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Electoral Reforms, Membership Stability and the Existence of Committee Property Rights in American State Legislatures

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Notes and Comments

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One of the most creative theories advanced about legislative organization in recent years is Katz and Sala's linkage of the development of committee property rights in the US House of Representatives to the introduction of the Australian ballot.¹ Katz and Sala argue that the Australian ballot – a government-printed ballot cast in secret that replaced a party-produced ballot that was cast in public – gave members of the House an incentive to pursue personal constituency votes. This, in turn, led to the rise of committee property rights as members sought to keep their committee assignments from term to term because of the potential electoral benefits they derived from them.

In this Note we use the state legislative committee membership dataset collected by Hamm and Hedlund and their colleagues to test whether committee property rights appeared in American state legislatures at roughly the same time as Katz and Sala find they emerged in the US House.² State legislatures were, of course, exposed to the same electoral innovation at the same time. But, while in some ways state legislatures were much like Congress as organizations, in other ways they were very different. Our cross-sectional data and the variance in important institutional variables they provide allow us to test a critical proposition about the importance of membership stability rates in mediating the rise of committee property rights. We also go beyond Katz and Sala's analysis by testing to see if differences in Australian ballot design (office column and party bloc) across the states influenced the behaviour of legislators in the way their theory suggests.

We find little evidence that committee property rights appeared in state legislatures at the same time as they took root in the US House of Representatives. The introduction of the Australian ballot in any of its forms was not related to committee retention rates in the states. Instead, committee membership retention rates were driven by chamber membership return rates, which in turn were largely a function of differences in legislative salaries. We argue that these findings have implications for our understanding of the forces leading to the rise of committee property rights in the House.

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¹ Jonathon N. Katz and Brian R. Sala, 'Careerism, Committee Assignments, and the Electoral Connection', *American Political Science Review*, 90 (1996), 21–33.

² State legislative committee data used in this Note were gathered through the support of two National Science Foundation Grants (SES-8411353 and SBR-9511518) and by Northeastern University and Rice University. Acquiring historical data such as these is difficult. Historical studies of state legislatures are rare. As a consequence, basic information on members and committees has generally not been collected. Moreover, no single facility houses all of the relevant information. Hamm and Hedlund acquired these data through visits to a variety of research sites (e.g., Wisconsin Historical Society), state capitols and the Library of Congress. Data for some legislative chambers proved impossible to locate.

THE KATZ AND SALA THEORY AND ITS APPLICATION TO AMERICAN STATE LEGISLATURES

Katz and Sala present a very clear explanation of their theory linking electoral reforms to the rise of committee property rights:

This is our argument in a nutshell: The ballot changes raised the interest of members of Congress in institutional arrangements that would help them build personal reputations. Stable committee assignments give members the leeway and confidence they need to become policy experts within their committee jurisdictions. Policy experts are better equipped to claim credit and are more noteworthy position takers on policies within their committee's jurisdiction than are randomly selected members of Congress. Hence, a 'norm' of reappointing incumbents to their same committees would be consistent with a widespread desire for building a personal reputation.³

Could this theory apply to state legislatures as well? At the time of the Australian ballot reform, state legislatures were important institutions in American political life. Politics at the state level mattered as much, or perhaps even more, to the average voter than did politics at the national level.⁴ This was true because state legislatures made most of the policy decisions that influenced daily life. In addition, at this time state legislators elected US senators and many state legislative contests turned on the question of which senate candidate the state legislative candidate would support.⁵ Newspaper coverage provides some evidence of the relative importance of state legislative elections. In 1908, for example, the *New York Times* printed thirty-two stories on US House campaigns in New York, eighteen stories on races for the lower house of the New York state legislature, and thirty-nine stories on New York state senate elections.⁶ All of this gives us some reason to think that state legislators might have had the same electoral incentives to claim committee property rights as members of Congress did.

But is it really fair to compare the US House with state legislatures as legislative organizations at the beginning of the twentieth century? On the one hand, there were important similarities. Members of both institutions operated in the same electoral context, facing the same voters in the same elections backed by the same political parties. In addition, standing committee systems existed in both sorts of legislatures and those systems were similarly stable. During the time period examined by Katz and Sala the standing committee system in the US House was reasonably steady, with a few committees being added each session.⁷ The same was true of standing committees in state legislatures. Over 96 per cent of the committees in the state legislative chambers we examine in this study carried over from one session to the next. So state legislators had the same stable committee structures in which they could assert committee property rights, as did their counterparts in the US House.⁸

³ Katz and Sala, 'Careerism, Committee Assignments, and the Electoral Connection', p. 23.

⁴ Ballard C. Campbell, *Representative Democracy* (Cambridge, Mass.: Harvard University Press, 1990), p. 2; and Paul S. Reinsch, *American Legislatures and Legislative Methods* (New York: The Century Co., 1907), p. 127.

⁵ William H. Riker, 'The Senate and American Federalism', *American Political Science Review*, 49 (1955), 452–69, pp. 463–5.

⁶ These data were collected from *The New York Times Index for the Published News of 1908* (New York: New York Times, 1976). The relative importance of state politics is further demonstrated by the fact that the *New York Times* ran 335 stories on the race for governor in 1908.

⁷ Christopher J. Deering, and Steven S. Smith, *Committees in Congress*, 3rd edn (Washington, D.C.: CQ Press, 1997), p. 27; George B. Galloway, 'Development of the Committee System in the House of Representatives', *American Historical Review*, 65 (1959), 17–30, pp. 17–21; and George B. Galloway, *A History of the House of Representatives* (New York: Thomas Y. Crowell, 1961), pp. 64–7.

⁸ Concerns may be raised that the adoption of the Australian ballot was exogenous to the US House but it was endogenous to state legislatures. The fear is that state legislators may have enacted the reforms for their own strategic electoral reasons, thus accounting for any differences in the appearance of committee property between the House and state legislatures. We do not find this concern to be compelling for two reasons. First, the historical record of the battles over the Australian ballot in the states shows that there was a range of motives on the part

On the other hand, there were some significant differences between Congress and the state legislatures. Most notably, although Congress may not have been the career body it is now, its members had greater salary incentives to continue service than any state legislators. Thus, Congress enjoyed greater membership stability than most state legislatures. But it is critical for our study to note that financial incentives and membership stability rates varied greatly among the state legislatures. This variation provides us the statistical leverage needed to investigate the crucial relationship between chamber membership stability rates and committee retention rates.

COMMITTEE MEMBERSHIP RETENTION RATES ACROSS STATE LEGISLATIVE CHAMBERS

The crux of Katz and Sala's test of their theory is the change or lack thereof in committee membership retention rates from session to session. They note that the major increase in US House committee reappointments occurred in the 1890s. Their committee membership retention data show 'Fewer than half of all assignments held by returning members were retained by those members in the next House during 1877–90, whereas nearly three-quarters were retained by incumbents between 1896 and 1910.'⁹ This latter time period is after the introduction of the Australian ballot in most states.

Using state legislative committee membership data compiled by Hamm and Hedlund and their colleagues, we can look to see if there is any evidence of comparable retention rates among state legislatures.¹⁰ The data we have are for sixty-nine state legislative chambers in the 1907 to 1909

(*F'note continued*)

of its backers. See Peter H. Argersinger, '“A Place on the Ballot”: Fusion Politics and Antifusion Laws', *American Historical Review*, 85 (1980), 287–306; Peter H. Argersinger, 'Regulating Democracy: Election Laws and Dakota Politics, 1889–1902', *Midwest Review*, 5 (1983), 1–20; Charles D. Farris, 'The Re-Enfranchisement of Negroes in Florida', *Journal of Negro History*, 39 (1954), 259–83; William H. Glasson, 'The Australian Ballot – Why North Carolina Should Adopt It', *South Atlantic Review*, 8 (1909), 132–42, pp. 140–1; and J. Morgan Kousser, 'Post-Reconstruction Suffrage Restrictions in Tennessee: A New Look at the V. O. Key Thesis', *Political Science Quarterly*, 88 (1973), 655–83, pp. 665–8. Moreover, the reform enjoyed bipartisan support in most states. See Philip Loring Allen, 'The Multifarious Australian Ballot', *North American Review*, 191 (1910), 602–11; Lionel E. Fredman, *The Australian Ballot: The Story of an American Reform* (East Lansing: Michigan State University Press, 1968), p. 32; and Erik Falk Petersen, 'The Struggle for the Australian Ballot in California', *California Historical Quarterly*, 51 (1972), 227–43, p. 239. Moreover, as Reynolds and McCormick observed, 'The Australian ballot . . . won support from groups having different, even contradictory, goals and expectations. None of them anticipated the political patterns that finally emerged from “reform,” and none was fully satisfied with voting behavior in the new era.' See John F. Reynolds and Richard L. McCormick, 'Outlawing “Treachery”: Split Tickets and Ballot Laws in New York and New Jersey, 1880–1910', *Journal of American History*, 72 (1986), 835–58, p. 838. While state legislators probably contemplated the reform's potential impact on their political party's prospects, there is no evidence that they anticipated that it would have any consequences on the internal workings of their legislature. Secondly, committee property rights in the US House did not appear immediately after the adoption of the Australian ballot by the states. There was a time lag as members presumably figured out how to adapt to the reform. Moreover, the Australian ballot was adopted in different states in different years. The time lag and different years of adoption greatly muddle the endogenous/exogenous picture because of substantial membership turnover in both US House and state legislatures. The state legislatures examined here were overwhelmingly composed of members who were not in those institutions when the Australian ballot reform was instituted. So it does not seem to us that questions about whether the reforms were endogenous or exogenous are relevant to this study.

⁹ Katz and Sala, 'Careerism, Committee Assignments, and the Electoral Connection', p. 24.

¹⁰ See Keith E. Hamm and Ronald D. Hedlund, 'The Development of Committee Specialization in State Legislatures' (paper presented at the Annual Meeting of the American Political Science Association, Chicago, 1995); Keith E. Hamm and Ronald D. Hedlund, 'Tapping the Talents of Legislators: Constructing Committees in State Legislatures During the Twentieth Century' (paper presented at the Annual Meeting of the Southern Political Science Association, 1995); Keith E. Hamm, Ronald D. Hedlund and Stephanie Post, 'Committee Specialization in State Legislatures During the Twentieth Century: Do Legislatures Tap the Talents of Their

time period (occasionally 1906 to 1908 where appropriate because of election cycles), a point at which the ballot reform had been in place in most states for well over a decade and committee property rights were entrenched in the US House.

The overall mean committee membership retention rates for returning legislators in sixty-seven of those state legislative chambers is 44.3 per cent, breaking down to 49.6 per cent for the state senates and 39.2 per cent for the lower houses.¹¹ The range of committee retention rates is huge, from 12.5 per cent retention in the Georgia state senate to 98.2 per cent retention in the Virginia state senate. In only eight of the sixty-seven chambers, however, did the committee retention rate meet or exceed the 75 per cent figure for the US House. And the high rates for these eight chambers are somewhat deceptive; four of them are state senates either with a four-year term or where only a portion of the legislators stood for re-election in 1908. More significantly, in only nineteen of the sixty-seven cases is the committee reappointment rate equal to or greater than 50 per cent. Thus, in 1907–09, at a time by which committee property rights were firmly established in the US House, most state legislatures still had committee retention rates around the much lower figure posted by the US House *before* the Australian ballot reform was introduced.

ELECTORAL REFORM AND STATE LEGISLATIVE COMMITTEE RETENTION RATES

The critical relationship posited by Katz and Sala is between the introduction of the Australian ballot and committee retention rates. But in their analysis, Katz and Sala treat the Australian ballot as being uniform across the states that adopted it. There were, however, variations in the design of the Australian ballot that have significant implications for their theory. When a state took responsibility for producing an official ballot, it had to decide how names, contests and party labels on the ballot would be organized. Most, but not all, of the first states that adopted the Australian ballot opted for the office bloc design, also known as the Massachusetts or blanket ballot. The office bloc ballot is designed so that the names of candidates are grouped together under the title of the office they are contesting. Most of the states that adopted the reform in later years organized their ballots using party columns, which came to be called the Indiana ballot.¹² Party column ballots place the names of candidates for various offices in a column under their respective party name.¹³ Ultimately, the party column ballot became much more popular than the office bloc ballot across the states because it was more like the old party produced ballots and thus favoured by party organizations.

Politicians and knowledgeable observers at the time clearly understood the electoral consequences of the Australian ballot's different variations.¹⁴ Ludington, for example, observed,

Since the chief object of the 'party column' ballot is to facilitate the voting of a 'straight ticket,' while

(*F*'note continued)

Members?' (paper presented at the Annual Meeting of the American Political Science Association, Washington, D.C., 1997); and Ronald D. Hedlund and Keith E. Hamm, 'The Evolution and Role of Committee Specialization in the Legislative Process: Developing and Testing a Cross-System Model' (paper presented at the XVth World Congress, International Political Science Association, Berlin, 1994).

¹¹ No legislator was re-elected to the Vermont Senate and only one was re-elected to the Delaware House. Committee retention rates are meaningless for these chambers and were not calculated. The difference between the chambers approaches statistical significance, $p = 0.055$ two-tailed. A table giving the retention rate in each chamber for which we have data is available from the authors.

¹² Arthur Ludington, 'Present Status of Ballot Laws in the United States', *American Political Science Review*, 3 (1909), 252–61, p. 260.

¹³ Once chosen, a state's ballot design was not necessarily fixed. Indeed, by 1905 six states that first employed the office bloc ballot had switched to the party column design, while four states had changed to the office bloc ballot from the party column ballot. Nebraska went back and forth, first adopting the office bloc ballot in 1891, then switching to the party column ballot in 1897, and returning to an office bloc ballot in 1899. See Ludington, 'Present Status of Ballot Laws in the United States', p. 260; and Arthur Ludington, *American Ballot Laws, 1880–1910* (Albany: University of the State of New York, 1911).

¹⁴ See, for example, Allen, 'The Multifarious Australian Ballot'.

that of the 'Massachusetts' ballot is to make the voters stop and think about each office in turn, it is natural that most of the States which have the former type of ballot provide specifically for the 'straight ticket' voting and that most of those which have the latter do not.¹⁵

Analysis of voting behaviour data from 1890 to 1908 confirms that ballot type differences influenced voting behaviour.¹⁶ This difference is crucial to the Katz and Sala theory because only the office bloc ballot easily allowed for split-ticket voting, thus giving legislators substantial incentive to pursue committee property rights as a way of distinguishing themselves before the voters. In contrast, party column ballots, which made it much more difficult to split-ticket vote, gave legislators little reason to differentiate themselves from their parties and each other.

We know what ballot type was used in each state during the 1907 to 1909 period from data compiled at the time by Allen and Ludington.¹⁷ A party column ballot was used in twenty-five states. Another thirteen states used office bloc ballots. The other reform states used party strip ballots, considered by Allen a variation on the party column ballot because of the difficulty of voting for candidates from different parties with them.¹⁸ We categorize them as party column ballots. The effect that Katz and Sala were looking to find should be found in states with office column ballots, not those with party column ballots.¹⁹

As of 1909, five states had yet to adopt the Australian ballot in any form.²⁰ Of these states, four (Connecticut, Georgia, North Carolina and South Carolina) are in our study and one (New Jersey) is not included because of a lack of committee retention data. If the Australian ballot produced the effect suggested by Katz and Sala's theory, the committee retention rate for the legislative chambers in reform states, particularly those using office column ballots, should be significantly higher than that found in the non-reform states.²¹

¹⁵ Ludington, 'Present Status of Ballot Laws in the United States', p. 259.

¹⁶ Philip Loring Allen, 'Ballot Laws and Their Workings', *Political Science Quarterly*, 21 (1906), 38–58; and Jerrold G. Rusk, 'The Effect of the Australian Ballot Reform on Split Ticket Voting: 1876–1908', *American Political Science Review*, 64 (1970), 1220–38, p. 1235.

¹⁷ Allen, 'Ballot Laws and Their Workings', and Ludington, *American Ballot Laws, 1880–1910*.

¹⁸ Allen, 'Ballot Laws and Their Workings', p. 42.

¹⁹ Katz and Sala, 'Careerism, Committee Assignments, and the Electoral Connection', p. 24, make a passing reference to this important difference, 'A system that allows voters to evaluate and vote for candidates on an office-by-office, case-by-case basis encourages incumbents to invest more in their personal reputations than when voters cannot discriminate between individual candidates on a partisan slate.' They did not, however, distinguish between the two variations of the Australian ballot in their analysis.

²⁰ It is widely agreed which states had not adopted the Australian ballot at this point in time. But, the ballot designs used in the non-reform states were not all the same. See Ludington, 'Present Status of Ballot Laws in the United States', pp. 255–6.

²¹ The late adopting states did not systematically differ from the states that adopted the Australian ballot. All eventually adopted the reform: Connecticut in 1909, New Jersey in 1911, Georgia in 1922, North Carolina in 1929 and South Carolina in 1950. See Spencer D. Albright, *The American Ballot* (Washington, D.C.: American Council on Public Affairs, 1942), pp. 28–9; V. O. Key Jr, *Politics, Parties, and Pressure Groups*, 5th edn (New York: Crowell, 1964), p. 640; and Arthur Ludington, 'Ballot Laws', *American Political Science Review*, 4 (1910), 63–8, pp. 63–4. One plausible difference between the non-reform states and the other states might be the nature of their party systems. There is no evidence, however, that the party systems across these five states were similar to each other and different from the rest of the states. See Paul T. David, *Party Strength in the United States, 1872–1970* (Charlottesville: University Press of Virginia, 1972), pp. 41–54; and J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restrictions and the Establishment of the One-Party South* (New Haven, Conn.: Yale University Press, 1974), pp. 182–3, at p. 211. In addition, Merriam's study of a number of state party central committees found nothing out of the ordinary about the party committees in Connecticut and North Carolina. See C. E. Merriam, 'State Central Committees', *Political Science Quarterly*, 19 (1904), 224–33. And, of course, party organizations controlled nominations in almost every state during the time examined here, including all five non-reform states. See C. Edward Merriam, *Primary Elections* (Chicago: University of Chicago Press, 1908); Charles Edward Merriam and Louise Overacker, *Primary Elections* (Chicago: University of Chicago Press, 1928), pp. 61–2.

Other institutional differences among state legislative chambers might have influenced committee retention rates, as well. It is conceivable that committee retention rates are related to legislative chamber and membership size. The former is strongly suggested by the mean retention rate differences between upper and lower chambers reported earlier. The difference between chambers is likely to be the product of different term lengths – most, but not all, state senates had four-year terms, while most, but not all, lower houses had two-year terms.²² Membership size is a related variable. Most state senates have half the number of members of the lower houses, almost all of the rest a third or fewer. If we assume that for all intents and purposes state senates and lower houses face the same workload, senates have far fewer members to handle it, meaning, of course, that each member has to shoulder a heavier load. This typically translates into more committee assignments per member compared to the lower house. Working from the relationship found in Congress, as members take on more committee assignments the value of each assignment declines. (This is, of course, the traditional view of the relative value of committee assignments to US representatives and senators.) Thus, we might hypothesize that as the size of a legislature increases, the value of each committee assignment increases because there are fewer of them per member. As the value of an assignment increases, the desire to retain the appointment may also increase. Indeed, Basehart reports some evidence that committee membership stability in state legislatures increases with the size of the legislative chamber.²³

A series of regression equations with committee retention rate as the dependent variable and ballot reform types and other variables as controls are presented in Table 1. Most notably, all of the coefficients for the Australian ballot types are substantively small and statistically insignificant.

TABLE 1 *Electoral Reforms and Committee Retention Rates*

Variable	Equation 1	Equation 2	Equation 3
Legislative chamber†	- 14.005* (5.980)	- 14.140* (6.136)	- 14.076* (6.089)
Chamber membership size	0.045 (0.047)	0.048 (0.048)	0.047 (0.047)
No Australian ballot reform‡	2.089 (7.396)	7.928 (15.517)	3.157 (7.670)
Office bloc ballot§		8.500 (14.639)	
Party column ballot		5.047 (14.237)	
Party column and party strip††			- 3.700 (5.530)
Constant	61.609*** (7.798)	55.721*** (15.700)	64.182*** (8.833)
Adjusted R^2	0.05	0.02	0.03
N	67	66	66

* $p = 0.05$, ** $p = 0.01$, *** $p = 0.001$, two-tailed tests.

†Dummy variable, 1 = lower chamber, 0 = senate.

‡Dummy variable, 1 = legislative chambers in non-reform states (Connecticut, Georgia, North Carolina, South Carolina), 0 = ballot reform states.

§Dummy variable, 1 = state with office bloc ballot, 0 = state with other ballot design.

||Dummy variable, 1 = state with party column ballot, 0 = state with other ballot design.

††Dummy variable, 1 = state with party column or party strip ballot, 0 = state with office bloc ballot.

²² A few state legislatures at this point in time had one-year terms for one or both houses, while Alabama and Mississippi had four-year terms for both houses.

²³ Hubert Harry Basehart, 'The Effect of Membership Stability on Continuity and Experience in U.S. State Legislative Chambers', *Legislative Studies Quarterly*, 5 (1980), 31–68.

Moreover, retention rates in the eight chambers in states without the ballot reform are not statistically different from those that adopted the reform. Only the coefficient for legislative chamber is statistically significant, with committee retention rates being 14 per cent higher in state senates than in lower houses.²⁴ Clearly, the introduction of the Australian ballot did not lead to committee property rights emerging in state legislatures.

MEMBERSHIP STABILITY AND COMMITTEE RETENTION RATES

Why did committee property rights fail to appear in state legislatures following the introduction of the Australian ballot as they had in the US House? One important difference between the House and state legislatures in the first decade of the twentieth century was membership stability. It seems reasonable to expect that committee retention rates vary with the membership stability. Indeed, the increasing retention rates in the US House reported in Katz and Sala appear to track well with that body's increasing membership stability. This is not surprising because as turnover decreases and members begin to accumulate seniority there is incentive for them to increase the certainty of how their careers within the legislature will unfold, one aspect of which might be the assertion of committee property rights.²⁵ In less stable institutions members have fewer reasons to retain assignments from session to session because the continual departure of members opens other opportunities.²⁶

The rate at which members returned to their legislative chambers varied dramatically across the states and between state legislatures and the US House at this time. In 1909, 23 per cent of US House members were starting their first term, a much lower figure than in almost any state legislative

²⁴ Katz and Sala tested their theory using a longitudinal design in one legislative chamber. Given the differences in the Australian ballot design across the states and the significant variation in other key independent variables, particularly percentage of members returning to the chamber, we opted for a test using cross-sectional data. We doubt that time-series data for state legislative chambers during this period would document a rise of committee property rights for two reasons. First, in 73 per cent of the legislative chambers we studied committee retention rates were well under 50 per cent, meaning that legislators were more likely to take on new committee assignments than to keep old ones. Thus, any movement towards committee property rights in these chambers prior to 1909 would necessarily have been a very weak one at best. Secondly, even decades after the adoption of the Australian ballot the evidence for committee property rights in state legislatures is thin. Basehart, 'The Effect of Membership Stability on Continuity and Experience in U.S. State Legislative Chambers', for example, found little membership continuity on committees in fifteen state legislative chambers between 1963 and 1977. Squire's study of three state legislative chambers in the late 1970s found low committee retention rates in the California and Connecticut lower houses. Only the New York Assembly, which enjoyed an unusually high chamber membership retention rate, had committee retention rates similar to those in the US House. See Peverill Squire, 'Member Career Opportunities and the Internal Organization of Legislatures', *Journal of Politics*, 50 (1988), 726–44, p. 739.

²⁵ See Nelson W. Polsby, 'The Institutionalization of the U.S. House of Representatives', *American Political Science Review*, 62 (1968), 144–68; Squire 'Member Career Opportunities and the Internal Organization of Legislatures', and Peverill Squire, 'The Theory of Legislative Institutionalization and the California Assembly', *Journal of Politics*, 54 (1992), 1026–54.

²⁶ Note that the concern with committee retention rates is driven by an assumption that committees play an important role in the legislative process. While this assumption has long been true in the US House, it has not always been the case in some state legislative chambers. During the first decade of the twentieth century, for example, rules in both houses in Massachusetts, the senate in Rhode Island, and the lower houses in Maine, Vermont and New Hampshire required that every bill referred to committee be reported back to the full chamber. See Reinsch, *American Legislatures and Legislative Methods*, p. 169. Where committees exercise no gate keeping power we would assume there would be little incentive to continue membership on any particular committee. This assumption may be drawn into question, however, by the fact that the committee retention rate in the Rhode Island Senate was comparable to that of the US House at the time, while the figure for the lower houses in Maine and New Hampshire exceeded the mean for all lower chambers. Only in the Vermont House did very few committee members retain their assignments.

body.²⁷ Among the chambers in our study first-term members constituted a mean of 75 per cent of the membership of state lower houses and 54 per cent of state senates in 1909.²⁸ The variation across the states was phenomenal. Every member of the Vermont state Senate was new in 1909; a figure approached in the Georgia state Senate and the Delaware House of Representatives. Indeed, of the sixty-nine state legislative chambers for which we have data, fifty of them had at least 50 per cent new members in 1909, in twenty-five chambers 75 per cent or more of their members were new. Thus, in 1909 most state legislatures had far less stable memberships than did the US House.

We would, however, argue that the difference between the US House and state legislatures at this point in time is not the fundamental distinction between a careerist body and non-careerist bodies. There is considerable evidence that the House was not yet a career institution. In 1907, 40 per cent of US representatives were in only their first or second term and 77 per cent had served five or fewer terms.²⁹ Moreover, 63 per cent of all members of the House who served between 1901 and 1910 entered the body during that decade, the median career length during this time period was five years, and the median age at which members departed was 51 years old.³⁰ Those descriptions do not fit the profile of a career body. Indeed, House members at the beginning of the twentieth century did not think of themselves as careerists; they continued to pursue outside occupations because they did not see long-term service as financially viable.³¹

Thus, the House and state legislative chambers at this time should be thought of as being distributed along a single membership stability continuum. The difference is that the House had a higher percentage of members returning than most state legislative chambers. But even that observation may not imply that the interests and calculations of members of the House and state legislatures were completely dissimilar. When Bianco, Spence and Wilkerson studied the electoral effects of the Compensation Act of 1816, they noted, 'It is one thing to argue that a congressional career was less attractive or less feasible in an earlier time than it is today, but another to conclude that members of the early Congress were unconcerned about the electoral consequences of their behavior.'³² They demonstrated that voters held members accountable for their vote, even in the high turnover House of the early nineteenth century and that this influenced member behaviour. We think that argument can be extended to state legislators at the beginning of the twentieth century. We would assume that most state legislators were concerned about the electoral consequences of their behaviour, because all it takes to induce such concerns is a single future election. And there is evidence that by the first decade of the twentieth century many state legislators were seeking re-election and that average years of service in a number of state legislative chambers was beginning to increase.³³ Even if state legislative careers were only to be two terms, rather than the four- or five-term House career, the desire to win re-election is the same. Thus, we should expect as

²⁷ Morris P. Fiorina, David W. Rohde and Peter Wissel, 'Historical Change in House Turnover', in Norman J. Ornstein, ed., *Congress in Change* (New York: Praeger, 1975), pp. 24–49, at p. 30.

²⁸ The percentage of first-term members in seven of the chambers in non-reform states was very similar to the percentage of first-term members found in the vast majority of other chambers. The exception was the South Carolina senate, which had fewer new members than most, but not all, of the other chambers. A table giving the percentage of first-term members in each chamber is available from the authors.

²⁹ T. Richard Witmer, 'The Aging of the House', *Political Science Quarterly*, 79 (1964), 526–41, p. 538.

³⁰ Allan G. Bogue, Jerome M. Clubb, Carroll R. McKibben and Santa A. Traugott, 'Members of the House of Representatives and the Process of Modernization, 1789–1960', *Journal of American History*, 63 (1976), 275–302, p. 291.

³¹ Louis Fisher, 'History of Pay Adjustments for Members of Congress', in Robert W. Hartman and Arnold R. Weber, eds, *The Rewards of Public Service* (Washington, D.C.: The Brookings Institution, 1980), pp. 25–52, at pp. 34–5; and Woodrow Wilson, *Constitutional Government in the United States* (New York: Columbia University Press, 1980), p. 129.

³² William Bianco, David B. Spence and John D. Wilkerson, 'The Electoral Connection in the Early Congress: The Case of the Compensation Act of 1816', *American Journal of Political Science*, 40 (1996), 145–71, p. 147.

³³ David Ray, 'Membership Stability in Three State Legislatures: 1893–1969', *American Political Science Review*, 68 (1974), 106–12, p. 111; and David Ray, 'Voluntary Retirement and Electoral Defeat in Eight State Legislatures', *Journal of Politics*, 38 (1976), 426–33, pp. 430–1.

TABLE 2 *Membership Stability, Electoral Reforms and Committee Retention Rates*

Variable	Equation 1	Equation 2	Equation 3	Equation 4	Equation 5
Percentage of members returning	0.531*** (0.100)	0.545*** (0.104)	0.531*** (0.103)	0.486*** (0.104)	0.391** (0.124)
Legislative chamber†	-3.202 (5.404)	-2.924 (5.533)	-3.050 (5.539)	-4.339 (5.407)	-3.078 (5.488)
Chamber membership size	0.053 (0.039)	0.055 (0.040)	0.053 (0.040)	0.058 (0.039)	0.049 (0.040)
No Australian ballot reform‡	9.006 (6.325)	21.370 (13.162)	9.043 (6.539)	-3.614 (10.582)	
Office bloc ballot§		12.561 (12.206)			-12.617 (8.688)
Party column ballot		12.879 (11.939)			
Party column and party strip††			-0.401 (4.685)		
No Australian ballot reform × Percentage of members returning				0.483 (0.326)	
Office bloc ballot × Percentage of members returning					0.299 (0.186)
Constant	24.622* (9.561)	11.256 (15.561)	24.752* (10.649)	27.674** (9.693)	31.035** (9.562)
Adjusted R ²	0.33	0.32	0.32	0.34	0.33
N	67	66	66	67	66

* $p = 0.05$, ** $p = 0.01$, *** $p = 0.001$, two-tailed tests.

†Dummy variable, 1 = lower chamber, 0 = senate.

‡Dummy variable, 1 = legislative chambers in non-reform states (Connecticut, Georgia, North Carolina, South Carolina), 0 = ballot reform states.

§Dummy variable, 1 = state with office bloc ballot, 0 = state with other ballot design.

||Dummy variable, 1 = state with party column ballot, 0 = state with other ballot design.

††Dummy variable, 1 = state with party column or party strip ballot, 0 = state with office bloc ballot.

legislative chambers approach the membership stability rates of the House they should exhibit similar committee retention rates.³⁴

In the first three columns in Table 2, we present regression equations with committee retention rate as the dependent variable and variables for the percentage of legislative members returning to the chamber, the various versions of the Australian ballot reform and the structural variables employed in Table 1. These equations produce one positive finding: committee retention rates increase significantly – both statistically and substantively – as the percentage of members who return to the chamber increases. The size of the coefficients across the equations is impressive. A 25 percentage point increase in the membership return rate to the chamber translates into an increase in committee retention rates of more than 13 percentage points. This finding is consistent with the results of an earlier study that examined committee specialization in state legislatures over the twentieth century.³⁵

³⁴ Katz and Sala, 'Careerism, Committee Assignments, and the Electoral Connection', p. 29, include a membership turnover variable in their model.

³⁵ According to Hedlund and Hamm, 'The Evolution and Role of Committee Specialization in the Legislative Process', p. 21, 'Without doubt, the major driving force in terms of the various measures of individual legislator specialization is the amount of stability among the legislative membership. In fact, it accounts for almost 50 per cent of all of the significant relationships. As chamber membership stability increases, the average number of committee assignments, the level of committee experience, and the level of committee carryover increase.'

With one exception, the coefficients for the various ballot reform variables in Table 2 are in the wrong direction. Only the dummy variable for party column and party strip ballot states takes the correct sign. All of the reform coefficients, however, fail to achieve statistical significance, although the Australian ballot coefficient in Equation 2 just misses achieving statistical significance (but in the wrong direction) at the most generous limits ($p = 0.110$, two-tailed). Thus, from a cross-sectional look at over sixty-five legislative chambers, it seems clear that committee retention rates were influenced by the overall stability of legislative membership, not by the introduction of any version of the Australian ballot reform.³⁶

In their analysis Katz and Sala find that House members were more likely to give up committee assignments in their first term or two than they were over the next several terms in office.³⁷ Thus committee property rights only fully revealed themselves for those members who served more than a few terms. In many states, however, relatively few legislators at this time were apt to serve for more than a term or two. It is hard to see how similar committee property rights could materialize in organizations where not many members were in office long enough to assert them.

But do they appear where members are more likely to return (and, thus, more like the US House) and where Australian ballot reform in some version occurred? We test this proposition in Equations 4 and 5 of Table 2. We cause both the Australian ballot reform dummy variable and the office bloc ballot dummy variable to interact with the percentage of members returning to the chamber variable. In Equation 4 we assess the interaction between the absence of the Australian ballot and member return rates. Overall, the variables behave much the same as in Equation 1. The main difference is that the Australian ballot dummy variable takes the anticipated negative sign, although it continues to be far from achieving statistical significance. The interaction term also fails to achieve statistical significance, although it comes reasonably close ($p = 0.144$). The coefficient, however, suggests that in the absence of the Australian ballot, committee retention rates increase with membership retention rates. The implication is, of course, that membership return rates, not ballot reform, drive committee retention rates.

As we argued earlier, however, it is in office bloc states – not the more inclusive category of Australian ballot reform states – where the effect of electoral reforms on committee retention rates should be most clearly manifested. In Equation 5 the coefficient for the office bloc variable takes a negative sign and approaches statistical significance ($p = 0.152$). The size of the coefficient is substantial, suggesting an almost 13 point *decrease* in committee retention rates in office bloc ballot states, contrary to what the Katz and Sala theory would suggest. But the interaction term provides their theory some salvation. The positive coefficient, which also approaches statistical significance ($p = 0.115$), shows that as more members return to a chamber in office bloc ballot states, committee retention rates increase. The size of the effect is not trivial; for every 10 percentage point increase in members returning to the chamber in office bloc ballot states, committee retention rates increase by almost 3 percentage points.

Overall, we find little evidence to support the idea that the introduction of the Australian ballot

³⁶ It may seem reasonable to charge the equations in Table 2 with being misspecified, because we failed to control for any effects of partisan change. One defence we can offer is that the period being studied experienced remarkable political stability. The mean percentage change in party membership between 1907 and 1909 for the fifty-seven chambers for which we have data was 5.5 per cent; the median was 3 per cent. These low levels of partisan change are not surprising. The South was, of course, a one-party region, particularly at the state legislative level. Nationally, in presidential contests only three states changed the party they supported between the 1904 and 1908 elections. And between the 1907 and 1909 elections, the Republicans lost only two seats in the US Senate and three seats in the US House. It strikes us as highly unlikely that any measure of partisan change will materially alter our results. Another potential concern might be that there were different numbers of ‘desirable’ committees in state legislatures compared with Congress. We do not find this concern to be compelling. The most important committees across American legislatures tend to be a constant set: a tax policy committee, an appropriations committee, some variant on a rules committee, and often a judiciary committee. Thus, we think we are on safe ground in suggesting that the number of desirable committees is roughly the same across legislative chambers.

³⁷ Katz and Sala, ‘Careerism, Committee Assignments, and the Electoral Connection’, p. 30.

or other ballot reforms resulted in a demand for committee property rights at the state legislative level. Instead, we find a strong relationship between membership stability and committee retention rates. Indeed, the weight of our analysis suggests that committee retention rates increase with chamber return rates, regardless of the Australian ballot version. A final question to address, then, is why did retention rates vary between Congress and the states, and why did they vary between the states?

EXPLAINING MEMBERSHIP STABILITY

Theoretically, as a legislature professionalizes it may also be ripe for institutionalization.³⁸ The line of reasoning is that as a legislature professionalizes its members have incentives to adopt the sorts of routines and rules that Polsby and Price found developed over time in the US House.³⁹ We would anticipate that the more professionalized the legislature, the more likely that its members will see value in keeping their committee assignments session after session for the reasons offered by Katz and Sala. We use annual salary in 1910 as our measure of legislative professionalization.⁴⁰

There were, of course, some significant differences between Congress and state legislatures in terms of the incentives offered for service. In 1910 members of Congress earned far higher salaries than did their state counterparts. Congressional salaries had been raised to \$7,500 in 1909 from \$5,000.⁴¹ State legislative salaries varied considerably, although even the best-paid – New York legislators earned \$1,500 annually – received far less than members of Congress.⁴² A 1908 state constitutional amendment raised the pay for California legislators from \$8 a day to \$1,000 for each regular biennial session, the rate given in Illinois, and Ohio.⁴³ Not all annual or biennial salaries were as generous. Members of the New Hampshire legislature, for example, earned \$200 a biennial session. (That rate was established by an 1889 amendment to the state constitution and has not been changed since.) The average salary in the states that paid them was about \$500 annually.⁴⁴ The majority of state legislators, however, were paid by the day while the legislature was in session. In Colorado, the rate was \$7 per day; in Idaho it was \$5 per day. Bryce reports that \$5 a day was the average in states paying ‘per diems’.⁴⁵ Thus, in terms of financial incentives, some state legislatures were more like Congress than were other state legislatures.

How does professionalization influence chamber return rates? A simple model examining membership stability is presented in Table 3. Here we use chamber return rates as the dependent variable and annual salary and ballot reforms as the independent variables. We also control for legislative chamber because of the typically different terms of office and membership sizes. While there may be important variables excluded from these regressions, the results appear to point in an

³⁸ Squire, ‘The Theory of Legislative Institutionalization and the California Assembly.’

³⁹ Polsby, ‘The Institutionalization of the US House of Representatives’, and H. Douglas Price, ‘Congress and the Evolution of Legislative “Professionalism”’, in Ornstein, ed., *Congress in Change*, pp. 2–23.

⁴⁰ State legislative salary data were calculated from the *Official Manual for the Use of Courts, State, and County Officials, and General Assembly of Kentucky* (Frankfort: Frankfort Printing Co., 1910), p. 147. In addition we consulted James D. Driscoll, *California’s Legislature* (Sacramento: Center for California Studies, 1986), p. 79; James Bryce, *The American Commonwealth*, rev. edn (New York: Macmillan, 1906), p. 336, and legislative staff in several states. We also entered state population as a proxy for professionalization, based on the consistent findings of a strong positive association between population size and level of legislative professionalization. See, for example, Christopher Z. Mooney, ‘Citizens, Structures, and Sister States: Influences on State Legislative Professionalism’, *Legislative Studies Quarterly*, 20 (1995), 47–67; and James D. King, ‘Changes in Professionalism in US State Legislatures’, *Legislative Studies Quarterly*, 25 (2000), 327–43. The results for that variable were virtually the same, both substantively and statistically, as for the annual salary variable.

⁴¹ Fisher, ‘History of Pay Adjustments for Members of Congress’, p. 40–1.

⁴² Bryce, *The American Commonwealth*, p. 336.

⁴³ Driscoll, *California’s Legislature*, p. 79.

⁴⁴ Bryce, *The American Commonwealth*, p. 336.

⁴⁵ Bryce, *The American Commonwealth*, pp. 336–7.

TABLE 3 *Models of Chamber Return Rates*

Variable	Equation 1	Equation 2	Equation 3
Legislative chamber†	- 20.644*** (4.788)	- 20.971*** (4.851)	- 20.971*** (4.862)
Annual salary‡	0.043** (0.016)	0.041* (0.017)	0.041* (0.017)
No Australian ballot reform in state§	- 9.916 (7.529)	- 24.164 (15.815)	- 8.491 (7.752)
Office bloc ballot		- 11.122 (14.994)	
Party column ballot††		- 16.468 (14.495)	
Party column and party strip‡‡			- 4.589 (5.811)
Constant	58.592*** (8.411)	73.659*** (16.171)	62.627*** (9.803)
Adjusted R^2	0.27	0.28	0.27
N	69	68	68

* $p = 0.05$, ** $p = 0.01$, *** $p = 0.001$, two-tailed tests.

†Dummy variable, 1 = lower chamber, 0 = senate.

‡Annual salary in dollars calculated for 1910.

§Dummy variable, 1 = legislative chambers in non-reform states (Connecticut, Georgia, North Carolina, South Carolina), 0 = ballot reform states.

||Dummy variable, 1 = state with office bloc ballot, 0 = state with other ballot design.

††Dummy variable, 1 = state with party column ballot, 0 = state with other ballot design.

‡‡Dummy variable, 1 = state with party column or party strip ballot, 0 = state with office bloc ballot.

important direction. Controlling for legislative chamber, chamber retention rates increase with salary. The effect is substantial. For every \$100 increase in salary, chamber return rates increase by 4 percentage points. There also is a hint that the Australian ballot reform exerts some effect. Although none of the reform variables achieve statistical significance in any of the equations, interpreting their coefficients in a straightforward manner suggests that failure to introduce the secret ballot reduces chamber return rates by between 5 and 24 points. Thus we find some indirect evidence that the electoral reform might have had an effect on committee property rights through increased membership stability, a critical intermediary variable that varied substantially across legislative bodies.

CONCLUSION

We find little evidence that committee property rights appeared in state legislatures at the same time as they took root in the US House of Representatives, even though both institutions were exposed to the same electoral reform. The absence of committee property rights in state legislatures suggests that their appearance in the House cannot be attributed directly to the introduction of the Australian ballot. Instead our results suggest that the change in the electoral system was influential only in conjunction with a substantial level of membership stability in the institution. Thus, our analysis is consistent with Price's observation that, 'For the House there could be no question of modern-type "seniority" until membership stability was reduced to a level such that there was substantial continuity of committee service. Such *de facto* stability tends to generate demands for *de jure* seniority.'⁴⁶

Our findings do hint at the possibility that the Australian ballot reform contributed to the increased

⁴⁶ Price, 'Congress and the Evolution of Legislative "Professionalism"', p. 14.

desire to pursue a career within the US House. This, in turn, led House members to mould the rules and norms of the body to meet their long-term career needs, in part through the establishment of committee property rights. As other studies in a variety of legislative settings have noted, careerism arises only when incumbents both desire to get re-elected and have the means to secure re-election.⁴⁷ Although the ability to get re-elected may well have been present in most, if not all, state legislatures at the beginning of the twentieth century, the desire to pursue an extended career within these legislatures was lacking. Thus, most state legislatures and the US House evolved differently, although they were operating within the same electoral environment.

Finally, we think our findings demonstrate the value of testing legislative theories from a comparative perspective. Theories developed with one legislative chamber in mind are, of course, apt to be limited in their application. By collecting and analysing data on many legislative chambers rather than on just one, we gain considerable leverage on answering the question of how the Australian ballot reform influenced legislative organization and behaviour. It is by looking at the relationship between the introduction of the Australian ballot and committee retention rates across a range of legislative organizational schemes that the overpowering intervening importance of chamber membership retention rates becomes obvious. This leads us to suggest that the evolution of legislative careers in America has been more responsive to differences in member salaries than to reforms in the electoral process.

⁴⁷ See David Brady, Kara Buckley and Douglas Rivers, 'The Roots of Careerism in the US House of Representatives', *Legislative Studies Quarterly*, 24 (1999), 489–510; Gary Moncrief, 'Professionalism and Careerism in Canadian Provincial Assemblies: A Comparison to US State Legislatures', *Legislative Studies Quarterly*, 19 (1994), 33–48; Price, 'Congress and the Evolution of Legislative "Professionalism"', p. 9; Squire, 'Member Career Opportunities and the Internal Organization of Legislatures', and Squire, 'The Theory of Legislative Institutionalization and the California Assembly'.