

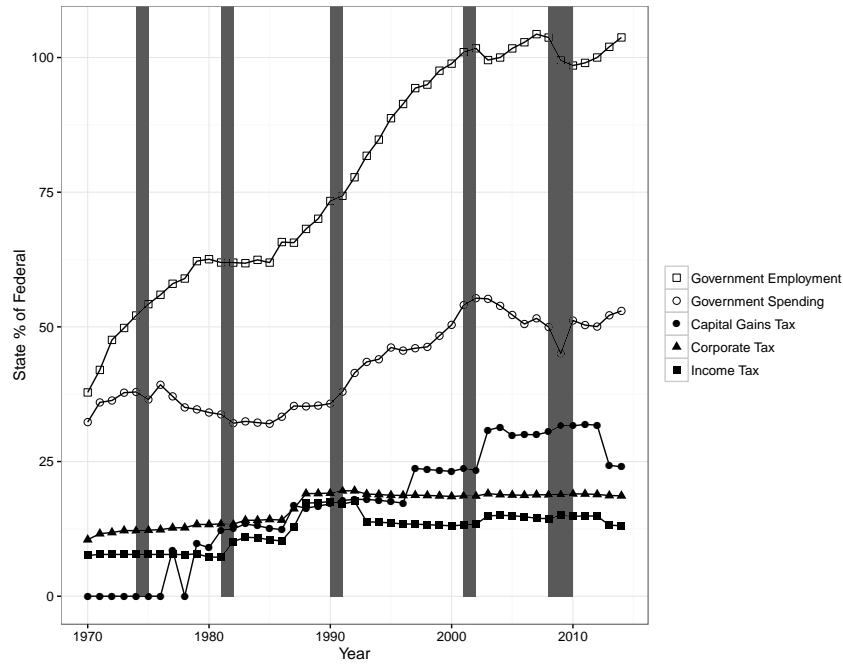
## 9 Supplemental Information (Online Only)

### 9.1 Polarized Federalism and the Size of Government

Party polarization may increase incentives for the Federal Government to allow for greater interstate policy variation *and* the desire of partisan state governments to generate this variation in practice. What might this policy variation look like? Historically, the desire for greater decentralization and interstate variation in American federalism is associated with conservatism. Concepts like states' rights and devolution saw their most prominent historical use by factions in support of slavery and segregation or of a smaller redistributive role of government. Conversely, liberalism is associated with centralization and nationalization because, as Melnick (1996, 326) describes, “[s]ince the New Deal, centralization of authority has gone hand-in-hand with the expansion of a particular type of individual rights—positive rights guaranteeing government benefits and protections.”

Yet this historical association does not necessarily imply that state policy change will tend to be conservative under polarized federalism. On the contrary, because federal policy has trended more conservatively since the 1970s (especially in economic policy) and policy drift has conservative effects (Hacker and Pierson 2010), *liberal* actors may be more likely to use the states as a safety valve. Democrats may be more likely to substitute state policy for declining production of federal policy. For instance, the federal income tax for high earners has declined dramatically since its marginal rate of 71.75% in 1970. In 1988 it hit a postwar nadir of 28%, which rose to 39.6% in the 1990s and then again in 2013. These federal cuts may move policy toward Republicans' ideal policy of lower taxes at all levels of government, but farther away from the Democratic ideal. This would generate no change in Republican behavior at the state level, but it is likely to lead state Democrats to raise state taxes to substitute for the federal cuts. Correspondingly, Figure 7 shows state governmental employment, spending, and various tax rates as a percentage of the federal level (shaded areas represent recessions), and there is indeed a clear expansion of the fiscal role of states.

Figure 7: Expanding Fiscal Role of States

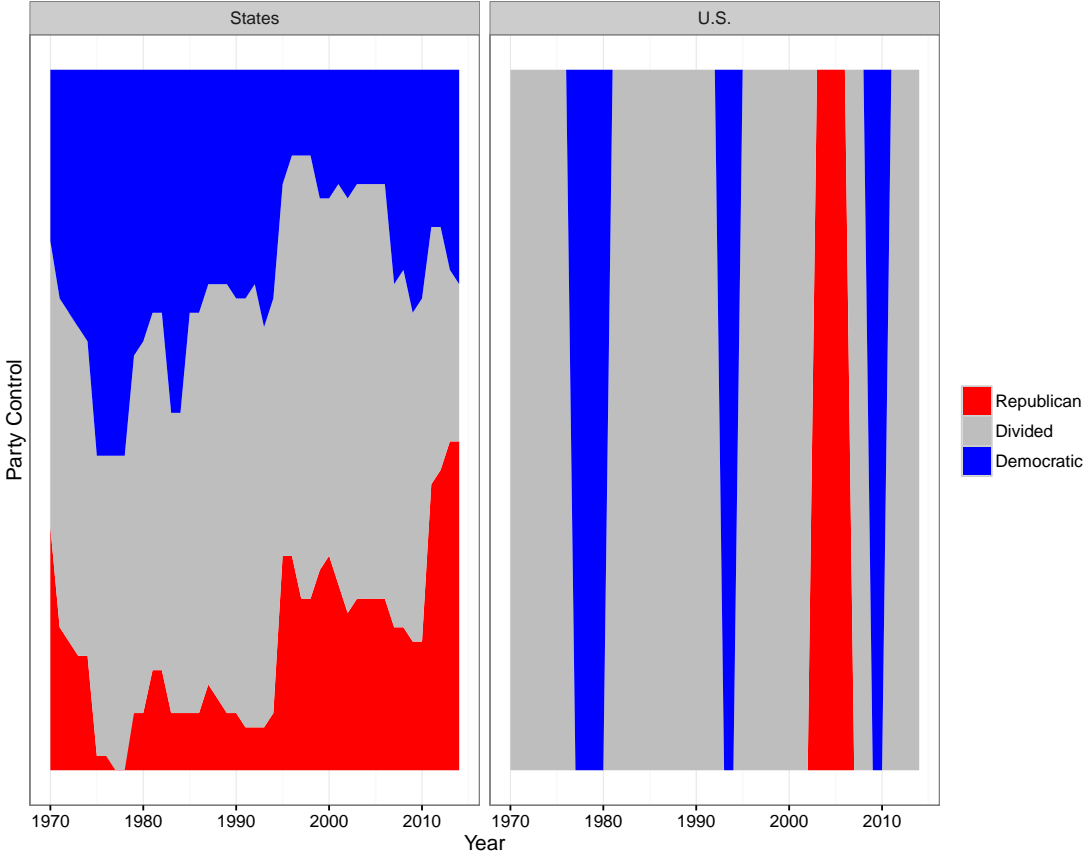


Note: The plot shows total state governmental employment and spending as a percentage of federal employment and spending, respectively; tax rates are the top marginal rates for the average state as a percentage of the top federal tax rate (for each type of tax). Shaded areas represent recessions, which tend to increase the role of the Federal Government relative to the states.

In addition, because federal policy change tends to be liberal in general (Grossmann 2014), this dynamic could also occur with social policies as Democrats pass state laws expanding the rights of historically marginalized groups that would have otherwise been implemented nationwide.

# 9.2 Party Control of Government

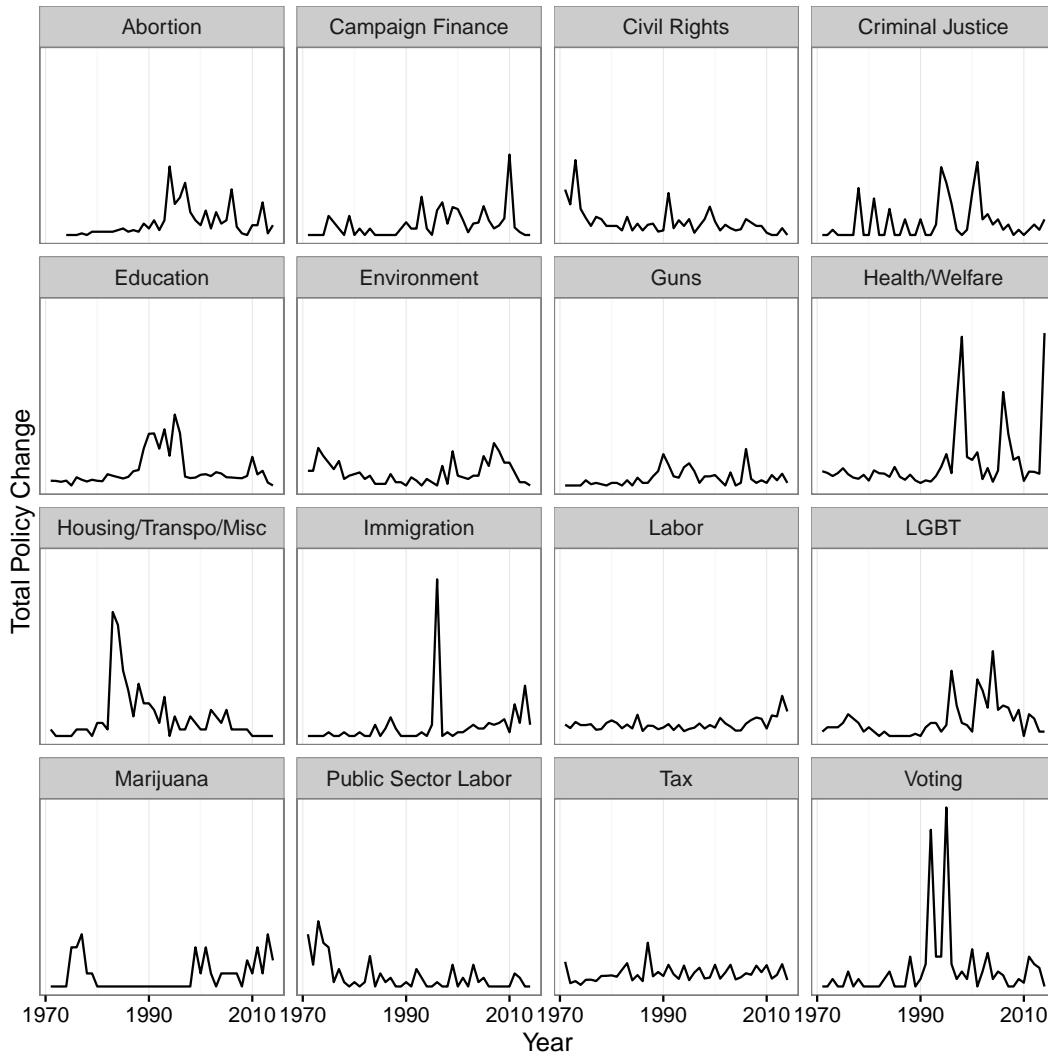
Figure 8: Party Control of Government, 1970-2014



### 9.3 Policy Productivity

The overall amount of policy change since 1970 varies by issue area. Figure 9 plots the aggregate sum of state changes in each issue scale by year.

Figure 9: Total Policy Change by Issue



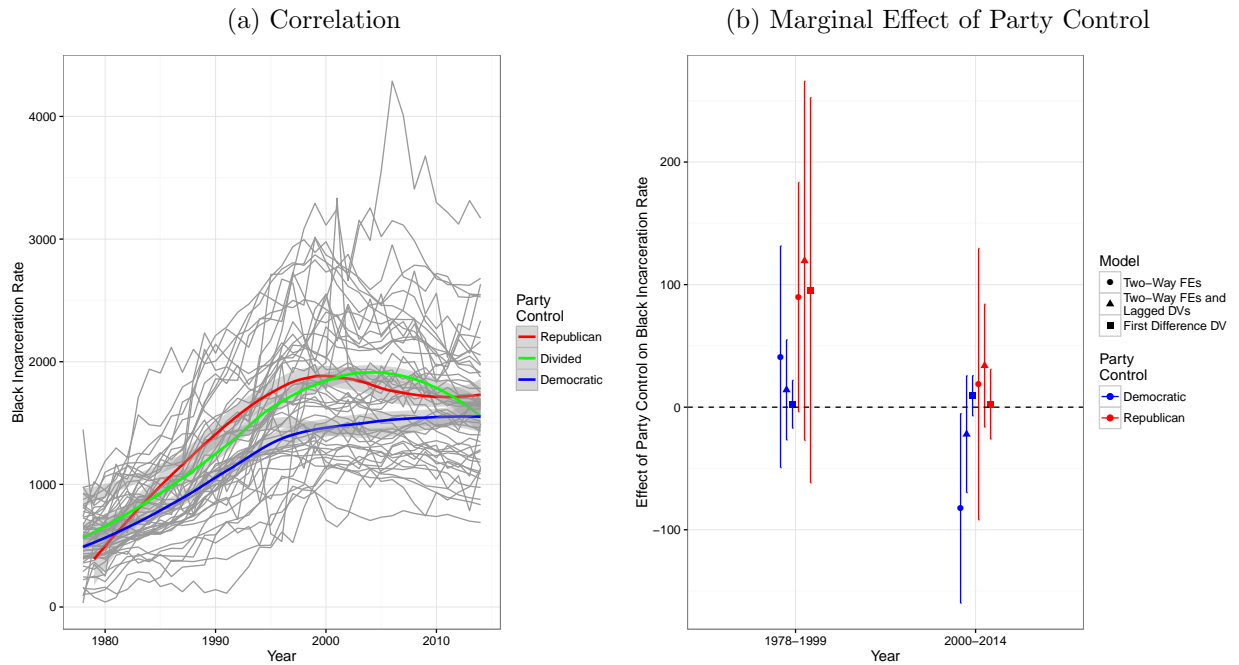
Note: Plots show the total amount (absolute value) of change on the issue area scales by year.

Some policy areas show less activity over time, such as civil rights and liberties. Other areas show increased activity, such as LGBT rights and health and welfare. Importantly, there are also certain years of especially frequent policy change. This is often driven by federal action. Policy changes in health and welfare peak in the mid-1990s upon the devolution of

AFDC to state-run TANF programs and the creation of SCHIP; a second peak occurs in 2014 as states expand Medicaid and create state-run insurance exchanges under the ACA. 1996 federal welfare reform also restricted public benefits for newly arrived immigrants; many states, in turn, created their own state-funded programs for new immigrants.

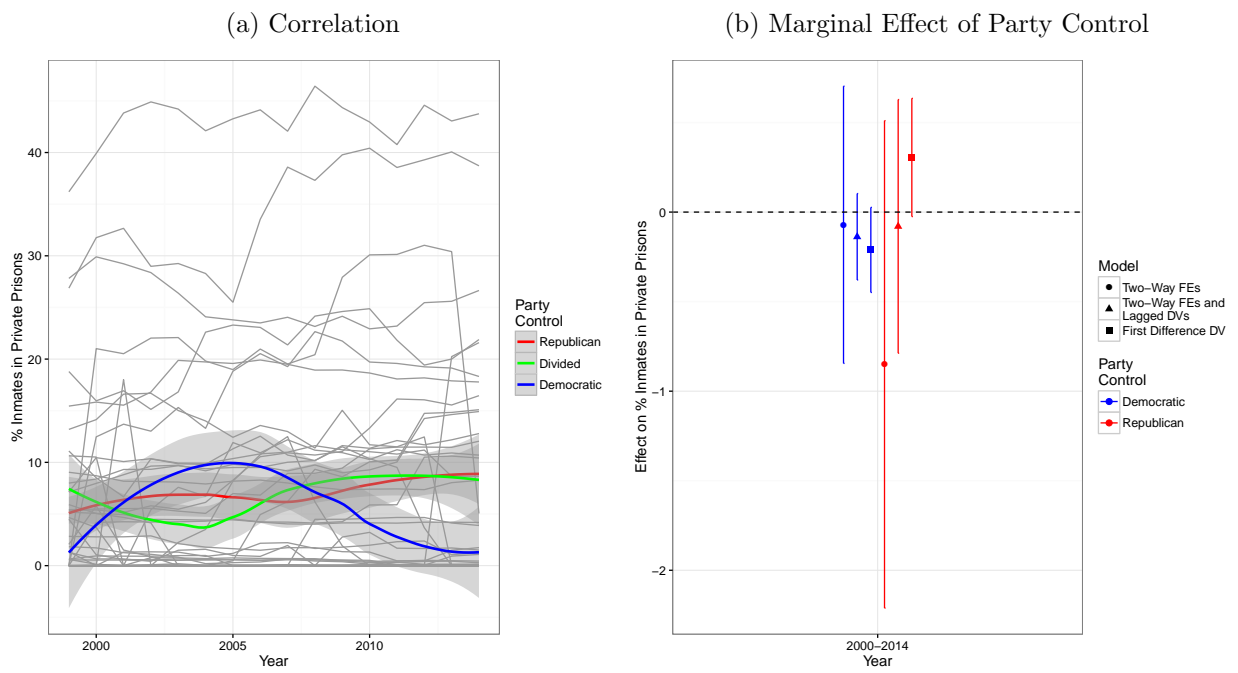
## 9.4 Party Control and Criminal Justice Outcomes

Figure 10: Party Control and Black Incarceration



Note: **Incarceration of blacks *does not* polarize by party over time.** Plot (a) shows the average incarceration rate per 100,000 residents by state party control over time (using loess). Plot (b) shows the marginal effect of unified Republican control on the incarceration rate for the 1978 to 1999 period and the 2000 to 2012 period across three time-series model specifications. Models control for the crime rate at year  $t - 1$  (see Yates and Fording 2005).

Figure 11: Party Control and Percent Inmates in Private Prisons

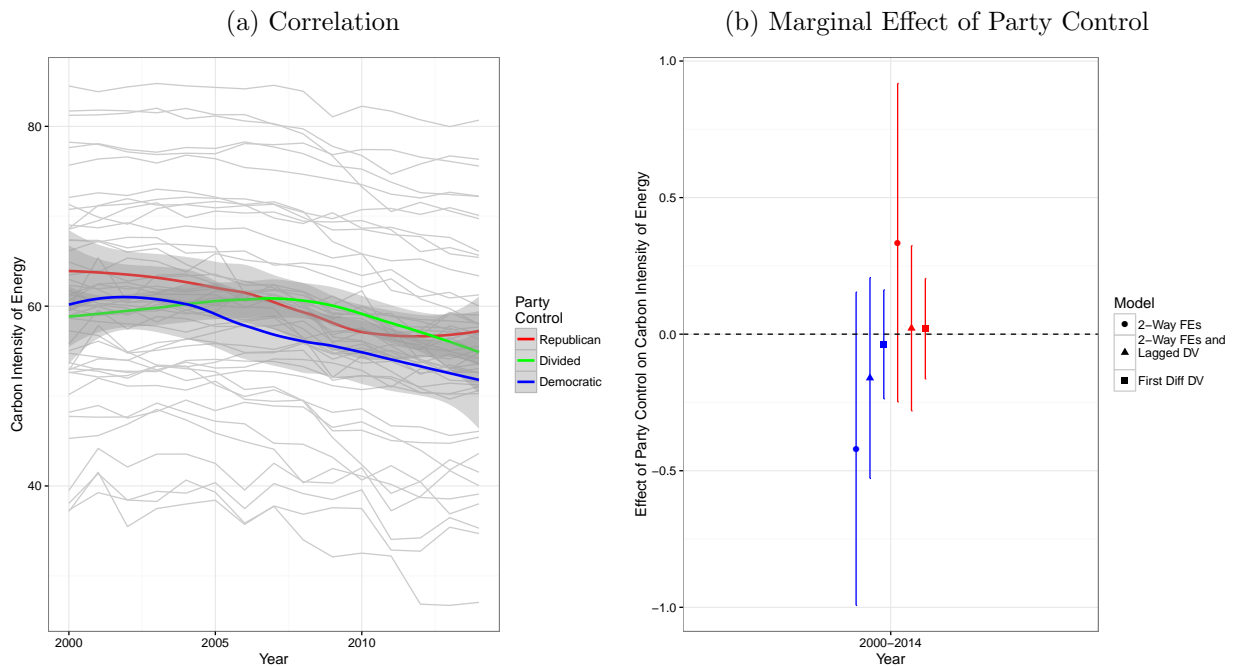


Note: **There is modest evidence of a relationship between party control and use of private prisons.** First difference models show a significant relationship between party control and change in the percentage of inmates housed in private facilities.

## 9.5 Party Control and Environmental Outcomes

I estimate the relationship between party control and greenhouse gas emissions using a measure of the carbon intensity of the energy supply, a rate of emissions per unit of energy utilized in the state. Because state economies vary greatly in concentration of intensive industry, there exist large differences across states in overall emissions and energy use. Using carbon intensity of energy consumption helps to avoid such confounders. The carbon data is from the U.S. Energy Information Administration, and is only available beginning in 2000.

Figure 12: Party Control and Carbon Intensity of Energy Supply

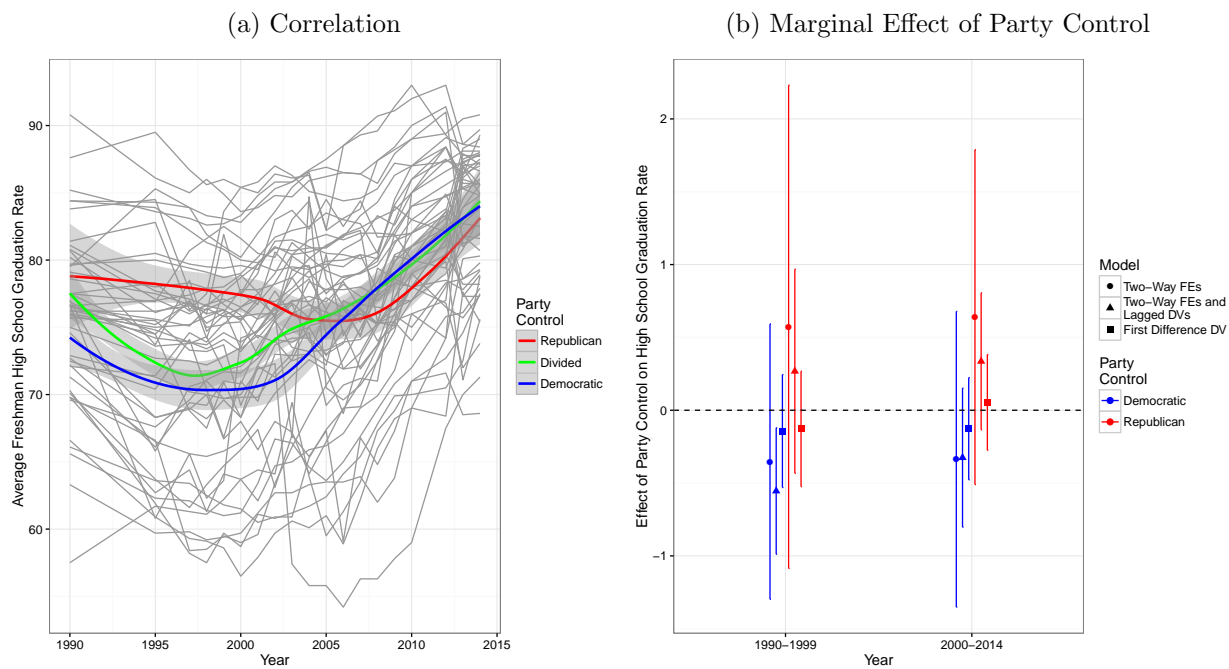


Note: **Party control modestly predicts carbon intensity of a state's energy supply.** Republican control is associated with greater carbon intensity than Democratic control in the two-way fixed effect model ( $p < 0.01$ ) and the two-way fixed effect with lagged dependent variable model ( $p < 0.15$ ).



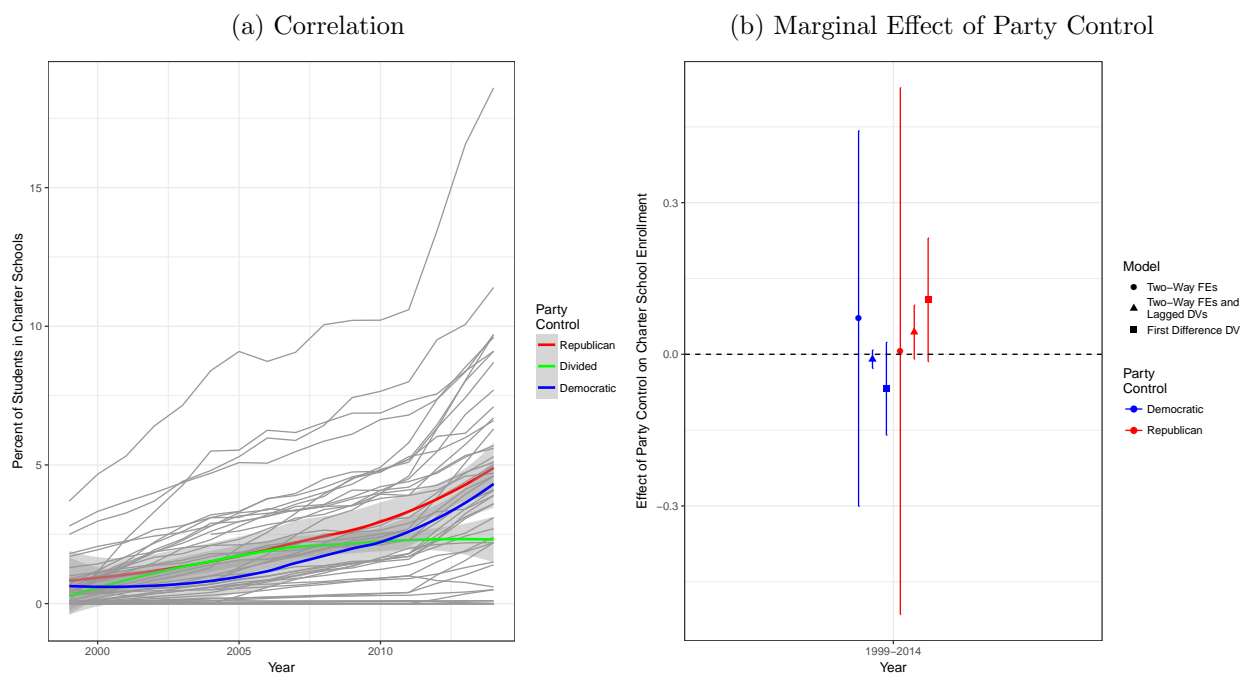
## 9.6 Party Control and Education Outcomes

Figure 13: Party Control and High School Graduation Rates



Note: **The effect of party control on graduation rates does not change over time.** In both time periods, Republican control is associated with slightly higher graduation rates in the dynamic panel and first difference models.

Figure 14: Party Control and Charter School Enrollment

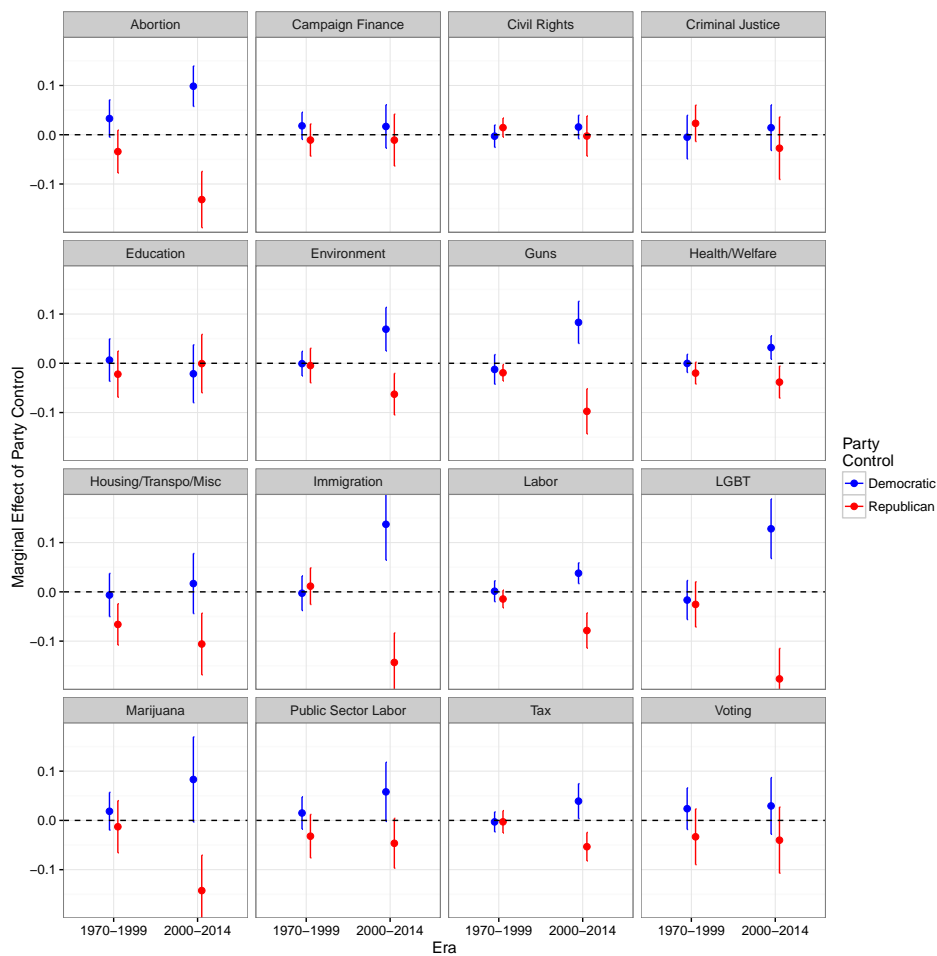


Note: **Party control modestly predicts charter school enrollment.** Republican control is associated with slightly larger proportions of students in charter schools. The effect size is small (an interparty difference of only 0.175 percentage points in the first difference model).

## 9.7 Additional Regression Specifications

The dynamic panel regressions presented earlier use state and year fixed effects, and they include lagged dependent variables to control for past outcomes and improve model fit. More traditional time-series regressions do not include lagged dependent variables. As a robustness check I estimate traditional two-way fixed effects models for the issue area measures in Figure 15.

Figure 15: Party Effect on Issue Area Scales Using State & Year Fixed Effects



Note: **Plots show the marginal effect of party control on policy outcomes across 16 policy issue areas.** Estimates are derived from models that include state and year fixed effects. Robust standard errors are clustered by state.

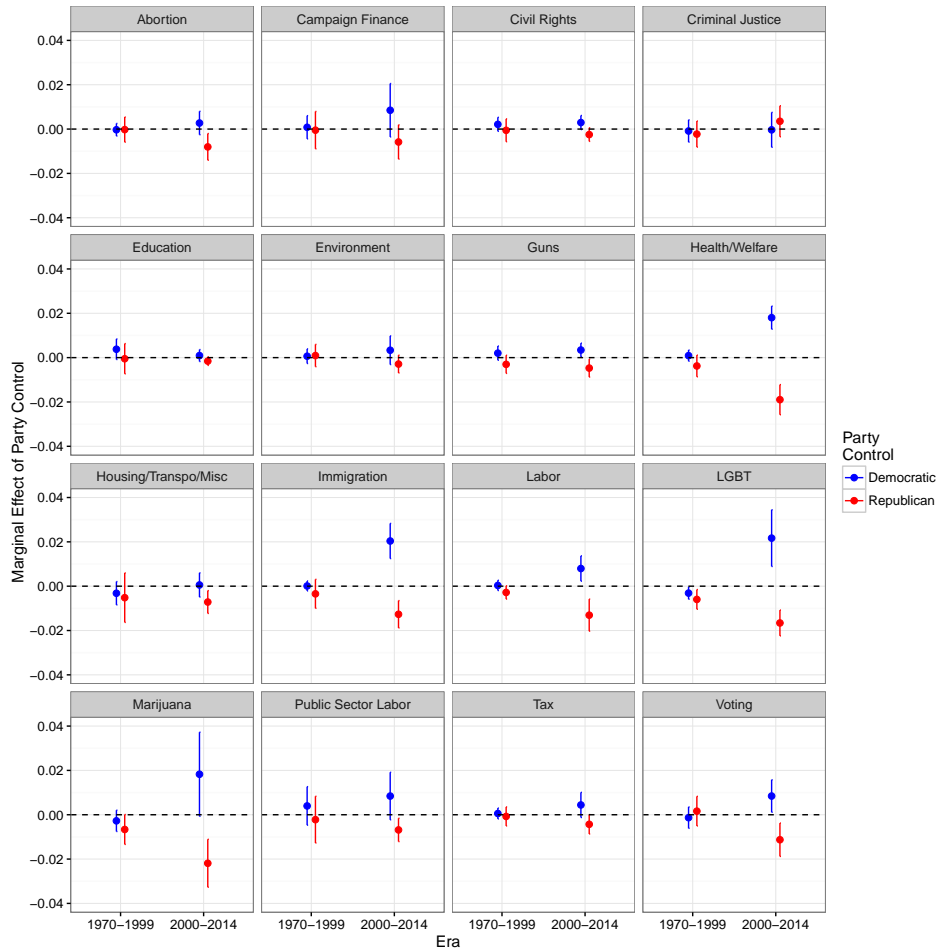
The results are substantively identical to those presented earlier, but, as expected, the magnitude of the marginal effects is substantially larger in these fixed effects models—in

some cases by an order of magnitude or more.

It is also well known that spurious relationships may appear in regressions of non-stationary time-series data. However, taking the first-difference induces stationarity for variables of order one (e.g., Granger and Newbold 1974). In turn, ideal points for measure  $m$ , state  $s$ , and year  $t$ ,  $\theta_{mst}$ , are transformed to  $\Delta_{mst} = \theta_{mst} - \theta_{mst-1}$ , the change in the ideal point between year  $t - 1$  and year  $t$ .

The resulting estimates of policy polarization are substantively identical to those of the dynamic panel regressions presented earlier, and increase confidence that the relationships uncovered in this study are driven by non-stationarity.

Figure 16: Party Effect on Issue Area Scales Using First-Difference DV

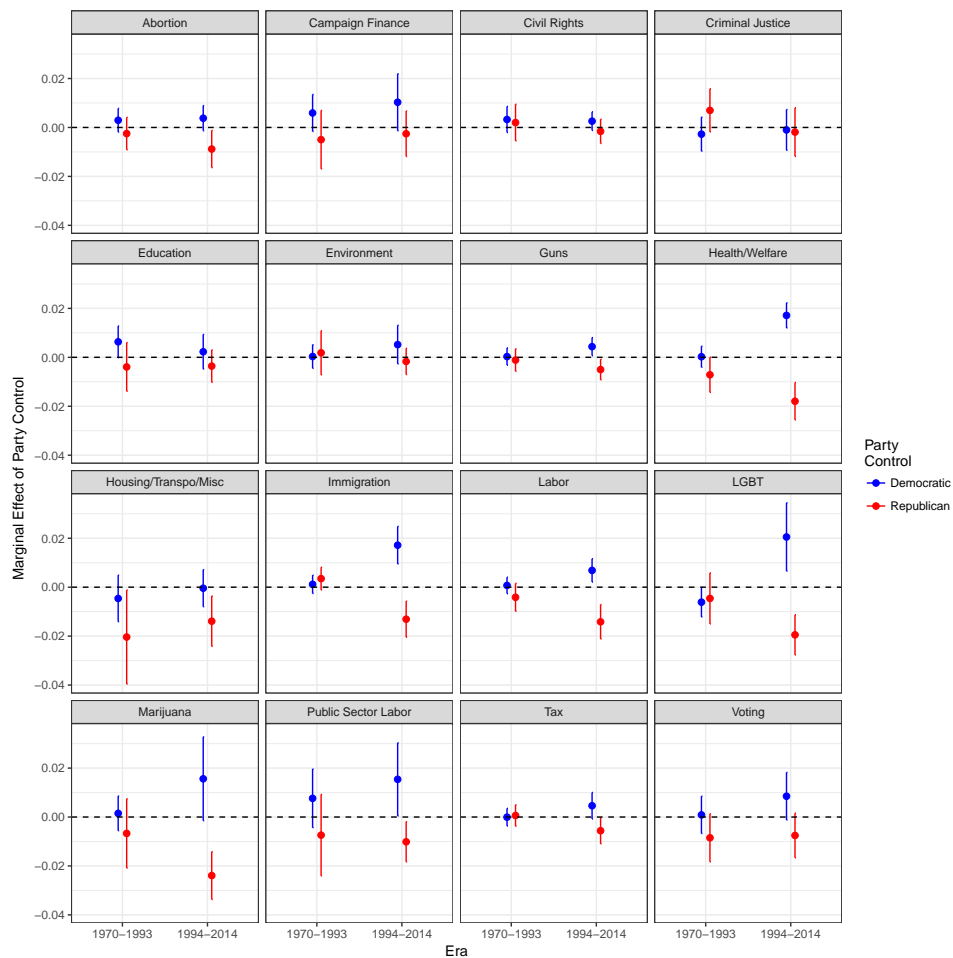


Note: **Plots show the marginal effect of party control on policy outcomes across 16 policy issue areas** using first-differenced dependent variables. Results are substantively identical to those of from other model specifications. Models include year fixed effects. Robust standard errors are clustered by state.

## 9.8 Alternative Temporal Breakpoint

There are benefits and drawbacks to using 1993-1994 as an alternative temporal break. The time periods are more equal in length, aiding precision. Scholars also point to the Republican wave election in Congress and state governments in 1994 as a turning point in partisan polarization (e.g., Lee 2009; Mann and Ornstein 2013). However, the *policy* results of increased partisanship and polarized agendas may take time to appear as policy demander groups and legislative coalitions coalesce.

Figure 17: Policy Polarization with 1993-1994 Temporal Break



Note: Plots show the marginal effect of party control on policy outcomes across 16 policy issue areas. **Policy polarization across issue areas using a 1993-1994 temporal break are consistent with those presented earlier.** Estimates are derived from models that include state and year fixed effects and lagged dependent variables for years  $t - 1$  and  $t - 2$ . Robust standard errors are clustered by state.

Figure 17 provides estimates of the party-policy relationship for the 1970-1993 period and the 1994-2014 period.<sup>29</sup> Policy polarization across issue areas using a 1993-1994 temporal break are overwhelmingly consistent with those presented earlier. There is a slightly smaller growth of the party effect for civil rights and environmental policy than in the analyses of the pre- and post-2000 periods.

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<sup>29</sup>Model specifications are analogous to those used throughout the paper.

## 10 Policy Data



<b>Issue Area</b>	<b>Direction</b>	<b>Collector</b>	<b>Short Description</b>	<b>Source</b>
Abortion	Right	Caughey and Warshaw	Consent pre-Casey	
Abortion	Right	Caughey and Warshaw	Consent post-Casey	
Abortion	Right	Author	Gestation limit	Guttmacher Institute; Arndorfer et al. <i>A State by State View of Abortion and Reproductive Rights</i>
Abortion	Right	Author	Abortion insurance restriction	Guttmacher Institute; Arndorfer et al. <i>A State by State View of Abortion and Reproductive Rights</i>
Abortion	Left	Caughey and Warshaw	Medicaid covers abortion	
Abortion	Right	Caughey and Warshaw	Partial birth abortion ban	
Abortion	Right	Author	Physician required	Guttmacher Institute; Arndorfer et al. <i>A State by State View of Abortion and Reproductive Rights</i>
Abortion	Right	Author	Waiting period	Guttmacher Institute; Arndorfer et al. <i>A State by State View of Abortion and Reproductive Rights</i>
Abortion	Right	Caughey and Warshaw	Parental notice	
Abortion	Left	Caughey and Warshaw	Emergency contraception	
Abortion	Left	Author	Abortion legal	National Right to Life
Campaign Finance	Left	Author	Corporate contribution ban	La Raja, Raymond J. and Brian Schaffner. 2014.; National Conference of State Legislatures
Campaign Finance	Left	Author (ext)	Limit on individual contributions	Barber, Michael. 2015.; Brennan Center for Justice
Campaign Finance	Left	Author (ext)	Limit on PAC contributions	Barber, Michael. 2015.
Campaign Finance	Left	Author	Public funding elections	Public Citizen
Campaign Finance	Left	Author (ext)	Dollar limit on individual contributions per cycle	Barber, Michael. 2015.
Campaign Finance	Left	Author (ext)	Dollar limit on PAC contributions per cycle	Barber, Michael. 2015.
Civil Rights & Liberties	Left	Caughey and Warshaw	Corporal punishment ban	
Civil Rights & Liberties	Left	Caughey and Warshaw	ERA ratification	
Civil Rights & Liberties	Left	Caughey and Warshaw	Gender discrimination ban	
Civil Rights & Liberties	Left	Caughey and Warshaw	Gender equal pay law	
Civil Rights & Liberties	Left	Caughey and Warshaw	No fault divorce	
Civil Rights & Liberties	Left	Caughey and Warshaw	State ERA	
Civil Rights & Liberties	Left	Caughey and Warshaw	Gender discrimination ban	

Civil Rights & Liberties	Left	Boehmke and Skinner	Public breast feeding	
Civil Rights & Liberties	Left	Caughey and Warshaw	Fair employment comm.	
Civil Rights & Liberties	Left	Boehmke and Skinner	Physician-assisted suicide	
Civil Rights & Liberties	Right	Boehmke and Skinner	Religious Freedom Rights Amendment	
Civil Rights & Liberties	Left	Boehmke and Skinner	Reporters not compelled to identify sources	
Civil Rights & Liberties	Right	Caughey and Warshaw	Bible allowed in public schools	
Civil Rights & Liberties	Right	Caughey and Warshaw	Moment of silence in public school	
Civil Rights & Liberties	Left	Caughey and Warshaw	State ADA	
Civil Rights & Liberties	Left	Caughey and Warshaw	Discrimination ban public accomodations	
Criminal Justice	Left	Caughey and Warshaw	Death penalty repeal	
Criminal Justice	Right	Author	Determinate sentencing	Stemen, Don, Vera Institute of Justice; NCSL
Criminal Justice	Left	Boehmke and Skinner	DNA motions	
Criminal Justice	Right	Author	Three strikes	Schults, David; Justice Policy Institute
Criminal Justice	Right	Author	Truth-in-Sentencing	Stemen, Don, Vera Institute of Justice
Education	Right	Boehmke and Skinner	Charter school law	
Education	Right	Boehmke and Skinner	School choice	
Education	Left	Author (ext)	K-12 spending	National Center for Education Statistics
Education	Left	Caughey and Warshaw	K-12 spending	
Education	Left	Caughey and Warshaw	Higher ed spending	
Environment	Left	Caughey and Warshaw	Bottle bill	
Environment	Left	Caughey and Warshaw	CA car emissions	
Environment	Left	Caughey and Warshaw	E-waste	
Environment	Left	Caughey and Warshaw	GHG cap	
Environment	Left	Caughey and Warshaw	Renewables fund	
Environment	Left	Caughey and Warshaw	State NEPA	
Environment	Left	Caughey and Warshaw	Endangered species	
Environment	Left	Caughey and Warshaw	Solar tax credit	
Gun Control	Left	Boehmke and Skinner	Brady law	

Gun Control	Left	Caughey and Warshaw	Assault weapon ban	
Gun Control	Left	Caughey and Warshaw	Dealer licenses required	
Gun Control	Right	Caughey and Warshaw	Open carry	
Gun Control	Left	Caughey and Warshaw	Sat. Night Special ban	
Gun Control	Right	Caughey and Warshaw	Stand Your Ground	
Gun Control	Left	Caughey and Warshaw	Background checks (dealers)	
Gun Control	Left	Caughey and Warshaw	Background checks (private)	
Gun Control	Left	Caughey and Warshaw	Gun registration	
Gun Control	Left	Caughey and Warshaw	Waiting period	
Health & Welfare	Left	Caughey and Warshaw	AFDC Up	
Health & Welfare	Left	Caughey and Warshaw	Medicaid adoption	
Health & Welfare	Left	Boehmke and Skinner	Expanded dependent coverage	
Health & Welfare	Left	Boehmke and Skinner	Senior prescription drugs	
Health & Welfare	Right	Boehmke and Skinner	Welfare time limit	
Health & Welfare	Left	Author	ACA exchange	Kaiser Family Foundation
Health & Welfare	Left	Author	Medicaid expansion	Kaiser Family Foundation
Health & Welfare	Right	Author	Welfare drug test	National Council of State Legislatures
Health & Welfare	Left	Caughey and Warshaw	CHIP eligibility (children)	
Health & Welfare	Left	Author (ext)	CHIP eligibility (children)	Kaiser Family Foundation
Health & Welfare	Left	Caughey and Warshaw	CHIP eligibility (infants)	
Health & Welfare	Left	Author (ext)	CHIP eligibility (infants)	Kaiser Family Foundation
Health & Welfare	Left	Caughey and Warshaw	CHIP eligibility (pregnant women)	
Health & Welfare	Left	Author (ext)	CHIP eligibility (pregnant women)	Kaiser Family Foundation
Health & Welfare	Left	Caughey and Warshaw	Pre-BBA CHIP eligibility (pregnant women)	
Health & Welfare	Left	Caughey and Warshaw	AFDC payment level	
Health & Welfare	Left	Caughey and Warshaw	TANF eligibility	
Health & Welfare	Left	Caughey and Warshaw	TANF payment level	

Housing, Transportation, Misc	Left	Boehmke and Skinner	Growth management	
Housing, Transportation, Misc	Right	Boehmke and Skinner	Tort limit	
Housing, Transportation, Misc	Right	Boehmke and Skinner	Rent control ban	
Housing, Transportation, Misc	Left	Caughey and Warshaw	Lemon law	
Immigration	Left	Author	Drivers licenses for undocumented	National Council of State Legislatures; National Immigration Law Center
Immigration	Right	Caughey and Warshaw	English official language	
Immigration	Left	Author	E-verify ban	NumbersUSA
Immigration	Left	Author	State health benefits for recent immigrants	Pew; HHS
Immigration	Left	Caughey and Warshaw	In-state tuition for undocumented	
Immigration	Left	Author	State food benefits for recent immigrants	Pew; HHS
Immigration	Left	Author	State cash benefits for recent immigrants	Pew; HHS
Immigration	Right	Author	E-verify	NumbersUSA
Labor	Right	Author (ext)	Right to work	National Council of State Legislatures
Labor	Right	Author	Local minimum wage ban	Hertel-Fernandez
Labor	Left	Author	Paid family leave	National Council of State Legislatures; National Partnership for Women & Families
Labor	Left	Author	Paid sick leave	National Council of State Legislatures
Labor	Left	Caughey and Warshaw	Prevailing wage	
Labor	Right	Author	Local sick leave law ban	Hertel-Fernandez
Labor	Left	Caughey and Warshaw	Disability insurance	
Labor	Left	Grossman and Jordan	Minimum wage	
Labor	Left	Caughey and Warshaw	Unemployment comp.	
LGBT Rights	Right	Boehmke and Skinner	Gay marriage ban	
LGBT Rights	Right	Caughey and Warshaw	Sodomy ban	
LGBT Rights	Left	Caughey and Warshaw	Hate crime law	
LGBT Rights	Left	Caughey and Warshaw	Civil unions and marriage	
LGBT Rights	Left	Caughey and Warshaw	LGB employment discrimination ban	
LGBT Rights	Left	Caughey and Warshaw	LGB discrimination ban public accommodations	

Marijuana	Left	Caughey and Warshaw	Marijuana decriminalization	
Marijuana	Left	Caughey and Warshaw	Medical marijuana	
Non-policy	N/A	Author	State incarceration rate (JURTOTM + JURTOTF)/population_total	National Prisoner Statistics, 1978-2014, Bureau of Justice Statistics
Non-policy	N/A	Author	Asian and Pacific Islander population (one race)	Census
Non-policy	N/A	Author	Black population (one race)	Census
Non-policy	N/A	Author	Two or more races population	Census
Non-policy	N/A	Author	Native American Indian and Native Alaskan population	Census
Non-policy	N/A	Author	White population	Census
Non-policy	N/A	Author	Total state population	FBI Uniform Crime Report
Non-policy	N/A	Author	Total property crime	FBI Uniform Crime Report
Non-policy	N/A	Author	Total violent crime	FBI Uniform Crime Report
Not Included	N/A	Author	Legislative supermajority required to pass budget	Barber, Michael. 2015.
Not Included	N/A	Boehmke and Skinner	Beer keg registration	
Not Included	N/A	Boehmke and Skinner	Drinking age 21	
Not Included	N/A	Boehmke and Skinner	Zero tolerance underage drinking	
Not Included	N/A	Caughey and Warshaw	Smoking ban (restaurants)	
Not Included	N/A	Caughey and Warshaw	Smoking ban (workplaces)	
Not Included	N/A	Caughey and Warshaw	Casinos	
Not Included	N/A	Caughey and Warshaw	Lottery	
Not Included	N/A	Caughey and Warshaw	Bike helmet required	
Not Included	N/A	Boehmke and Skinner	Grandparent visitation	
Not Included	N/A	Boehmke and Skinner	Living wills	
Not Included	N/A	Caughey and Warshaw	Mandatory car insurance	
Not Included	N/A	Caughey and Warshaw	Mandatory seatbelts	
Not Included	N/A	Caughey and Warshaw	Motorcycle helmet required	
Not Included	N/A	Author	Legislative supermajority required to raise taxes	Tax Policy Center
Not Included	N/A	Author (ext)	Legislative term limits	Barber, Michael. 2015.

Not Included	N/A	Author	Ban on union contributions to candidates	La Raja, Raymond J. and Brian Schaffner. 2014. "The Effects of Campaign Finance Spending Bans on Electoral Outcomes: Evidence From the States about the Potential Impact of Citizens United v. FEC." <i>Electoral Studies</i> 33:102-14.
Not Included	N/A	Caughey and Warshaw	Animal cruelty felony	
Taxes	Left	Caughey and Warshaw	Sales tax	
Not Included	N/A	Caughey and Warshaw	Cigarette tax	
Public Sector Labor	Left	Author	Collective bargaining (firefighters)	Anzia, Sarah F. and Terry M. Moe. 2017. "Do Politicians Use Policy to Make Politics? The Case of Public-Sector Labor Laws." <i>American Political Science Review</i> Forthcoming.
Public Sector Labor	Left	Author	Collective bargaining (local)	Anzia, Sarah F. and Terry M. Moe. 2017. "Do Politicians Use Policy to Make Politics? The Case of Public-Sector Labor Laws." <i>American Political Science Review</i> Forthcoming.
Public Sector Labor	Left	Author	Collective bargaining (police)	Anzia, Sarah F. and Terry M. Moe. 2017. "Do Politicians Use Policy to Make Politics? The Case of Public-Sector Labor Laws." <i>American Political Science Review</i> Forthcoming.
Public Sector Labor	Left	Author	Collective bargaining (state)	Anzia, Sarah F. and Terry M. Moe. 2017. "Do Politicians Use Policy to Make Politics? The Case of Public-Sector Labor Laws." <i>American Political Science Review</i> Forthcoming.
Public Sector Labor	Left	Author	Collective bargaining (teachers)	Anzia, Sarah F. and Terry M. Moe. 2017. "Do Politicians Use Policy to Make Politics? The Case of Public-Sector Labor Laws." <i>American Political Science Review</i> Forthcoming.
Public Sector Labor	Right	Author	Ban on agency fees (state)	Slater, Joseph. "The Strangely Unsettled State of Public-Sector Labor in the Past Thirty Years." <i>Hofstra Labor &amp; Employment Law Journal</i> 30.2 (2013): 10.
Taxes	Left	Caughey and Warshaw	EITC	
Taxes	Left	Caughey and Warshaw	Estate tax	
Taxes	Left	Caughey and Warshaw	Income tax	
Taxes	Left	Author (ext)	Tax burden	Tax Policy Center
Taxes	Left	Author	Top capital gains rate	Daniel Feenberg and Elisabeth Coutts, National Bureau of Economic Research
Taxes	Left	Author (ext)	Top income rate	Daniel Feenberg and Elisabeth Coutts, National Bureau of Economic Research

Taxes	Left	Caughey and Warshaw	Corporate tax rate	
Voting	Left	Boehmke and Skinner	Absentee voting	
Voting	Left	Boehmke and Skinner	Early voting	
Voting	Left	Boehmke and Skinner	Motor voter	
Voting	Right	Author	Voter ID	Kyle Dropp; National Council of State Legislatures
Voting	Right	Grumbach	Permanent felon disenfranchisement	Brennan Center for Justice