

A Crisis of Democracy in State Legislatures

In a functional democracy, elected representatives work to advance the will of the people. But instead of delivering on access to health care, safe and well-funded public schools, and affordable housing, many lawmakers are working to take away our most fundamental freedoms and [ignoring what most voters want](#) for their families and communities. Increasingly, [state legislatures](#) have followed the dark pattern of asymmetrical polarization, or an extreme shift to the right, that has [plagued Congress](#). Beyond polarization, state legislatures have been a breeding ground for far-right radicalization and the rejection of democratic principles, [paving the way](#) for stripping us of our basic human and civil rights.

State legislators from both sides of the political spectrum believe that their constituents are more conservative than they are. But this bias is most substantial among conservative legislators, who overestimate how conservative their constituents are by [20 percentage points](#), with nearly half believing that their district is more conservative than the most conservative district in the country.

Perhaps the most unambiguous evidence of just [how out of step many state lawmakers are](#) with their constituents is in the [resounding success of progressive ballot initiatives](#), even in [states where conservative majorities control the legislature](#). When voters engage in direct democracy in the states, [they approve many policies](#) that many conservative lawmakers have perennially blocked, like minimum wage increases, tax increases on the wealthy, and voting rights restoration for disenfranchised voters. Powerful interests, threatened by what happens when voters make policy decisions, have recently launched an [attack on the ballot initiative process](#) to slam the door on direct democracy across multiple states.

When State Legislatures Don't Represent Us

The rise of extremism and the entrenchment of conservative bias in our state houses has real-world consequences for the policies that shape all of our lives, but it has also escalated into efforts that undermine the foundation of our democracy and threaten our basic rights and freedoms. A [recent analysis](#) found that nearly 12% of all state legislators are members of [far-right groups](#) that embrace extremist beliefs like white nationalism, COVID-19 denialism, and Christian nationalism. Together, this group of far-right state legislators launched a 50-state assault on our democracy, sponsoring [nearly 1,000 bills](#) in 2022 alone to whitewash history in our schools, tie the hands of public health officials during a global pandemic, attack immigrants and LGBTQ+ people, ban abortion care, and take away our freedom to protest and to vote.

Many state lawmakers brazenly showed how they would subvert the will of the people by casting baseless doubt on the democratic processes that brought them into office. At least [357 state legislators](#) across the country worked to overturn the results of the 2020 presidential election by [transmitting false documents to](#)

[Congress](#) to overrule the choice of the voters in their states, signing on to [baseless lawsuits](#) to disrupt the election, and [spreading lies](#) about the presidential election.

In the United States, voters pick our elected leaders, not the other way around. Although these state lawmakers ultimately – but narrowly – failed in their [violent conspiracy to overthrow a duly elected president](#), the struggle for our democracy is far from over. To prevent the next crisis of democracy that pushes us closer to authoritarianism, we must examine the institutional policies, practices, and norms that allowed special interests to seize and control state houses all across the country.

Underresourced and Ripe for Exploitation

The 116th U.S. Congress [introduced 16,601 bills](#) and enacted just 7% of them during the two-year session. Meanwhile, state lawmakers across all 50 states and DC [introduced over 150,000 bills](#) and enacted 21% of them during the 2021 legislation session. In 2021, state legislators introduced nine times as many bills as Congress did in the 2019–2021 session and were three times more productive, passing 1 in 5 bills introduced.

The [average U.S. senator](#) has 57 staff, and the [average U.S. representative](#) has 21 staff. Between the congressional staff employed within each chamber, joint staff, support agency staff, and other institutional staff, there are [37 staff for each member of Congress](#). By contrast, there are four legislative staff per state legislator during the legislative session.

Members of Congress receive an annual salary of [\\$174,000](#), while the average state legislator is paid less than \$34,000. Legislators serving in one of the 14 part-time legislatures across the country receive an annual salary of less than \$11,000 and have, on average, two staff. Outside of the legislative session – a crucial time when lobbyists descend on state capitols to pitch bills for the upcoming session – there are more legislators than legislative staff in the average part-time legislature.

The Corporate Scheme to Capture Legislatures

In 1971, a [memo](#) written by future U.S. Supreme Court Justice Lewis Powell was shared with the U.S. Chamber of Commerce, laying out a blueprint for a pro-enterprise takeover of every corner of American society. The memo proposed that business interests underwrite a massive and multilayered system of scholars, politicians, judges, and media programming in support of conservatism and corporate interests. By orchestrating an echo chamber of support across all sectors of our political economy, the memo laid out a plan to fundamentally [reshape the American people and their politics](#) into a mold of its own design: “It is time for American business – which has demonstrated the greatest capacity in all history to produce and to influence consumer decisions – to apply their great talents vigorously to the preservation of the system itself.”

Today, corporate and conservative interests fund a vast network of national and state groups, like the [American Legislative Exchange Council \(ALEC\)](#), that devise and execute a political agenda, in partnership with [well-funded corporate lobbyists](#), for states across the country. By investing in ALEC, in addition to the remaining members of what one scholar has dubbed the [“right-wing troika” - state-based “think tanks”](#) tasked with developing biased research and [local astroturfing operations](#) that imitate widespread grassroots support for the political agenda - corporate lobbyists return massive dividends to their wealthy and well-connected funders in the form of business deregulation, tax cuts, lower labor costs, and weakened labor unions.

Koch Industries - owned by the billionaire Koch family, who have [funded a vast network of political organizations](#) and are a driving force behind [ALEC](#) - reported spending at least [\\$1.2 million](#) in campaign contributions to state legislators and [\\$6.3 million](#) in state lobbying expenditures. These investments in influencing state legislators were, by all accounts, fruitful: Koch Industries and its subsidiaries have collected at least [\\$540 million](#) in corporate handouts paid for by state and local taxpayers in recent decades.

The imprint of the plan for corporate domination in state legislatures is unmistakable and has been [documented repeatedly over the years](#). State legislatures with limited resources and capacity were easy targets for corporate influence. Meanwhile, an endless torrent of biased think pieces, research reports, and news commentary would provide the cultural scaffolding necessary to give legitimacy to a slate of policies designed to enrich a small and wealthy subset of American society at the expense of the public. [One study](#) found that ALEC bills were more likely to be introduced and enacted in states with weakly professionalized legislatures, or those with few staff resources and low legislator pay.

The corporate capture of state legislatures and their [top-down political agenda](#) has had a tangible and at times violent effect on the lives of countless people. Research shows that the strength of right-wing mobilization by these corporate forces predicted [Medicaid expansion](#) and a policy-induced [demise of public sector unions](#) in the states, even after controlling for other factors like partisan control, public opinion, and economic conditions. The repercussions proved [deadly for thousands of low-income people](#) who were denied affordable public health insurance in states where lawmakers blocked Medicaid expansion. The failure of state legislators to protect the right to decide whether or when to have a child in the [26 states](#) that have already banned or will likely ban abortion now that the Supreme Court has overturned *Roe v. Wade* will have catastrophic consequences for people - particularly Black, Indigenous, and other people of color, poor people, disabled people, and other people who already face obstacles to health care.

State legislatures are some of the most powerful institutions in our country. They develop, consider, and pass (or block) the laws that govern our lives, and they appropriate (or misappropriate) trillions of dollars each year that fund essential services that our communities rely upon. Legislators also provide a critical connection from the halls of state government to local communities and constituents. And yet, many state legislatures are woefully underresourced, overworked, and underpaid. In this vacuum, capacity and public policy expertise are subsidized by private entities oftentimes only concerned with corporate profits and special interests at the expense of the general public and even at the expense of democracy.