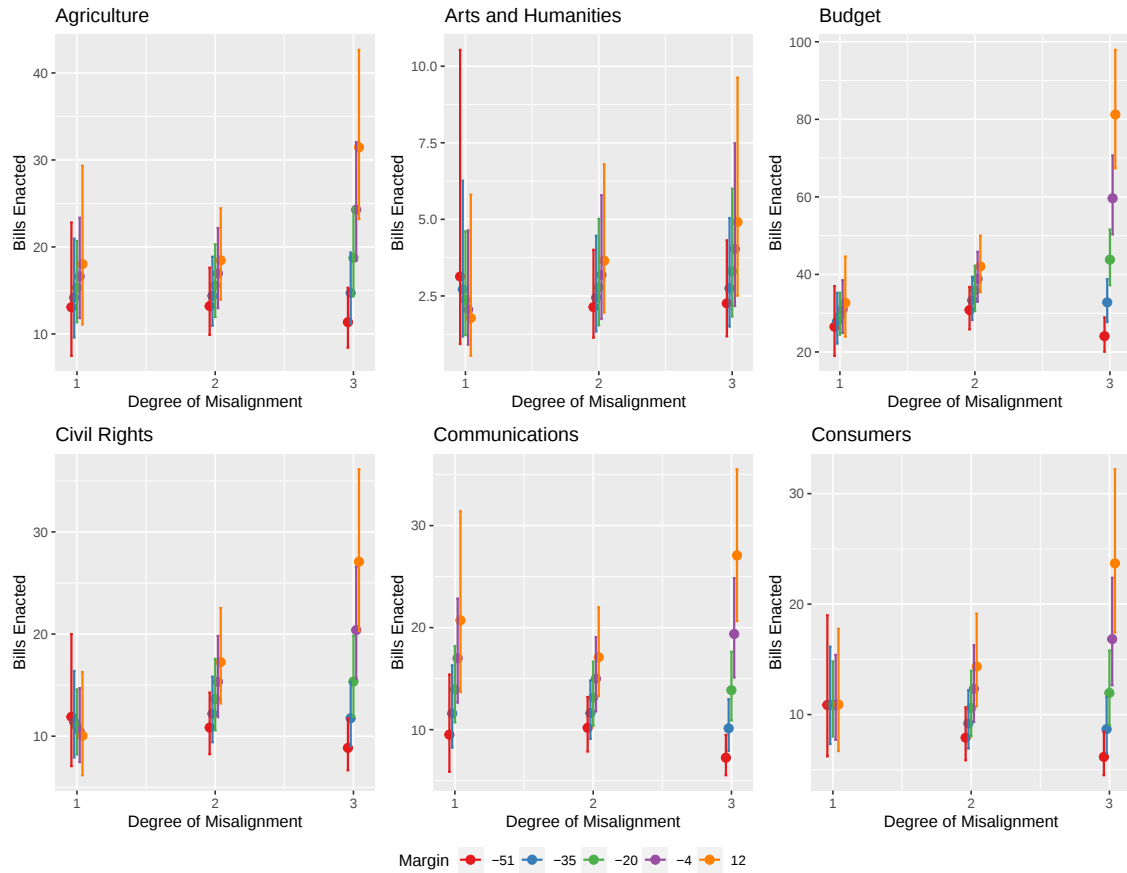


Figure A.25: Predicted Count of Bills Enacted in Red States by Policy Category (Topics 1-6), 2001-2019

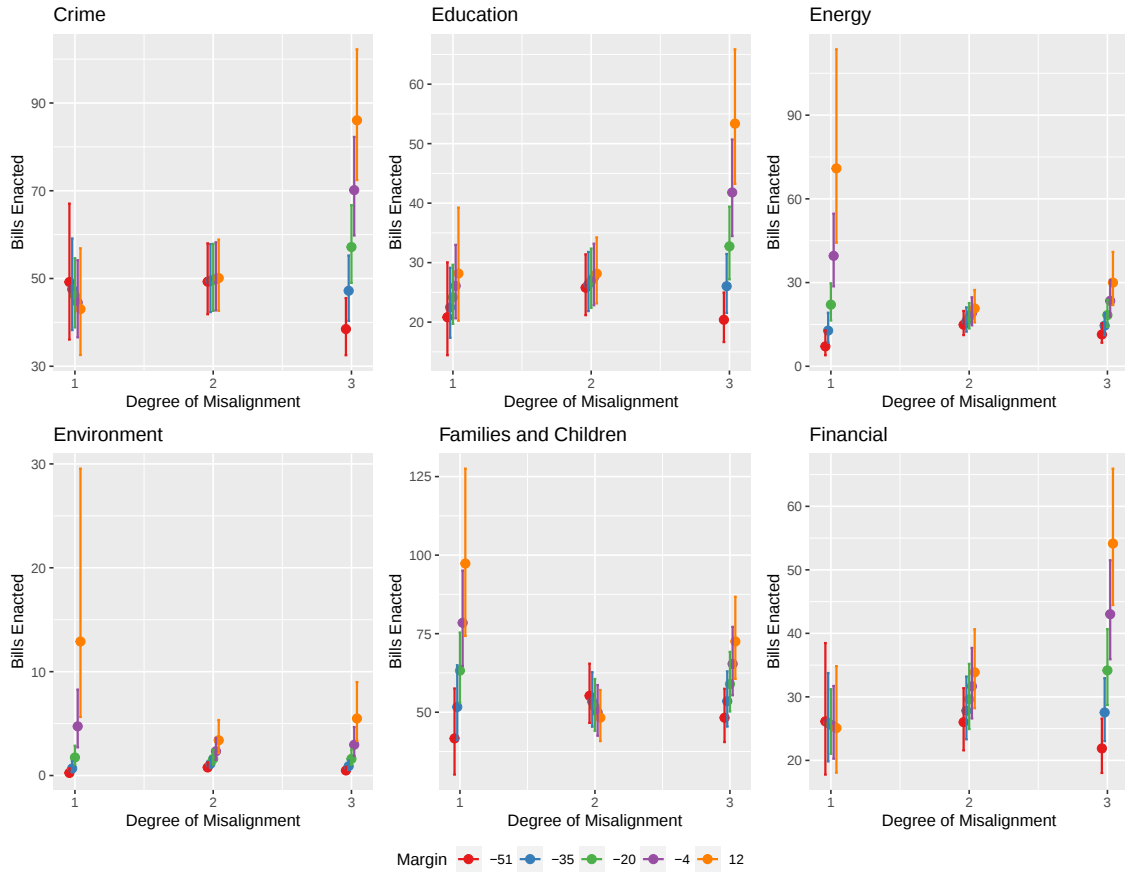


Figure A.26: Predicted Count of Bills Enacted in Red States by Policy Category (Topics 7-12), 2001-2019

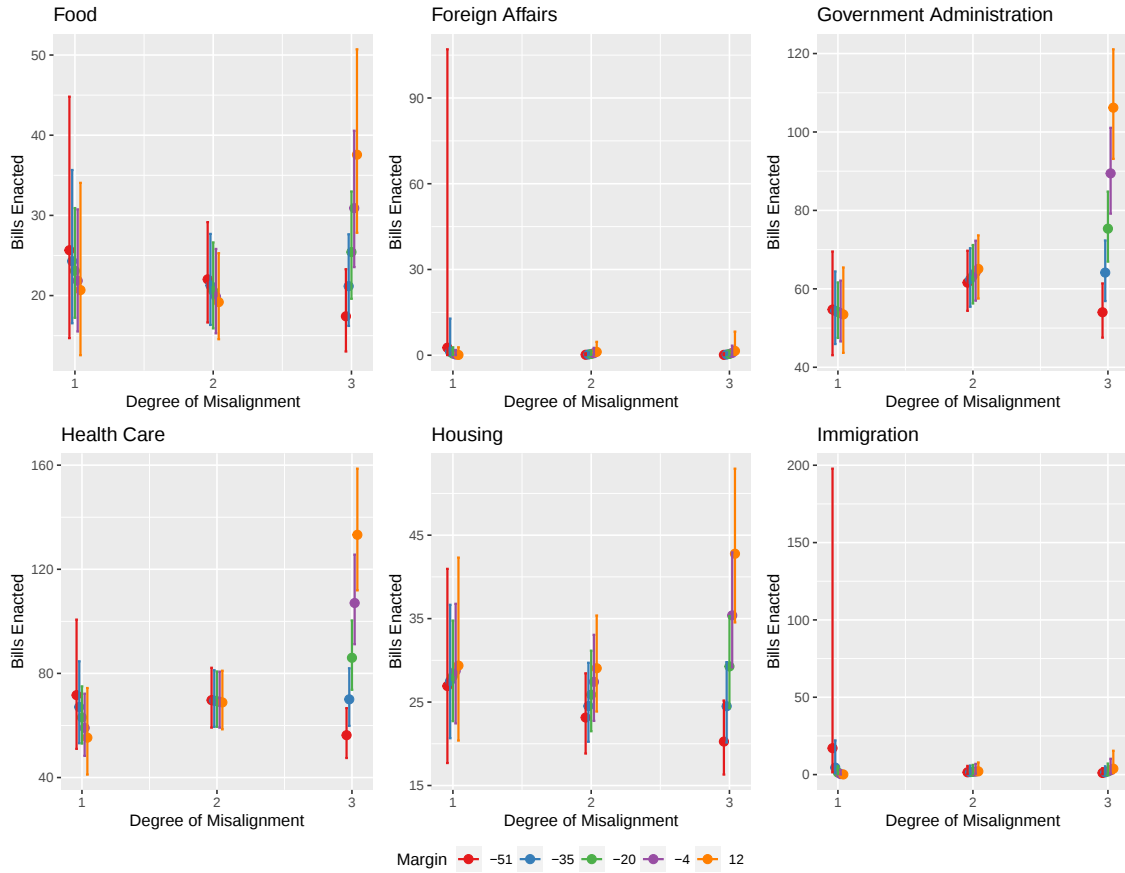


Figure A.27: Predicted Count of Bills Enacted in Red States by Policy Category (Topics 13-18), 2001-2019

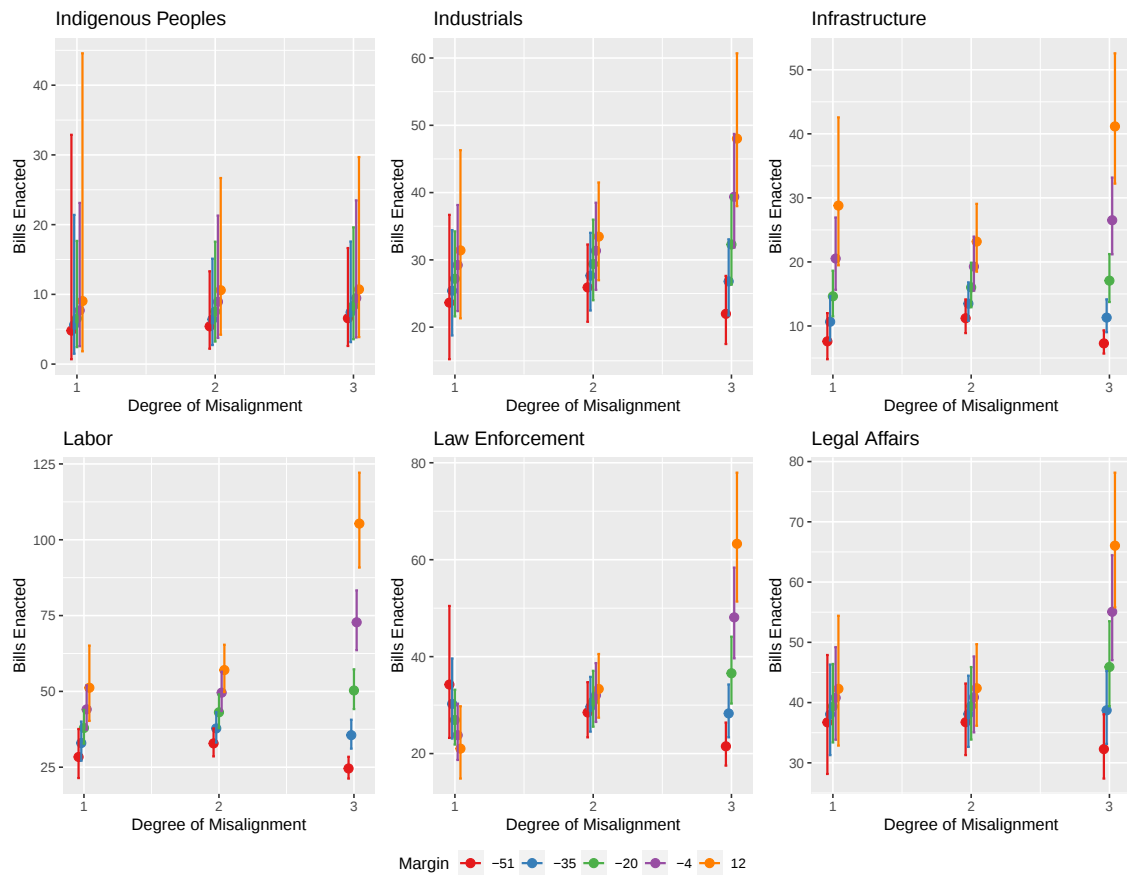


Figure A.28: Predicted Count of Bills Enacted in Red States by Policy Category (Topics 19-24), 2001-2019

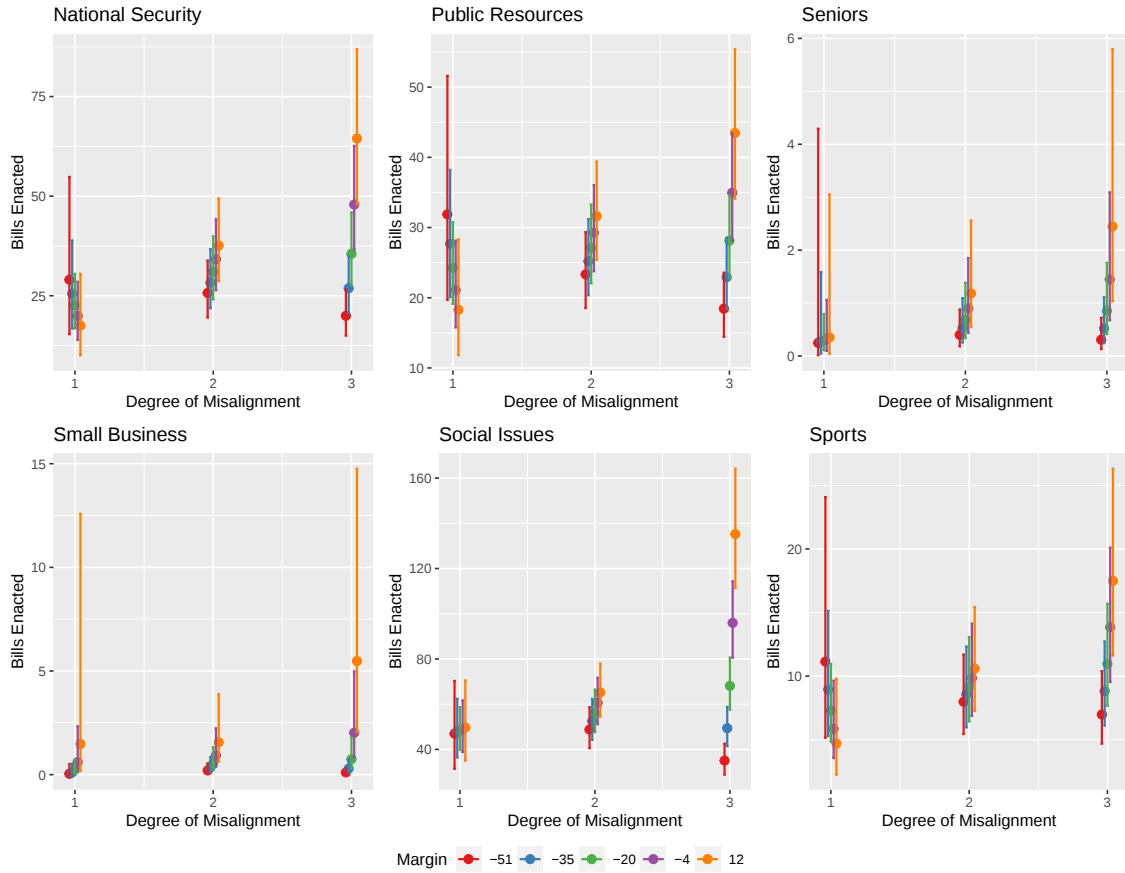


Figure A.29: Predicted Count of Bills Enacted in Red States by Policy Category (Topics 25-30), 2001-2019

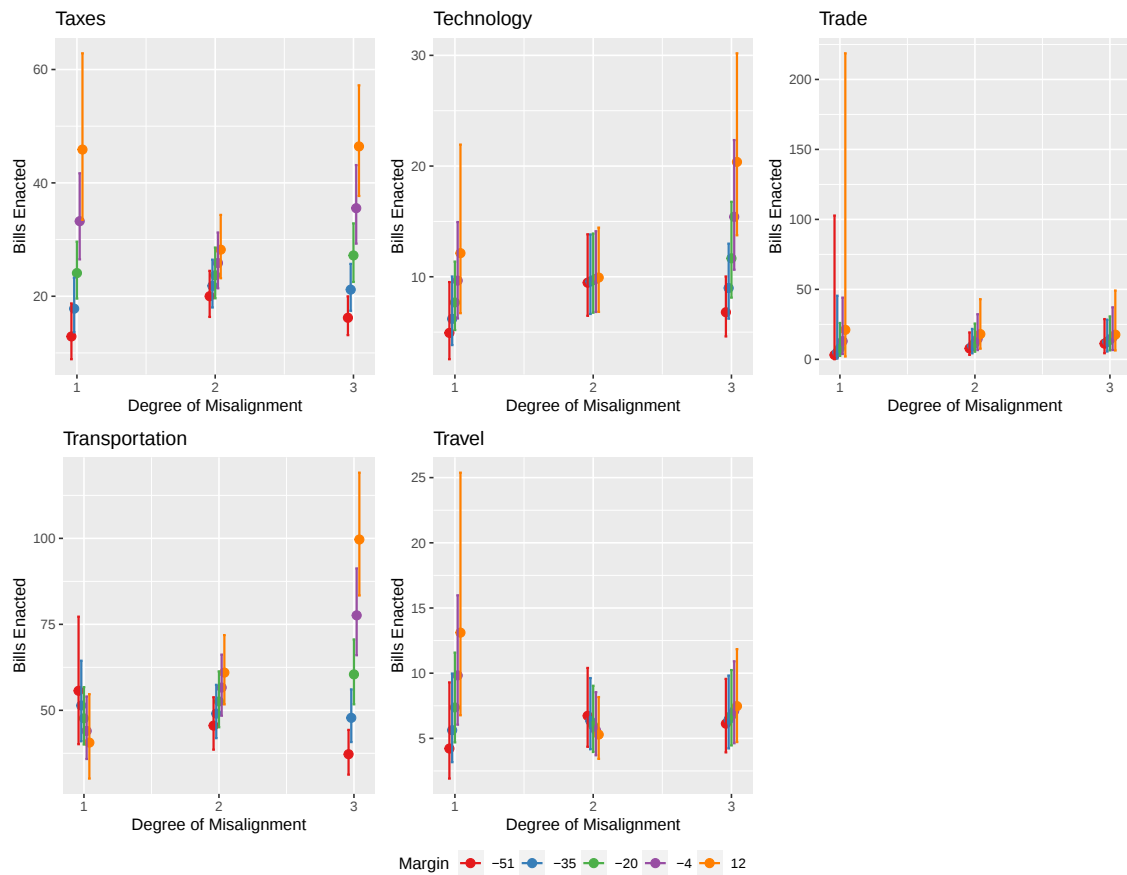


Figure A.30: Predicted Count of Bills Enacted in Red States by Policy Category (Topics 31-35), 2001-2019

A.4.2 Blue States

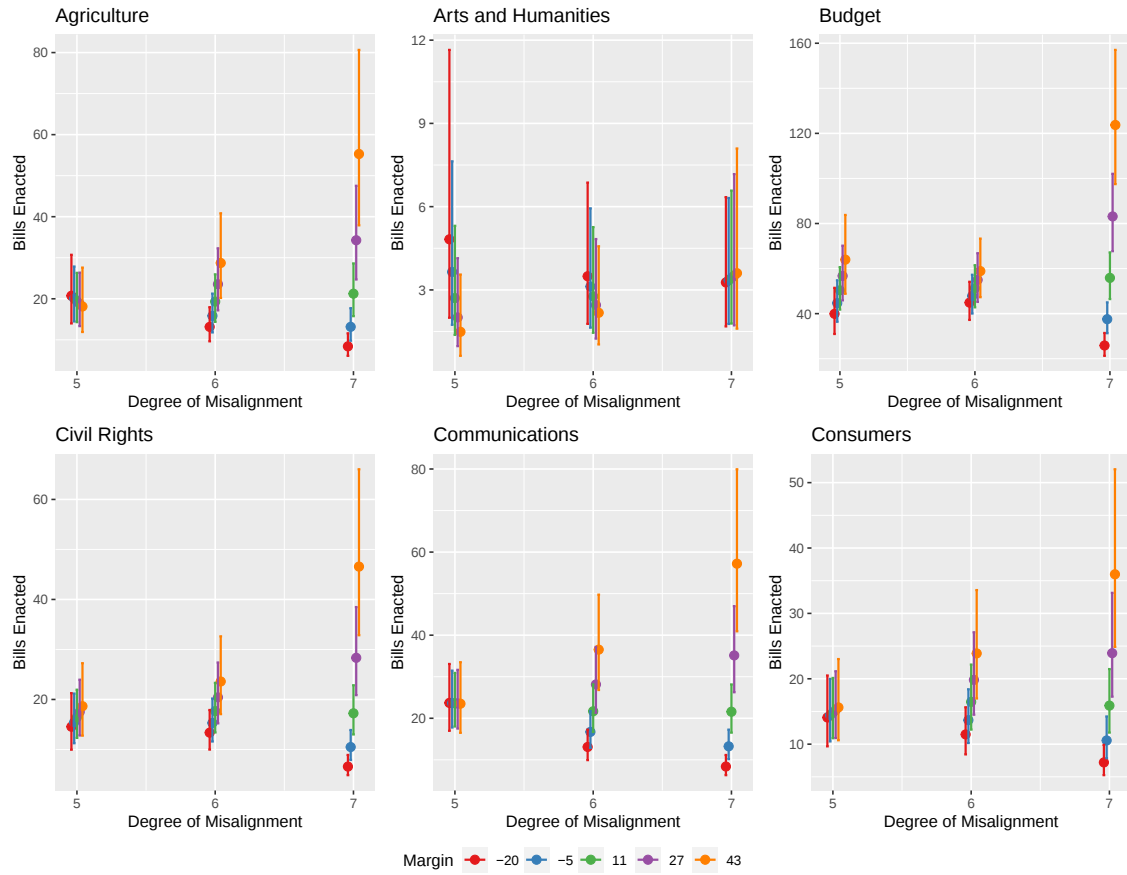


Figure A.31: Predicted Count of Bills Enacted in Blue States by Policy Category (Topics 1-6), 2001-2019

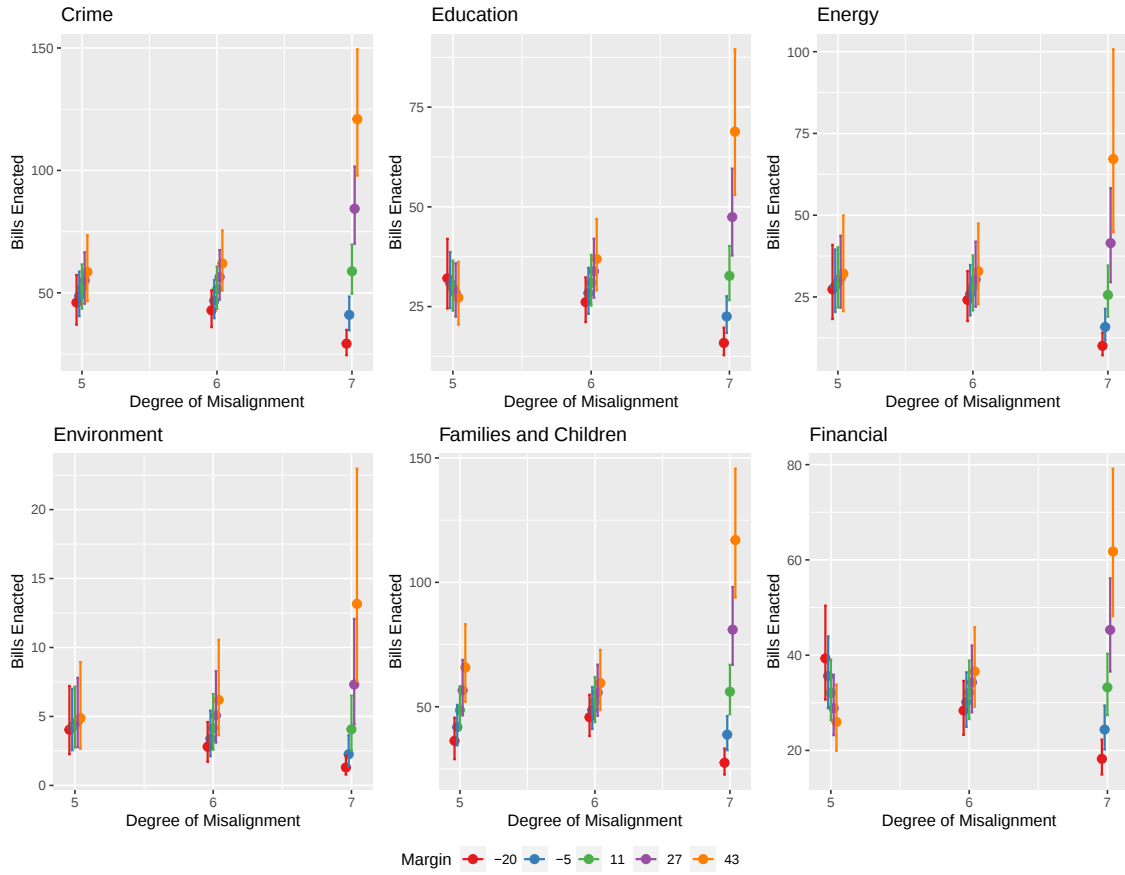


Figure A.32: Predicted Count of Bills Enacted in Blue States by Policy Category (Topics 7-12), 2001-2019

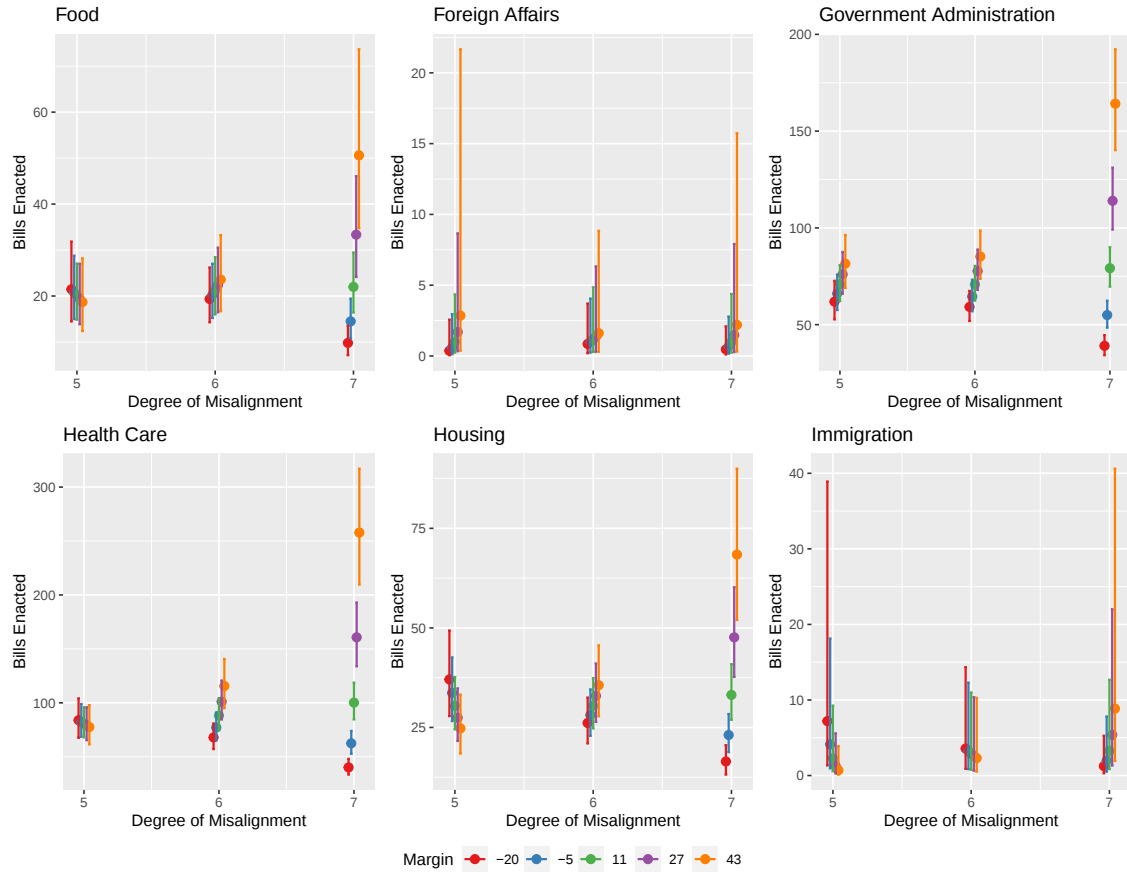


Figure A.33: Predicted Count of Bills Enacted in Blue States by Policy Category (Topics 13-18), 2001-2019

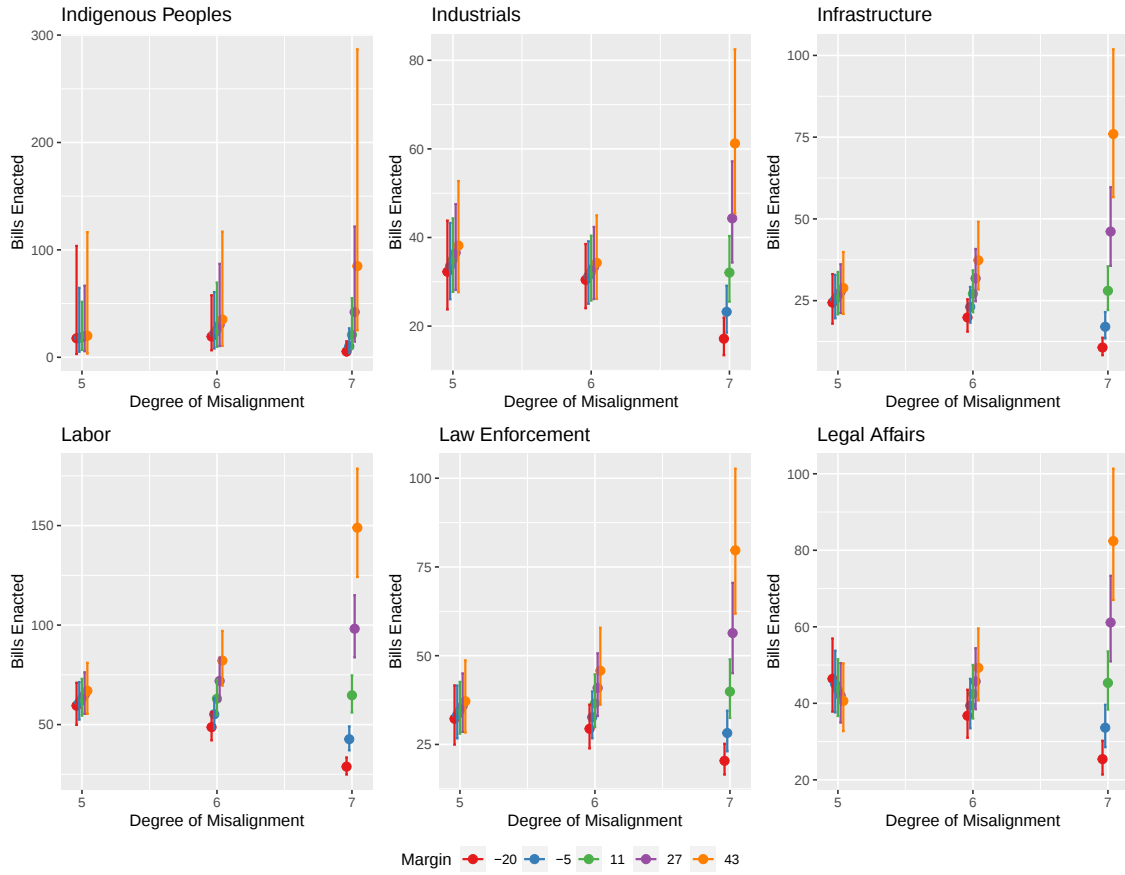


Figure A.34: Predicted Count of Bills Enacted in Blue States by Policy Category (Topics 19-24), 2001-2019

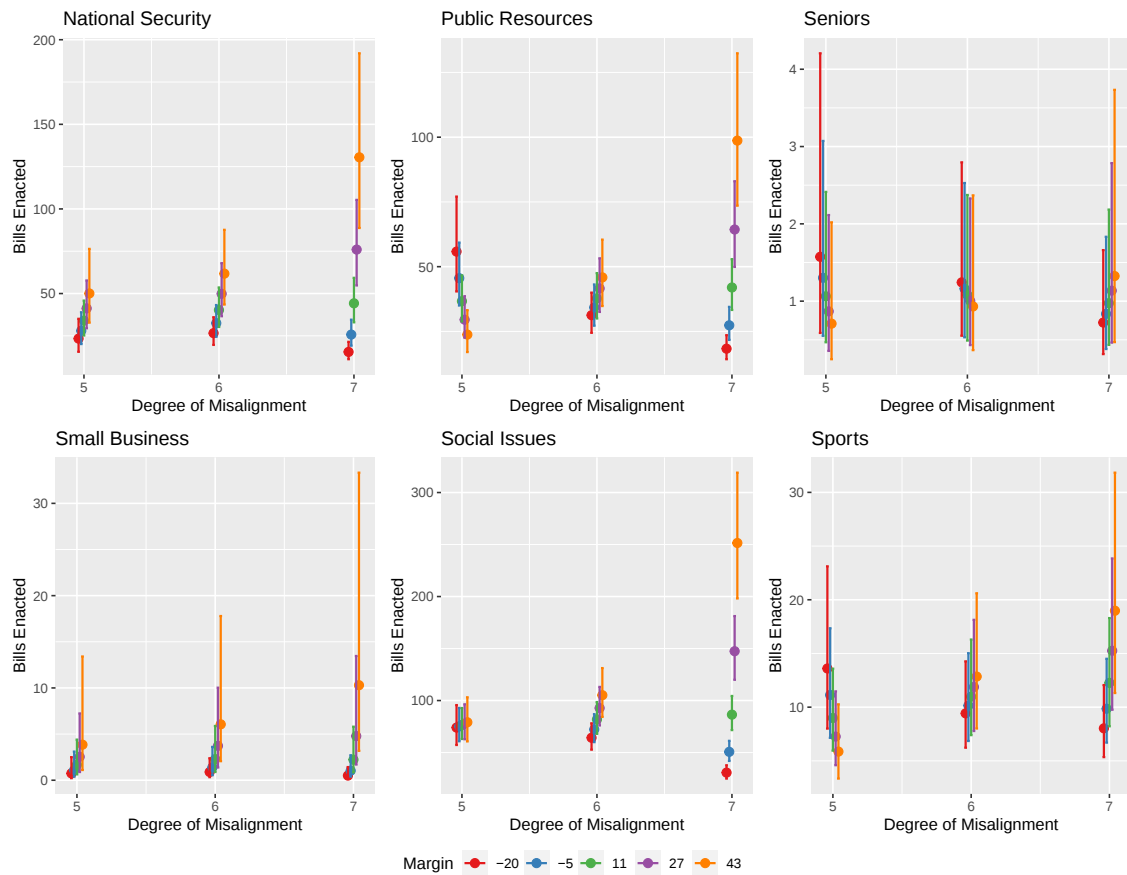


Figure A.35: Predicted Count of Bills Enacted in Blue States by Policy Category (Topics 25-30), 2001-2019

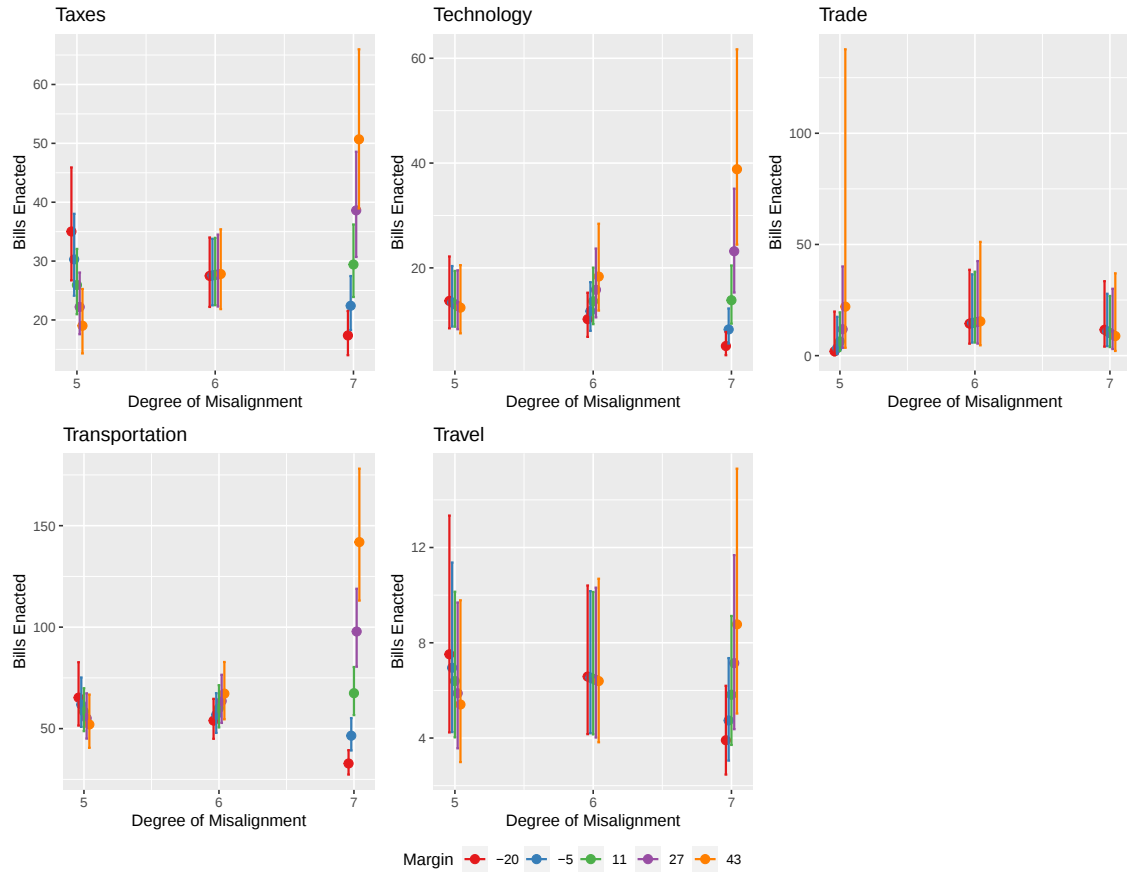


Figure A.36: Predicted Count of Bills Enacted in Blue States by Policy Category (Topics 31-35), 2001-2019

A.5 Alternative Analysis: Nationalized Legislation

As an alternative analysis, I also examine the introduction and enactment of nationalized legislation in each policy category. To capture nationalized legislation, I filtered for only those bills that contain the words “federal”, “president”, or “Congress”. I then ran each of the models again to estimate the predicted counts of bills introduced and enacted in each policy category. The results are presented in the following sections.

A.5.1 Bills Introduced

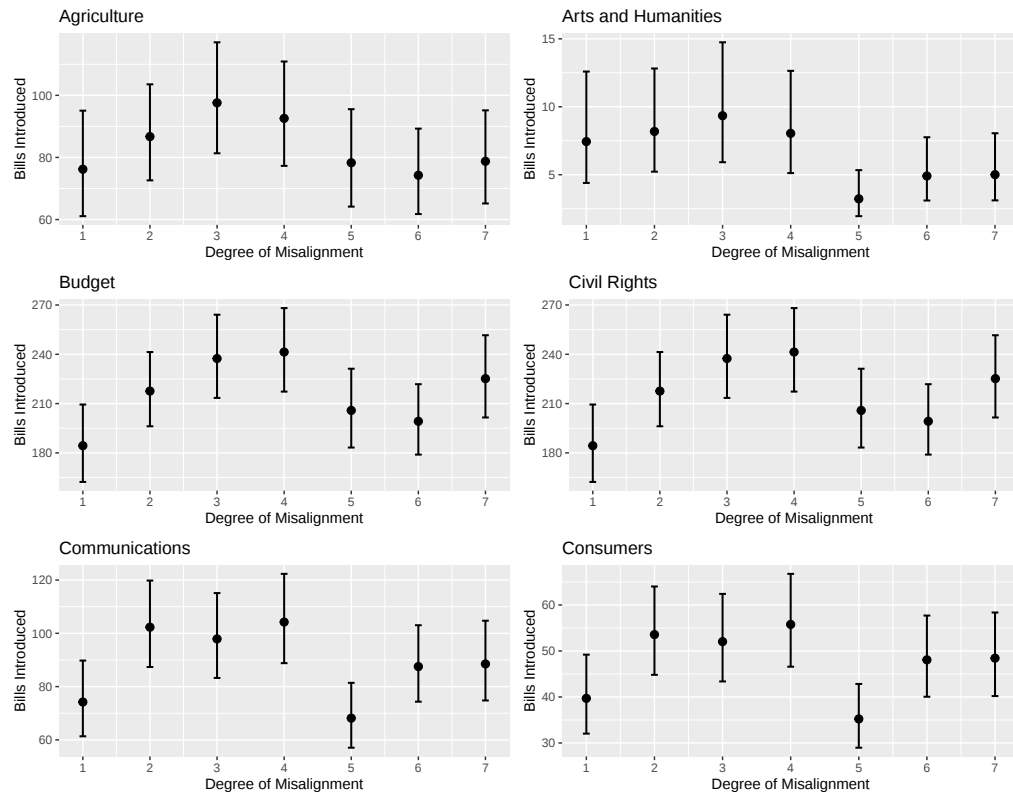


Figure A.37: Predicted Count of National Bills Introduced by Policy Category (Topics 1-6) and Political Context, 2001-2019

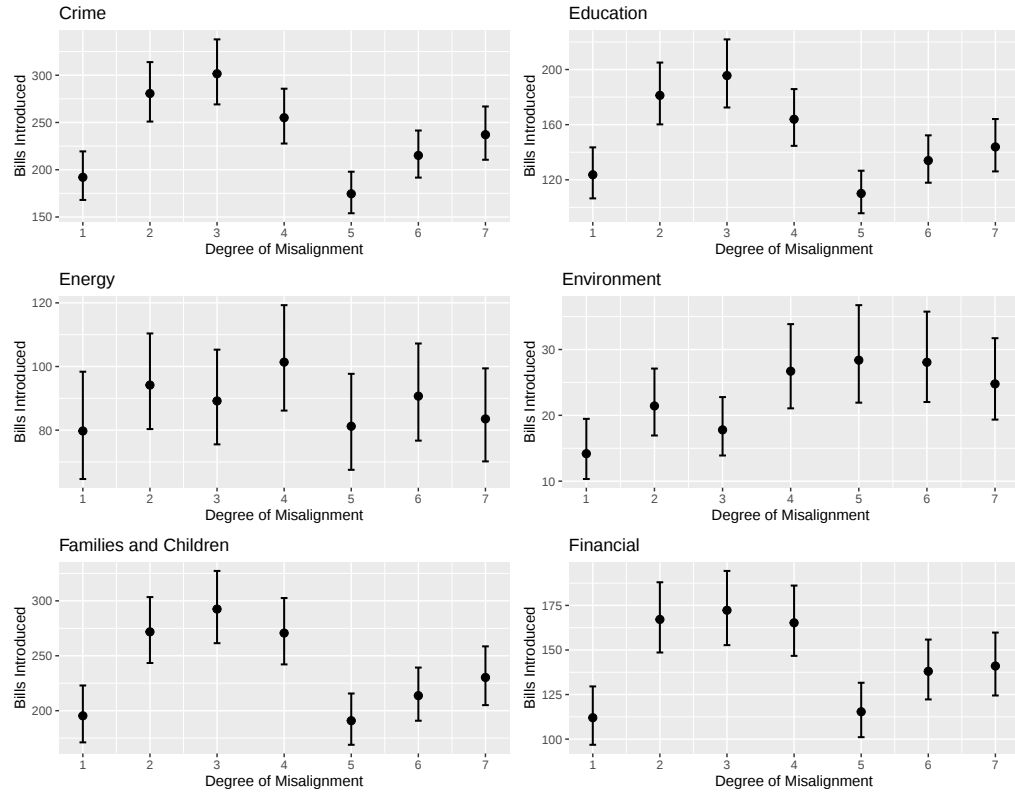


Figure A.38: Predicted Count of National Bills Introduced by Policy Category (Topics 7-12) and Political Context, 2001-2019

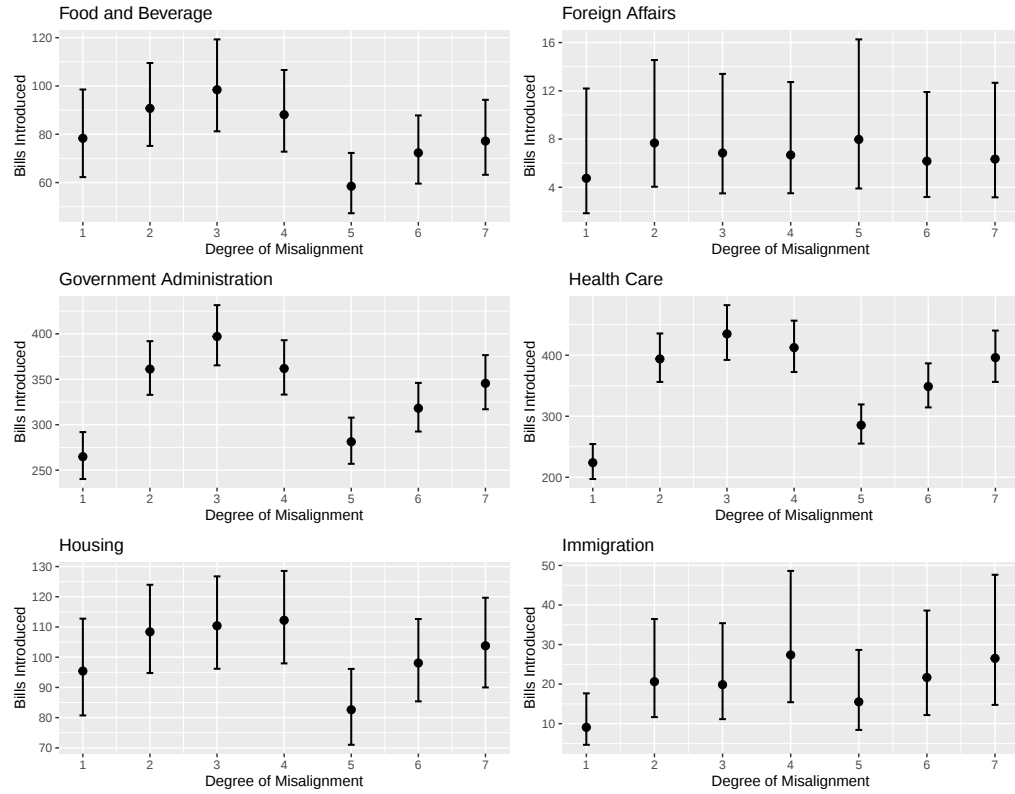


Figure A.39: Predicted Count of National Bills Introduced by Policy Category (Topics 13-18) and Political Context, 2001-2019

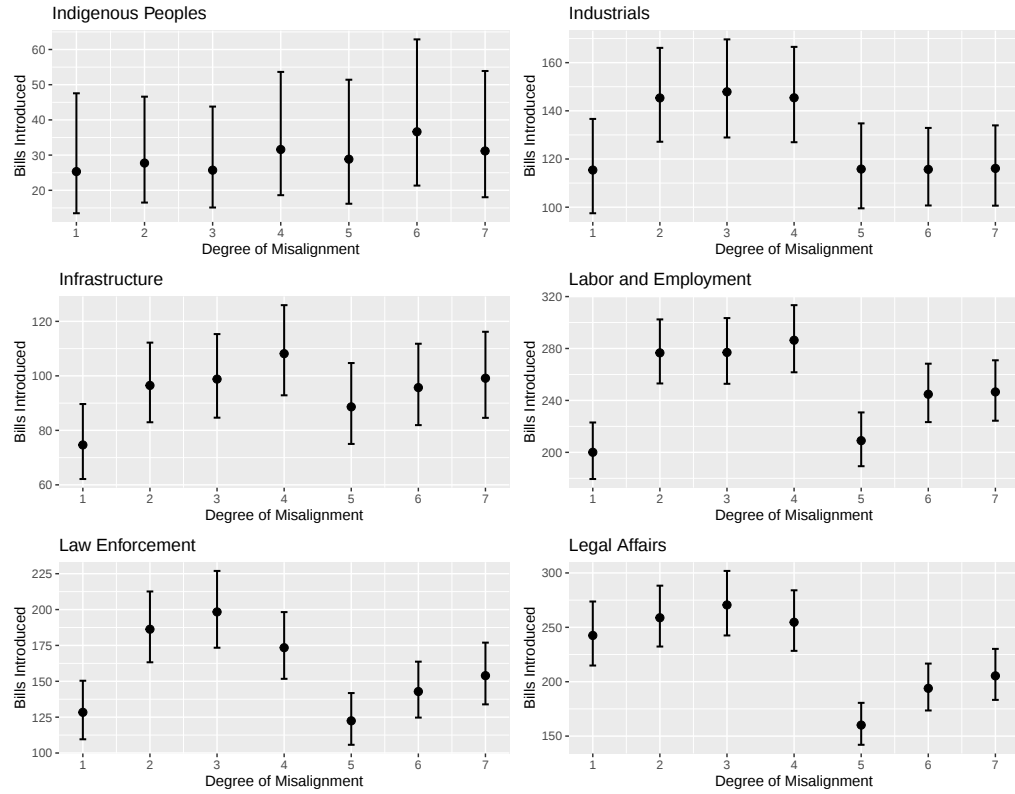


Figure A.40: Predicted Count of National Bills Introduced by Policy Category (Topics 19-24) and Political Context, 2001-2019

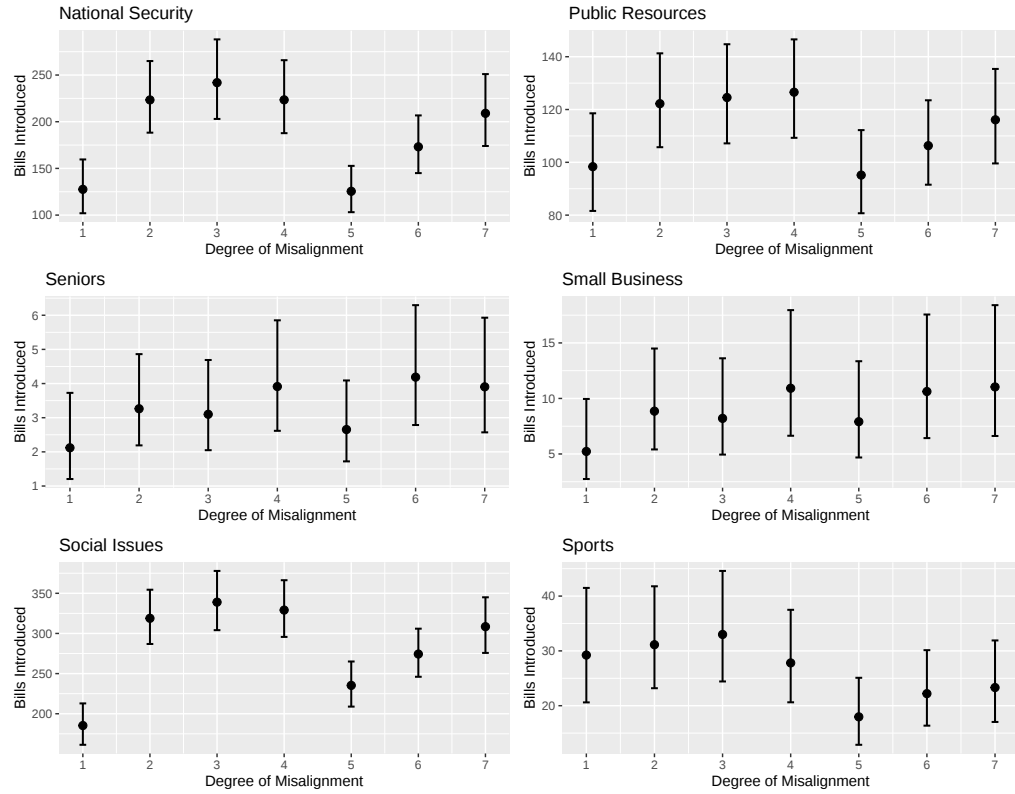


Figure A.41: Predicted Count of National Bills Introduced by Policy Category (Topics 25-30) and Political Context, 2001-2019

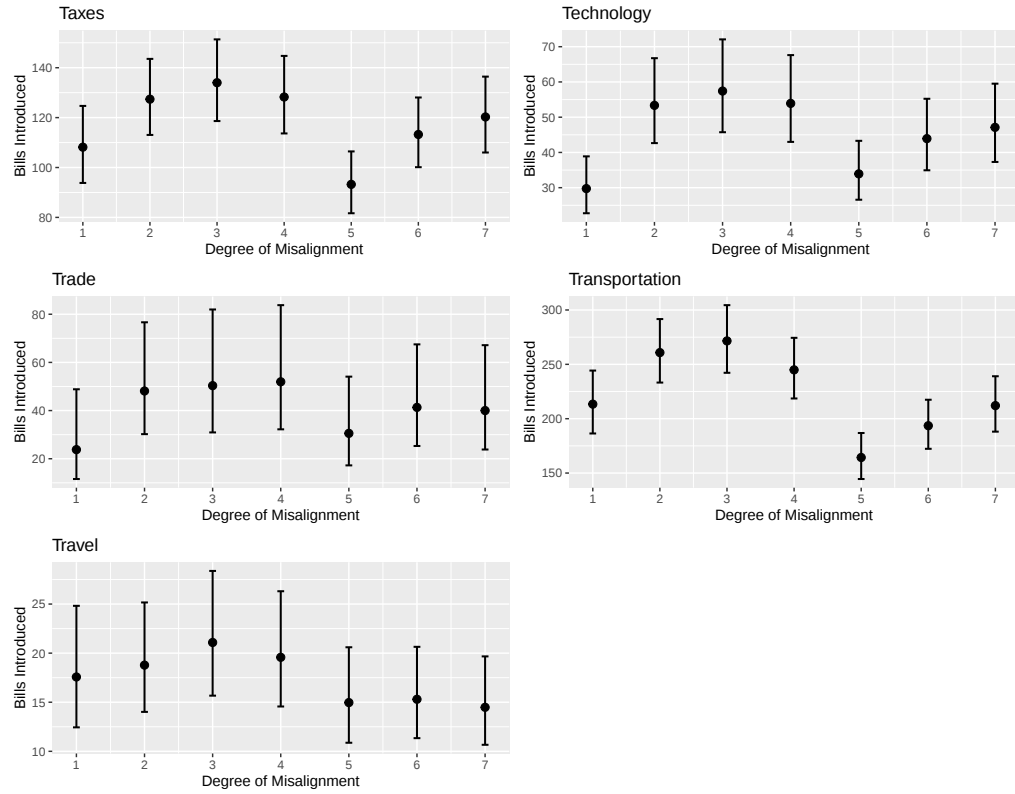


Figure A.42: Predicted Count of National Bills Introduced by Policy Category (Topics 31-35) and Political Context, 2001-2019

A.5.1.1 Red States

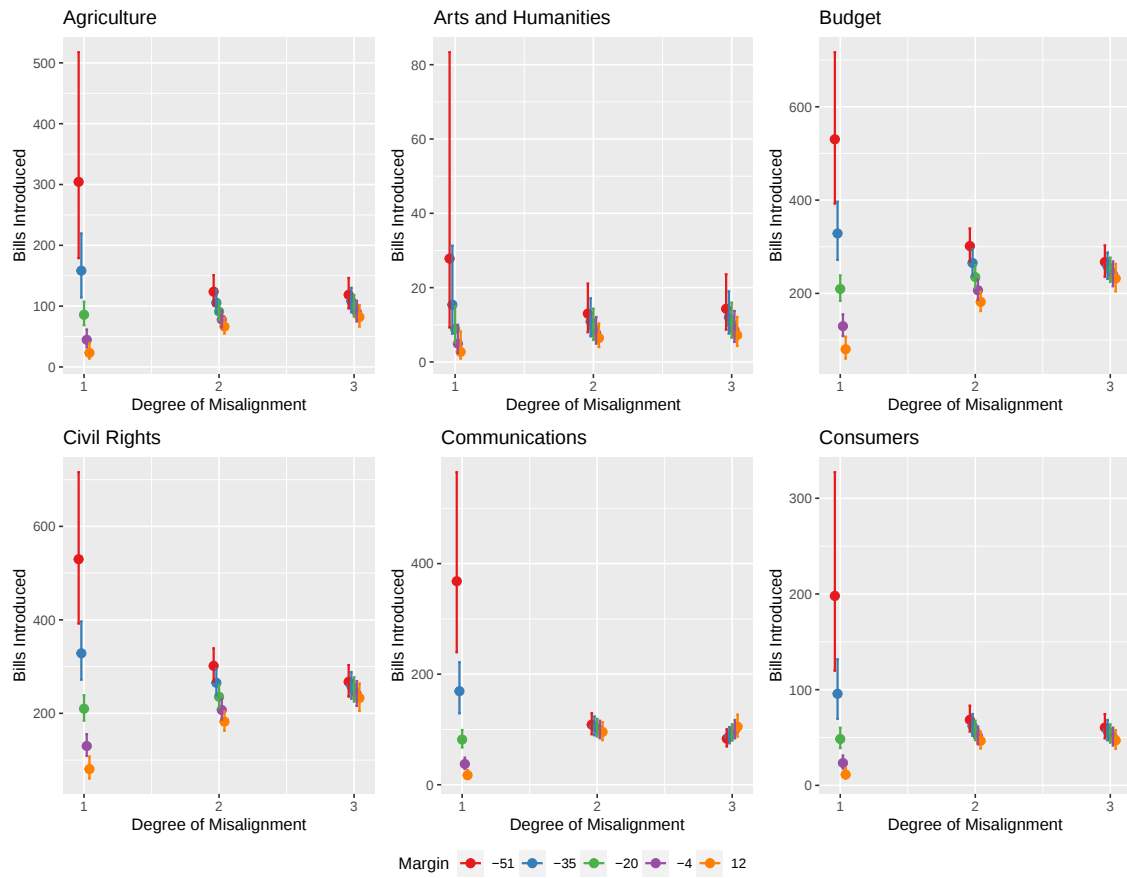


Figure A.43: Predicted Count of National Bills Introduced in Red States by Policy Category (Topics 1-6), 2001-2019

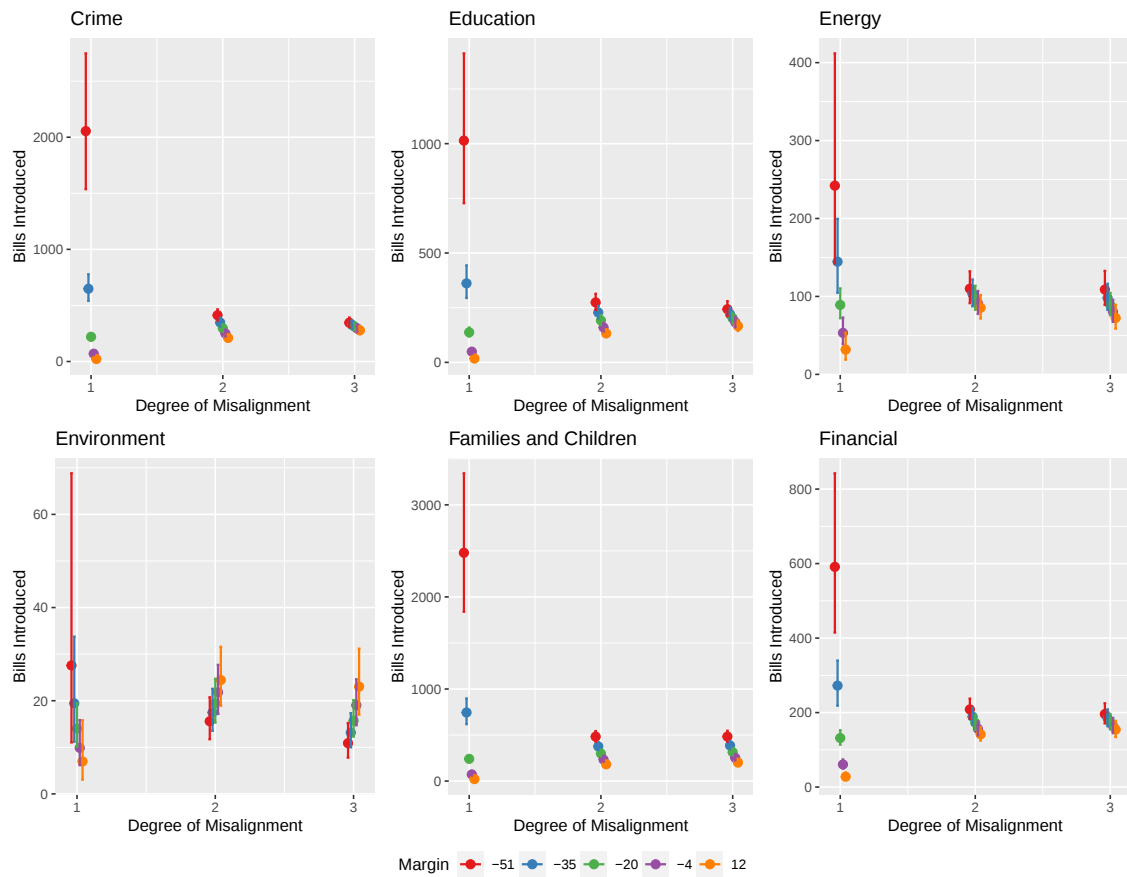


Figure A.44: Predicted Count of National Bills Introduced in Red States by Policy Category (Topics 7-12), 2001-2019

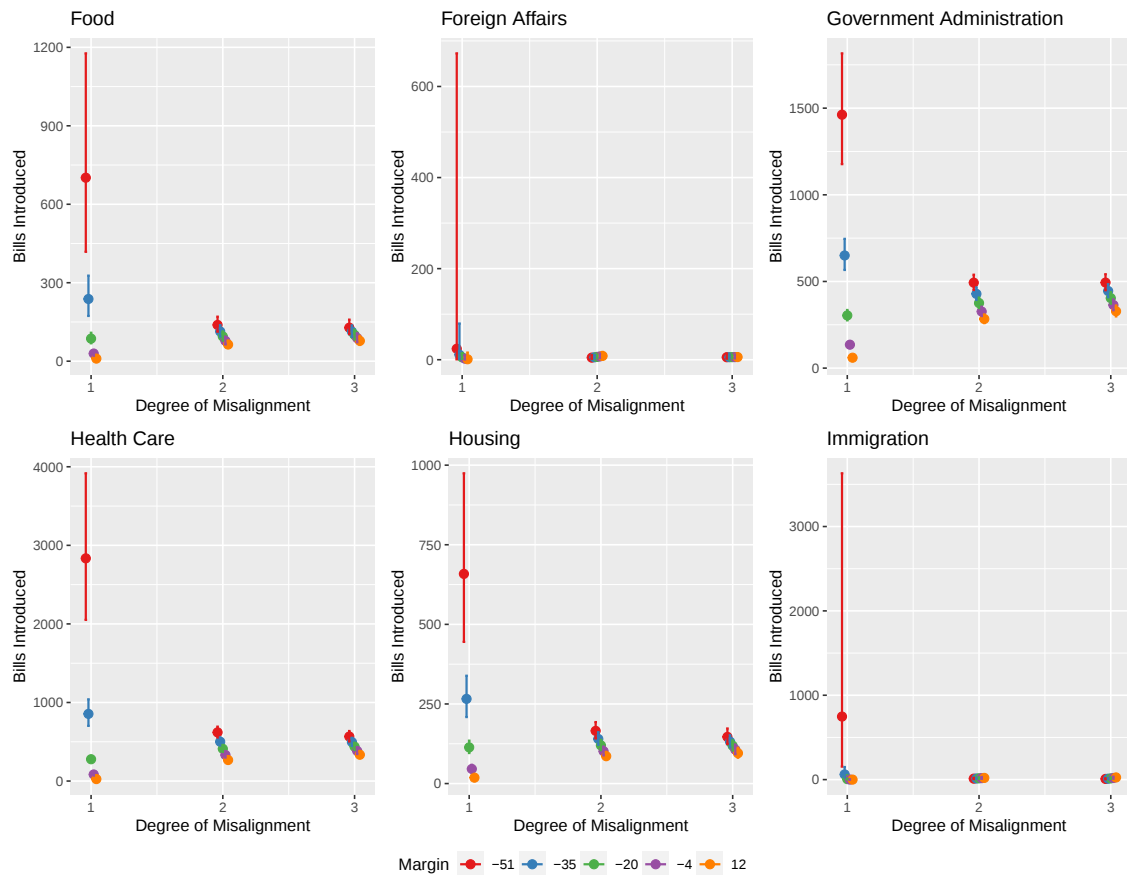


Figure A.45: Predicted Count of National Bills Introduced in Red States by Policy Category (Topics 13-18), 2001-2019

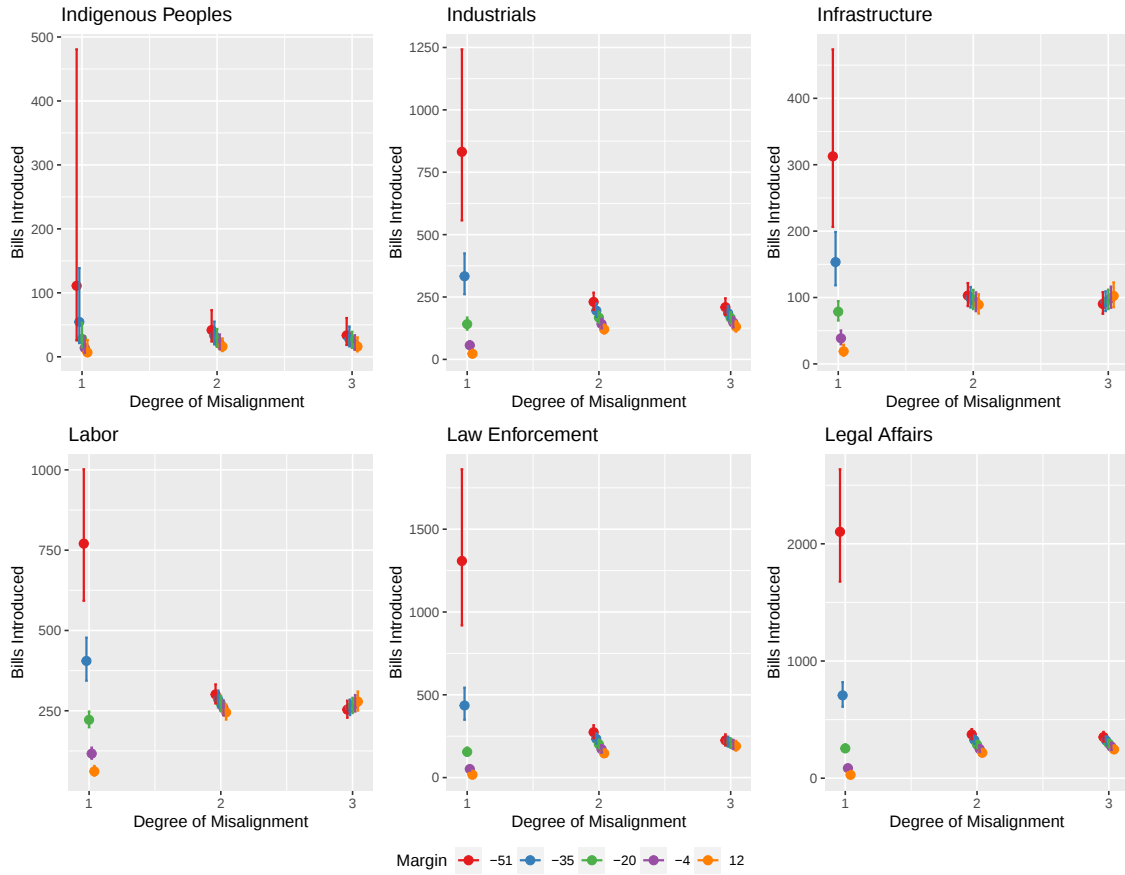


Figure A.46: Predicted Count of National Bills Introduced in Red States by Policy Category (Topics 19-24), 2001-2019

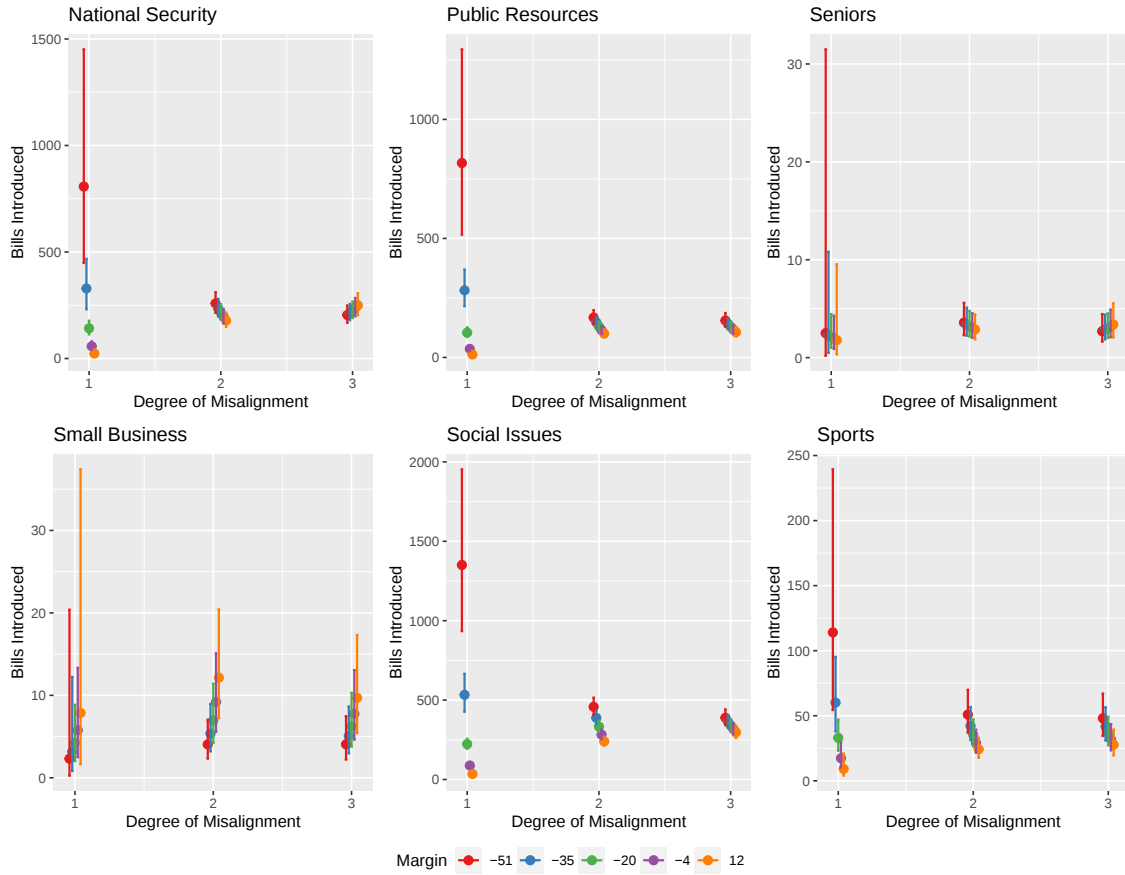


Figure A.47: Predicted Count of National Bills Introduced in Red States by Policy Category (Topics 25-30), 2001-2019

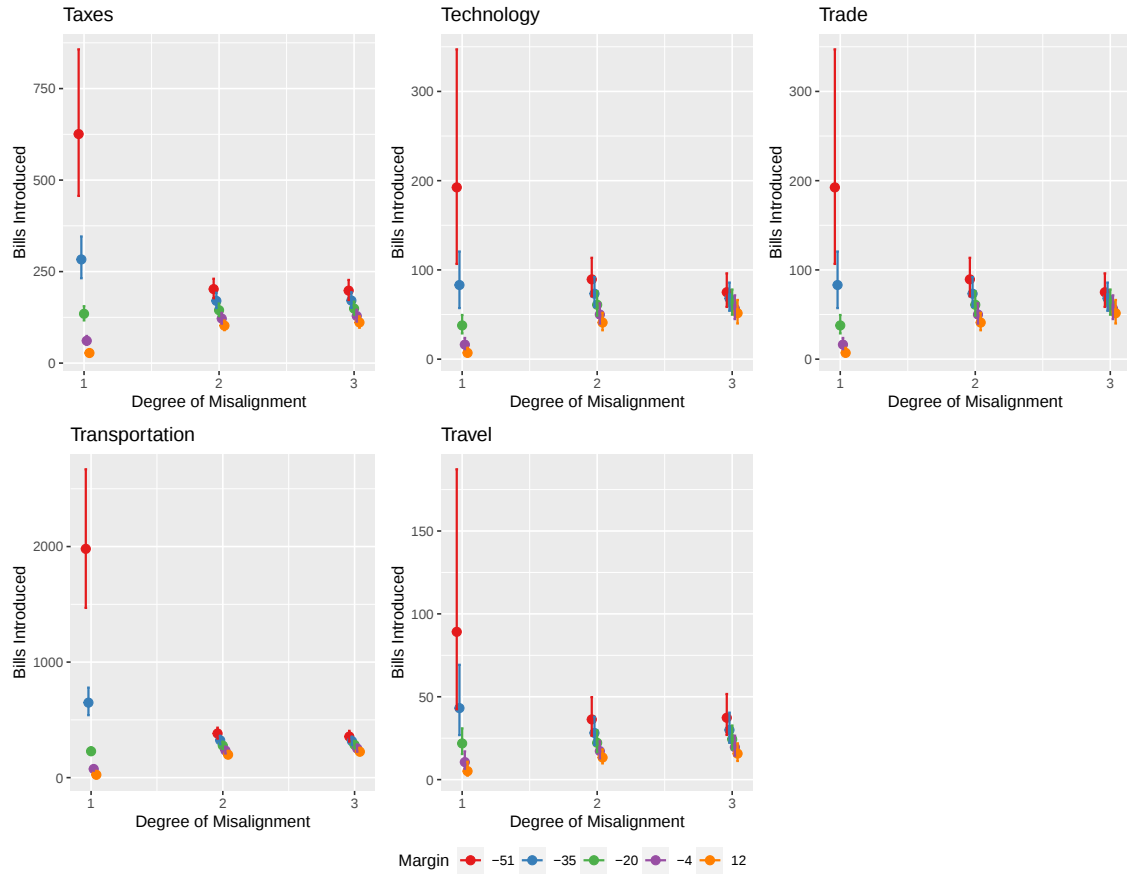


Figure A.48: Predicted Count of National Bills Introduced in Red States by Policy Category (Topics 31-35), 2001-2019

A.5.1.2 Blue States

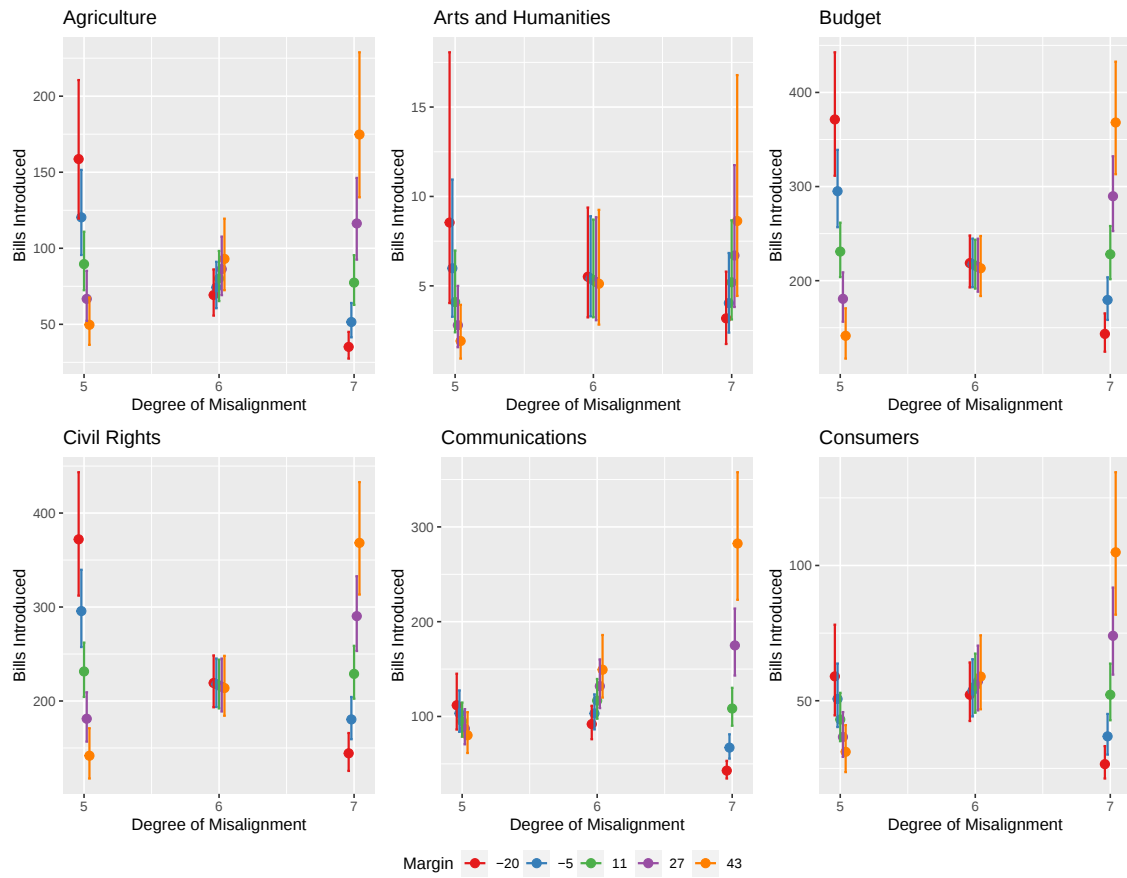


Figure A.49: Predicted Count of National Bills Introduced in Blue States by Policy Category (Topics 1-6), 2001-2019

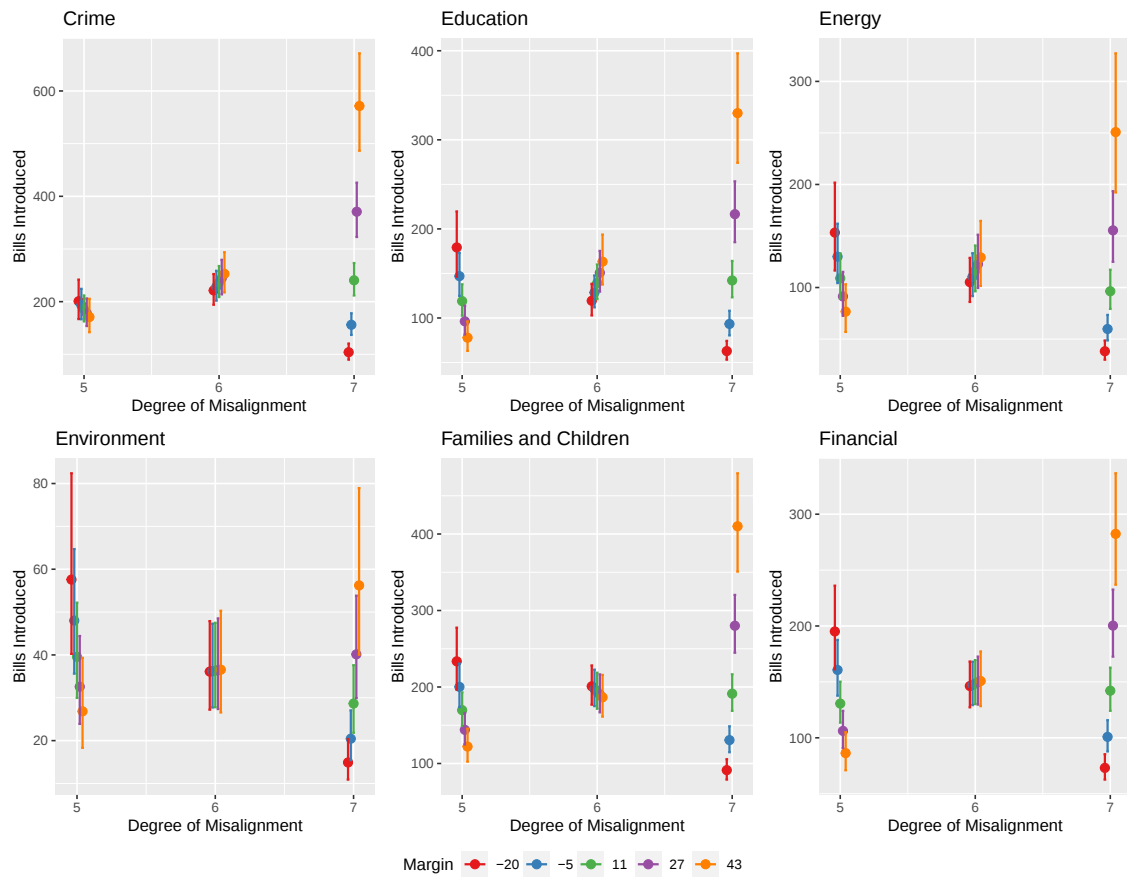


Figure A.50: Predicted Count of National Bills Introduced in Blue States by Policy Category (Topics 7-12), 2001-2019

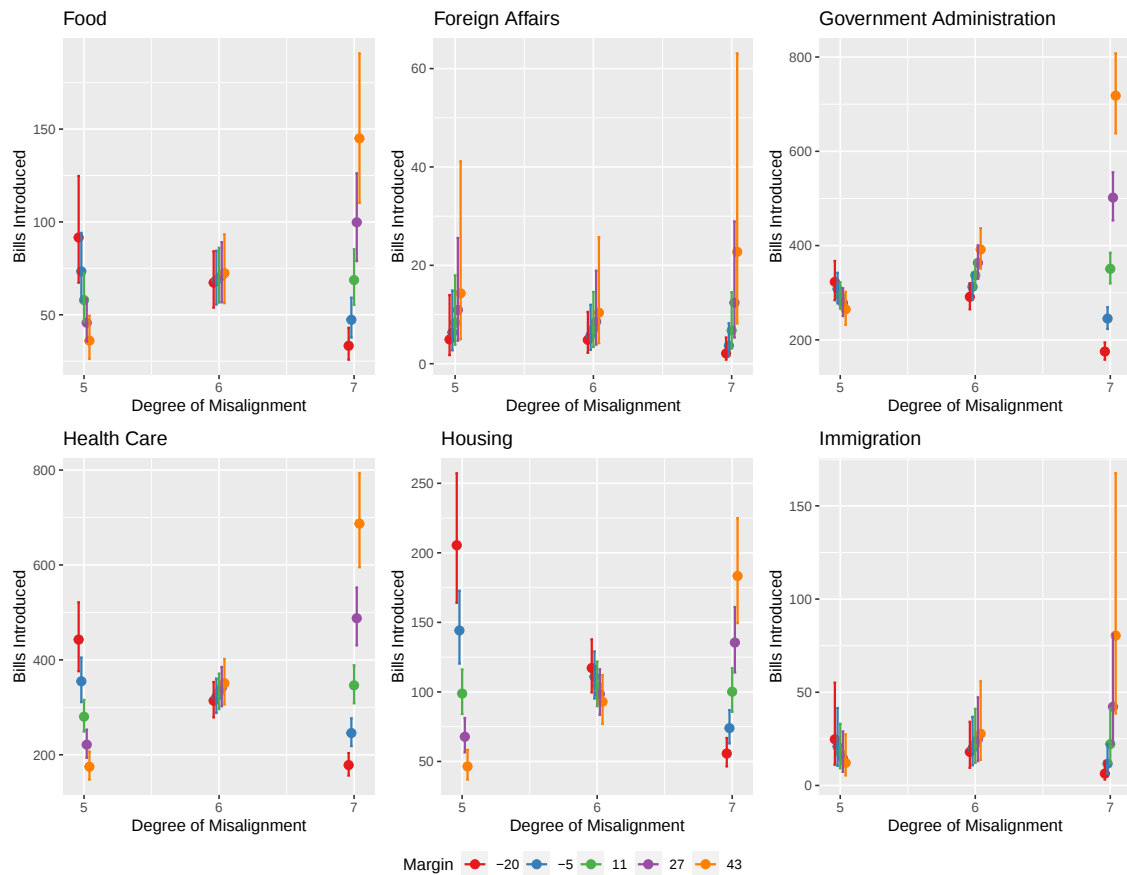


Figure A.51: Predicted Count of National Bills Introduced in Blue States by Policy Category (Topics 13-18), 2001-2019

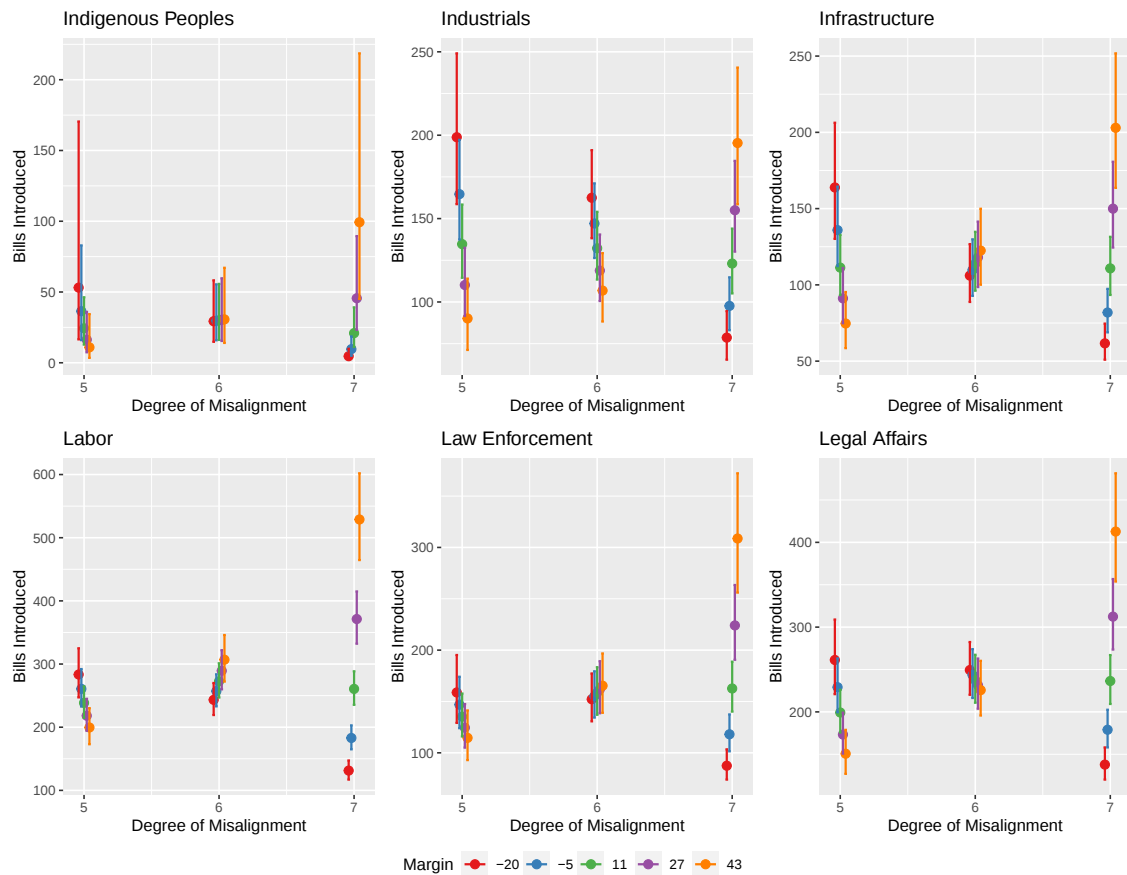


Figure A.52: Predicted Count of National Bills Introduced in Blue States by Policy Category (Topics 19-24), 2001-2019

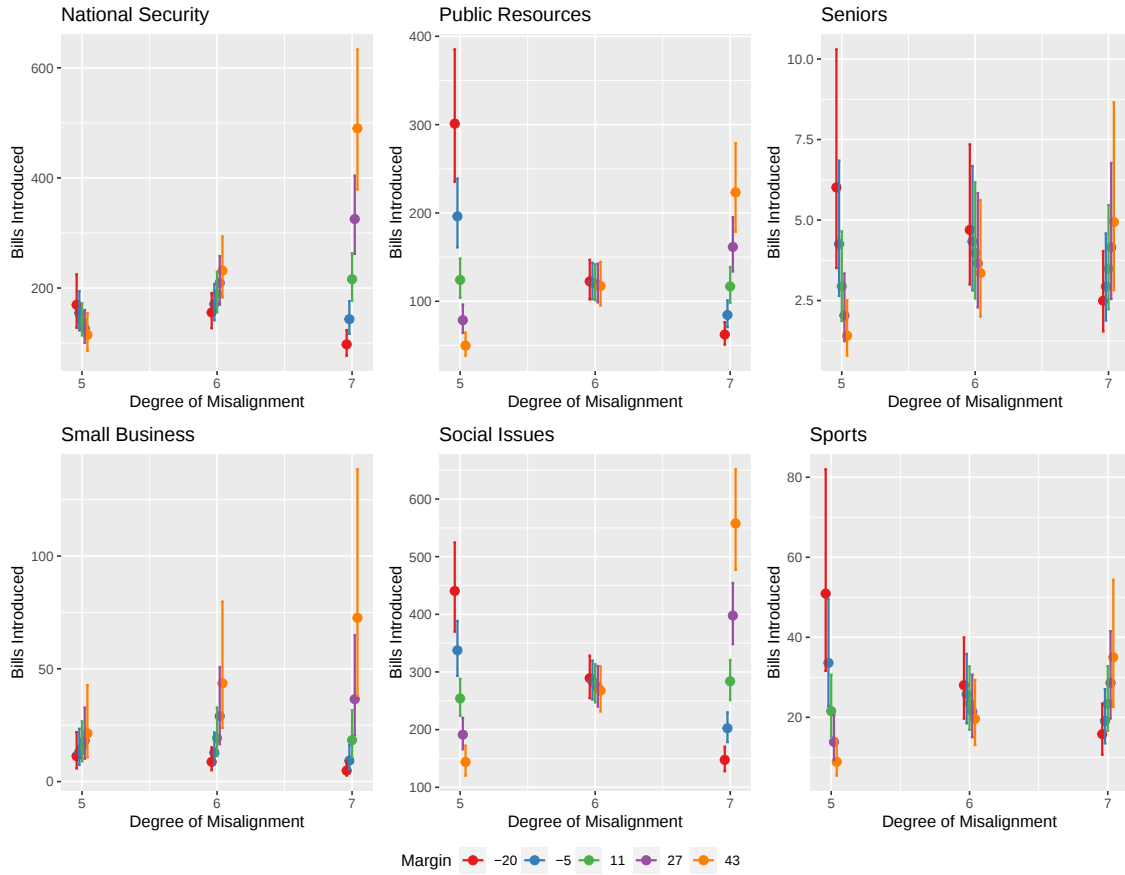


Figure A.53: Predicted Count of National Bills Introduced in Blue States by Policy Category (Topics 25-30), 2001-2019

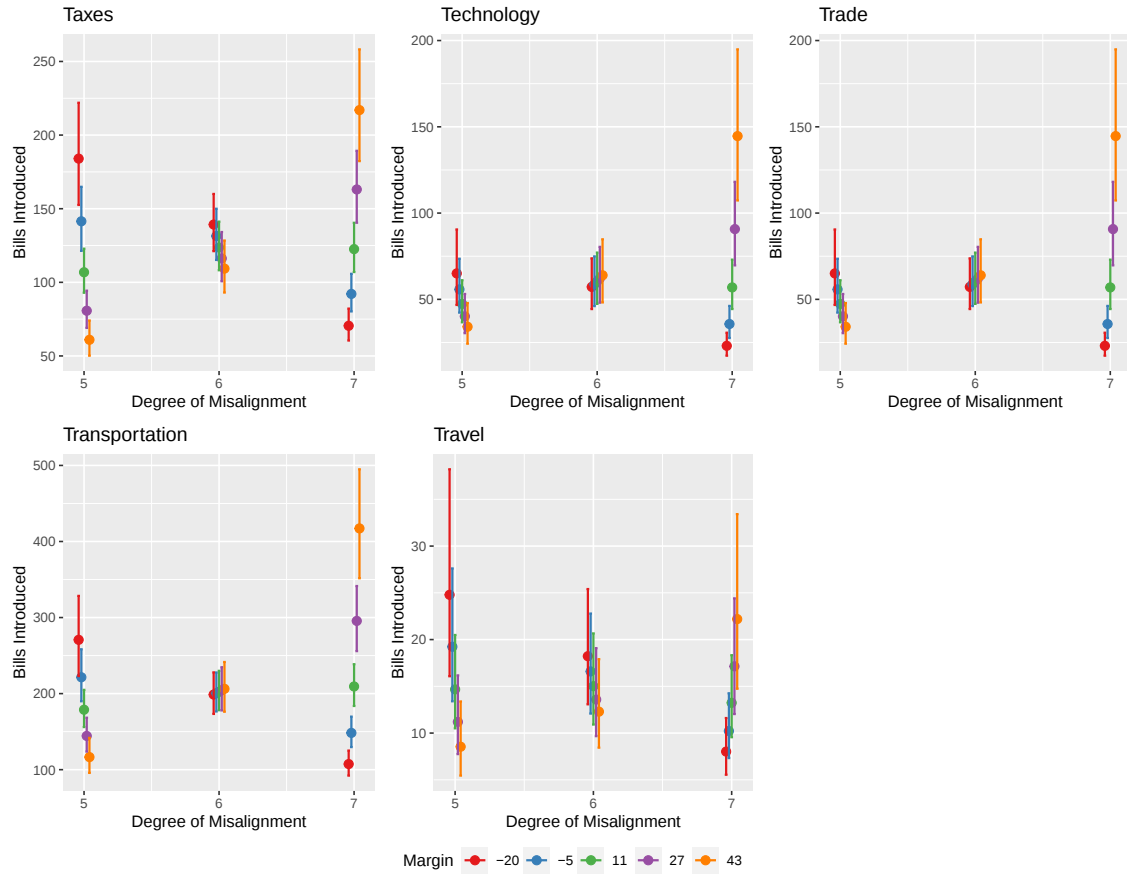


Figure A.54: Predicted Count of National Bills Introduced in Blue States by Policy Category (Topics 31-35), 2001-2019

A.5.2 Bills Enacted

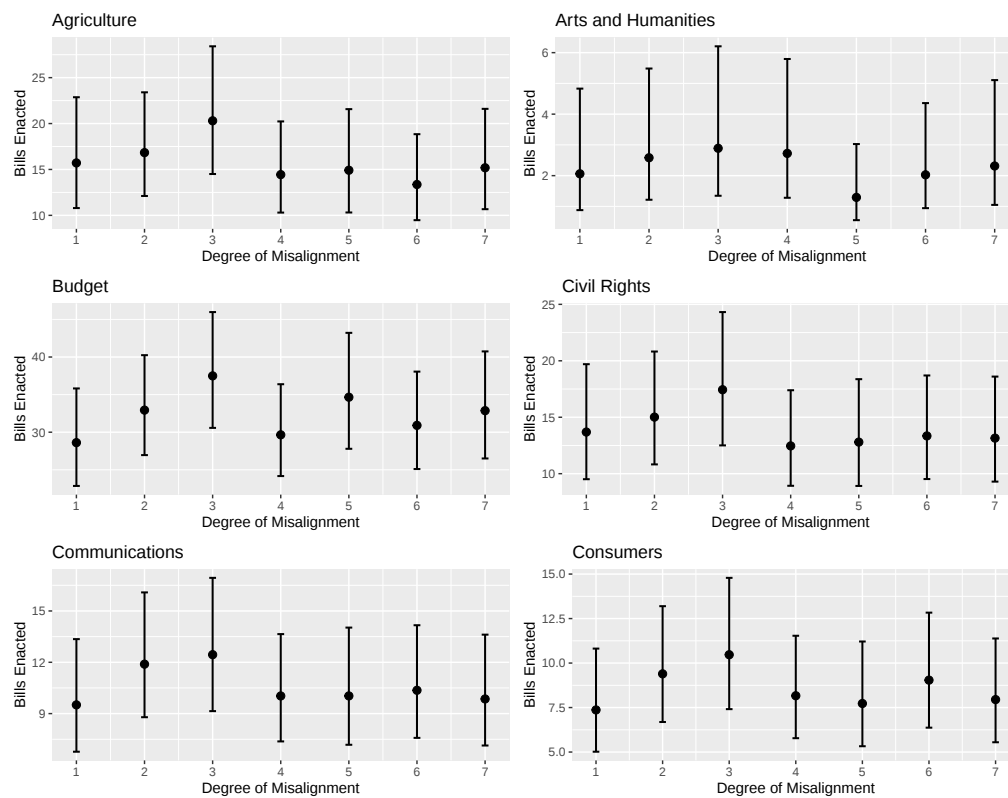


Figure A.55: Predicted Count of National Bills Enacted by Policy Category (Topics 1-6) and Political Context, 2001-2019

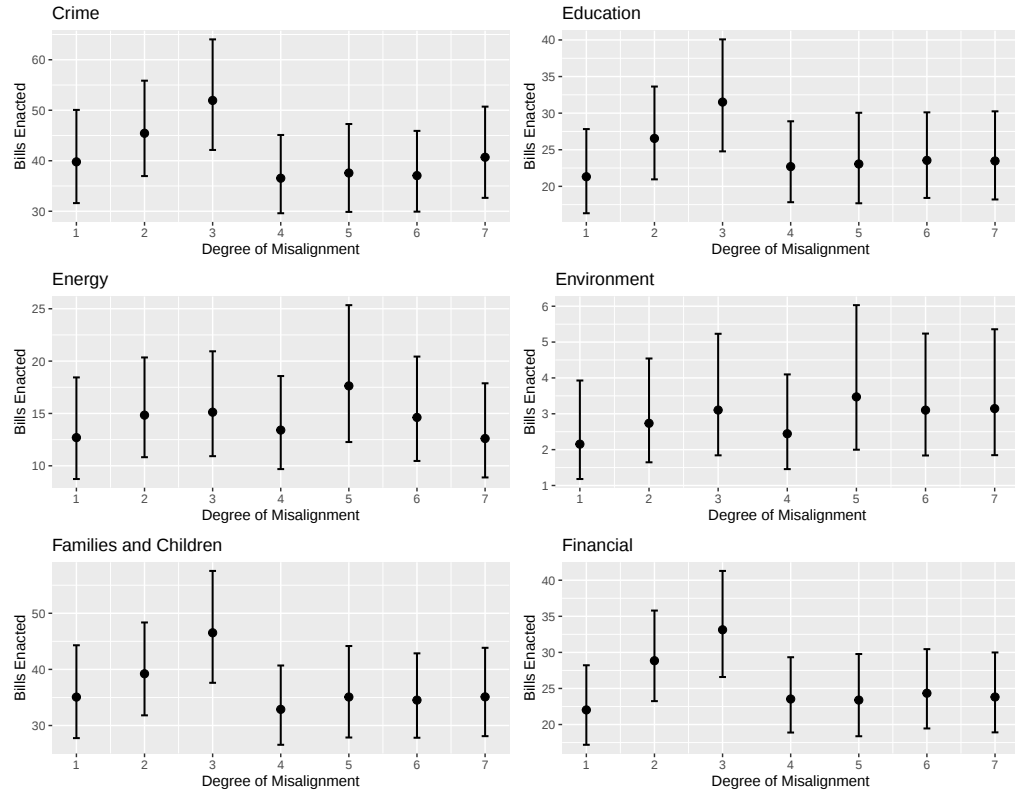


Figure A.56: Predicted Count of National Bills Enacted by Policy Category (Topics 7-12) and Political Context, 2001-2019

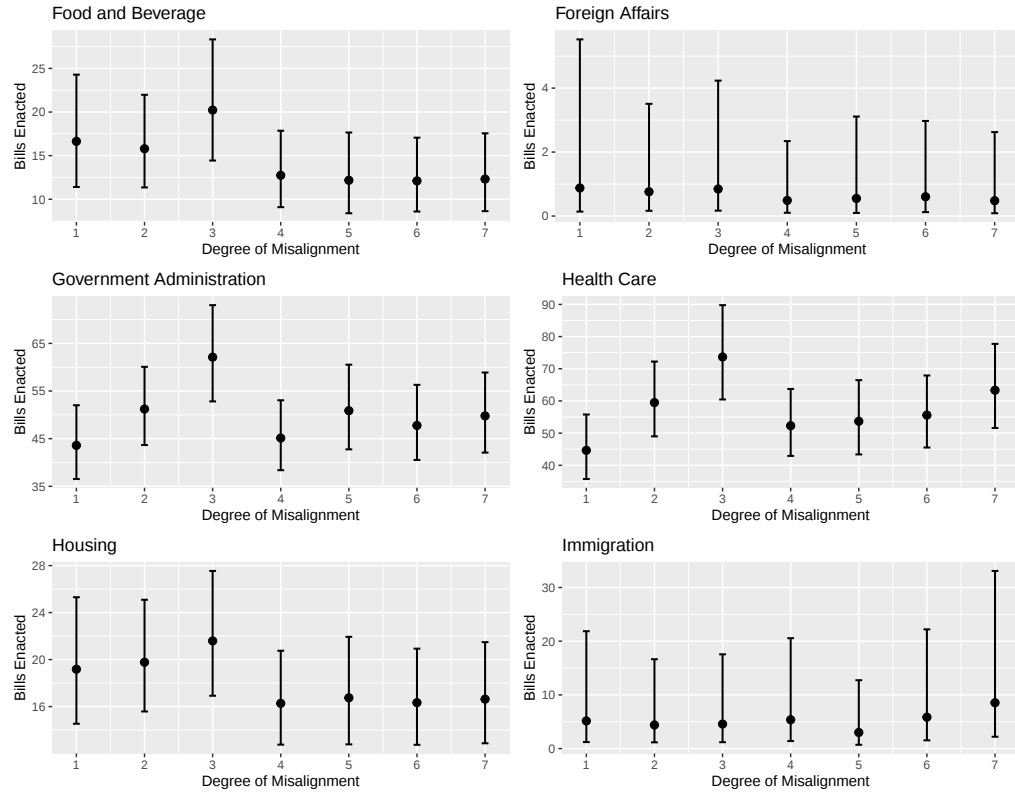


Figure A.57: Predicted Count of National Bills Enacted by Policy Category (Topics 13-18) and Political Context, 2001-2019

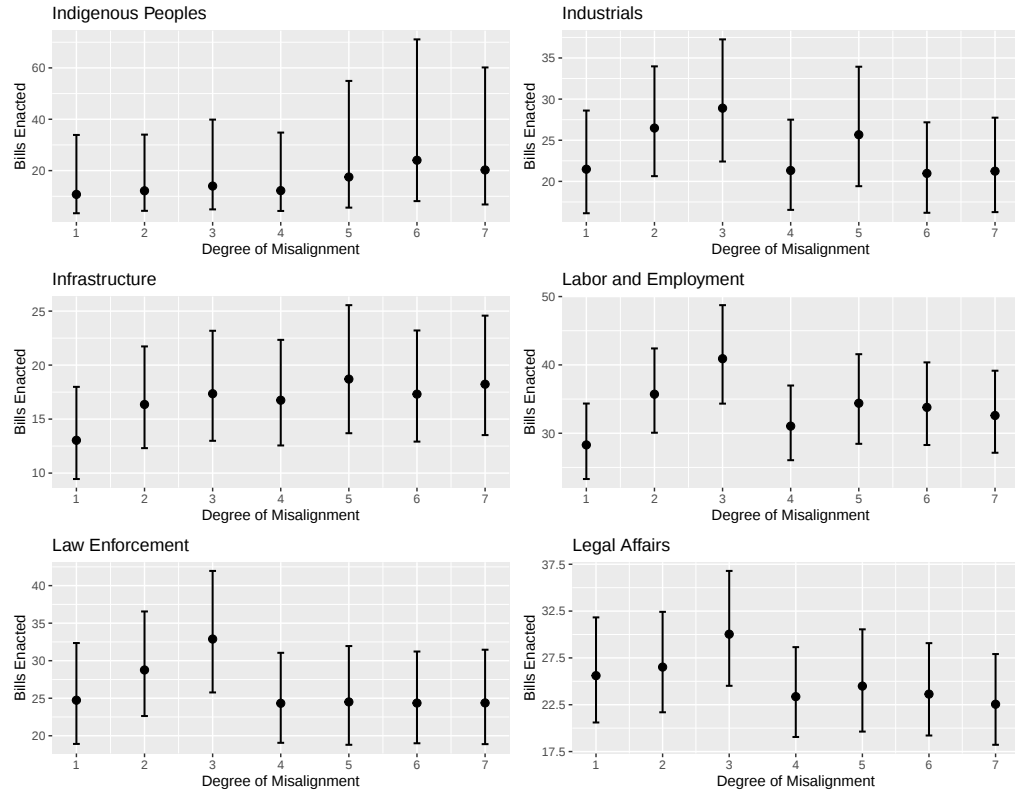


Figure A.58: Predicted Count of National Bills Enacted by Policy Category (Topics 19-24) and Political Context, 2001-2019

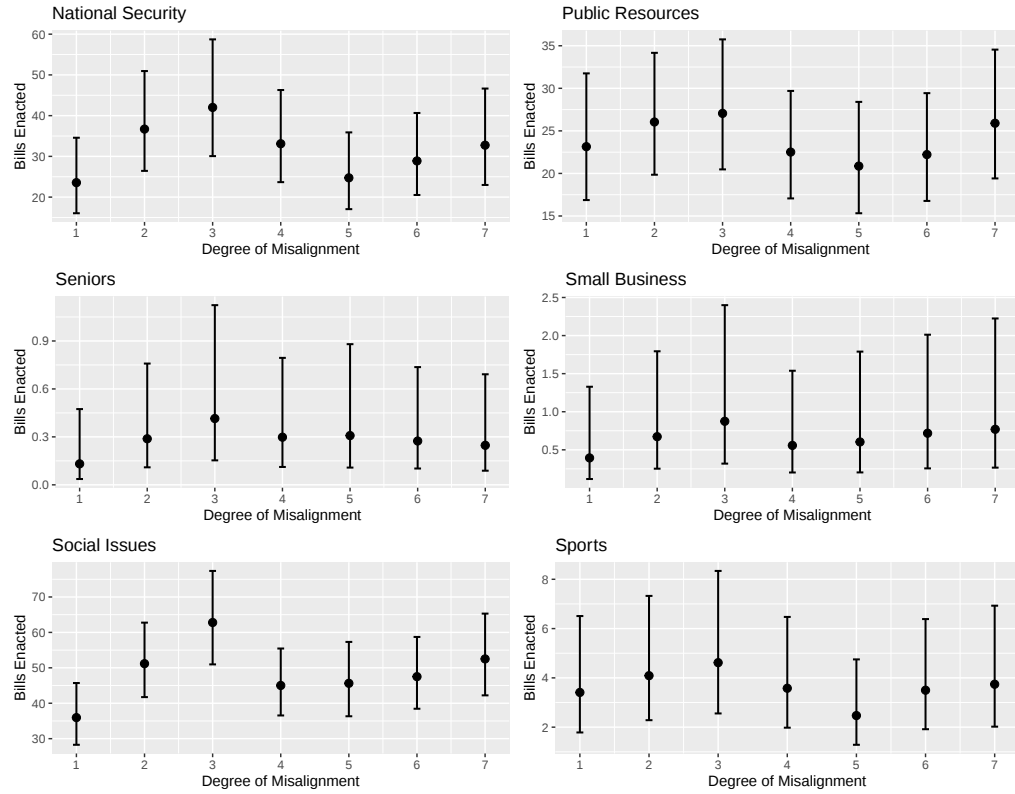


Figure A.59: Predicted Count of National Bills Enacted by Policy Category (Topics 25-30) and Political Context, 2001-2019

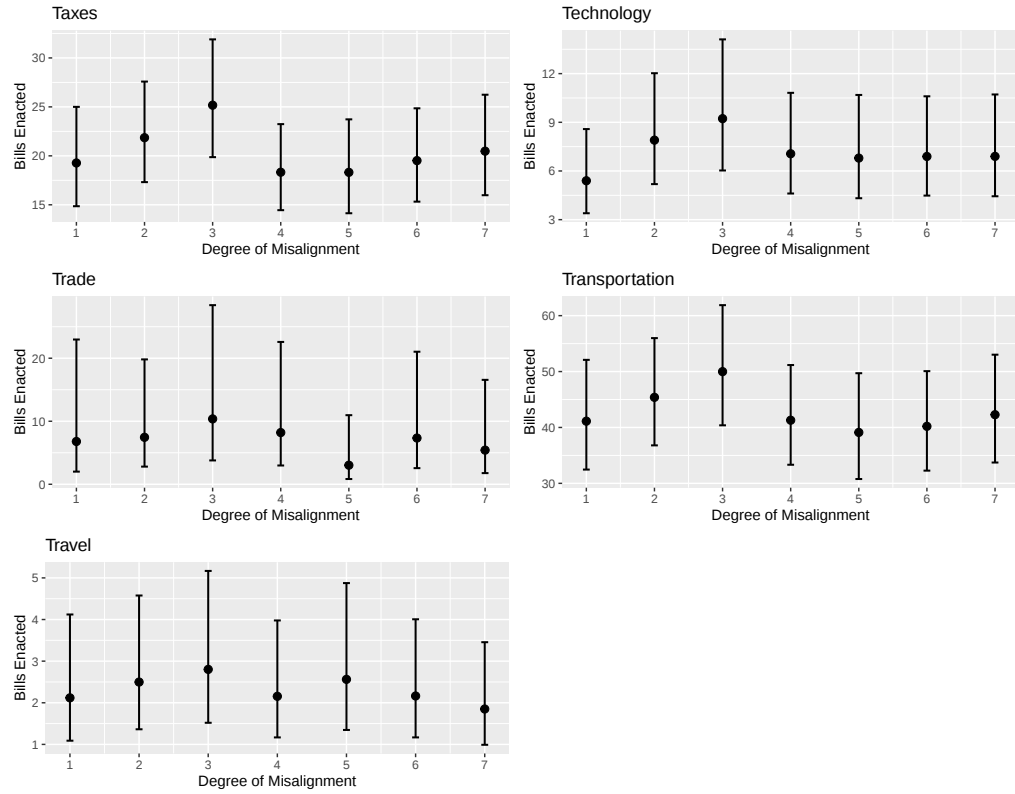


Figure A.60: Predicted Count of National Bills Enacted by Policy Category (Topics 31-35) and Political Context, 2001-2019

A.5.2.1 Red States

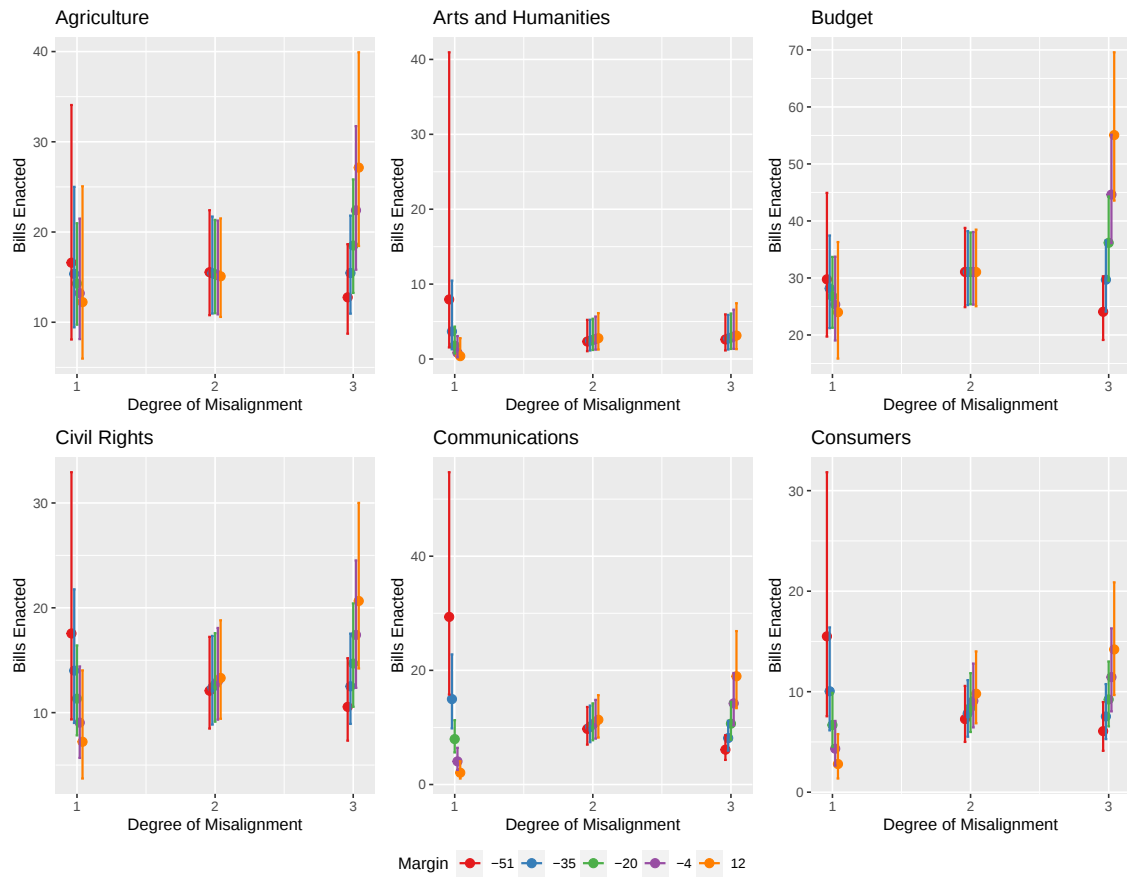


Figure A.61: Predicted Count of National Bills Enacted in Red States by Policy Category (Topics 1-6), 2001-2019

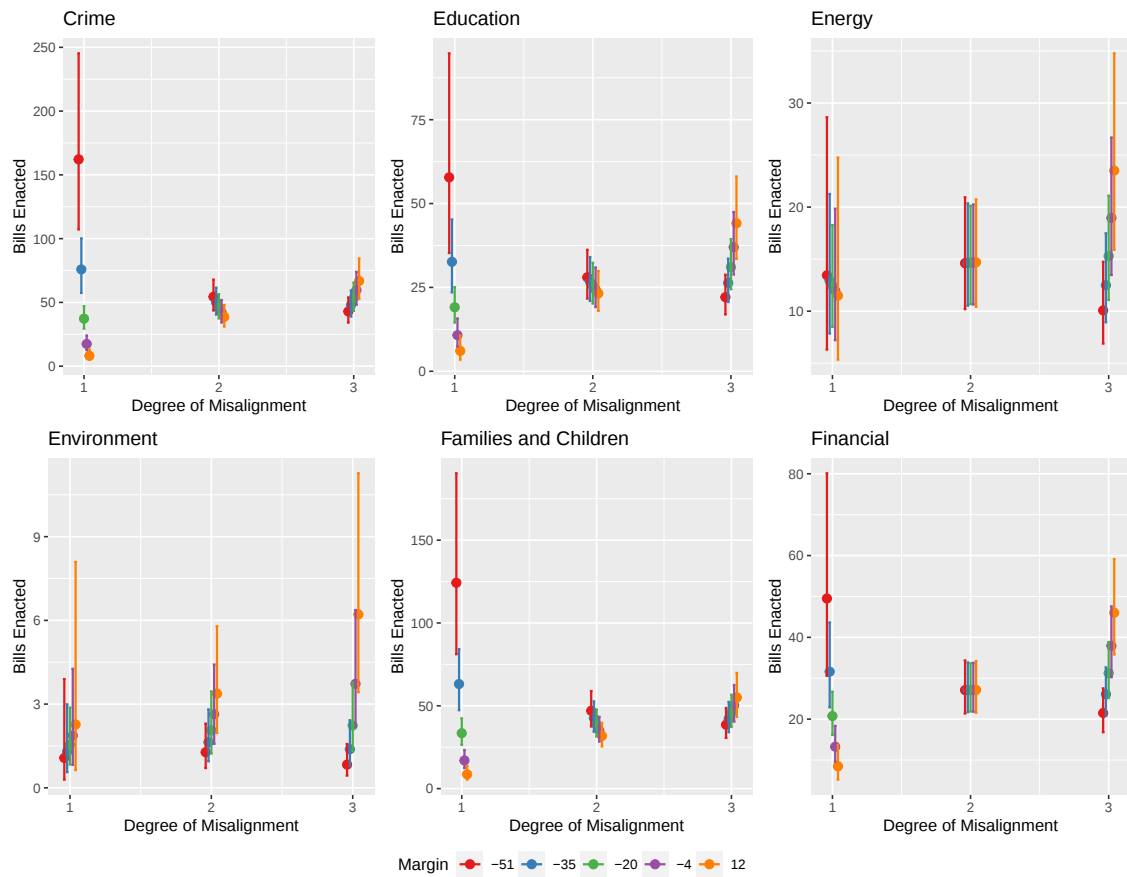


Figure A.62: Predicted Count of National Bills Enacted in Red States by Policy Category (Topics 7-12), 2001-2019

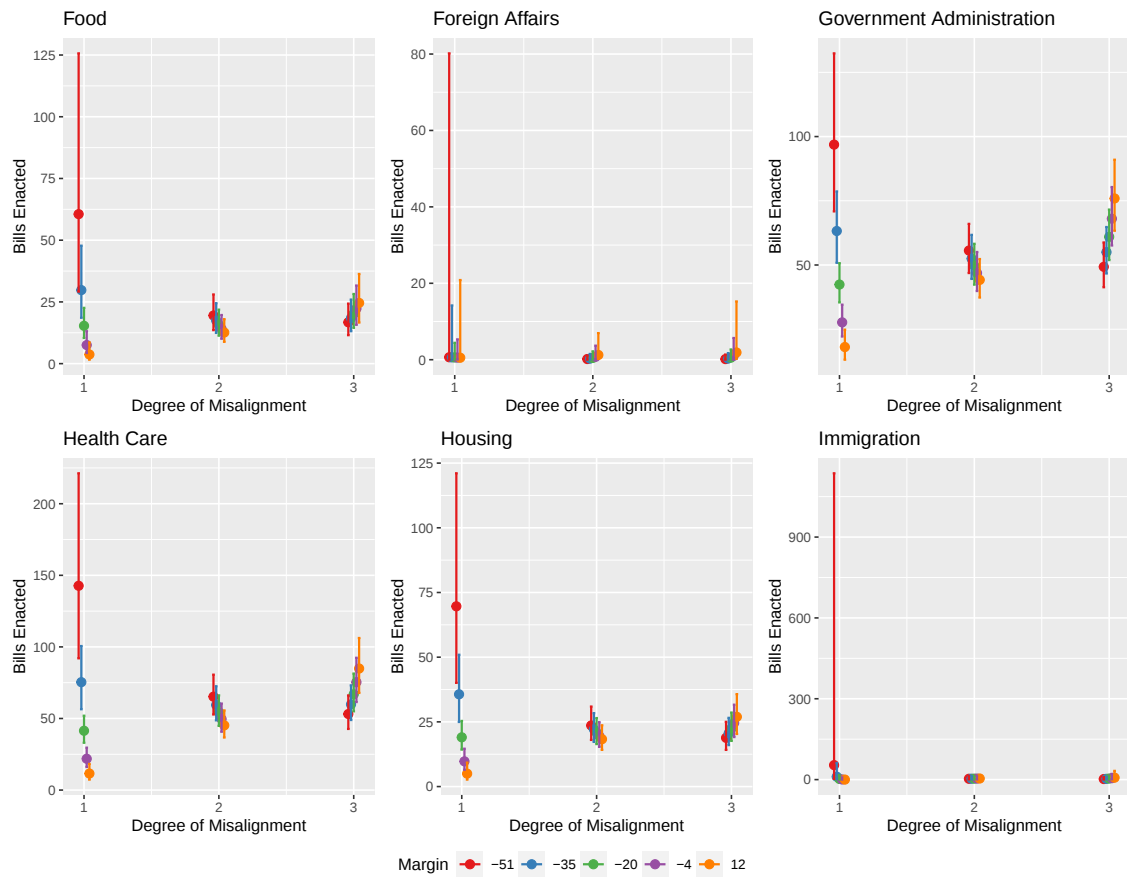


Figure A.63: Predicted Count of National Bills Enacted in Red States by Policy Category (Topics 13-18), 2001-2019

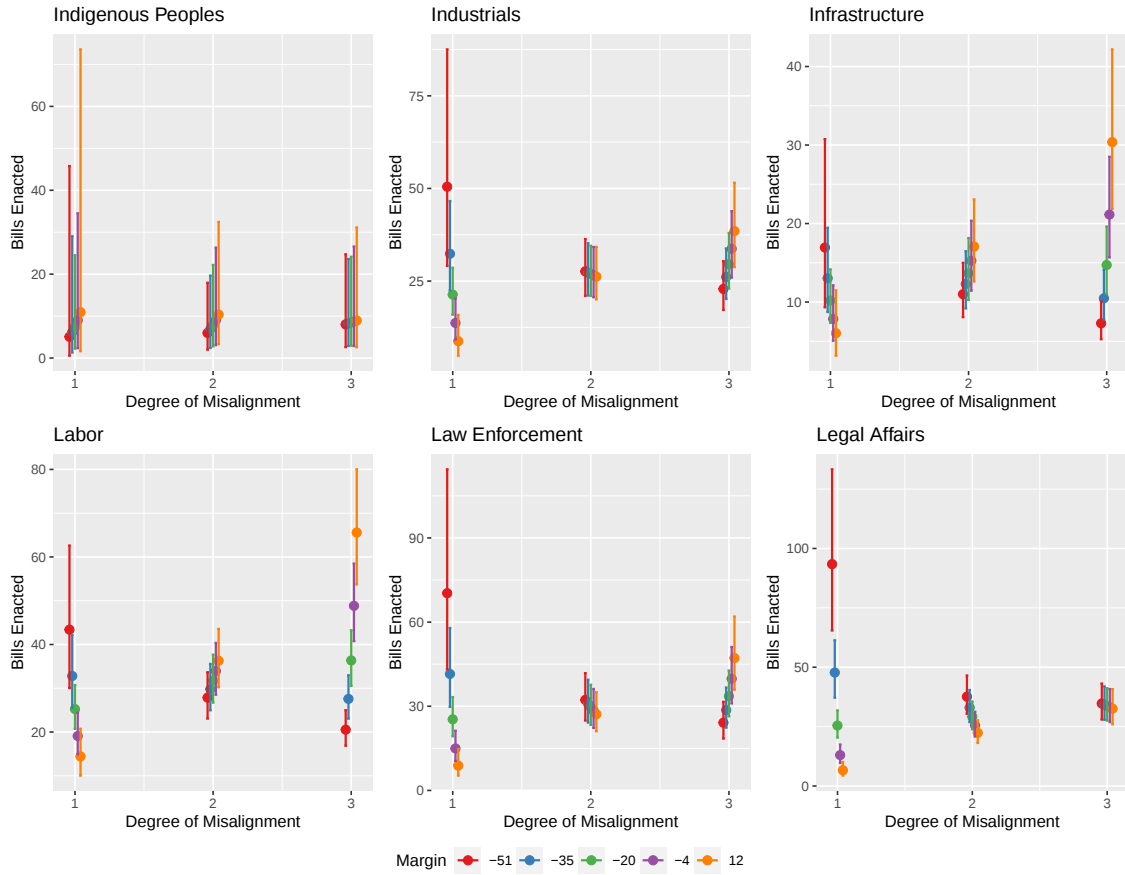


Figure A.64: Predicted Count of National Bills Enacted in Red States by Policy Category (Topics 19-24), 2001-2019

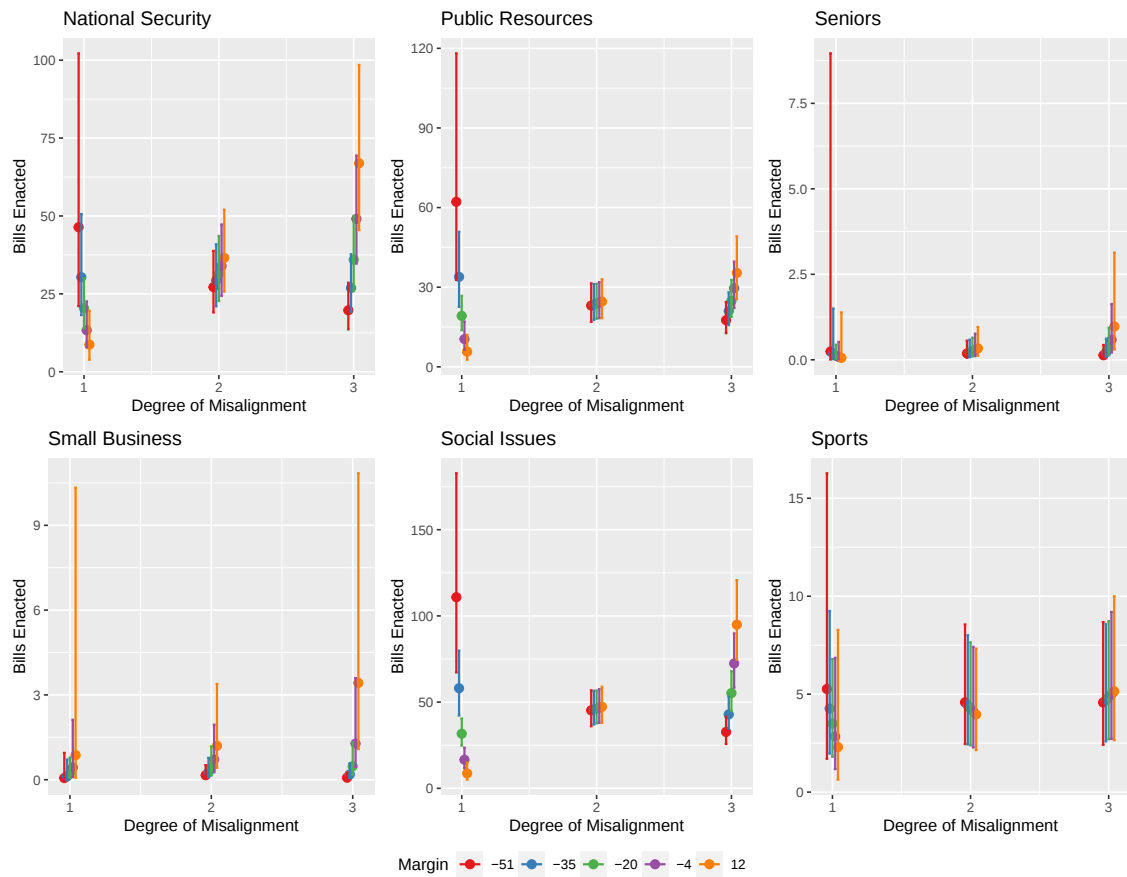


Figure A.65: Predicted Count of National Bills Enacted in Red States by Policy Category (Topics 25-30), 2001-2019

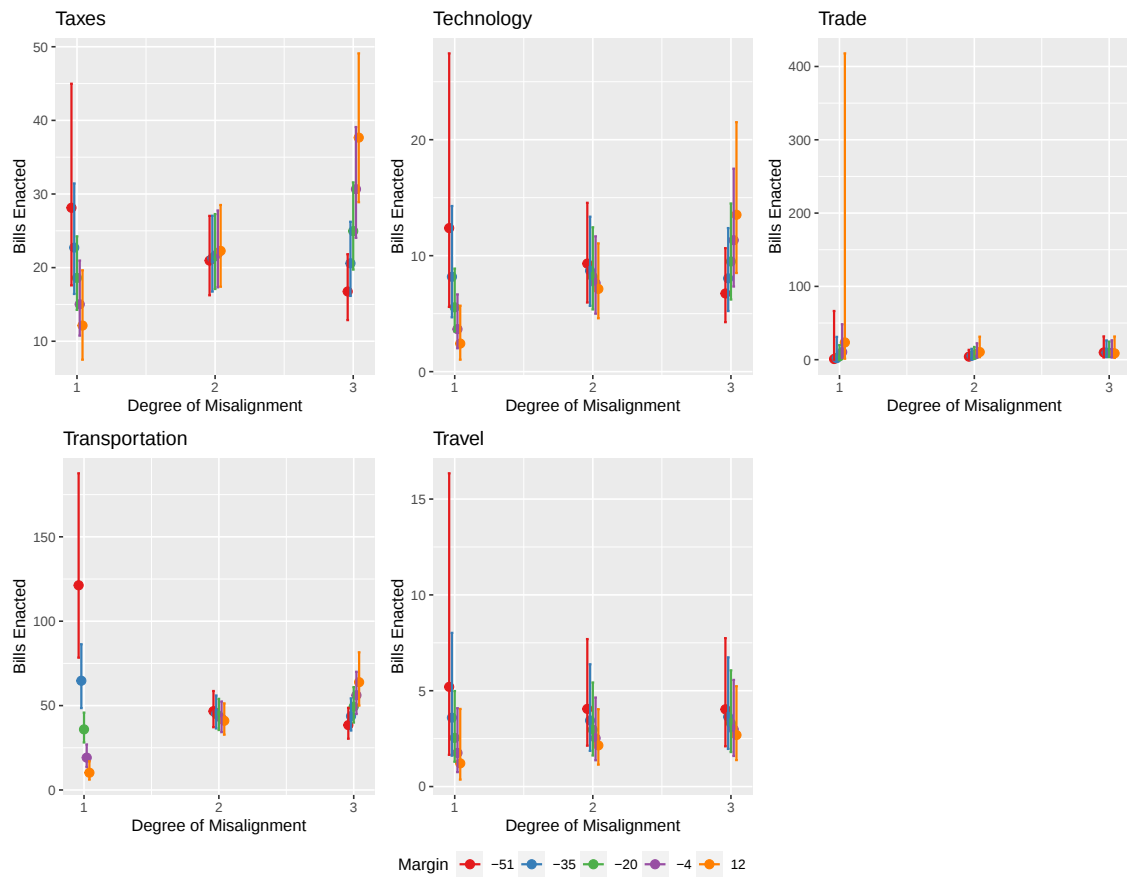


Figure A.66: Predicted Count of National Bills Enacted in Red States by Policy Category (Topics 31-35), 2001-2019

A.5.2.2 Blue States

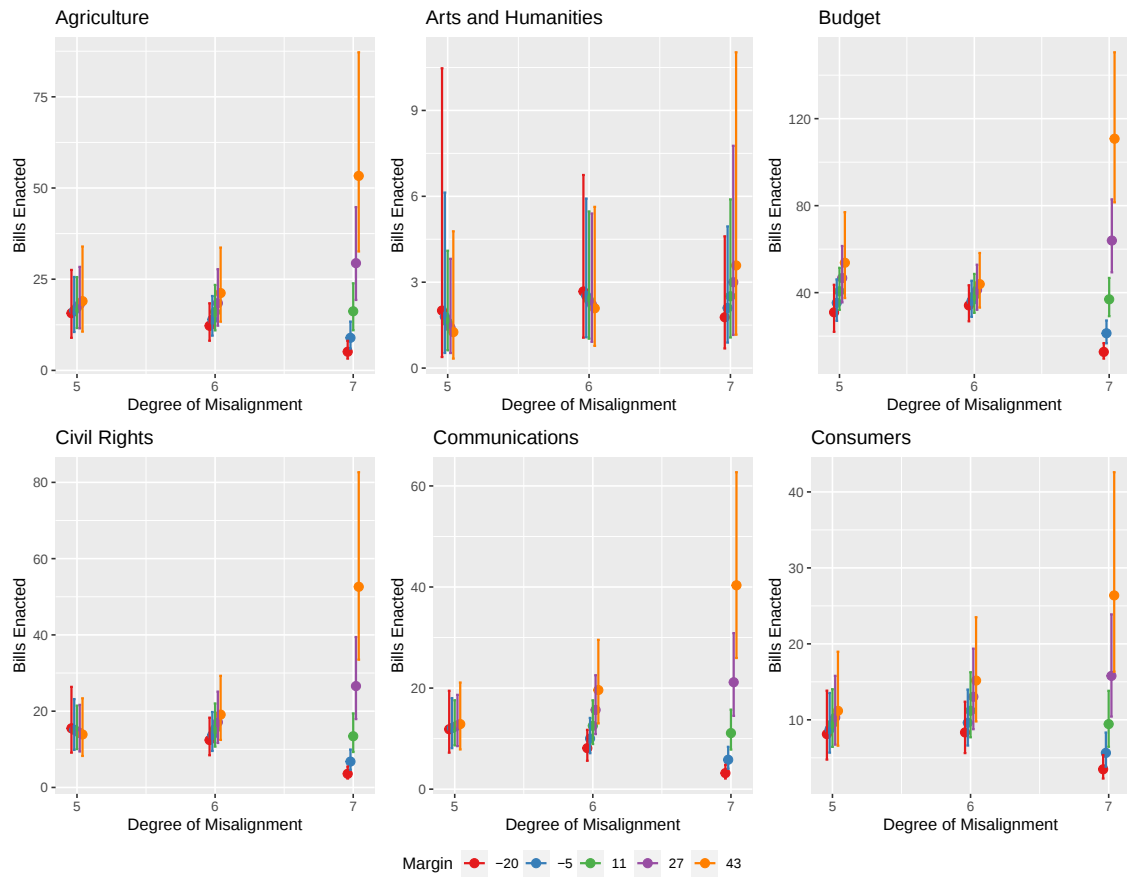


Figure A.67: Predicted Count of National Bills Enacted in Blue States by Policy Category (Topics 1-6), 2001-2019

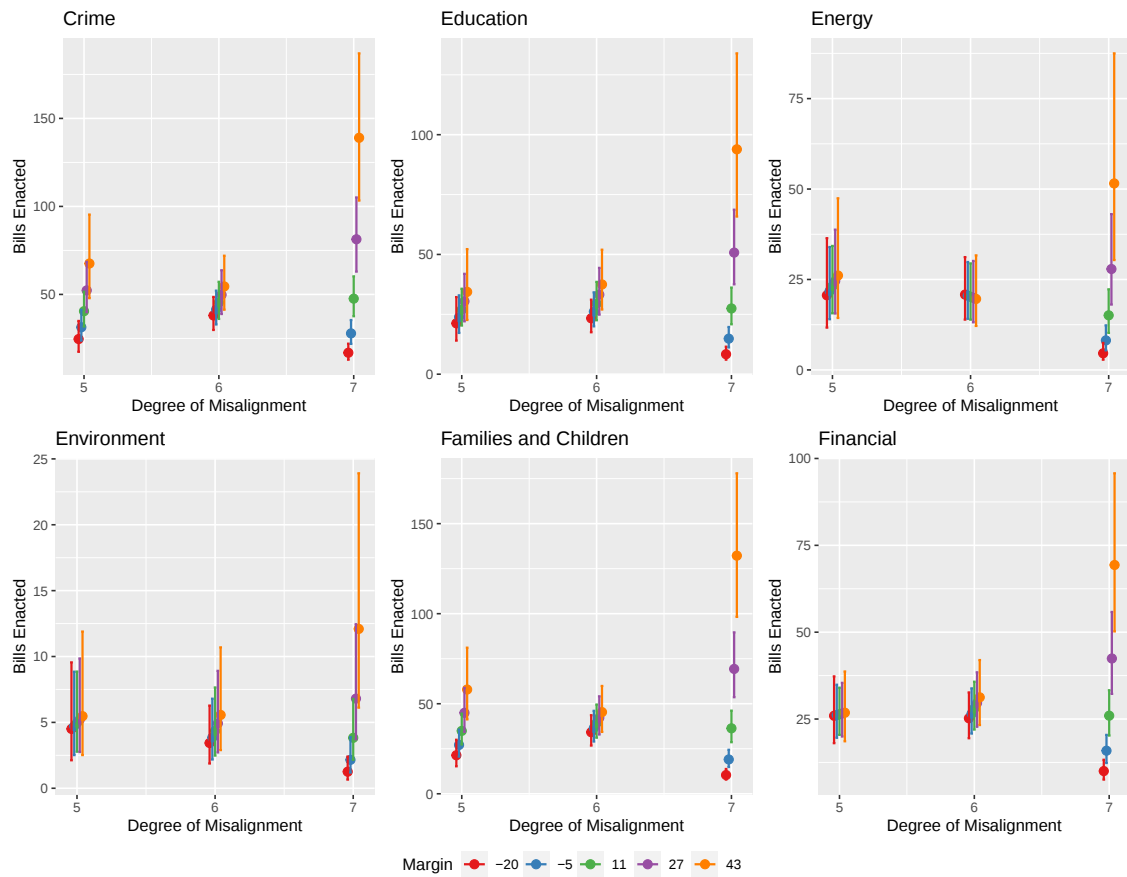


Figure A.68: Predicted Count of National Bills Enacted in Blue States by Policy Category (Topics 7-12), 2001-2019

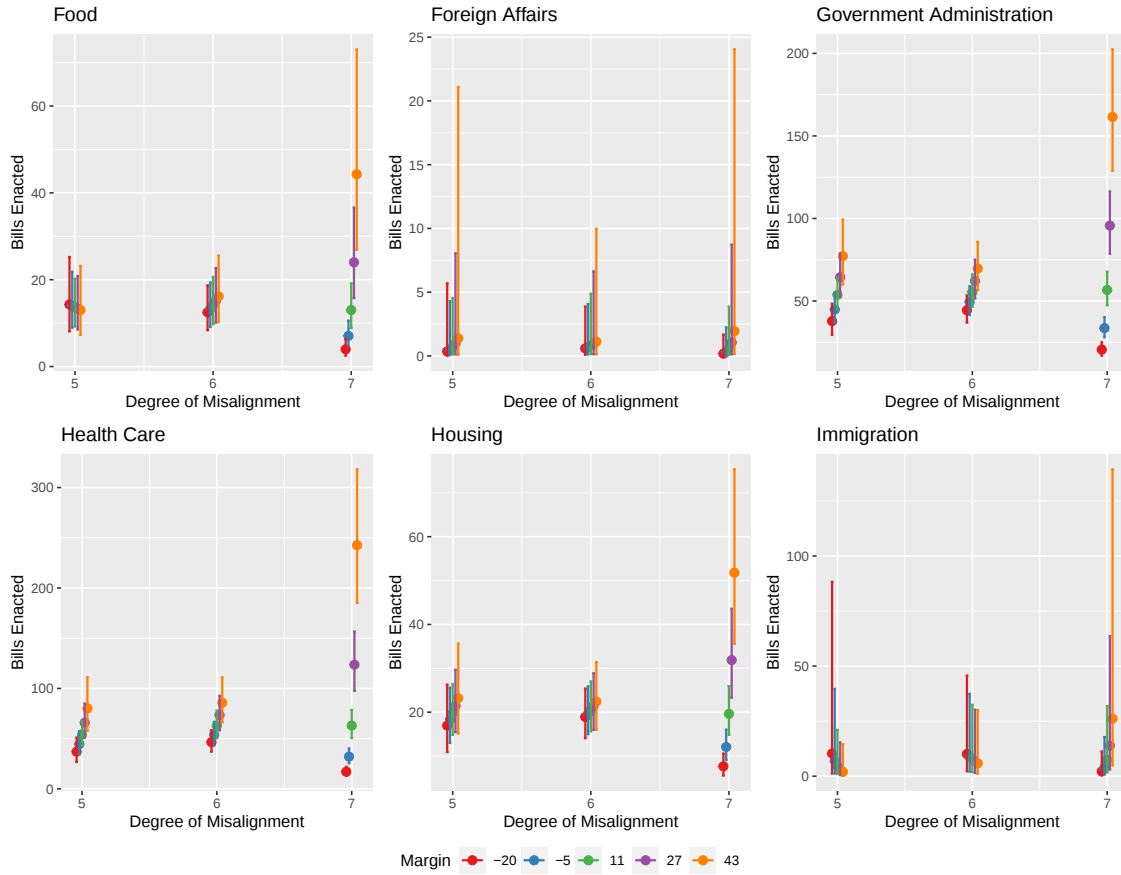


Figure A.69: Predicted Count of National Bills Enacted in Blue States by Policy Category (Topics 13-18), 2001-2019

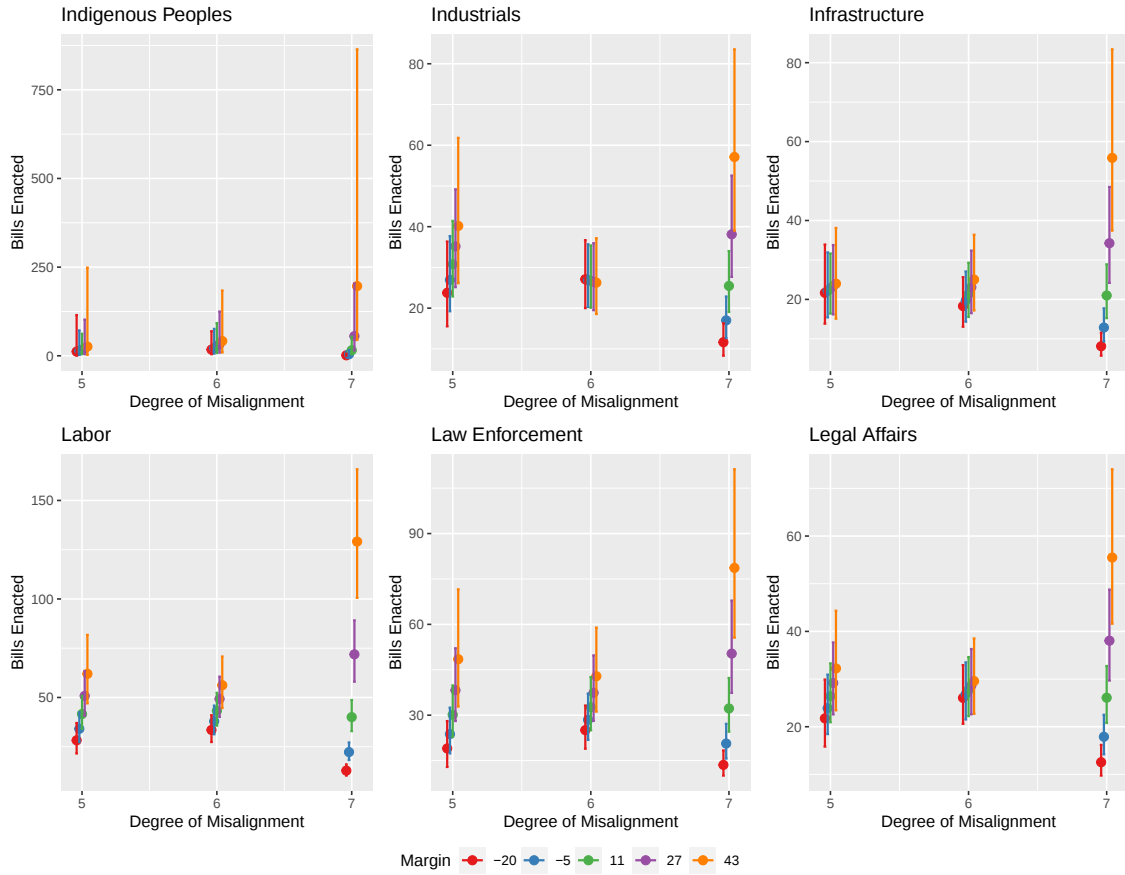


Figure A.70: Predicted Count of National Bills Enacted in Blue States by Policy Category (Topics 19-24), 2001-2019

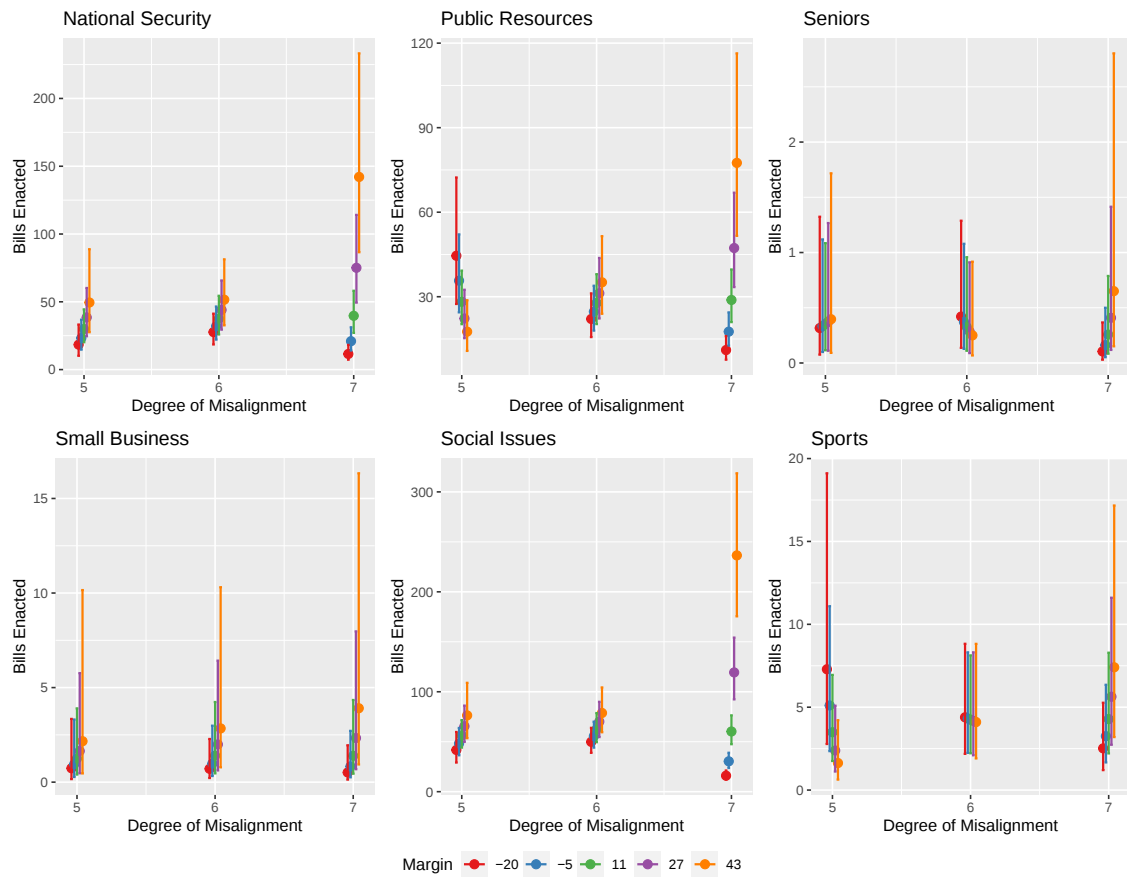


Figure A.71: Predicted Count of National Bills Enacted in Blue States by Policy Category (Topics 25-30), 2001-2019

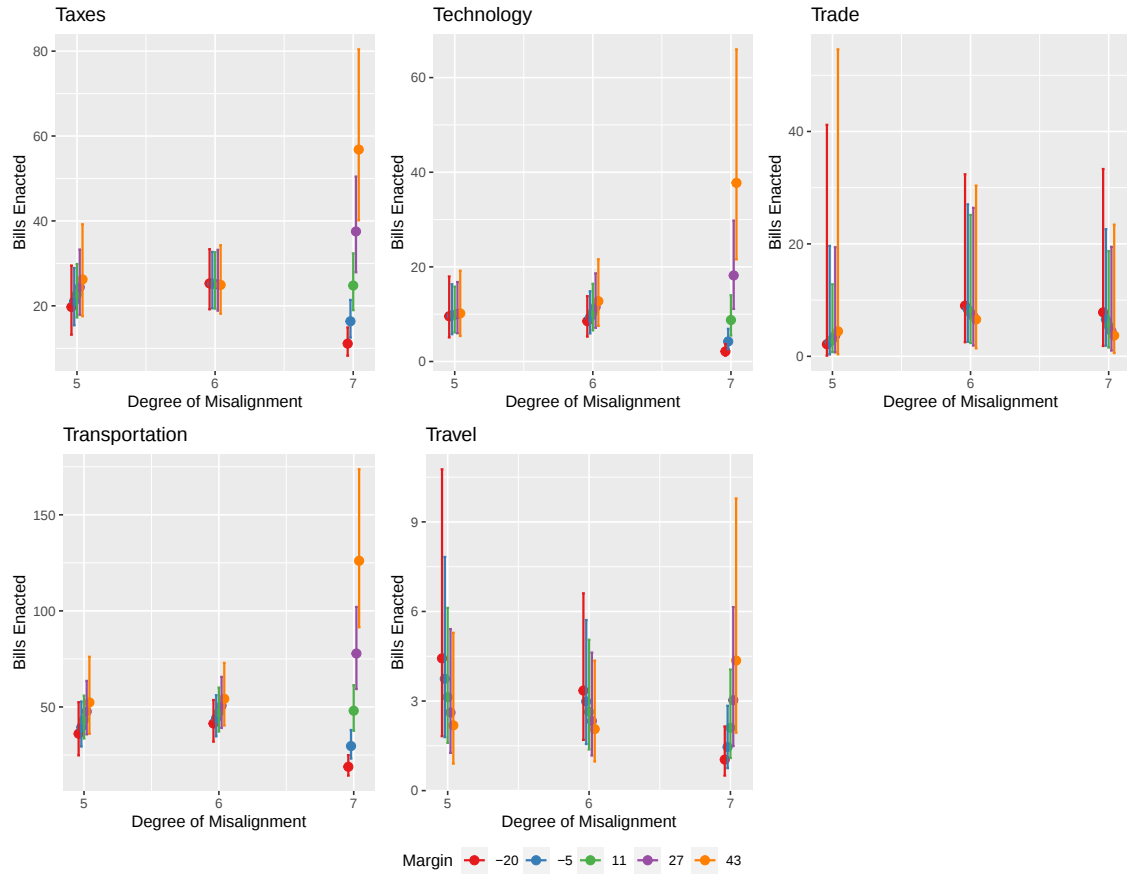


Figure A.72: Predicted Count of National Bills Enacted in Blue States by Policy Category (Topics 31-35), 2001-2019

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