STATE INNOVATION EXCHANGE

STATE GOVERNMENT OF THE PEOPLE

SiX Principles for Transforming State Legislatures



INTRODUCTION

Every year, state legislatures consider over 100,000 pieces of legislation, enact tens of thousands of bills into state law, and spend trillions of dollars on the essential infrastructure and services that we all rely upon. State legislators are uniquely positioned to improve the lives of millions of people for generations to come. Given the stubborn state of congressional gridlock, state legislatures have increasingly taken center stage in American politics, and yet, 20% of people don't know who their state legislators are, and most people are unsure whether their state lawmakers are full or part time.

State lawmakers have one of the most important jobs in our society, but they are far from being representative of their state by almost every measure – race, gender identity and expression, class, age, sexual orientation, immigration status, occupation, and educational attainment. Some legislators are even using their power to silence the voices of their constituents by taking away our votes, denying us our rights, and trying to rig the system to hold on to power.

For too long, many state legislatures have also been dangerously underresourced, leaving some of our most important policymaking institutions vulnerable to greedy and power-hungry interests. The average state legislator receives an annual salary of less than $34,000 and has access to just four staff during the legislative session. In these conditions, a cabal of wealthy elites, led by corporate interests, have succeeded in distorting our democracy by manipulating state legislatures to pad their bottom lines and consolidate power. And during the 2020 presidential election, these forces have shown how they would stop at nothing – even the destruction of our very democracy – to enrich themselves at the expense of the American people.

State legislatures belong to the people, and it's time for us to come together to shift power away from corporations and far-right extremists. Legislators should be reflective of all people, but representation is not enough; collectively, we must wield power and influence through the processes, organization, and power structures of the state legislatures that shape our lives.

To this end, we offer the SiX Principles for Transforming State Legislatures, a values-based framework for transforming state legislatures into more democratic institutions where we all have a say in the decisions that affect our families and communities. We share examples of how state legislators have created and enacted the policies that can bring us into this future.

Democracy is in peril, and our state legislatures are both the front line for continued attacks on our basic freedoms and rights, and the vanguard for a new future where the idea of participatory democracy is a reality. It's time to stand in solidarity to build a future where all of us can share power – starting with every state legislature in the country.

The State of State Legislatures

State legislatures, as institutions, have incredible influence over our democracy and economy. State lawmakers, as individuals, also wield considerable power in the decisions that affect all of our lives. But all too often, state legislatures are significantly underresourced and inaccessible to the public. Similarly, the job of running for and serving as a state legislator demands wealth, time, and access to power that most people—especially historically marginalized communities—lack.

There are unique rules and structures in place in each state legislature that determine how each of the nation's 7,383 state lawmakers can govern on behalf of the people they represent. Altogether, these unique institutional features, like legislator salary, staffing size, and session length, can deeply impact who can serve as a state legislator and who is prioritized in key policy decisions.

Editor's Note: *This publication was written prior to the 2022 midterm elections, which resulted in some notable gains for representation in state legislatures. All across the country, states celebrated historic wins for Latinx, LGTBTQ+, and Muslim state lawmakers, while Colorado joined Nevada to become the second state to have a majority-woman legislature in the nation.*

The demographic data reported in this publication predates the results of the 2022 election. Due to the limited availability of demographic data on state legislators, this publication reports data largely collected between 2020-2022:

- *Race and ethnicity (2020)*
- *Gender, race, and ethnicity (2022)*
- *LGBTQ+ identity (2022)*
- *New American status (2020)*
- *Generation (2020)*
- *Educational attainment (2020)*

See our Methodology Appendix for more information and a full list of sources.

Methodology

The data shared in this publication provides insights into two key questions:

1. How well resourced and productive are state legislatures as policymaking institutions?
2. How do state legislatures compare with their state populations?

To answer these questions, this publication aggregates several datasets on state legislatures and state legislator demographics to provide the most comprehensive view of state legislatures across the country based on available data. The primary sources of data reported in this publication are from:

- National Conference of State Legislatures (NCSL) – institutional information, legislators by race and ethnicity, legislators by generation, legislators by educational attainment
- Center for American Women and Politics (CAWP) – women legislators, women in legislative leadership, women legislators by race and ethnicity
- Victory Institute – LGBTQ+ legislators
- New American Leaders – New American (first- and second-generation immigrant) legislators

How well resourced and productive are state legislatures as policymaking institutions?

We compare the institutional characteristics – staffing levels, legislator compensation, bills introduced and enacted – across the 50 states. To better understand this data, we compare similar state legislatures based on a categorization developed by NCSL to assess "the capacity of legislatures to function as independent branches of government, capable of balancing the power of the executive branch and having the information necessary to make independent, informed policy decisions." The NCSL categories are based on the amount of time that legislators spend doing their jobs, legislator compensation, and legislative staffing levels:

- **Full-time legislatures** generally require 80% or more of a full-time job, are well-paid, and have large staff sizes. Full-time *lite* legislatures spend slightly less time in session, have smaller districts, lower pay, and fewer staff than full-time legislatures.
- **Part-time legislatures**, also known as traditional or citizen legislatures, spend the equivalent of half of a full-time job doing legislative work, receive low pay that requires other sources of income, and have small staff. Part-time *lite* legislatures are slightly less traditional than part-time legislatures.
- **Hybrid legislatures** are somewhere between a full- and part-time legislature, requiring more than two-thirds of a full-time job, being paid more than a part-time legislature but still requiring another source of income, and having intermediate-sized staff.

How do state legislatures compare with their state populations?

We developed a **representation ratio (RR)** to approximate the extent to which a certain demographic group is underrepresented or overrepresented within a state legislature based on the state population. The resulting ratio compares the share of a demographic group within a legislature with their share within the state's adult population to reflect the universe of people within a state who would be eligible to serve (legislative candidates must be at least 18 years old in almost every state, with some states limiting eligibility for the upper chamber to those 30 years and older). For example, the RR for Black women in the Alabama Legislature is calculated as follows:

$$\frac{\textit{Black Women in the Alabama Legislature}}{\textit{Total number of Alabama legislators}} \div \frac{\textit{Total number of Alabama legislators}}{\textit{Total number of Alabama legislators}} = \textit{RR for Black women in Alabama}$$

The representation ratio is an *estimation* of how underrepresented or overrepresented a particular demographic group is based on their share of the overall adult population in each state:

- **Equal representation.** An RR of 1.0 means that a group has the same level of representation in the state legislature as in the state's adult population.
- **Overrepresentation.** An RR of greater than 1.0 means that a group has more representation in the state legislature than in the state's adult population.
- **Underrepresentation.** An RR of less than 1.0 means that a group has less representation in the state legislature than in the state's adult population.

See our Methodology Appendix for more information and a full list of sources.

Key Findings

How well resourced and productive are state legislatures as policymaking institutions?

The vast majority of state legislators are paid less than the median household income in their states. The average annual salary for legislators was $34,074, or just 50% of the average state median household income across all 50 states. Legislators in 45 states, or 88.3% of all state legislators, receive an annual salary that is less than the state median household income. Part-time legislators receive the lowest salary of any group.

- The average full-time legislator received an annual salary of $76,253, which was 6.6% higher than the average state median household income ($72,250).
- The average hybrid legislator received an annual salary of $29,978, which was just 44.8% of the average state median household income ($67,271).
- The average part-time legislator received an annual salary of $11,553, which was just 18.8% of the average state median household income ($65,998).

The average member of Congress has eight times as many staff as the average state legislator. On average, there are 36.7 staff per member of Congress, compared

to 4.4 staff per state legislator. Part-time legislators have the fewest number of staff of any group.

- The average full-time legislature has 1,198 permanent and session staff, or 7.9 staff per legislator.
- The average hybrid legislature has 622 permanent and session staff, or 4.6 staff per legislator.
- The average part-time legislature has 230 permanent and session staff, or 1.7 staff per legislator.

Despite low pay and having significantly fewer staff than Congress, state legislatures are incredibly effective as policymaking institutions. In the 2021 session, the average state legislature introduced 3,036 bills and enacted 644 of them, or 28.8%. By contrast, the 116th Congress introduced 16,601 bills and enacted 1,229 of them, or 7.4%. Though the average part-time legislature enacted the largest share of bills introduced, they also introduced significantly fewer bills than full-time and hybrid legislatures.

- The average full-time legislature introduced 5,373 bills and enacted 517 of them, or 11.8%.
- The average hybrid legislature introduced 3,002 bills and enacted 819 of them, or 32.4%.
- The average part-time legislature introduced 1,432 bills and enacted 410 of them, or 34.1%.

When measuring legislative effectiveness as the number of bills enacted per legislator, state legislatures in 41 states enacted more bills per legislator than the most recent Congress. While the average member of the 116th Congress enacted 2.3 bills, the average state legislator enacted twice as many bills, or 4.7 bills per legislator. Hybrid legislatures enacted the most bills per legislator of any group.

- The average full-time legislator enacted 3.3 bills.
- The average hybrid legislator enacted 6.1 bills.
- The average part-time legislator enacted 3.1 bills.

Table 1. Full-Time, Hybrid, and Part-Time State Legislatures

Please see the online version of this report to view or download this data.

Race and Ethnicity

Black, Indigenous, and other people of color are underrepresented in the average state legislature and across all types of legislatures. Despite being underrepresented overall, Black, Indigenous, and other people of color have higher levels of representation in well-resourced legislatures than in underresourced legislatures. Nearly 8 in 10 state lawmakers are white, and white lawmakers have

similar levels of overrepresentation across full-time, hybrid, and part-time legislatures.

- Asian and Pacific Islander legislators represent only 1.5% of state legislators across the country and have an average representation ratio of 0.20 nationally. API legislators have the highest levels of representation in full-time legislatures (RR=0.39) and lower levels of representation in hybrid (RR=0.14) and part-time (RR=0.16) legislatures. API legislators are underrepresented in every state except for Hawaii, and 27 states reported having no API legislators.
- Black legislators represent only 9.5% of state legislators across the country and have an average representation ratio of 0.83 nationally. Black legislators have the highest levels of representation in full-time legislatures (RR=0.97) and lower levels of representation in hybrid (RR=0.79) and part-time (RR=0.82) legislatures. Black legislators are underrepresented in all but 13 states (Alaska, Colorado, California, Florida, Idaho, Illinois, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, and South Carolina), and four states reported having no Black legislators (Iowa, Minnesota, Oregon, and North Dakota).
- Indigenous legislators represent only 0.7% of state legislators across the country and have an average representation ratio of 0.75 nationally. Indigenous legislators have more than equal representation in full-time legislatures (RR=1.05) and are underrepresented in hybrid (RR=0.61) and part-time legislatures (0.79). Indigenous legislators are underrepresented in all but nine states (Arizona, California, Kansas, Maine, Maryland, Massachusetts, Mississippi, Montana, and Vermont), and 31 states reported having no Indigenous legislators.
- Latinx legislators represent only 4.4% of state legislators across the country and have an average representation ratio of 0.34 nationally. Latinx legislators have the highest levels of representation in full-time legislatures (RR=0.53) and lower levels of representation in hybrid (RR=0.31) and part-time (RR=0.26) legislatures. Latinx legislators are underrepresented in every state except for Michigan and Minnesota, and 10 states reported having no Latinx legislators.
- Multiracial legislators represent only 0.9% of state legislators across the country and have an average representation ratio of 0.50 nationally. Multiracial legislators have more than equal representation in full-time legislatures (RR=1.11) and are underrepresented in hybrid (RR=0.40) and part-time (RR=0.72) legislatures. Multiracial legislators are underrepresented in all but seven states (California, Illinois, New Jersey, New York, Ohio, Rhode Island, and Virginia), and 27 states reported having no multiracial legislators.
- White legislators represent 79.4% of state legislators across the country and are overrepresented by 14% nationally (RR=1.14). White legislators have similar levels of overrepresentation across full-time (RR=1.15), hybrid (RR=1.17), and part-time (RR=1.06) legislatures. White legislators are overrepresented in all but six states (Hawaii, Mississippi, Nebraska, New Hampshire, Utah, and West Virginia), though not by a significant margin compared to legislators of color.

Gender, Race, and Ethnicity

Women are underrepresented in every state legislature except for Nevada. Women represent only 31.1% of all state legislators, with an average representation ratio of 0.62 nationally. Additionally, 25.1% of leadership positions are held by women, with an average representation ratio of 0.48 nationally.

- Women have similar levels of underrepresentation across full-time (RR=0.65), hybrid (RR=0.61), and part-time (RR=0.60) legislatures.
- When it comes to serving in positions of leadership, women have the highest levels of representation in full-time legislatures (RR=0.56) and lower levels of representation in hybrid (RR=0.50) and part-time (RR=0.40) legislatures. Women are underrepresented in positions of leadership in every state except for in Virginia, and there are no women in positions of leadership in seven states (Alaska, Iowa, Missouri, New Hampshire, South Carolina, South Dakota, and Texas).

Asian and Pacific Islander, Latina, and Indigenous women are underrepresented at higher rates than women overall in state legislatures. Despite being underrepresented overall, Asian and Pacific Islander women and Latinas have higher levels of representation in well-resourced legislatures than in underresourced legislatures, while Indigenous women have higher levels of representation in underresourced legislatures. White women have higher levels of representation than women overall in state legislatures.

- Asian and Pacific Islander women represent only 1.0% of state legislators across the country and have an average representation ratio of 0.36 nationally. API women have the highest levels of representation in full-time legislatures (RR=0.45) and lower levels of representation in hybrid (RR=0.32) and part-time legislatures (RR=0.39). API women are underrepresented in all but three states (Hawaii, Nebraska, and Washington), and 22 states reported having no API women legislators.
- Black women represent only 5.0% of state legislators across the country and are close to having equal representation nationally, with an average representation ratio of 0.99. Black women have roughly equal representation in hybrid legislatures (RR=1.02) and are slightly underrepresented in full-time (RR=0.97) and part-time (RR=0.93) legislatures. Black women are underrepresented in all but 21 states (Alaska, California, Colorado, Delaware, Florida, Georgia, Illinois, Maryland, Michigan, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, Utah, Washington, Wisconsin, and Wyoming), and eight states reported having no Black women legislators (Arizona, Hawaii, Idaho, Montana, Nebraska, North Dakota, South Dakota, and Vermont). A previous report published by SiX with the National Organization of Black Elected Legislative Women (NOBEL Women), "No Democracy Without Black Women," provides some additional insight into the important role that Black women legislators play in delivering lasting progressive change through policymaking.
- Indigenous women represent only 0.4% of state legislators across the country and have an average representation ratio of 0.51 nationally. Indigenous women have the highest levels of representation in part-time legislatures (RR=0.83) and lower levels of representation in hybrid legislatures (RR=0.52). Unlike other demographic groups that typically enjoy higher levels of representation in well-

resourced legislatures, Indigenous women are severely underrepresented in full-time legislatures, with a representation ratio of 0.02. Indigenous women are underrepresented in all but nine states (Arizona, Arkansas, Kansas, Minnesota, Mississippi, Missouri, Oregon, Washington, and Wyoming), and 35 states reported having no Indigenous women legislators.

- Latinas represent only 2.1% of state legislators across the country and have an average representation ratio of 0.30 nationally. Latinas have the highest levels of representation in full-time legislatures (RR=0.42) and lower levels of representation in hybrid (RR=0.28) and part-time (RR=0.24) legislatures. Latinas are underrepresented in every state except for West Virginia and Wisconsin, and 20 states reported having no Latina legislators.
- Middle Eastern and North African women represent only 0.1% of state legislators across the country. There is no available state population data to estimate their representation in state legislatures compared to the adult population.
- White women represent 22.8% of state legislators across the country and have an average representation ratio of 0.65 nationally. White women have the highest levels of representation in full-time legislatures (RR=0.71) and lower levels of representation in hybrid (RR=0.63) and part-time (RR=0.61) legislatures. White women are underrepresented in all but four states (Arizona, Hawaii, Nevada, and New Mexico), and no states reported having no white women legislators.

LGBTQ+

LGBTQ+ legislators are underrepresented in the average state legislature and across all types of legislatures. LGBTQ+ legislators have the highest levels of representation in underresourced legislatures.

- LGBTQ+ legislators represent 2.7% of state legislators across the country and have an average representation ratio of 0.63 nationally. LGBTQ+ legislators have the highest levels of representation in part-time legislatures (RR=0.67) and lower levels of representation in full-time (RR=0.53) and hybrid (RR=0.64) legislatures. LGBTQ+ legislators are underrepresented in all but nine states (California, Colorado, Delaware, Nevada, Oregon, Rhode Island, Vermont, Washington, and Wyoming), and no legislators self-identified as LGBTQ+ in four states (Alaska, Louisiana, Mississippi, and South Dakota).

New Americans

New American legislators, or first- and second-generation immigrants, are underrepresented in the average state legislature and across all types of legislatures. New Americans have the highest levels of representation in well-resourced legislatures.

- New Americans represent just 3.5% of state legislators and have an average

representation ratio of 0.47 nationally. New Americans have the highest levels of representation in full-time legislatures (RR=0.70) and lower levels of representation in hybrid (RR=0.49) and part-time (RR=0.26) legislatures. New Americans are underrepresented in all but four states (Arizona, California, Michigan, and Ohio), and 10 states reported having no New American legislators.

Generation

Millennials are the most underrepresented age group in state legislatures, while Baby Boomers are overrepresented in over half of all state legislatures. Millennial and Generation X legislators are underrepresented overall but have higher levels of representation in well-resourced legislatures.

- Millennials represent just 5.5% of state legislators and have an average representation ratio of 0.27 nationally. Millennials have the highest level of representation in full-time legislatures (RR=0.35) and lower levels of representation in hybrid (RR=0.28) and part-time (RR=0.19) legislatures. Millennials are underrepresented in every state legislature in the country.
- Generation X legislators represent 14.9% of state legislators across the country and have an average representation ratio of 0.76 nationally. Gen X legislators are close to having equal representation in full-time legislatures (RR=0.92) and have lower levels of representation in hybrid (RR=0.82) and part-time (RR=0.54) legislatures. Gen X legislators are underrepresented in all but 15 states (California, Florida, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nevada, New Jersey, Rhode Island, South Carolina, Texas, Virginia, and Wisconsin).
- Baby Boomers represent 26.5% of state legislators across the country and have an average representation ratio of 1.23 nationally. Baby Boomers are overrepresented in full-time (RR=1.20), hybrid (RR=1.27), and part-time (RR=1.17) legislatures, and are overrepresented in 28 states.
- Silent Generation legislators represent 4.6% of state legislators across the country and have an average representation ratio of 0.63 nationally. Silent Generation legislators have the highest level of representation in part-time legislatures (RR=0.68) and lower levels of representation in full-time (RR=0.45) and hybrid (RR=0.67) legislatures.
- Generation Z and Greatest Generation legislators represent an extremely small share of the available data; as a result, these two groups have been excluded from this analysis.

Educational Attainment

Legislators with graduate or professional degrees are overrepresented in state legislatures by over 200%, while legislators with less than a bachelor's degree are severely underrepresented in every state legislature.

- Legislators with less than a bachelor's degree represent just 2.6% of state legislators and have an average representation ratio of 0.04 nationally. Legislators with less than a bachelor's degree are severely underrepresented across full-time (RR=0.03), hybrid (RR=0.04), and part-time (RR=0.04) legislatures, and are underrepresented in every state.
- Legislators with a bachelor's degree represent 29.3% of state legislators and have an average representation ratio of 1.51 nationally. Legislators with a bachelor's degree are overrepresented across full-time (RR=1.51), hybrid (RR=1.53), and part-time (RR=1.42) legislatures, and are overrepresented in all but four states (New Hampshire, New Jersey, South Dakota, and Utah).
- Legislators with a graduate or professional degree represent 38.3% of state legislators and have an average representation ratio of 3.21 nationally. Legislators with a graduate or professional degree have some of the highest levels of overrepresentation of any demographic group across full-time (RR=3.06), hybrid (RR=3.53), and part-time (2.74) legislatures.

National, Full-Time, Hybrid, and Part-Time Averages

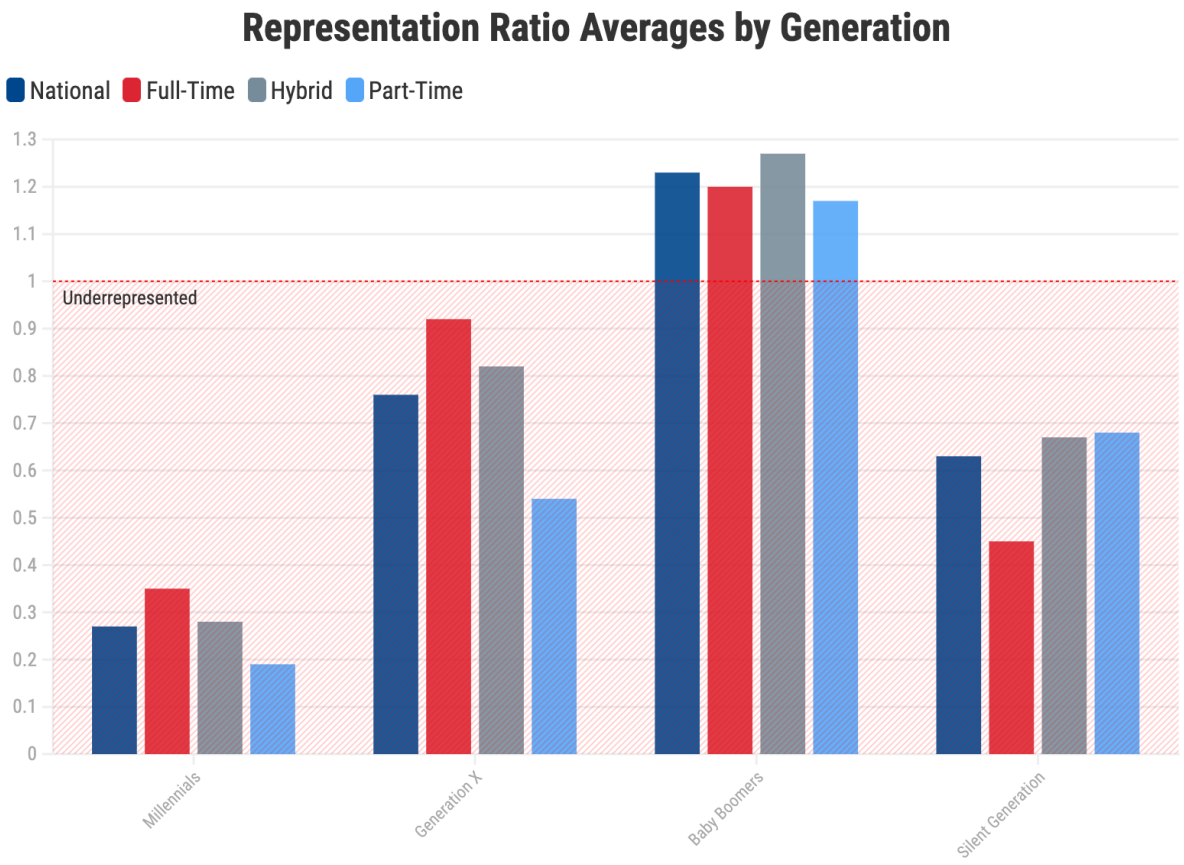


Table 1. Representation Ratio Averages: National, Full-Time, Hybrid, and Part-Time Legislatures

Demographic Group	Number of State Legislators	% of All State Legislators	Average Representation Ratio			
			National	Full Time	Hybrid	Part Time
Race and Ethnicity						
American Indian/Alaska Native	52	0.70%	0.75	1.05	0.61	0.79
Asian/Pacific Islander	113	1.50%	0.2	0.39	0.14	0.16
Black	701	9.50%	0.83	0.97	0.79	0.82
Hispanic/Latino	327	4.40%	0.34	0.53	0.31	0.26
Multiracial/Other	65	0.90%	0.5	1.11	0.4	0.27
White	5,863	79.40%	1.14	1.15	1.17	1.06
No Data	281	3.80%	-	-	-	-
Women by Race and Ethnicity						
All Women	2,295	31.10%	0.62	0.65	0.61	0.6
Women in Leadership Positions	88	25.10%	0.48	0.56	0.5	0.4
Asian American/Pacific Islander	75	1.00%	0.36	0.45	0.32	0.39
Black	366	5.00%	0.99	0.97	1.02	0.93
Latina	153	2.10%	0.3	0.42	0.28	0.24
Middle Eastern/North African	11	0.10%	*	*	*	*
Native American/American Indian/Native Hawaiian	32	0.40%	0.51	0.02	0.52	0.83
White	1,682	22.80%	0.65	0.71	0.63	0.61
Gender Identity/Expression and Sexual Orientation						
LGBTQ+	200	2.70%	0.63	0.53	0.64	0.67
New Americans (first- or second-generation immigrants)						
New Americans	257	3.50%	0.47	0.7	0.49	0.26
Generation						
Generation Z (1998-Present)	3	0.00%	0	0.01	0	0
Millennials (1987-1997)	404	5.50%	0.27	0.35	0.28	0.19
Generation X (1965-1980)	1,098	14.90%	0.76	0.92	0.82	0.54
Baby Boomers (1946-1964)	1,955	26.50%	1.23	1.2	1.27	1.17
Silent Generation (1929-1945)	341	4.60%	0.63	0.45	0.67	0.68
Greatest Generation (before 1928)	9	0.10%	0.63	0.45	0.67	0.68
No Data	3,569	48.30%	-	-	-	-
Educational Attainment						
Less than Bachelor's Degree	191	2.60%	0.04	0.03	0.04	0.04
Bachelor's Degree	2,166	29.30%	1.51	1.6	1.53	1.42
Graduate or Professional Degree	2,830	38.30%	3.21	3.06	3.53	2.74
No Data	2,202	29.80%	-	-	-	-

Sources: National Conference of State Legislatures, Center for American Women and Politics, New American Leaders, Victory Institute. See our methodology appendix for a full list of sources and calculation methods.

Percentages for all are based on a denominator of 7,383, except for women in leadership positions. The percentage of women in leadership positions is calculated out of 350 total leadership positions.

*State population comparator data was not available for Middle Eastern/North African women.

Other Considerations

The scope of this publication is limited by the availability of legislator demographic data for all 50 state legislatures. Although additional data is unavailable, existing research provides some insight into other groups and communities whose members face significant barriers to serving as state legislators.

- **Socioeconomic status.** While multiple reports have highlighted that the majority of Congress is made up of millionaires, this also holds true at the state level. This should not be a surprise, since about half of the members of Congress formerly served as state legislators. While 50-state data is not available, we can see from local reporting that millionaires make up a disproportionate share of legislators in Florida. Although an estimated 6% of Florida households are millionaires, a whopping 68% of Florida state senators and 36% of state representatives were millionaires in 2019. This Florida Legislature was largely made up of attorneys (24%); finance, insurance, and real estate executives (16%); and business owners (19%).
- **Disability.** In 2019, researchers estimated that only 6.9% of state elected officials had a disability, although it is estimated that one in four adults have a disability. The National Council on Independent Living Disabled has created a database of political candidates with disabilities, identifying just 15 disabled candidates for state legislature who won their elections in 2020. Disabled people face multiple and compounding barriers to political participation and economic security that necessarily make running for and serving in a state legislature even more difficult. For example, disabled people who rely on already-meager Social Security benefits are subject to outdated and punishing income and asset tests that leave disabled people in financial precarity when employment income – even a modest and part-time legislator salary – can result in a loss of benefits.
- **Parents and caregivers.** Although 86% of American women are mothers by the age of 44, mothers with school-aged children make up only 6% of Congress. Without fair pay and adequate access to child care, paid leave, health care benefits, lactation rooms, and other workplace accommodations, the long and unpredictable hours that are required of campaigning for and serving in elected office intensifies the many barriers that parents and caregivers already experience in the workplace.

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 behindALEC – 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.

SiX Principles for Transforming State Legislatures

Our state legislatures should be by the people, for the people, and of the people. State legislatures should be institutions where we all have an equal say in the crucial decisions that shape our lives, but for too long, they have been in the hands of the wealthy few. It's time to return state legislatures to the hands of the people and to find new ways of governing in which our legislators hold power *with* the people who elect them. We must seek a transformation that envisions a model of governance that centers people, especially the people who have been excluded from and exploited by public policy.

We are far from the first to call for changes to how state legislatures operate. Calls for legislative reform have sporadically been made by scholars, legislative associations, and civic organizations over time. But thus far, reform efforts and the incremental improvements undertaken in some states have been insufficient in preventing a decades-long march that allowed antidemocratic interests to hijack state legislatures across the country.

About the SiX Principles

The SiX Principles for Transforming State Legislatures is a values-based framework for transforming our state legislatures into more democratic institutions where more people – particularly those with the lived experience necessary to inform critical policy decisions – are empowered to participate in the legislative process, as lawmakers, legislative staffers, or as members of the public.

Instead of a specific set of policy recommendations, we adopt a framework driven by a set of principles, because every state and legislature is unique. This model of governance requires new ideas and innovation, and in the following sections, we offer examples of how some state legislatures have worked to shift the balance of power as a starting point. No single set of policy recommendations will achieve the same transformation across all states, and these principles are not mutually exclusive (many of the examples included in this section advance multiple principles), but rather, mutually reinforcing.

Importantly, the SiX Principles for Transforming State Legislatures are not a universal cure for the alarming rise in extremism, anti-democratic ideas, theocratic rule, or authoritarianism. They represent a critical piece of a much larger movement that is beyond the scope of this publication to reimagine American governance at all levels and put power back in the hands of the people.



INCLUSIVE

Legislatures are representative governments and inclusive institutions.

State legislators have demanding jobs, and the work that they do has far-reaching impacts on all of us. In many states, legislator compensation is an insurmountable barrier for many people to public office because few people, especially those with caregiving responsibilities, can afford to work at a job where they are not paid enough to support their families. Dozens of state lawmakers across the country have announced in recent years that they would retire or not seek re-election, oftentimes citing the unsustainability of the low pay and long hours required of them.

Legislators should be paid fairly for the work that they do to ensure that legislatures are representative of all people. To avoid a conflict of interest, some states have contemplated an approach – already in effect in at least 21 states – that would empower an independent third party to determine legislative pay regularly, like a New Mexico bill (2022 NM HJR 10) that would establish a Public Officer Salary Commission to establish and limit salaries for legislators and other public officials every two years. Other states tie legislator compensation to a regularly updated measure, like median income or annual inflation, to ensure that compensation increases automatically. A bill introduced in Oregon (2022 OR SB 1566), where compensation is currently tied to a salary schedule for state employees, would adjust legislator salary annually according to the state's annual average wage, in addition to establishing a monthly $1,000 child care reimbursement for state legislators with children or dependents under age 13 during the legislative session.

Running for elective office is time-consuming and costly, and oftentimes, success is predetermined by how wealthy or well-connected candidates are. Campaign finance reforms can lower barriers to running for state legislative office for people who have historically been underrepresented in state legislatures. Public campaign financing programs, for example, have the potential to help more candidates successfully run for office without independent wealth or connections to wealthy donors by matching small-dollar contributions with public matching funds. Jurisdictions with public campaign financing programs paved the way to victory for women candidates and candidates of color, while also reporting increased participation from new and more diverse campaign donors. State campaign finance laws can also be amended to allow for the use of campaign funds to pay for the child care that caregivers need to run for office.



ACCOUNTABLE AND TRANSPARENT

Legislatures have public trust as an institution that upholds democratic and ethical standards of governance and is accountable to the communities they represent, especially those most affected by policy decisions.

Meaningful public participation in state policymaking processes requires that state legislative institutions are accountable to the people they serve and to their oaths of office. Strong ethics laws and ethics enforcement agencies can protect the integrity of legislative institutions through oversight over financial disclosure, protections against sexual harassment in the legislature, and anticorruption, in addition to related issues like lobbying regulations and campaign finance reforms that limit the influence of moneyed interests in politics.

Well-funded corporate interests have had outsized influence in state legislatures for generations to the detriment of public interests. In addition to prohibiting or limiting

corporate contributions to political candidates, states can consider reforms that rein in corporate lobbying to ensure that lawmakers remain accountable to the public. In New York, where lobbyists – mostly business-related clients – spent $292 million in 2021, lawmakers introduced a bill (2022 NY A 8463) that would impose a tax on corporate lobbying expenditures. Under the bill, corporate lobbying would be subject to marginal tax rates, beginning with a 35% rate for expenditures in excess of $100,000 and increasing to 15% on amounts in excess of $1,000,000 for a top effective tax rate of 75%.

Transparency in the legislative process promotes public confidence and trust in state legislatures and is an essential building block to a more participatory democracy. Principles of open government, applied to legislative proceedings and other legislative information, ensure that members of the public can monitor legislative activity and that other stakeholders, like journalists, government watchdogs, and advocates, can bring important information to public attention.

In Massachusetts, advocates pushed for a series of amendments to the Massachusetts House rules (Amendment 8 to 2021 MA Order H 68) that would have required committee meetings to be open to the public, made committee votes public and available online, required one week's notice for committee hearings, and made committee testimony publicly available online. Under the current process, House committees frequently block legislation on key issues in secrecy, and a lack of transparency prevents constituents from holding legislators accountable for their votes. Although the amendment failed, advocates have launched a campaign to put some transparency reforms on the ballot later this year.



RESPONSIVE AND EFFECTIVE

Legislatures are responsive to community needs and effective as policymaking institutions.

Legislatures should be adequately equipped to do the important work of the people; legislative staff provides the capacity and expertise that lawmakers rely on to be deliberative about policymaking, provide the necessary oversight to other branches of government, respond to constituent concerns, and keep their constituents informed.

In all but 11 states, the legislative sessions are limited to a maximum number of days or are required to adjourn by a specific date. Four state legislatures (Montana, Nevada, North Dakota, and Texas) additionally only meet every other year. State legislative sessions should allow for adequate time for meaningful public input and thorough deliberation and debate, but restrictive session length limits prevent many state legislators from being responsive to urgent policy issues.

In Connecticut, where the General Assembly is required to adjourn by a certain date in June during odd-numbered years and by May in even-numbered years, the Government Administration and Elections Committee recently proposed a constitutional amendment (2019 CT HJ 34) "to make the General Assembly a full-time legislature, in regular session throughout the year except for recesses comparable to that of the United States Congress, and that members of the General Assembly receive a salary and benefits commensurate with a full-time position."

Legislators in Minnesota recently introduced a constitutional amendment (2022 MN SF 4557/HF 4840) that would eliminate the state's session limits, which currently require the legislature to meet for 120 days or less in each biennium and to adjourn in May each year.

Mentoring New Leaders in the Nevada Legislature

Recognizing the importance of mentorship and leadership development, several members of the Nevada Legislature created a mentorship program connecting new legislators with more experienced colleagues. New legislators were matched with 11 senior legislators trained as mentors in a structured, 6-month mentorship program. In addition to regular, one-on-one mentorship, mentees have access to training, a network of former legislators, and other resources designed to help new legislators learn the ropes of the legislature on topics like constituent contact or stakeholder engagement.

For Assemblymember Rochelle Nguyen (District 10), a member of the Leadership Development Committee that oversees the mentorship program, mentorship is critical to the individual success of new legislators, who can turn to a trusted and experienced colleague for questions big and small. In addition to supporting new leaders in the legislature, the mentorship program also fosters broader collaboration within the legislature during the hectic and demanding session.

"The most difficult part is that for 18 months you are working as an individual and then you head into session and are automatically supposed to work as a team," said Asm. Nguyen. "However, you haven't spent the last 18 months building those relationships and establishing trust. The mentorship program will allow people to develop the relationships and communication to make the process during session run more efficiently."

While each individual mentorship relationship can depend on the needs and skills of both the mentor and mentee, Asm. Nguyen stressed the importance of a structured mentorship program for lawmakers in other states interested in designing a program of their own. "There must be structure and the process of building the mentor/mentee relationship must have guidance," said Asm. Nguyen. Lawmakers can turn to mentorship best practices in developing a structure that best supports mentorship in their own states.

Particularly in underresourced legislatures with limited staff capacity, lawmakers can explore ways to increase legislative staff size and capacity. Wisconsin lawmakers introduced a bill (2021 WI AB 1175) that establishes a paid internship program for low-income college students and allocates funds to support a $15 hourly wage for one intern in each assembly office and two interns in each senate office. In Virginia, legislators considered a bill (2021 VA HB 1978) to establish a professional development fund for legislative staff, funded by increasing the annual registration fee for lobbyists for for-profit entities.

Boosting legislative staff compensation and benefits can ensure that legislatures attract and retain staff with the expertise, lived experience, and skills necessary to support state lawmakers. Spurred by a staff-led survey that revealed the troubling financial precarity of many legislative staff, Massachusetts lawmakers recently proposed a slate of bills that would set a minimum salary of $55,000 for legislative employees (2021 MA HD 4386), provide for annual cost-of-living salary adjustments (2021 MA HD 4388), and ensure that staff can receive health insurance coverage on their first day of employment (2021 MA HD 4389).

Legislatures can also ensure that legislative staff can join together in a union to advocate for fair wages, a safe workplace environment, and practices to attract, support, and retain a diverse legislative workforce. The Oregon Legislature recently enacted a bill (2021 OR SB 759) that paved the way for its staff to exercise their

collective bargaining rights to become the first unionized legislature in the nation. Similar unionization efforts are also underway in California, Colorado, Massachusetts, New York, and Washington.



ACCESSIBLE AND COLLABORATIVE

Legislatures are accessible to the public and share power with communities, especially communities that have been historically excluded from the policymaking process.

People should have access to the information they need to understand the work of their state legislatures, and state legislatures should provide meaningful opportunities for legislators to collaborate with their constituents. At a minimum, state legislatures should ensure that legislative proceedings are available live and on demand, and expand opportunities for remote participation in committees.

The pandemic has accelerated the use of technology within state legislatures. While broadcasts of floor proceedings and committee hearings are relatively common, online public participation through videoconferencing and other related technology has necessarily advanced due to limitations with in-person meetings over the last couple of years. For state legislatures to model innovation, these technological tools for public participation should be continued and further advanced, even as in-person meetings become fully the norm.

For years, the Nevada Legislature has operated an online opinion poll, where constituents can share their comments on specific legislation. Though the comments are not made public, legislators can access the comments and contact those who submitted them. Additionally, members of the public can access aggregated opinion poll data, sorted by district, ZIP code, or city, on any bill. In 2021, over 61,000 opinions were registered online.

In Washington state, legislators introduced a bill (2021 WA HB 1566) that would require the chief clerk of the House and the secretary of the Senate to identify barriers to accessing and meaningfully participating in legislative processes for people with disabilities and to develop training and guidance to ensure the inclusion of people with disabilities in legislative events and proceedings.

Language barriers to participating in the legislative process or state government broadly exist in many states. Some states are trying to address this by requiring websites and documents to be translated into the common languages of the residents in the state. For example, a law passed in New York last year (2021 NY SB 4716/AB 6215) requires the state office of information technology to advise all state agencies in the implementation of language translation technology, specifically around COVID-19 information. This requires the use of translation technology for "at least the twelve most common non-English languages spoken by individuals with limited-English proficiency in the state of New York, based on United States Census data."

A more ambitious piece of legislation in New Jersey (2022 NJ SB 2459/AB 3837) would require state agencies to provide vital public documents and translation services for the 15 most commonly spoken languages beyond English. In New Jersey,

these are Spanish, Chinese (Mandarin and Cantonese), Korean, Portuguese, Gujarati, Arabic, Polish, Haitian, Russian, Hindi, Tagalog, Italian, Vietnamese, Urdu, and French (including Cajun).

While these bill examples are limited to the executive branch, there's no reason that the legislative branch cannot reduce language barriers. For example, a legislature could translate documents such as "how a bill becomes a law" into multiple common languages, as well as bill summaries and information on public participation. Language translation technology could also be used for video and audio archives of session or committee hearing recordings. Innovation can and must be used to expand access to civic participation.

Many state governments rely on an array of commissions, committees, and task forces to gather public input and expertise, but in reality, these advisory bodies are often composed of people who are already well connected to the political process and exclude constituents who cannot participate because of their jobs or a lack of child care or transportation. Compensation for members of advisory bodies to the legislature can help to remove barriers to participation for the average constituent. Washington recently enacted a bill (2021 WA SB 5793) that would establish a stipend of up to $200 per day for members of part-time boards, commissions, councils, committees, or other groups established by the state government for people who are low income or have direct personal experience in the subject matter of the advisory body.

Legislators can also draw inspiration from models of governance that put decision-making or deliberative power directly into the hands of people, like participatory budgeting or a citizens' assembly. Several local governments have used participatory budgeting processes, empowering constituents to fund public projects like bike lanes, community gardens, and transitional housing, in their local communities.

A bill introduced in Ohio (2017 OH HB 653) would have appropriated $1 million to each House district per year to be used for county-level public improvement projects selected through participatory budgeting processes. In Vermont, legislators considered a bill (2021 VT H 292) to develop a Regenerative Economy Roadmap, or a plan to transition the state to an economic system that works to regenerate natural and human resources. The plan would be developed by regional Peoples' Assemblies, each responsible for developing regional priorities to inform the state Roadmap. Participation in the Peoples' Assembly would be open to anyone in the region, with requirements for the provision of food and child care, scheduling outside of business hours, and inclusive accessibility.



EQUITY FOCUSED

Legislatures dismantle systems of oppression and advance policies that center communities that have historically been marginalized by policy.

For centuries, state legislatures have been misused by the wealthy and white few to take away the freedoms and dignity of the many. State legislatures must directly address the many racist and exploitative harms that public policy has inflicted upon marginalized communities, especially Black and Indigenous communities, and seek

to center these communities in policymaking moving forward.

At least nine states require the preparation of a racial impact statement to evaluate the disparate impact of proposed legislation on racial and ethnic groups that have historically been disproportionately harmed by public policy. Although many racial impact statement requirements are limited to legislation related to the criminal legal system, legislators in some states have expanded the use of the tool to include other issue areas.

Connecticut legislators enacted a bill (2018 CT SB 256) that expanded the scope of racial impact statements, striking the requirement that the statement be developed only if a bill or amendment could "increase or decrease the pretrial or sentenced population of the correctional facilities in this state" to allow any member of the General Assembly to request a racial impact statement. Maine enacted legislation (2021 ME LD 2/Chapter 21) that requires a state agency to provide "data, analysis and other information within the agency's possession necessary for the Legislature to prepare a racial impact statement…." The law also required the state's legislative council to implement a racial impact statement process pilot, which is described in a December 2021 report.

States can also adopt a more expansive tool for equity-focused policy evaluation, such as the Black Women Best Scorecard, which is a framework that centers Black women – who have long been the most excluded and exploited by policies – in policymaking to ensure prosperity for all. A bill (2022 RI H 7736) introduced in Rhode Island would require a Race, Ethnicity, Gender, and Disability Impact Statement that would apply to a broad range of legislative topics, including human services, health care, disability services, housing, education, employment and labor, land use and transportation, criminal justice, and legislation with economic or environmental impacts on communities.

In 2020, the California Legislature passed a bill (2020 CA AB 3121) establishing the Task Force to Study and Develop Reparations for African Americans, becoming the first state to seriously consider reparations for formerly enslaved people. The task force recently released a report on its key findings, detailing the harms that governments have inflicted upon Black Americans beginning with slavery and extending into other areas of public policy like the criminal/legal system, housing, education, and health care. Among the task force's preliminary recommendations are the establishment of a California African American Freedmen Affairs Agency to implement recommendations, a program for reparations, and a slate of public policies designed to address racial disparities across multiple sectors.



INNOVATIVE

Legislatures advance policies that improve people's lives and strengthen communities.

State legislatures should be forces of forward progress for their states by advancing policies that improve people's lives and innovating new policies that build a better future for all. Particularly in contrast to congressional gridlock and dysfunction, state lawmakers are uniquely positioned to support growth in our collective understanding of what public policy can do to improve peoples' lives by enacting

innovative policies, evaluating the impact of those policies, and sharing lessons learned with other states.

Policy Feedback Loops

Policy feedback loops are an approach to policy design and implementation that asks a key question: "Does this policy build political power in ways that deepen political and economic democracy?" Policies that create policy feedback loops are policies that:

1. Shift the political views or actions of the mass public;
2. Change the capacities of government agencies; and
3. Help interest groups, movements, and businesses gain material or political clout.

Leveraging policy to support organized movements in particular has the potential to empower historically marginalized groups, as was in the case of New York's Excluded Worker Fund. Lawmakers can adopt the Roosevelt Institute's Checklist for Progressive Policy Feedback Loops in designing and implementing policy initiatives:

- How visible, traceable, and meaningful are a policy's costs/benefits, and how easily can individuals connect the policy back to government? In particular, is the program delivered or administered in ways that make government's role clear to individuals?
- Are there trusted and accurate sources of information about the program, either from the government itself or intermediary groups?
- Will the policy's design and implementation convey respect or stigma toward targeted groups?
- Do government agencies have the capacity necessary to implement the program, including financial resources, talent, and political clout? What does the program do to build linkages between civil society and government administrators?
- How does the program foster supportive organized groups, like businesses, social movement organizations, or civic groups? Are those organized groups facilitating other feedback loops in turn?
- How does the program address its opponents, especially private-sector businesses? Does it include mechanisms to help neutralize or convert those opponents into supporters? If necessary, does it include mechanisms for putting market pressure on private-sector opponents?
- Above all, does the policy deepen political, social, and economic inclusion for historically marginalized groups?

For more information on policy feedback loops, see "How Policymakers Can Craft Measures that Endure and Build Political Power" from the Roosevelt Institute.

During the early months of the COVID-19 pandemic, organizers and community activists sprang into action to establish state programs for workers who were excluded from the government aid, including millions of undocumented workers, cash economy workers, domestic workers, and returning citizens. Legislators in New York established relief programs for excluded workers who were ineligible for unemployment assistance programs and federal stimulus payments through the state's 2021-22 budget (originally introduced as 2021 NY S 4543/A 5421). The Excluded Workers Fund, won after a 26-day hunger strike by activists, distributed $2.1 billion in aid to over 128,000 New Yorkers. Similar funds were established through executive action and community organizations in California, Colorado, DC, and Washington. The many successes and lessons learned from excluded worker funds illustrate how state lawmakers can lead by filling critical gaps in the safety net that leave the most vulnerable communities behind.

The Excluded Workers Fund delivered meaningful, though temporary, financial relief to people facing hunger, debt, and eviction and through its success built a sense of social inclusion among immigrant communities that have historically been harmed by governments. It also included key features of policy feedback loops that laid the groundwork for continued progress by building economic and political power among New Yorkers who have long been shut out of the benefits of public policy. Hundreds of protestors, bolstered by community-based organizations – including some that received state grants to conduct EWF outreach and assistance – demonstrated in support of the creation of a permanent unemployment insurance program for excluded workers.

Legislators can also explore opportunities to build cross-state efficiencies in policy design and implementation. Colorado (2019 CO SB 173) and New Mexico (2020 NM HB 44) legislators recently enacted legislation to join nine other states in establishing a state-sponsored retirement savings plan for private sector workers without an employer-sponsored plan. Through these plans, workers at eligible employers are automatically enrolled in state-sponsored individual retirement accounts (auto-IRAs), filling a critical gap for low-wage workers and Latinx, Black, and Asian workers, who are least likely to have a retirement plan through their employer. In 2021, leaders from both states announced a first-in-the-nation multistate auto-IRA program that would result in cost savings and reduced fees for consumers.

The new partnership serves as a model for collaboration that delivers benefits and cost savings to the public by sharing resources across states. Many states already pool their resources to negotiate lower prescription drug prices through multistate purchasing agreements. Similarly, lawmakers in 15 states introduced legislation in 2021 to join an interstate compact that would bring a cease-fire to the corporate welfare arms race in which state and local governments are pitted against each other to incentivize corporations to locate in their jurisdictions with massive tax breaks that are both ineffective for economic development and have little to no bearing on a firm's decision to relocate.

Conclusion



We should all have an equal say in the laws that shape our lives and determine our most fundamental freedoms. But for too long, the halls of statehouses all across the country have been seized and weaponized by special interests that serve the wealthy few at the expense of the rest of us.

One tactic that special interests have used to make this happen is to maintain barriers to serving as a state legislator, like low pay and demanding hours, to keep the job out of reach for most people, especially those who are closest to the problems that public policies should be solving.

Vastly under resourced, state legislatures have been outmatched by the influence of corporate lobbyists and far-right special interests for decades. For example, instead of passing legislation to protect our right to vote and to have freedom over our bodies, some state lawmakers have been working against the will of the people by passing bills to give themselves power over our ballots and our bodies.

The urgency of modernizing state legislatures is clear in this moment of our nation's history: our freedom is on the line in every state house. State lawmakers have a momentous challenge before them to beat back corporate greed and antidemocratic policies, and they will need all of us to help build the future we all deserve. By resourcing and reimagining our country's most critical political bodies, together we can transform state legislatures into more democratic institutions where leaders can govern boldly and effectively on behalf of – and alongside – the people they represent.

Methodology Appendix

This publication aggregates several datasets on state legislatures and state legislator demographics to provide the most comprehensive view of state legislatures across the country based on available data. The primary sources of data reported in this publication are from:

- National Conference of State Legislatures (NCSL) – institutional information, legislators by race and ethnicity, legislators by generation, legislators by educational attainment
- Center for American Women and Politics (CAWP) – women legislators, women in legislative leadership, women legislators by race and ethnicity
- Victory Institute – LGBTQ+ legislators
- New American Leaders – New American (first- and second-generation immigrant) legislators

In addition to legislator data, this publication relies on population datasets to illustrate how the demographics of state legislatures compare to the overall population. In all instances, except for educational attainment, population data is for each state's adult population age 18 or older as a rough comparison to each state's population that is generally eligible to serve as a state legislator, though some states have age limits as high as 30 for the upper chamber. Population data for educational attainment is based on the population age 25 years and over, which is the most comparable age group reported by the Census.

Terminology

In general, the data reported in this publication reflects the same terminology adopted by the source datasets to describe demographic groups, which may be inconsistent between legislator and population datasets. This publication discusses the data using racial and ethnic terms that may be inconsistent with the terms used within each dataset. We note some considerations for the following terms:

- Asian and Pacific Islander (API). Whereas the Census Bureau and other data sources generally include Native Hawaiians in this racial category, Native Hawaiians are grouped with Native Americans/Alaska Natives by the Center for American Women and Politics. Additionally, we acknowledge that this grouping is an imperfect one that flattens the vast diversity and distinct experiences within and between Asians and Pacific Islanders.
- Indigenous. We adopt this term to refer to groups that are generally referred to as Alaska Native, American Indian, or Native American in data sources.
- Latinx. We adopt this gender-neutral term to refer to groups that are generally

referred to as Hispanic or Latino/a in data sources, though the two terms are not synonymous. Additionally, we acknowledge the many complexities and limitations of this term, including its failure to reflect different racial identities among Hispanic or Latinx people.

- Multiracial. We adopt this term to refer to groups that are generally referred to as multiracial, "two or more races," or "other" in data sources.

Data Limitations

It is important to note the limitations of this data so as to not overstate the accuracy of the representation ratios reported in this publication. Datasets on legislator demographics are limited and noncomprehensive, since many demographics are self-reported by legislators themselves. As a result, some of the datasets utilized in this publication are incomplete and reported in different years, while some population datasets may not be perfectly suited for each representation ratio or each state's circumstances. The representation ratios reported in this publication represent our best estimate – based on available data – of how state legislatures do (or don't) reflect their states.

There are limitations to each of these datasets and to their comparison to available population data. The NCSL data are reported as *rounded percentages*; as a result, any figure in this publication reporting the number of legislators within a particular demographic group is an *estimate* calculated by multiplying the reported percentage and the number of legislators in each state. This may result in the total number of legislators across a single demographic group exceeding the number of legislators in a given state. In particular, a significant share of legislators did not report their generation and educational attainment; readers should be aware of these deficiencies in interpreting the data presented in this publication.

Additionally, the NCSL dataset includes some incomplete information for race and ethnicity, generation, and educational attainment. In particular, a significant share of legislators did not report their age and educational attainment. Although age information was not available for 48.3% of legislators and educational information was not available for 29.8% of legislators, there are significant patterns of disparity based on the available data. For example, even with missing data, the number of legislators reporting having a graduate or professional degree are still overrepresented in every state legislature by anywhere between 200% to 600%.

The CAWP data on women legislators by race and ethnicity includes women who self-identify as more than one race and are included in each category. As a result, adding totals from each racial/ethnic group results in a double count of some officeholders.

Data Sources and Calculation Methods

The following is a full list of sources for the data reported in this publication, along with notes on any calculations made by the authors of this report.

Population

U.S. Census Bureau. "Table 2. Resident Population for the 50 States, the District of Columbia, and Puerto Rico: 2020 Census." https://www2.census.gov/programs-surveys/decennial/2020/data/apportionment/apportionment-2020-table02.pdf.

Upper and Lower Chamber Districts and Number of Legislators

National Conference of State Legislatures. "Number of Legislators and Length of Terms in Years." April 19, 2021. https://www.ncsl.org/research/about-state-legislatures/number-of-legislators-and-length-of-terms.aspx.

Constituents per District

Calculated by dividing each state's apportionment population by the number of upper and lower chamber districts. This number may not reflect the actual number of constituents within each legislative district but reflects an estimate of how many constituents each legislator represents on average.

Full or Part Time and Legislature Type

As categorized by the National Conference of State Legislatures:

- Full-time legislatures generally require 80% or more of a full-time job, are well-paid, and have large staff sizes. Full-time *lite* legislatures spend slightly less time in session, have smaller districts, lower pay, and fewer staff than full-time legislatures.
- Part-time legislatures, also known as traditional or citizen legislatures, spend the equivalent of half of a full-time job doing legislative work, receive low pay that requires other sources of income, and have small staff. Part-time *lite* legislatures are slightly less traditional than part-time legislatures.
- Hybrid legislatures are somewhere between a full- and part-time legislature, requiring more than two-thirds of a full-time job, being paid more than a part-time legislature but still requiring another source of income, and having intermediate-sized staff.

National Conference of State Legislatures. "Full- and Part-Time Legislatures." July 28, 2021. https://www.ncsl.org/research/about-state-legislatures/full-and-part-time-legislatures.aspx.

Session Length Limits

National Conference of State Legislatures. "Legislative Session Length." July 1, 2021.

https://www.ncsl.org/research/about-state-legislatures/legislative-session-length.aspx.

Term Limits

National Conference of State Legislatures. "The Term-Limited States." November 12, 2020. https://www.ncsl.org/research/about-state-legislatures/chart-of-term-limits-states.aspx.

Legislator Salary

Legislator compensation is the annual compensation as provided by NCSL. Some states calculate compensation on a nonannual basis; for these states, compensation is calculated based on NCSL's 2021 Session Calendar. We calculate the number of days, weeks, or months based on the dates provided for convening and adjourning, less planned recess days as noted in the calendar. The estimated annual salary for these states may not account for holidays or other days when the legislature is not in session that may not be counted toward a legislator's actual compensation.

- Kansas – $88.86 per session day. 98 net work days, less 14 days recess = 84 days.
- Kentucky – $188.22 per calendar day. 84 calendar days.
- Montana – $100.48 per legislative day. 84 net work days.
- Nevada – $164.69 per calendar day for up to 60 days (senators not up for re-election receive a slightly lower rate of $159.89, but we use the higher rate). 60 calendar days.
- North Dakota – $526 per month (increasing to $537 effective July 1, 2022). Four months. We use the compensation rate that was in effect in 2021 for consistency in comparison with other states.
- Utah – $285 per legislative day. 34 net work days.
- Vermont – $742.92 per week during session. 19 weeks.
- Wyoming – $150 per calendar day. 85 calendar days.

Additionally, Maine provides a salary of $15,417 per year in the first regular session and $10,923 in the second regular session; for the purposes of comparison, we adopt the higher of the two. Similarly, Virginia provides a salary of $18,000 for senators and $17,640 for delegates; for the purposes of comparison, we adopt the higher of the two.

Particularly in states where legislators are compensated by the day, week, or month, the estimated annual compensation may not reflect actual compensation because legislators in some states may receive additional compensation for interim days not otherwise calculated within this report.

National Conference of State Legislatures. "2021 Legislator Compensation." September 21, 2021. https://www.ncsl.org/research/about-state-legislatures/2021-legislator-compensation.aspx.

State Median Household Income (current dollars)

U.S. Census Bureau. *Current Population Survey*. "Table H-8. Median Household Income by State." https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-income-households.html.

Legislator Salary to Median Household Income Ratio

Calculated by dividing legislator salary by the state median household income. This ratio is an estimate of how close legislator compensation is to a living wage in each state; a ratio of 1.0 means that legislators are paid the same as the state median household income; a ratio of less than 1.0 means that legislators are paid less than the state median household income.

Mileage

National Conference of State Legislatures. "2021 Legislator Compensation." September 21, 2021. https://www.ncsl.org/research/about-state-legislatures/2021-legislator-compensation.aspx.

Per Diem

In some states, legislators receive a per diem based on the distance of their residence from the state capitol. In these instances, the values shown reflect the per diem rate for legislators who do not live in or near the capitol to reflect geographic accessibility.

National Conference of State Legislatures. "2021 Legislator Compensation." September 21, 2021. https://www.ncsl.org/research/about-state-legislatures/2021-legislator-compensation.aspx.

Permanent and Session Staff

The most recent and comprehensive dataset on legislative staffing levels is reported by the National Conference of State Legislatures based on a staff census conducted in 2015; as such, the figures in this report may be outdated. The NCSL staff census does not conclude temporary contractual employees, interns, and pages.

National Conference of State Legislatures. "Size of State Legislative Staff." May 18, 2021. https://www.ncsl.org/research/about-state-legislatures/staff-change-chart-1979-1988-1996-2003-2009.aspx.

Permanent and Session Staff per Legislator

Calculated by dividing permanent and session staff by the total number of legislators. The NCSL staff census does not distinguish between centralized staff, committee staff, partisan staff, or personal staff; as a result, the values shown reflect an *average* – not the actual – number of staff whom legislators have access to.

Introduced and Enacted Bills

FiscalNote. "The Most Effective States: Which States Passed the Most Legislation in 2021?" September 23, 2021. https://fiscalnote.com/whitepapers/2021-most-effective-states.

Introduced and Enacted Bills per Legislator and Staff

Calculated by dividing the number of introduced and enacted bills by the number of legislators and number of staff.

Legislators by Race and Ethnicity

Estimates of the number of legislators identifying as American Indian/Native American, Asian/Pacific Islander, Black, Hispanic/Latino, multiracial/other, or white are based on *rounded percentages* as reported by the National Conference of State Legislatures from 2020. As a result, the total number of legislators reported within each category may not add up to 100%. Additionally, race and ethnicity data are incomplete for some states, and at least 10% of legislators reported "no data" in the following states: Mississippi (14%), Nebraska (22%), New Hampshire (25%), Utah (16%), Washington (16%), and West Virginia (22%).

National Conference of State Legislatures. "State Legislator Demographics." December 1, 2020. https://www.ncsl.org/research/about-state-legislatures/state-legislator-demographics.aspx.

Adult Population by Race and Ethnicity

The Census treats Hispanic origin separate from race; adult population data for racial groups are based on estimates for non-Hispanic groups reporting one racial category alone (American Indian/Alaska Native, Asian/Pacific Islander, Black, two or more races, and white).

To align with the NCSL dataset on legislator race and ethnicity, Census data on the adult population of Asians and Native Hawaiians or Pacific Islanders were combined in each state.

U.S. Census Bureau. *State Population by Characteristics: 2010-2020*. "Annual State Resident Population Estimates for 6 Race Groups (5 Race Alone Groups and Two or More Races) by Age, Sex, and Hispanic Origin: April 1, 2010 to July 1, 2019; April 1, 2020; and July 1, 2020 (SC-EST2020-ALLDATA6)." https://www.census.gov/programs-surveys/popest/technical-documentation/research/evaluation-estimates/2020-evaluation-estimates/2010s-state-detail.html.

Race and Ethnicity Representation Ratio

The representation ratio for American Indian/Native American, Asian/Pacific Islander, Black, Hispanic/Latino, multiracial/other, and white legislators was calculated by dividing the percentage of each racial/ethnic group in each state legislature by their share of the state's adult population.

Women Legislators

Center for American Women and Politics, Eagleton Institute of Politics, Rutgers University-New Brunswick. "Women in State Legislatures 2022." https://cawp.rutgers.edu/facts/levels-office/state-legislature/women-state-legislatures-2022.
Accessed February 18, 2022.

Women in Legislative Leadership

Center for American Women and Politics, Eagleton Institute of Politics, Rutgers University-New Brunswick. "Women in State Legislative Leadership 2022." https://cawp.rutgers.edu/facts/levels-office/state-legislature/women-state-legislative-leadership-2022.
Accessed February 18, 2022.

Adult Population by Sex

U.S. Census Bureau, American Community Survey. "2020 American Community Survey 5-Year Estimates." https://data.census.gov/cedsci/table?q=DP05#.

Representation Ratio for Women and Women in Leadership

Calculated by dividing the percentage of women in legislatures and women in legislative leadership by their share of the adult population in each state

Legislators by Gender and Race and Ethnicity

Data on women legislators by race and ethnicity is reported by the Center for American Women and Politics and includes women who self-identify as more than one race and are included in each category. As a result, adding totals from each racial/ethnic group results in a double count of some officeholders.

Center for American Women and Politics, Eagleton Institute of Politics, Rutgers University-New Brunswick. "Women Elected Officials by Position." https://cawpdata.rutgers.edu/women-elected-officials/position?current=1&yearend_filter=All&level%5B%5D=State+Legislative&items_per_page=150.
Accessed February 18, 2022.

Adult Population by Sex and Race and Ethnicity

The Census treats Hispanic origin separate from race; adult population data for racial groups are based on estimates for non-Hispanic groups reporting one racial category alone (American Indian/Alaska Native, Asian/Pacific Islander, Black, two or more races, and white).

The adult population data reported in this publication combines Census data on the adult population of Asians with Native Hawaiians or Pacific Islanders, though the CAWP dataset combines Asian Americans and Pacific Islanders. Adult population is additionally reported by the Census for American Indians or Alaska Natives, while the CAWP dataset combines Native Americans, Alaska Natives, and Native

Hawaiians.

U.S. Census Bureau. State Population by Characteristics: 2010-2020. "Annual State Resident Population Estimates for 6 Race Groups (5 Race Alone Groups and Two or More Races) by Age, Sex, and Hispanic Origin: April 1, 2010 to July 1, 2019; April 1, 2020; and July 1, 2020 (SC-EST2020-ALLDATA6)." https://www.census.gov/programs-surveys/popest/technical-documentation/research/evaluation-estimates/2020-evaluation-estimates/2010s-state-detail.html.

Gender and Race and Ethnicity Representation Ratio

For this analysis, we combined Asian and Native Hawaiian or Pacific Islander population data to calculate the representation ratio for Asian American/Pacific Islander women and used American Indian or Alaska Native population data to calculate the representation ratio for Native American/Alaska Native/Native Hawaiian women. As a result, the representation ratios for these two groups are imperfect estimates due to the overlap in racial groups.

State-level population data is not available for Middle Eastern/North African women; as a result, no representation ratio is available for this group.

The representation ratio for Asian American/Pacific Islander, Black, Latina, Native American/American Indian/Native Hawaiian, and white women was calculated by dividing the percentage of each racial/ethnic group in each state legislature by their share of the state's adult population.

LGBTQ-Identifying Legislators

State legislators self-identifying as asexual, bisexual, gay, lesbian, pansexual, queer, same-gender loving, transgender women, or transgender men as reported by the Victory Institute.

Victory Institute. "Out for America." https://outforamerica.org/?office-level=State%20Legislature.

Accessed June 26, 2022.

LGBT Adult Population

Estimate of the share of the total adult population identifying as lesbian, gay, bisexual, or transgender based on an analysis of the Gallup Daily Tracking survey conducted from 2015-2017 conducted by the Williams Institute.

University of California at Los Angeles School of Law, Williams Institute. "LGBT Demographic Data Interactive." https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&compare=percentage#comparison.

LGBTQ Representation Ratio

Calculated by dividing the percentage of LGBTQ-identifying legislators by the estimated share of LGBT people in the state's adult population

Percent of state legislators self-identifying as asexual, bisexual, gay, lesbian, pansexual, queer, same-gender loving, transgender women, or transgender men divided by percent of the total adult population identifying as LGBTQ. A ratio of 1.0 means that the LGBTQ representation in a legislature is exactly equal to their representation in the state's population.

New American Legislators

Number of state legislators identifying as first- or second-generation immigrants as reported by New American Leaders.

New American Leaders. "State of Representation 2020: New Americans in State Legislatures." https://newamericanleaders.org/wp-content/uploads/2017/05/State-of-Representation-2020-New-American-Leaders.pdf.

Naturalized Citizen Voting Age Population

Percentage of naturalized citizens in the citizen voting age population in each state as estimated by New American Leaders. This estimate only includes first-generation immigrants and likely underestimates the share of New Americans since it excludes second-generation immigrants.

New American Leaders. "State of Representation 2020: New Americans in State Legislatures." https://newamericanleaders.org/wp-content/uploads/2017/05/State-of-Representation-2020-New-American-Leaders.pdf.

New American Representation Ratio

Calculated by dividing the percentage of New American legislators in each state by the share of naturalized citizens in each state's voting age population

Legislators by Generation

Percentage of state legislators in Generation Z (1998-present), Millennials (1981-1997), Generation X (1965-1980), Baby Boomers (1946-1964), Silent Generation (1929-1945), and Greatest Generation (before 1928). Estimates of the number of legislators in each generation are based on *rounded percentages* as reported by the National Conference of State Legislatures from 2020. As a result, the total number of legislators reported within each category may not add up to 100%. Additionally, generation data are incomplete for a significant share of legislators in most states (ranging from 7% in Texas and 82% in Utah).

National Conference of State Legislatures. "State Legislator Demographics." December 1, 2020. https://www.ncsl.org/research/about-state-legislatures/state-legislator-demographics.aspx.

Population by Generation

U.S. Census Bureau. State Population by Characteristics: 2010-2020. "Annual Estimates of the Civilian Population by Single Year of Age and Sex for the United

States and States: April 1, 2010 to July 1, 2020 (SC-EST2020-AGESEX-CIV)." https://www.census.gov/programs-surveys/popest/technical-documentation/research/evaluation-estimates/2020-evaluation-estimates/2010s-state-detail.html.

Generation Representation Ratio

Calculated by dividing the percentage of each generation in each state legislature by their share of the state's adult population.

Educational Attainment of Legislators

Percentage of state legislators who have attained less than a bachelor's degree, a bachelor's degree, or a graduate or professional degree as reported by the National Conference of State Legislatures from 2020. The original NCSL dataset distinguishes between legislators with an advanced degree, a master's degree, a law degree, and a Ph.D.; for the purposes of this analysis, these four categories are combined into a single category of graduate or professional degree. Estimates of the number of legislators in each generation are based on *rounded percentages* as reported by the National Conference of State Legislatures from 2020. As a result, the total number of legislators reported within each category may not add up to 100%. Educational attainment data are incomplete for a significant share of legislators in most states (ranging from 0% in Idaho to 59% in New Hampshire).

National Conference of State Legislatures. "State Legislator Demographics." Last modified December 1, 2020. https://www.ncsl.org/research/about-state-legislatures/state-legislator-demographics.aspx.

Population Educational Attainment

Educational attainment of the population age 25 years and older. The educational attainment categories reported by the Census for individuals with less than 9th grade; 9th to 12th grade, no diploma; high school graduate (includes equivalency); some college, no degree; and associate's degree were combined into a single category representing the share of the population with less than a bachelor's degree to compare with the NCSL dataset.

U.S. Census Bureau, American Community Survey. 2020 American Community Survey 5-Year Estimates, Table S1501. https://data.census.gov/cedsci/table?q=S1501&tid=ACSST5Y2020.S1501.

About the State Innovation Exchange (SiX)

SiX was founded as a nonpartisan, national resource and strategy center for state legislators working to move bold public policy that builds an equitable, resilient, and prosperous country for all. We provide a new approach to policy development and community power building by maximizing our role as an entity with a national view of policy trends, a deep knowledge of the unique needs of state legislators, substantive content experts on staff on key national progressive policy issues, and deep connection to advocates across the country; we also provide in-state expertise in targeted geographies and an organizing mindset. SiX provides state-based technical assistance, public policy research, skill and issue-based trainings, communications and polling support, convenings, and strategy sessions with state legislators, power builders, and policy advocates on a wide array of public policy topics. We utilize an organizing and service model to ensure that state legislators can be effective and well-resourced champions, with highly customized and targeted support based on the realities in their state.