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# Electoral Transitions in Connecticut: The Implementation of Clean Elections in 2008

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Electoral Transitions in Connecticut: The Implementation of Clean Elections in 2008

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In 2005, Connecticut became the first state to establish a public election funding program through the regular legislative process. The overhaul of state campaign finance law was a response to a political scandal that sent several leaders – including the governor – to jail. The new rules parallel the systems in place in Arizona and Maine, offering qualifying candidates grants that replace private fundraising. The first election under the new system will occur in 2008, when state legislative candidates are eligible. Statewide offices – e.g., governor, attorney general, secretary of state – become eligible in 2010.<sup>1</sup>

Our goal in this paper is to identify the salient features of the state legislative electoral context and establish a baseline of electoral competitiveness in Connecticut. To do so, we analyze both current trends in Connecticut and Maine's transition to public funding, focusing on how Maine's electoral environment has changed since it moved to a full voluntary public funding in 2000. Having this second piece of information enables us to project what the effect of the new public funding law on Connecticut's 2008 legislative elections might be.

Our chief finding is that the electoral environment in Connecticut has changed in the last decade, moving from a period of sustained competition that had lasted since the 1930s, to one of the least competitive electoral systems in the country. Beginning in the late 1980s, legislative elections became increasingly one-sided affairs. By 2000, a seat in the Connecticut House or Senate had become one the safest offices anywhere, approaching if not exceeding the security of membership in the U.S. Congress. We are unable to tie this development to any single causal factor, but likely culprits include the increasing professionalization of the legislature, the creation of safe districts through redistricting, and challengers' inability to raise sufficient funds.

The public funding system may have been intended primarily to stem the flow of private money into political campaigns as an anti-corruption measure, but as the new rules go into effect, we think that

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<sup>1</sup> Connecticut legislative candidates running in special elections in 2007 will also be able to participate in the CEP. Additionally, in early August, the North Carolina General Assembly created a pilot public funding program, in which candidates for Auditor, Commissioner of Insurance, and Superintendent of Public Instruction are eligible for full public funding beginning in 2008.

the generous public funding grants, matching provisions, and high spending limits will dramatically reshape the campaign environment – well beyond the impact in the two other states that have adopted full public funding. Once challengers, in particular, get past the initial qualification threshold they will have access to unprecedented resources, up to eight times as much as they now spend.

It is not much of a leap, therefore, to think that legislative elections will become far more competitive. The Connecticut program will, further, allow us to test some of the basic tenets of campaign finance research, particularly the long-held belief that challengers benefit more from increased campaign spending. If challengers do not do significantly better, considering the amounts of money available to them under the public funding system, it will cast doubt on one of the empirical foundations of campaign finance reform. We doubt that this will happen, however.

### **Structure of the Citizens Election Program**

The two existing full public funding programs in Maine and Arizona have several common features. Both offer full funding to candidates who raise a minimum amount of qualifying contributions, grants conditioned on candidate acceptance of spending limits, and matching provisions designed to protect participating candidates from being outspent by privately funded opponents or independent groups. The programs also use a rigorous reporting and enforcement system that requires all committees – whether participating or not – to file reports detailing their contributions and expenditures.

The Connecticut program follows this template. Candidates who raise a minimum amount in qualifying contributions – set at a level designed to weed out fringe candidates who lack at least some public support – become eligible for a public grant that covers the entire cost of their campaign. In return, candidates agree to spend only the grant plus what they raised in qualifying contributions. To protect participating candidates against being overwhelmed by privately funded opponents (who are not bound by any spending limits), the law provides additional matching grants up to twice the original subsidy when opponents exceed the spending limit for an office or when independent groups spend money opposing a participating candidate. The program is funded through the sale of abandoned property held by the state,

with any shortfalls made up by corporate tax revenues. The initial allocation (from fiscal years 2006 and 2007) was \$23 million.

Table 1 sets out the basic features of the program. In order to be eligible for the public grants, house candidates must raise \$5,000 from a minimum of 150 in-district contributors, with a contribution limit of \$100. Senate candidates must raise \$15,000 from at least 300 in-district contributors. These thresholds are considerably higher than those in any other public funding state, although most candidates in recent cycles have been able to raise at least as much.<sup>2</sup>

The base public grant for a contested general election is \$25,000 for Assembly candidates and \$85,000 for senate candidates; major party gubernatorial candidates are eligible for a base general election grant of \$3 million. Candidates running in contested primaries are eligible for grants of \$35,000 for the Senate and \$10,000 for the House. There are special provisions for one-party dominant districts, in which the primary is likely to be the equivalent of a general election; here, the senate primary grants increase to \$75,000 and the house primary grants to \$25,000.<sup>3</sup> Minor party candidates, and those who gain ballot access via the petition process, are eligible for smaller grants depending on the number of votes the party received in the last election or the number of signatures on a candidate's nominating petition.

Candidates who accept public funding must agree to limit their overall spending. The spending limit includes the primary and general grants, the qualifying contributions that candidates must raise to be eligible, and any additional matching grants. In table 2, we compare the spending limits in Arizona, Maine, and Connecticut, using the spending limits divided by district and state populations. We use the spending limit for a race in which a candidate faces contested primary and general elections.

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<sup>2</sup> Arizona candidates must raise \$1,050 in \$5 contributions (from 210 people); Maine candidates must raise \$250 for House campaigns and \$750 for the Senate, also in \$5 contributions. In Minnesota and Hawaii, which are partial public funding states, qualifying thresholds are \$1,500 for the House and \$3,000 for the Senate.

<sup>3</sup> These are defined in the statute as districts where one major party has a 20 percentage point advantage in party registration.

The Connecticut program stands out in the generous spending limits and grants, and the relatively high qualifying thresholds. In Arizona, the base public grants work out to about nine cents per resident for legislative races and ten cents per resident for statewide races. Maine's election grants are more generous per person but remain low because of the small legislative districts, ranging from 31 cents per resident in gubernatorial elections to 53 cents per resident for state senate elections.

Connecticut's grants are far-and-away the most generous, allowing legislative candidates to spend \$1.74 per person in state house elections and \$1.29 per person in the senate – up to six times as large as Maine's grants and nearly 20 times larger than Arizona's. Matching provisions offer additional grants in response to independent spending or privately funded opponents who exceed the spending limit. Participating candidates receive supplemental funds in increments of 25% of the original grant when a privately funded opponent approaches certain thresholds – at 90%, 115%, 140% and 165% of the spending limit – and they can spend the additional funds when the private candidate exceeds 100%, 125%, 150% and 175% of the spending limit.<sup>4</sup> Matching funds for any independent expenditures against the candidate are issued within two days of any reports filed with the State Elections Enforcement Commission. The maximum grant any participating candidate can receive is twice the base grant amount. No matter how much private opponents or third party groups spend, the most a publicly funded candidate can spend is \$375,000 for a senate seat, and \$110,000 for a house seat, with maximum public grants of \$360,000 and \$105,000, respectively.<sup>5</sup>

These grants and spending limits exceed by a large margin the typical spending even in close races under the current system. In table 3 (which we discuss further in the section on competitiveness),

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<sup>4</sup> This complicated arrangement is designed to allow participating candidates to respond immediately to opposition spending. By providing the funds when the opponent nears to the triggering threshold, the candidates already have the money available as soon as the threshold is exceeded. If the opponent does not exceed the spending triggers, candidates must return the supplemental grant money.

<sup>5</sup> This would occur when a participating candidate runs in both a primary and general election, against privately funded opponents who spend twice the spending limit, *and* when outside groups make independent expenditures equivalent to twice the spending limits at each phase. In this case, the participating candidate receives two supplemental grants in each round: an additional 100% of the base grant in response to the private spending, and another 100% in response to the independent spending. This is unlikely in a legislative race, but entirely possible in a hotly contested gubernatorial election.

we show the average spending in contested races for incumbents, challengers, and open seat candidates. In only one instance – open seat senate races during the 2006 cycle – has the average candidate’s spending amount exceeded the maximum spending limit for a primary/general cycle. That year, there were four closely contested seats, and seven of the eight general election candidates spent more than \$130,000. In the house, the average spending has typically been half – or less – of the base spending limit for contested races.

Elsewhere, we have analyzed how public funding has altered campaign competitiveness in Arizona and Maine, as well as the relationship between candidate gender and the decision to accept public money (Mayer, Werner and Williams 2006; Werner and Mayer 2007). We found a marginal increase in competitiveness – as measured by the percentage of incumbents who face a major party challenger, the percentage of incumbents who run in competitive races, and the incumbent reelection rate – in Arizona and Maine.

### **Connecticut’s Pre-Reform Political Environment**

Connecticut has a population of 3.5 million. Its state senate has 36 members, each representing roughly 98,000 residents. The state house has 151 members, averaging 23,000 residents per district. There is little relationship between the senate and house district boundaries. Both the house and senate have diffuse leadership structures, with a uniquely large number of majority and minority leadership slots: 49 in the house and 28 in the senate. Between 2001 and 2004, every one of the 15 Republicans in the Senate had a leadership position (Squire and Hamm 2005, 165).

The legislature is formally part time, with regular sessions meeting for six months in odd numbered years and three and one-half months in even numbered years. Legislators earn \$28,000 annually, with small expense allowances and a mileage reimbursement. According to Squire’s index of legislative professionalism – which takes into account session length, salaries, and staff support –

Connecticut is in the middle range, ranked 21<sup>st</sup> out of 50, roughly comparable to Arizona, Minnesota, Colorado, and Nebraska (Squire 2000, 143).<sup>6</sup>

A series of political scandals rocked Connecticut in the late-1990s and early 2000s, laying the groundwork for the major reforms of its campaign finance system. Over a six-year period, the governor, several of his aides, the state treasurer, a state senator, and the mayor of Bridgeport were all convicted of or pled guilty to corruption-related crimes, and all served jail time. Although the details of the cases varied, all involved illegal contributions or kickbacks to officials, who held out the prospect of state business in return. They were classic cases of influence-peddling.

The scandal surrounding three-term Governor John G. Rowland was the capstone of several years worth of investigation into bid-rigging, gifts to state officials, and relationships to well-connected contractors. His fall from grace, from one of Connecticut's most popular and powerful politicians to an ex-felon with few career prospects, came quickly after he was reelected to a record third term in November 2002. In 2003, newspaper accounts began to question who had paid for extensive renovations to Rowland's summer cottage, as far back as 1997 (State of Connecticut 2004). Rowland initially claimed that he had paid for all of the work, despite reports from the contractors involved that they had done the jobs for free in return for promises of future state contracts. Within weeks of his initial denials, Rowland admitted that the costs of the remodeling had been paid by the contractors, state employees, and members of his staff. Subsequent investigations established that Rowland had started paying some of the six year old invoices after newspaper reports raised questions about his behavior (State of Connecticut 2004, 31).

With one tug on this frayed thread, the entire fabric of Rowland's career unraveled with astonishing speed. The revelation about his summer house led to more revelations about thousands of

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<sup>6</sup> The index would have been far lower before 1971, when the legislature met in regular session only between January and June of odd-numbered years. This rendered the legislature almost irrelevant, as these quarter-time legislators lacked the capacity for an independent consideration of key policies (especially the budget). In addition, the gap of nearly 19 months between the end of one session and the beginning of the next was "much too long a time to expect voters to remember who their senators and representatives are, much less to remember what their accomplishments are" (Ogle 1970, 4).



dollars in gifts that Rowland had accepted from friends, employees, and contractors: lavish speaking fees for this wife and a \$40,000 gift that financed a vanity-published children's book she wrote; a fraudulent real-estate transaction, in which a Connecticut businessman paid triple the market rate for his daughter to live in Rowland's Washington, D.C. condominium, and then arranged the sale of the unit at an inflated price; substantial gifts from Rowland's staff, trips paid for by contractors, and on and on. Many of these gifts came from people or companies that had large contracts with the state. Kevin Rennie (2006, 2047), a political columnist and former state legislator, called Rowland and his wife "accomplished mooches."

In January 2004, the state legislature began its own investigation, and by April, a special panel had begun impeachment proceedings. Rowland refused to appear, but when the state supreme court ruled that he had to testify before the investigatory panel, he resigned.<sup>7</sup> In December 2004, Rowland pleaded guilty to the federal charge of stealing honest service and was sentenced to one year in prison.

Corruption was hardly new to Connecticut politics, and urban machines were both common and powerful until the late 1970s.<sup>8</sup> Party organizations were heavily involved in patronage and distributive politics (Mayhew 1986), and strong one party dominance resulted in "apathy born of lethargic management" in state government (Kravchuk 1993, 329). The state's wealth provided an important buffer, but by the late 1980s the problems were impossible to ignore: an economic slowdown, some of the highest state and local taxes in the country, declining real estate values, and the contrast between suburban wealth and some of the poorest cities in the country. The election of independent Lowell Weicker as governor in 1990 signified dissatisfaction with two party politics; however, his decision to push through the state's first income tax in 1991 led to a backlash resulting in his withdrawal from the 1994 race, and Rowland, who had campaigned against the income tax, was elected in a close three-way race.

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<sup>7</sup> Rowland resigned effective July 1, 2004. For a critical review of the Committee's inquiry, arguing that the legislature lacked the authority to compel Rowland's testimony, see Gahan (2006).

<sup>8</sup> The largest scandal in state history occurred in 1938, when the Lieutenant Governor (who was also the Mayor of Waterbury), and other local officials stole \$3 million from city coffers. At about the same time, other officials were involved in corrupt land deals for a new highway, and still others embezzled from the state national guard, Lockard (1959, 267) describes the corruption as "nicely bipartisan."

Although proposals to institute public funding were made prior to Rowland's resignation, the scandals that led to his leaving office created a perception that corruption was pervasive in Hartford and Connecticut politics generally, leading to more vocal cries for serious reform. (Jennings 2004).<sup>9</sup> Republican M. Jodi Rell, who took office when Rowland resigned, pushed for ethics and campaign finance reforms (Haigh 2004). When legislators failed to pass such legislation during its regular 2005 session, Rell called for a special session on campaign finance reform in October. After weeks of debate, the legislation passed (28-7 in the Senate, 82-65 in the House) on November 30<sup>th</sup>. Rell signed the legislation in December.<sup>10</sup>

### **The Transition to Connecticut's New Campaign Finance Regime**

The primary goal of the new campaign finance system, dubbed the Citizens' Elections Program (CEP), was to drive "special interest" money out of the political process, particularly the kinds of contributions at the core of the Rowland scandal – gifts and campaign contributions from firms doing business with the state, "gifts" from government employees, and campaign contributions from lobbyists. The reforms – the first major change to Connecticut's campaign finance law since the 1970s – were primarily supported by Democrats in the legislature. The legislation had two principal aims: first, to place additional restrictions on traditional private campaign financing and second, to create a full public funding system for statewide offices and the general assembly comparable in form to the systems operating in Arizona and Maine. Connecticut's program's origins are unique, however, as the legislature and governor, and not the voters via initiative, created the program.

The new law reorganized all campaign finance administration into a single state agency, the State Elections Enforcement Commission (SEEC) and provided funding to upgrade the state's campaign finance filing and reporting system. As part of this process, the SEEC is creating databases that will

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<sup>9</sup> Previous efforts to enact public funding for statewide offices failed in 2000 and 2002 (Satter and Cibes 2004, 220).

<sup>10</sup> See Connecticut Public Act 05-5 (October 29 Special Session) and further amendments in Connecticut Public Act 06-137.

allow the agency and public to have access to information about political action committees' (PACs) activities more easily, as well as to record and track the names of state contractors and their immediate family members.

In an effort to curb perceived and real corruption, Connecticut modified its traditional campaign financing laws to prohibit some kinds of donations, restrict PAC formation, and place new limits on donations to candidates from parties and PACs. The new rules ban contributions from lobbyists and their families and from contractors doing business with the state government.<sup>11</sup> The law also ended the longstanding practice of purchasing advertising in candidate literature, a barely disguised loophole that allowed contributions from groups otherwise prohibited from involvement in campaigns.<sup>12</sup>

The CEP is estimated to cost approximately 16 million dollars per election cycle and will be funded through escheats (e.g., unclaimed surpluses such as abandoned bank accounts and estates that default to the state),<sup>13</sup> voluntary contributions,<sup>14</sup> interest on these accounts, and, if necessary, corporate tax revenues.

The new campaign finance laws, including the CEP, have been criticized on three fronts. First, opponents claim that the bans on contributions from lobbyists and their immediate families, as well as contributions from state contractors who do work for the legislature are violations of these individuals'

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<sup>11</sup> See Chapter 155 of the Connecticut General Statutes. Critics point to a limit in this language. Contractors who do business with the executive branch of the state government may not make contributions to any statewide candidate. Contractors who do business with the legislature may not make contributions to legislative candidates. But the bans do not apply across institutions: state contractors *can* make contributions to legislators, as long as they do business only with the executive branch. And those who have business only with the legislature can make contributions to statewide candidates.

<sup>12</sup> It is a common practice for campaigns to issue "ad books," which are campaign literature with advertising. Corporations that were barred from making direct contributions were legally permitted to purchase advertising space in these books, the revenues of which went directly into campaign treasuries (Salzman 2005)

<sup>13</sup> See Chapter 32, Part III of the Connecticut General Statutes for a comprehensive list of such escheats and details of how they administrated by the state treasurer.

<sup>14</sup> The SEEC is actively pursuing donations from candidates who had surpluses after the 2006 elections and are likely to participate in the new public funding system, as well as PACs and party committees; see Connecticut State Elections Enforcement Commission, "Report to the Connecticut General Assembly Concerning the Status of the Citizen's Election Fund as of December 31, 2006," 18 May 2007.

rights of equal protection and freedom of speech and association.<sup>15</sup> Further, critics also argue that the new regulations on independent expenditures are in effect a form of content-based discrimination.

Second, both opponents and proponents of the reform have claimed that it leaves open a significant and easily exploited loophole. The law continues to allow legislative leadership PACs, state parties, and unions to provide in-kind services to legislative candidates, including polling and political consulting. Much of the criticism leveled against the legislation was by Republicans, who insisted that the legislation was nothing more than a sham that would do little to curb the influence of special interests in state elections.<sup>16</sup>

Third, independent and third-party candidates argue that the law violates the equal protection clause of the Fourteenth Amendment, as it imposes a different set of requirements on them to qualify for public funding. Third party candidates not only have to raise the same threshold seed money amounts as the major party candidates to be eligible for public funding, but either their party also has to have won 10 percent of the vote in the prior election in the legislative district or they have to collect a relatively large number of individual signatures from within the district.

Armed with these criticisms, a coalition of groups, including the state Green and Libertarian parties, the Association of Connecticut Lobbyists, and the American Civil Liberties Union of Connecticut, have challenged the reforms on equal protection and free speech and association grounds in federal court.<sup>17</sup> The lawsuit is currently pending, and several organizations are assisting the state or intervening on its behalf, including Common Cause and the Brennan Center. As for the criticisms the state faces regarding the effects of the reforms on third parties, the defendants point to a series of U.S. Supreme Court decisions in which the Court upheld requirements that a candidate can be expected to

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<sup>15</sup> An additional criticism of this provision (from the opposite direction) is that it although it prohibits legislators from accepting contributions from state contractors who work for the legislature, it does not ban contributions from contractors who work for any other part of the state's government, as discussed above.

<sup>16</sup> Susan Haigh, "Legislature passes campaign finance reform bill," Associated Press State and Local Wire, 1 December 2005.

<sup>17</sup> See *Green Party of Connecticut v. Jeffrey Garfield, et al.* U.S. District Court, District of Connecticut, complaint filed 6 July 2006.

demonstrate some minimal level of mass support before they gain access to public funding for a campaign, as well as to research report prepared by Connecticut's Office of Legislative Research in 2006 that found that in the 2004 state legislative elections at least 24 third party or petitioning candidates reached the ten percent of the vote threshold that would have qualified their party or themselves for public funding in the subsequent election.<sup>18</sup>

### **Electoral Competition in Connecticut Legislative Elections**

State legislative elections are typically one-sided contests. In these relatively low-salience affairs, challengers have great difficulty breaking through the well-known catch-22 in which they exist: they are not seen as competitive unless they can raise money, but they cannot raise money unless they are seen as competitive. Across the country, incumbents are routinely elected by large margins, and often face no real opposition at all. Niemi et al, (2006) found that nationwide, the average incumbent reelection rate for legislatures has hovered at or above 95% since 1996. They also note that only about 20% of incumbents face competitive elections.<sup>19</sup> In the 2004 elections, the major parties bothered to contest only 65% of the legislative seats up that year (National Conference of State Legislatures 2004).

Public funding programs are designed, at least in part, to address this problem. Although Connecticut's law arose from the detritus of the Rowland scandal and was designed mostly to drive private money out of the process, legislators understood that increased competition could be a welcome byproduct. During senate consideration of the plan, Senator Edward Meyer (D-Branford) opined "I don't think we could do anything more for the public interest in Connecticut than to build a competitiveness here in our state, in our State Legislature, where a two-party system is honored, where there's competitive races, where there is new blood."

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<sup>18</sup> See Connecticut Office of Legislative Research, "Public Financing of Campaigns: Constitutional Issues and Impact," 2006-R-0175, 12 April 2006.

<sup>19</sup> To be precise, their figures are for incumbents running in single-member districts. Those running in multi-member districts typically face much more competition.

Connecticut had, for much of the 20<sup>th</sup> century, enjoyed an unusually competitive electoral system.

Writing in 1959, political scientist Duane Lockard observed:

Few states, and certainly none in New England, have equaled the closeness of party competition in Connecticut during the last generation. Since the end of the 1920s both major parties have had to approach each election with trepidation, for victory has usually hung in the balance of a few thousand votes. Fear of ballot box retribution for party indiscretion has become one of the most signally important forces in Connecticut politics (1959, 228)

McKee and Petterson concur, describing the period 1930-1956 as “a phase during which the major parties were highly competitive” (1997, 116). Strong parties, centralized leadership, robust local organizations, and balanced party identification contributed to the view that the state was an exemplar of responsible party government.

Competition was uneven in the general assembly; although the house was overwhelmingly Republican in this era (often the party held more than 80% of the seats), the senate often flipped back and forth between parties. Much of the Republican strength in the house was born of malapportionment, in which rural districts were far smaller than their urban counterparts. Lockard described Connecticut’s overrepresentation of rural areas as “the worst of them all,” with the house ranking dead last in a study of all 94 state legislative chambers in the country (1959, 272).<sup>20</sup>

Certainly, the apportionment revolution of the 1960s turned traditional Connecticut politics on its head, ending the GOP lock on the house and ushering in an era of increased Democratic strength. In 1965, the house reorganized, shrinking from 294 to 177 seats, with redrawn district lines. The results were dramatic: in 1965, the GOP held 183 of 294 seats (62%); in 1967, they held only 60 out of 177 (34%). Between 1887 and 1965, the Republicans had held the house in 76 out of 78 years; after the reapportionment, they were to hold it for only four of the next 43. And even though the legislature has become reliably Democratic since then, statewide the major parties have remained competitive, with Republicans, Democrats and even independents elected as governor and U.S. senator.

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<sup>20</sup> In the 1936 election, Democrats outpolled Republicans almost 4-1 in the statewide house vote, but won only 37% of seats (Lockard 1959, 272-3).

To assess recent levels of competitiveness, we focus on three different measures: basic information about spending among incumbents, challengers, and open seat candidates; the fate of incumbents, as expressed in how often they face major party opposition, run in competitive races, and lose; and the relationship between spending and outcomes. We collected campaign finance data and election returns from 1992 to 2006, and used the State Legislative Election Returns dataset to extend our electoral analysis back to 1970 (Berry and Carsey 2004). We focus exclusively on general elections, because Connecticut has an unusual primary process. Known as a “challenge primary,” state party nominating conventions make initial endorsements for office. Contenders who do not receive this endorsement can force an election only by collecting petition signatures from 5% of registered party members in the legislative district (McKee and Petterson 1997, 119).

All of our measures of competitiveness show a steep decline in the last fifteen years, particularly in the ability of challengers to organize credible campaigns against incumbents. The key shifts began in the 1980, but solidified in the 1990s to the point where legislative elections in Connecticut could be considered uncompetitive by any standard.

In table 3 we show the average spending for each type of candidate, for each cycle, in races with major party candidates.<sup>21</sup> These figures show familiar patterns. Financially, of course, incumbents are far better off than challengers, outspending them by significant margins. Open seat races are often the most expensive, as the competitiveness of the seats tend to attract viable candidates able to raise whatever is necessary.

What stands out is that the financial advantages of incumbency appear to be shrinking in both chambers (of course, this does not take into account the number of uncontested races). In 1992, incumbents outspent challengers by, on average, nearly 3-1 in house races and 2-1 in the senate. It was perhaps small comfort to house challengers that they could raise half as much as incumbents by 1996 and

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<sup>21</sup> There have been a handful of third party legislators in state history, but none since 1957. As Connecticut has a “fusion” law allowing third parties to endorse major party candidates, we opt to exclude those without a major party affiliation.

nearly 60% as much in 2006. In the senate, where the smaller number of races makes the numbers more volatile, challengers approached parity in 2006, spending nearly 70% of the incumbent average.<sup>22</sup>

Yet despite closing – somewhat – the financial gulf, challengers are not doing any better at the polls. As we note below, fewer incumbents face major party opposition. We might have expected that the more marginal candidates are staying away, leaving the field to challengers who at least have some chance of organizing a credible campaign, but that has not happened. The average two-party vote percentage for incumbents, in contested races, has *increased* even as their average financial advantage has shrunk. In 1992, house incumbents averaged 61% of the vote in contested races. By 2006, that had increased to 66.3%. In the senate, incumbents received an average 60.8% in 1992 and 66.5% in 2006.

Following our earlier work (Mayer, Werner and Williams 2006), we calculated three measures of competitiveness focusing on the benefits of incumbency. Ultimately, the key standard of competitiveness of any electoral system is the scope of the incumbency advantage: this defines the openness of the system, responsiveness to shifts in public opinion, and even the context of legislative organization.

We show our results in figures 1-3. Figure 1 plots the percentage of incumbents who face major party opposition in general elections. In the 1970s, almost every seat was contested – 100% in some cycles. The percentage dropped slightly for the house in the 1980s but remained steady in the senate. Since 1988, however, the contested rate began a steady drop, and by 2000 about a third of incumbents had a clear field in the general election. In 2006, only 58% of House incumbents had a major party opponent; the Senate, with a much smaller number of races, shows more volatility, but there is no question that the contested rates are significantly smaller than they were even 15 years ago. Others have noticed this trend; 10 years ago, McKee and Petterson noted “a disturbing rise in uncontested elections” since 1980 (1997, 132).

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<sup>22</sup> We recorded campaign finance information using the post-election Statement of Receipts and Expenditures filed with the Secretary of State for each candidate. We were unable to collect information for the 1994 and 1998 cycles, as the information was available only in microfiche and the Secretary of State office did not have a reader (and would not allow us to take the files to an alternative facility).



Further, the incumbents who still face an opponent have had an easier time in recent cycles, as we show in figure 2. Here, we plot the percentage of contested incumbents who run in a competitive race (defined as the incumbent receiving less than 60% of the vote). In the 1970s, half or more of incumbents had a real fight on their hands. In the 1980s, the percentage of competitive races had dropped to about 40% (again, the senate shows more volatility and marginally higher rates of competition). The percentage started dropping again in 1992, and by 2000 fewer than one incumbent in five was in a competitive contest. In 2006, only 18 house incumbents received less than 60% of the vote, out of 131 running (13.7%).

Figure 3 shows another way of describing this phenomenon, charting the mean incumbent share of the two-party vote in contested elections. We use a moving average over three cycles to smooth out idiosyncratic variation from one cycle to the next. In the 1970s, incumbents typically received about 58-60% of the vote when they faced a major party challenger (a result consistent with figure 2, which showed that well over half of incumbents ran in competitive races). By the late 1980s this had increased to the low 60s for both house and senate incumbents and increased again in the past 10 years. Now, incumbents have increased their vote share to a consistent 66% in house races, and about 63% in the senate. Quite obviously something has changed in the past 30 years, as even challengers who decide to come forward have a much more difficult time putting a serious campaign together.

In figure 4 we show the payoff measure – the incumbency reelection rate.<sup>23</sup> We noted earlier the historical tendency for high turnover in the legislature, as incumbents saw little reason to stay in a body with trivial salaries, no support, and little political power. But here, too, that pattern has shifted, as incumbents are more likely to fight to keep their seats. In the 1970s and 1980s, the reelection rate varied between 60 and 90 percent, with a high level of volatility. But, as with our other measures, by 1988 the reelection rate increased for good. Since then, more than 95% of incumbents who run have been reelected. In 1998 and 2006, the Senate reelection rate was 100%; in 1998, the House rate was 98.5%

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<sup>23</sup> Calculated as the percentage of incumbents seeking reelection who win another term; we remove from the calculation incumbents who wind up paired because of redistricting (which guarantees that at least one will lose).

All of our indicators point to a substantial decrease in competitiveness over the past 10 years, most dramatically in the percentage of incumbents who face serious challenges. The decrease is at least partly a result of challengers' inability to raise sufficient funds for real contests; it may also reflect an increasing recognition among incumbents that the office is worth having. In the 1960s, when the legislature met for only a few months in each biennium, turnover was 30-40% in each cycle, mostly because incumbents chose not to run for reelection (Ogle 1970, 24). In the 1930s and 1940s turnover was higher still, as much as 50% each session, the highest levels anywhere in the United States (Lockard 1959, 296).<sup>24</sup> As the legislature has become more professionalized, particularly after 1971, the seats appear to be more desirable.<sup>25</sup>

### **Impact of Public Funding: What Will Happen in Connecticut in 2008?**

In an attempt to assess the potential impact of full public financing on Connecticut's state legislative elections, we compare its recent electoral history to that of Maine, a New England state that implemented a similar program in 2000.<sup>26</sup> We did so primarily through the analysis of nonparametric local regression plots of candidate spending versus general election vote percentages in major party

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<sup>24</sup> Reasons include low pay, a system of rotating nominating power from town to town, and the strong leadership control. "Many fail to see the advantage in returning to be a very small cog in a closely geared piece of machinery" (Lockard 1959, 297)

<sup>25</sup> It is difficult to get a complete picture of the relationship between legislative service and aspirations for higher office. Until the 1970s, political party organizations played a major role in grooming candidates as they worked their way up, with strong discipline and control. Today, five of the seven members of the state's congressional delegation had previously served in the legislature. In 1974, four of eight had previous state legislative experience. Many of Connecticut's most famous political figures – Joe Lieberman, Abe Ribicoff, Lowell Weicker, Ella Grasso, even John Rowland – served in the general assembly before moving to higher office.

<sup>26</sup> We choose not to use Arizona—the other state to implement full public financing—in our comparative case analysis for several reasons. First, the Arizona House has multi-member districts (the top two vote getters in each of its 30 legislative districts are elected to the chamber), making it difficult to make direct comparisons to a traditional single-member first past the post system like Connecticut's. Second, there are far too few contested seats in the single-member Arizona Senate in the pre-public financing era for our local regression analysis not to be overly influenced by specific observations. Third, we believe that although there are significant differences between the political environments in Maine and Connecticut, comparing states within the same region makes the more sense than comparing across regions — additionally, the Maine and Connecticut houses are identical in size (151 seats), and their senates are almost identical (35 and 36 seats, respectively), which further aides our visual comparisons.

contested races. Although a nonparametric approach does not allow for a simple interpretation of effects, and prevents us from using traditional tests for substantive and statistical effects, it has several virtues that are particularly beneficial. These include flexibility, a lack of assumptions about the underlying data, and an ability to reveal patterns in the data, especially non-linear relationships. Further, because we lack the data necessary to create an instrumental variable for candidate quality, we cannot construct a straightforward and parameterized model of the relationship between spending and votes (using two-stage least squares or a comparable approach). Nonparametric methods give us some leverage in situation where otherwise we might have none. There is, as we will show, a strong relationship between how much candidates spend and the percentage of vote that they receive. We cannot, however, make strong claims about the direction of the causal relationship.<sup>27</sup>

Figures 5 through 10 are scatterplots of legislative candidate vote percentage and campaign spending for Maine and Connecticut, in different election cycles. We produce separate figures for the state senates and state houses, and for incumbents and challengers. Within state and chamber, each set of plots is scaled identically on its axes to make them simple to compare; further, each axis identifies the mean of the plotted variable (the black boxes to the right of the y-axis and just above the x-axis), as well as the variable's marginal distribution (the histograms parallel to the axes). These latter two features capture the summary statistics for the variables and offer a convenient method for contrasting Maine's pre-public and public financing era elections. By looking at how Maine elections changed after the adoption of public funding, we can make inferences about what is likely to happen in Connecticut.

### **State House Candidates**

Figures 5 and 6 plot the relationship between spending and the two-party general election percentage for Maine House challengers and incumbents, respectively. The first panel of each figure

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<sup>27</sup> One possibility is that spending money increases a candidate's vote share, as the ability to persuade and inform is directly dependant on how much money is available. The other is that skilled, experienced, and serious candidates are likely to be perceived as competitive, based on contributor estimates of how large a share of the vote they will receive. These candidates will therefore be able to raise more money from contributors who are willing to fund what they see as a viable campaign.

shows the relationship for 1996 and 1998, pooling the candidates across the two election cycles prior to the implementation of Maine's clean elections program; the second set of panels pools the 2004 and 2006 elections, the two most recent elections under the public funding system. The first panels include a local regression line for all of the candidates, and the second panels include this overall regression line, as well as separate local regressions for privately and publicly financed candidates.

The pre-reform period in Maine featured a roughly linear spending-vote relationship for both house challengers and incumbents. Higher challenger spending was associated with higher vote totals, and higher incumbent spending with lower vote totals (5a and 6a). These relationships capture the expected dynamics of traditional private campaign finance systems: challengers tend to do better when they are better funded, and incumbents spend more when they are at greater risk of losing their seats, and hence, their vote totals tend to decrease as their spending increases.<sup>28</sup> These associations are captured in the line in each plot. The mean general election percentage was about 40% for challengers and 60% for incumbents. Unsurprisingly, there were few challengers who ran successful races in the 1990s (in figure 5, they would be to the right of the gray vertical line at 50% of the two-party vote), and conversely, few incumbents who lost their seats.

Part of this dynamic can be explained by the large number of challengers in pre-reform Maine who spent nothing or near-nothing on their campaigns (see the y-axis histogram in panel a of figure 5), but nonetheless, the cross-state pattern is clear from an examination of the marginal distribution of candidate expenditures: in pre-reform Maine, it was extremely rare for a house challenger to spend more than ten thousand dollars, whereas in Connecticut, it was not at all unusual for a candidate to spend forty thousand dollars or more.

When public funding became available in 2000, overall candidate spending in Maine did not change dramatically—mean challenger spending went up slightly and mean incumbent spending went down. However, the distribution of spending by publicly-funded candidates tightened considerably, with

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<sup>28</sup> We stress, again, that we are not making a strong causal claim about the direction of the spending-votes relationship. But our findings confirm what has long been the conventional wisdom: that challengers benefit from additional spending, while incumbents do not. See Jacobson (1992, 130-2).

much smaller variance around the average levels (figure 5b). That is, there are far fewer low spending and high spending challengers: nearly every candidate on the ballot qualifies for public funding, so there are almost no publicly funded candidates who spend very small amounts.

There are other clear effects of public funding on house challengers in Maine. The overall distribution of challenger vote totals shifted rightward on the x-axis. Although the mean vote total for challengers is only a few percentage points higher than the mean for all pre-reform candidates, that small increase represented a significant improvement in challenger fortunes. Far more challengers are able to garner between 40 and 60% of the vote in the public funding system, and only one publicly-funded challenger received less than 20% of the vote (in contrast, five privately-financed candidates performed that poorly). Second, the relationship between spending and votes flattened out significantly once public funding became available. That is, in 2004 and 2006, there is little evidence of a bivariate relationship between the amount of money spent and the percentage of votes received by Maine House candidates. The overall smoother line (the black line in the graphs) flattens out considerably in the post-reform period, as do the separate lines for challengers and incumbents. The one exception to this post-reform pattern is privately-funded incumbents: the spending-votes relationship remains the same for these candidates, with higher levels of spending generally correlating with lower vote percentages (the dotted line in panel b of figures 5 and 6). Even though public funding matter less for incumbents, these figures still support an argument we have made elsewhere: critics of public funding programs have little ground to stand on when arguing that they amount to incumbent protection programs (Mayer, Werner and Williams 2006).

### **State Senate Candidates**

The effects of public funding, at least for challengers, stand out even more dramatically in senate races. Figures 8 and 9 show that the pre-reform patterns in the Maine Senate are stronger than those in the Maine House. Increased challenger spending is strongly associated with a larger share of the two-party vote, and challengers who cannot raise a minimum of at least \$5,000 have virtually no hope of

making a strong run. At the same time, incumbents who spend more tend to do much worse; virtually all of the high-spending incumbents were running in sharply competitive races.<sup>29</sup>

As with the house, the introduction of public funding in senate elections flattened the relationship between spending and votes for both challengers and incumbents. Again, we plot separate local regression lines for publicly- and privately-funded candidates, as well as a line for everyone. For publicly-financed challengers, the lowest line capturing the spending-votes relationship was considerably flatter than the both pre-reform line and the line for candidates who continue to run privately under the new system. The relationship for privately-financed challengers is likely driven by the presence of two clusters in 2000 and 2004; the first group is composed of those who raised little (less than five thousand dollars) to no private funds and struggled to receive greater than 35% of the vote, and the second is composed of those who had significant private resources (over eighteen thousand dollars) and were very competitive.

As for Maine Senate incumbents, less has changed. The slope between spending and votes is negative and less steep, but the change in the campaign finance regime has had little effect on incumbents' mean spending and produced only a small decrease in vote shares. In terms of the ultimate outcome (winning or losing the election), there is only a small increase in the number of incumbents who are defeated.

The flattening of the seats-spending local regression line has implications for studying the causal relationship between spending and votes. As we noted, it has long been the conventional wisdom that challenger spending plays a significant role in election outcomes. Challengers start off with huge disadvantages, and cannot even hope to generate minimal levels of name recognition without some threshold level of spending. Incumbents have name recognition, relationships with constituents, perform case work, claim credit for accomplishments, and are notoriously difficult to dislodge. Spending, in this school of thought, is what drives outcomes.

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<sup>29</sup> Due to the much smaller size of the state senate, in order to best capture the system's dynamics, we pooled across all elections for which we had data: 1990-1998 for the pre-reform period and 2000-2006 for the public funding era.

Our post-reform scatterplots present an interesting question, however. In the pre-reform period, many poorly funded challengers spend next to nothing (or actually nothing), and still receive a small percentage of the vote, up to 40% in some cases. Post-reform, however, many challengers who received the base grant of \$5,000 or \$10,000 spent the money but continued to do poorly. It may well be the case that unskilled and ineffective candidates will run unskilled and ineffective campaigns, no matter how much money they spend. It may also be the case that district partisanship is the main factor, as Republican candidates are unlikely to do well in a strongly Democratic district (and vice versa). Perhaps public funding entices challengers to emerge in hopeless districts, in which the incumbent would otherwise run unopposed. Economist Steven Levitt has argued that campaign spending does not really matter at all, based on his analysis of repeat match-ups between the same candidates in House elections (1994).

Increased competition, however, is not the only goal of public funding programs. Increased spending may, by itself, improve voter knowledge of candidate positions. Coleman and Manna's study of U.S. House elections found clear evidence that voters know more about the candidates, and have more accurate information about their respective issue positions, in high spending races (2000).<sup>30</sup>

### **Potential Impact of Public Funding in Connecticut**

What inferences can we make about how public funding will change Connecticut elections? Similar pre-reform plots (figures 9 and 10) show the relationship between spending and votes for the past 4 election cycles. Two features stand out. The first is the poor performance of most challengers, confirming our earlier measures of competitiveness. In these cycles, the average house challenger received only about 35% of the two-party vote, and only a handful actually won. The other feature is the

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<sup>30</sup> To be fair, the spending levels they analyze are orders of magnitude greater than what the typical Maine candidate spending – millions of dollars compared to a few thousand. And they find that challenger spending can confuse voters about the incumbents, because challengers need to disrupt the incumbents' relationship with voters in order to win. Still, Coleman describes campaign spending as a “democratizing force” in elections (2001, 917).

much higher slope of the local regression line for Connecticut challengers, compared to their Maine counterparts. Vote share increases sharply as spending rises in Connecticut. Most of this, undoubtedly, is because candidates spend far more in Connecticut than they do in Maine, increasing the variance of the spending variable; on average, spending levels in Connecticut House races are at least twice as high as they are in Maine. Most competitive challengers – those that received 40% or more of the two-party vote – spent more than \$20,000 in Connecticut; a Maine challenger could get similarly close for about \$7,000.<sup>31</sup> Per capita, these amounts are comparable, as the typically Connecticut House and Senate districts are about two and one-half times the size of an equivalent Maine district.

These patterns also hold in Connecticut's Senate elections between 2000 and 2006, although challengers in Connecticut receive far smaller percentages of the vote than their counterparts in Maine. As figure 10 illustrates, mean spending levels are considerably higher in Connecticut than Maine for both senate challengers and incumbents and the variance in spending is far greater. The local regression line shows a strong relationship between spending and votes for both challengers and incumbents.

What we can say with some confidence is that in 2008 these smoother lines will rotate clockwise for challengers and counterclockwise for incumbents; that is, as we observed in Maine, public funding tends to pick up those candidates at the bottom tail of the spending distribution, giving them additional resources that they otherwise would not have. Their vote share will likely increase, although we cannot say by how much.

Projecting from the Maine experience to potential impacts in Connecticut remains a difficult task, however. Specifically, the Connecticut clean elections program is far more generous than the Maine system. Whereas there was little change in the average amount of money spent by house candidates between the new and old regimes in Maine, the grants given to house candidates in Connecticut are double the current average challenger's spending level and 50% greater than the average incumbent's spending level. The grants for Connecticut Senate candidates are also proportionally very large, and

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<sup>31</sup> These disparities are not simply a function of time (e.g., 1996-1998 versus 2000-2006); they remain even when comparing the same time frames across states (using only privately-funded candidates in Maine in the latter era).



amount to a 120% increase over the current average challenger's spending and a 33% increase over the current average incumbent's spending. Maine's public funding system, by contrast, increased average challenger spending by only 25% and had little effect on average incumbent spending.

Thus, we believe that the exceptionally large grants provided under the Connecticut system have the potential to produce significant changes to an otherwise sclerotic electoral environment. In the least, the system may decouple candidate spending and vote outcomes in a manner similar to what has occurred in Maine; that is, the lowess lines capturing the spending-vote relationship in Connecticut in future elections will most likely flatten out significantly. These expectations are highly conjectural, however, as major substantive differences exist between the two states in terms of their public funding programs and electoral environments. In particular, the positive effects on competitiveness we have seen in Maine might not reproduce themselves in Connecticut due to its far more static and less competitive electoral environment—e.g., whereas party control of the state legislature switched control several times in Maine in the 1990s, Connecticut Democrats, with the exception of the senate between 1995 and 1997, have had continuous control of both chambers of the legislature since 1987.

Nevertheless, the generous grant levels will give challengers, in particular, access to an unprecedented level of resources. We find it difficult *not* to believe that doubling the average amount of challenger spending will have a major effect on competition.

Elections take place in a complicated environment, in which many factors converge. Partisanship, the nature and professionalization of the legislature, career paths, candidate ambition, political history, and the electoral environment form only a subset of the total number of moving parts. From this complex web we can make some empirical statements about how public funding has altered the competitive landscape of state legislative elections in Maine and Arizona. The addition of Connecticut to this mix – with its unusually uncompetitive electoral environment and its unusually generous public funding program – will further add to our knowledge of how election outcomes are affected by changes in the campaign finance regime.

Table 1 – Characteristics of Connecticut Citizens’ Clean Elections Program

Office	Qualifying Contributions	Base Grant Amount	Spending Limit
Governor	<ul style="list-style-type: none"> <li>• \$250,000</li> <li>• no contributions larger than \$100</li> <li>• \$225,000 must be raised in state</li> </ul>	<ul style="list-style-type: none"> <li>• Primary: \$1.25 million</li> <li>• General: \$3 million</li> </ul>	<ul style="list-style-type: none"> <li>• Primary: \$1.5 million</li> <li>• General only: \$3.25 million</li> <li>• Primary/General: \$4.5 million</li> </ul>
Lt. Governor or Other Statewide	<ul style="list-style-type: none"> <li>• \$75,000</li> <li>• no contributions larger than \$100</li> <li>• \$67,500 must be raised in state</li> </ul>	<ul style="list-style-type: none"> <li>• Primary: \$375,000</li> <li>• General: \$750,000</li> </ul>	<ul style="list-style-type: none"> <li>• Primary: \$450,000</li> <li>• General only: \$825,000</li> <li>• Primary/General : \$1.2 million</li> </ul>
State Senator	<ul style="list-style-type: none"> <li>• \$15,000</li> <li>• Minimum of 300 contributors in district</li> <li>• contributions between \$5-\$100</li> </ul>	<ul style="list-style-type: none"> <li>• \$35,000 primary (\$75,000 for one-party dominant districts)</li> <li>• General: \$85,000</li> </ul>	<ul style="list-style-type: none"> <li>• Primary: \$50,000</li> <li>• General only: \$100,000</li> <li>• Primary/General: \$135,000</li> </ul>
State Representative	<ul style="list-style-type: none"> <li>• \$5,000</li> <li>• minimum of 150 contributors in district (or in cities partly in district)</li> <li>• contributions between \$5-\$100</li> </ul>	<ul style="list-style-type: none"> <li>• Primary: \$10,000 (\$25,000 for one-party dominant districts)</li> <li>• General: \$25,000</li> </ul>	<ul style="list-style-type: none"> <li>• Primary: \$15,000</li> <li>• General only: \$30,000</li> <li>• Primary/General: \$40,000</li> </ul>

Table 2  
Jurisdiction Size and Spending Limits in Full Public Funding Programs

Office	State	Average District Size	Base Spending Limit <sup>32</sup>	Spending Limit per Resident
State House	Maine	8,750	\$ 5,866	\$ 0.67
	Arizona	205,000	\$ 31,673	\$ 0.16
	Connecticut	23,000	\$ 40,000	\$ 1.74
State Senate	Maine	37,750	\$ 27,828	\$ 0.74
	Arizona	205,000	\$ 31,673	\$ 0.16
	Connecticut	98,000	\$ 135,000	\$ 1.38
Governor	Arizona	6.2 million	\$ 1,134,593	\$ 0.18
	Maine	1.3 million	\$ 600,000	\$ 0.46
	Connecticut	3.5 million	\$ 4.5 million	\$ 1.29

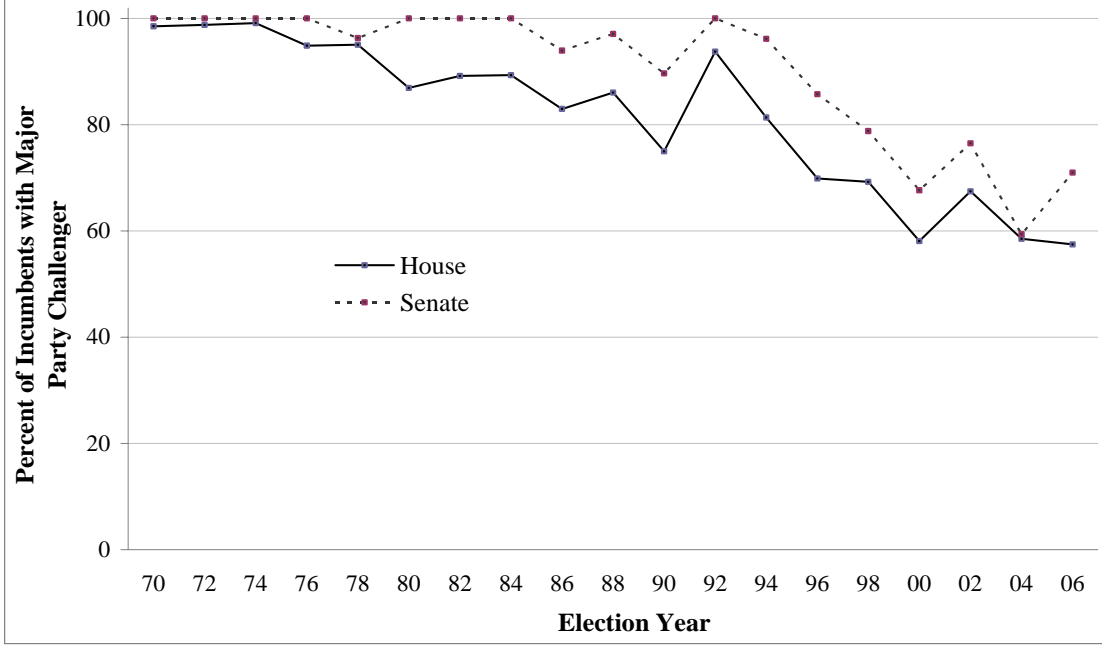
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<sup>32</sup> Limits for 2006 for Arizona and 2008 for Maine and Connecticut; calculated for contested primary and contested general

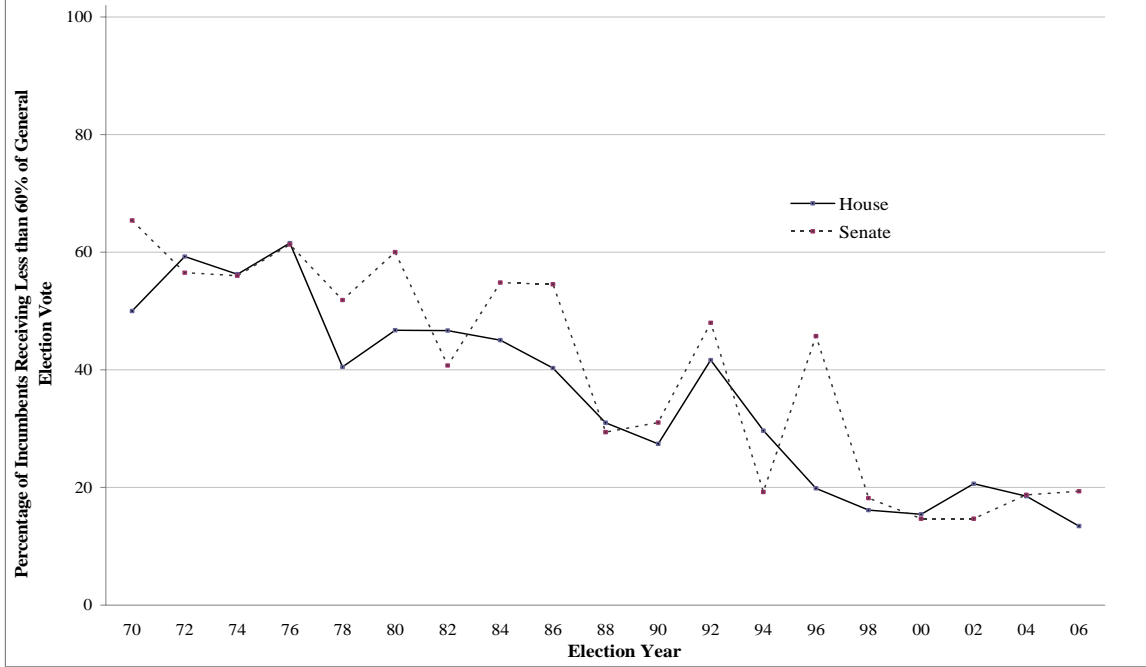
Table 3  
Average Spending in Legislative Elections – Contested General Races

		1992	1996	2000	2002	2004	2006
House	Challenger	\$ 6,925	\$ 9,394	\$ 10,995	\$ 11,337	\$ 12,442	\$ 15,457
	Incumbent	\$ 17,103	\$ 18,398	\$ 22,611	\$ 18,914	\$ 23,687	\$ 24,825
	Open	\$ 11,187	\$ 12,291	\$ 17,624	\$ 20,174	\$ 20,687	\$ 19,875
Senate	Challenger	\$ 25,910	\$ 42,922	\$ 28,851	\$ 31,350	\$ 62,661	\$ 50,729
	Incumbent	\$ 47,666	\$ 67,298	\$ 72,544	\$ 64,417	\$ 92,850	\$ 73,616
	Open	\$ 42,541	no races	\$ 85,186	\$ 115,461	\$ 98,959	\$ 145,195

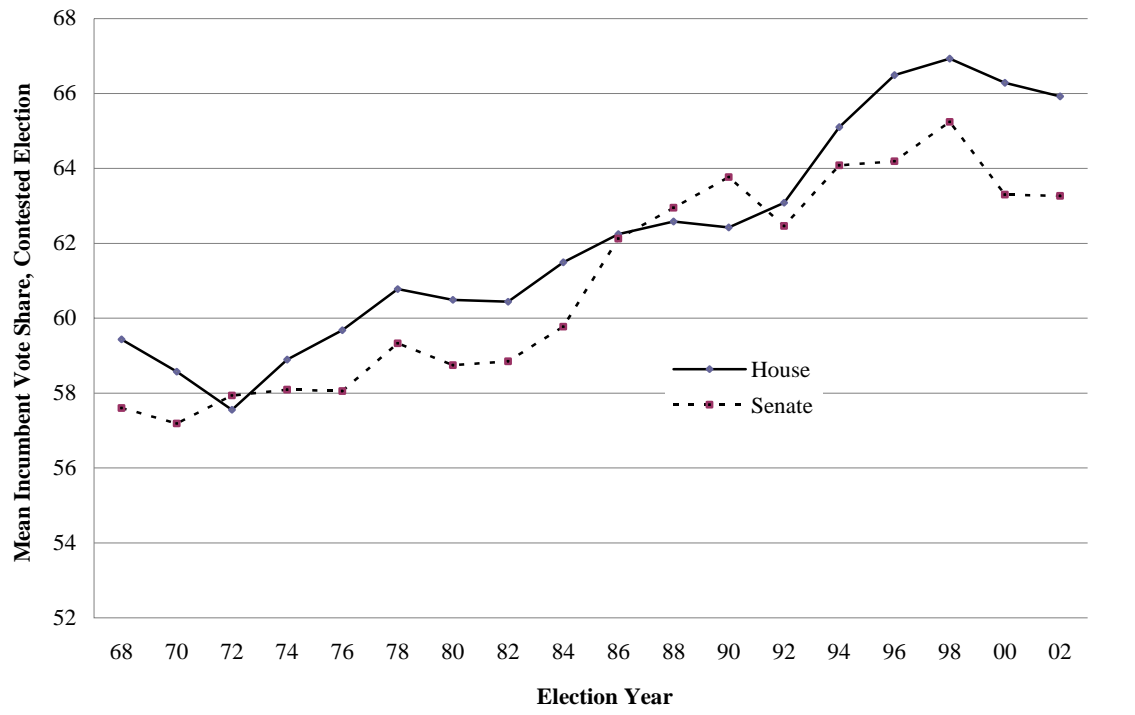
**Figure 1**  
**Incumbents Facing Major Party Opposition**  
**CT Legislative Elections, 1970-2006**



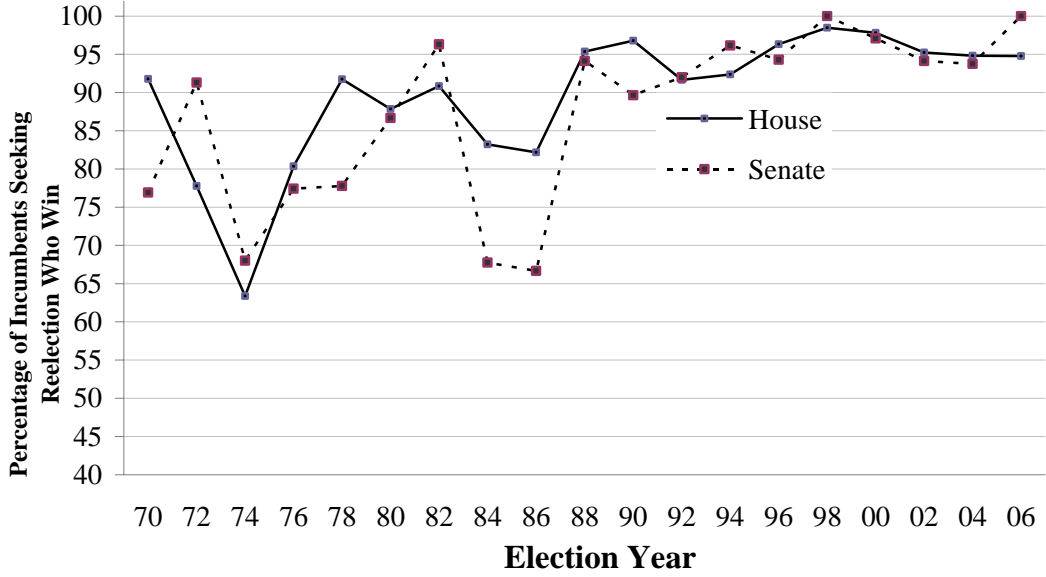
**Figure 2**  
**Incumbents Running in Competitive Races (<60% of Vote)**  
**CT Legislative Elections, 1970-2006**



**Figure 3**  
**Mean Incumbent Vote Percentage**  
**3-cycle Moving Average, Contested Races**

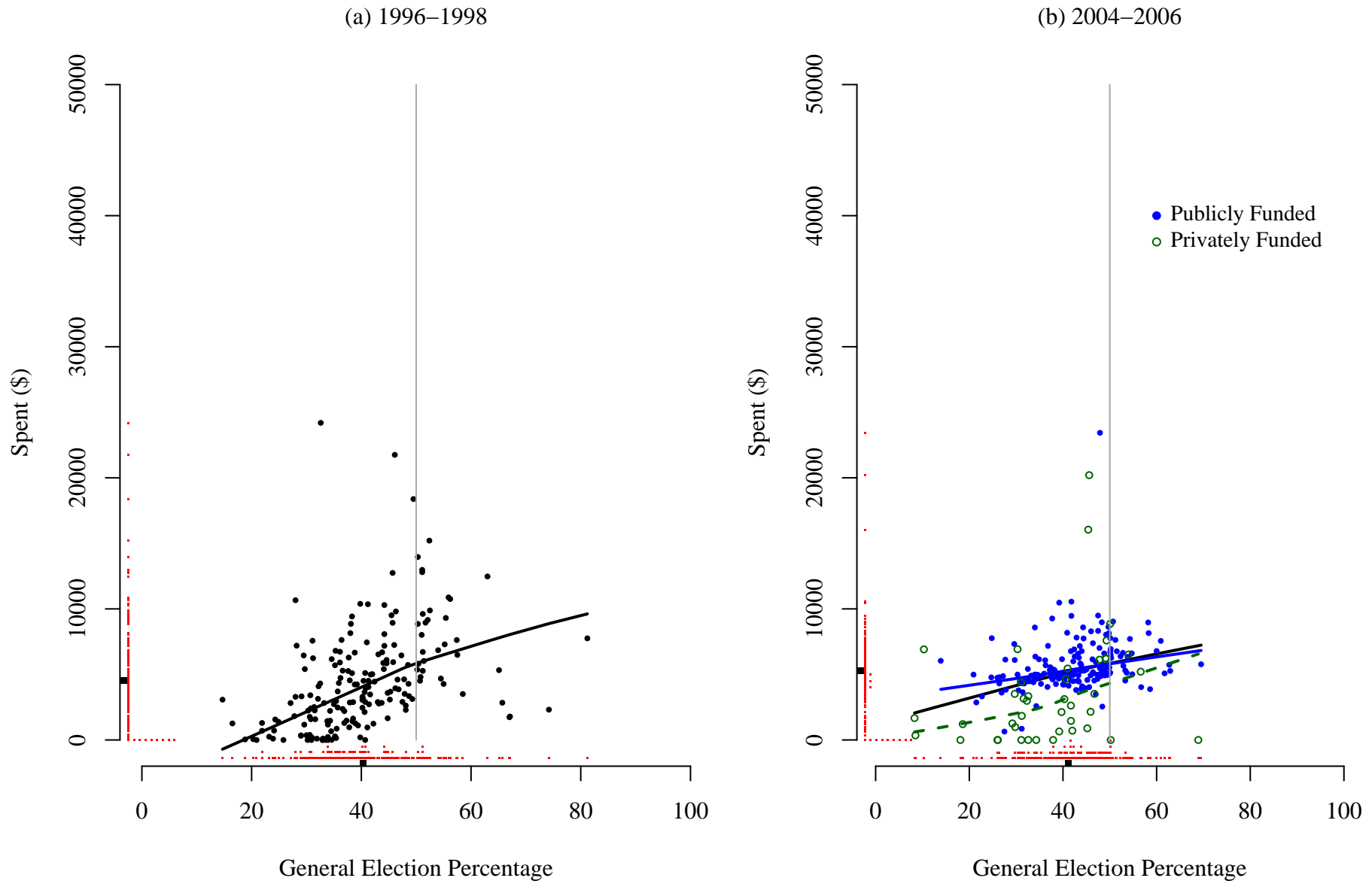


**Figure 4**  
**Incumbent Reelection Rate (excluding pairs)**  
**CT Legislative Elections 1970-2006**

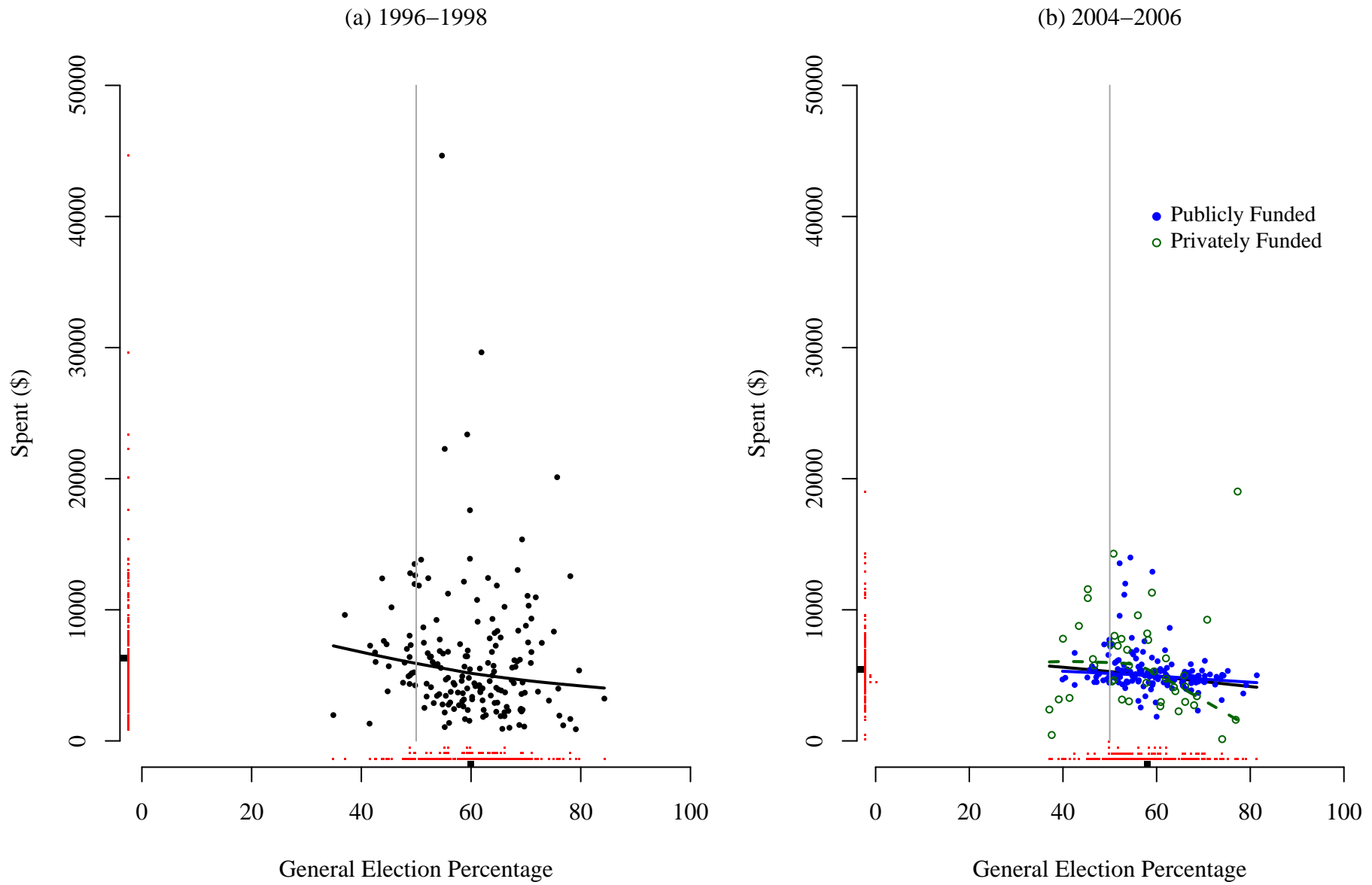




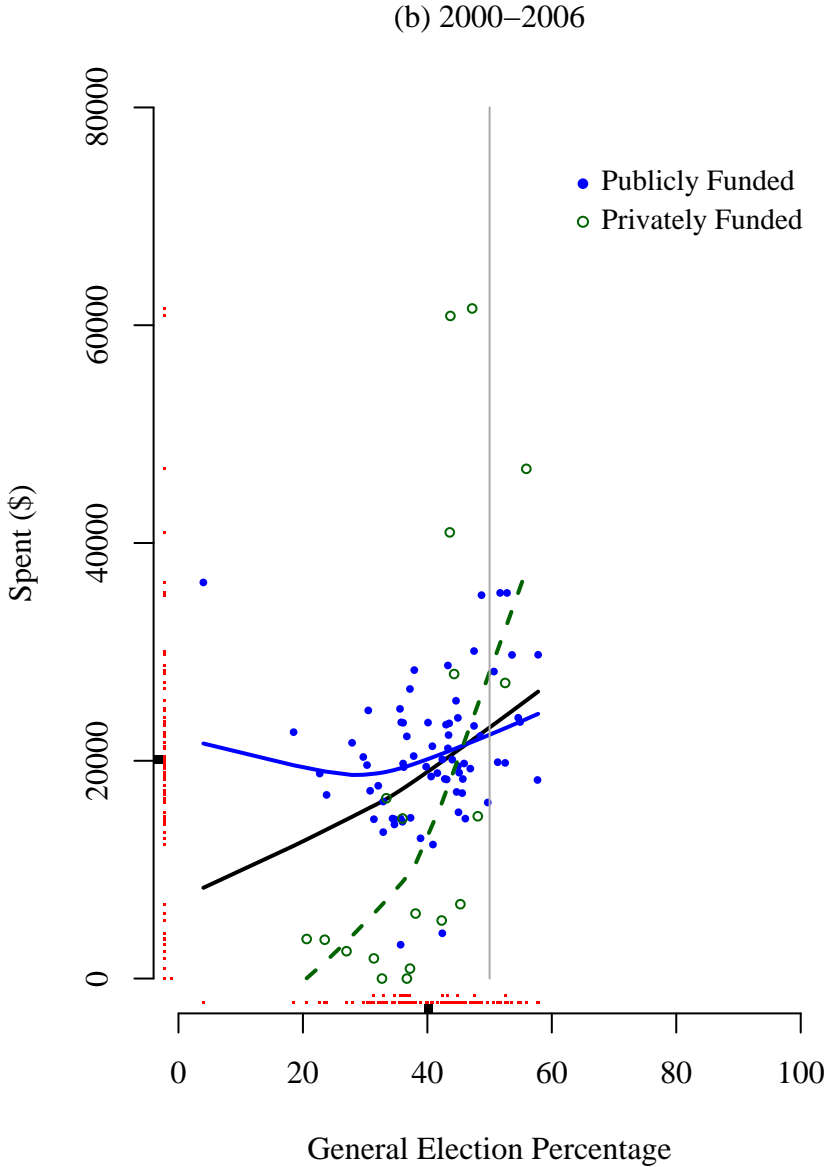
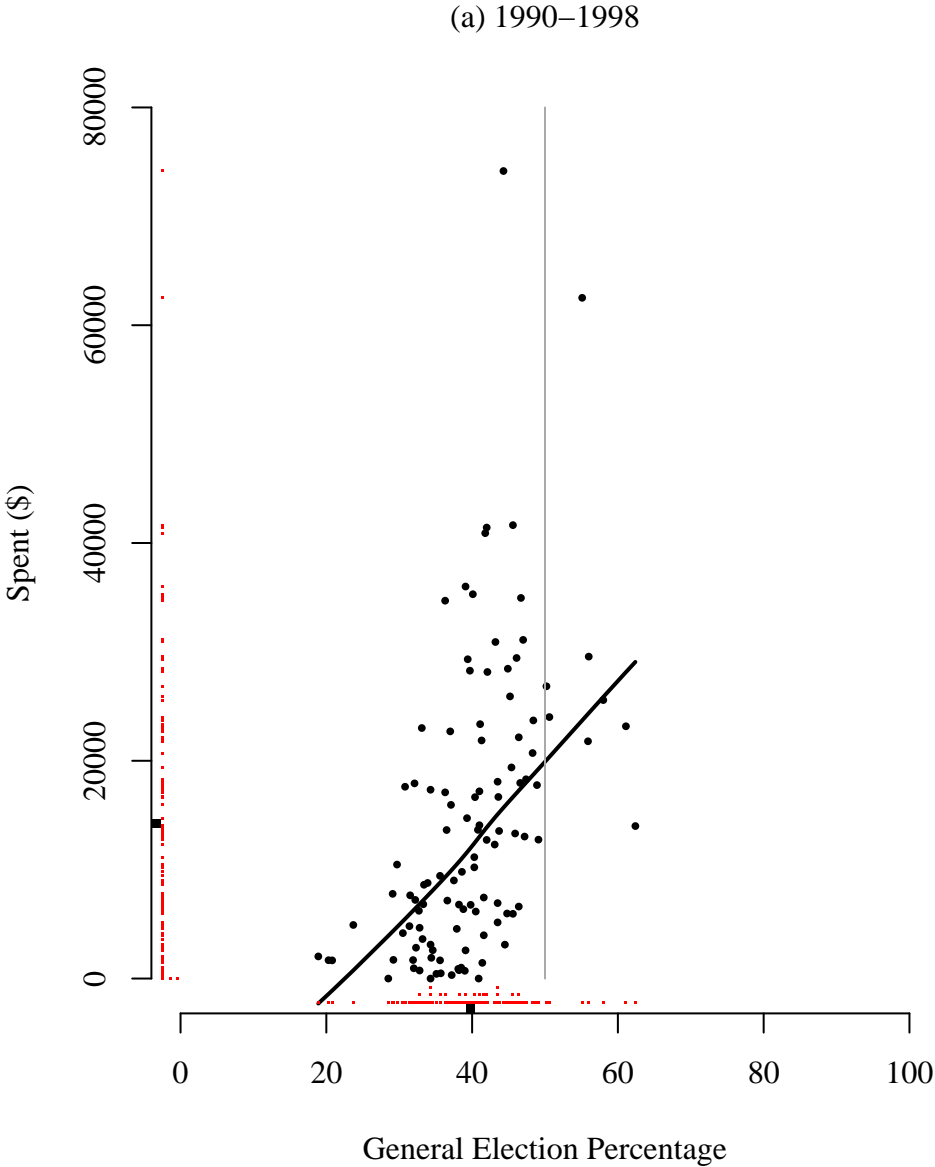
**Figure 5: Maine House Challengers**



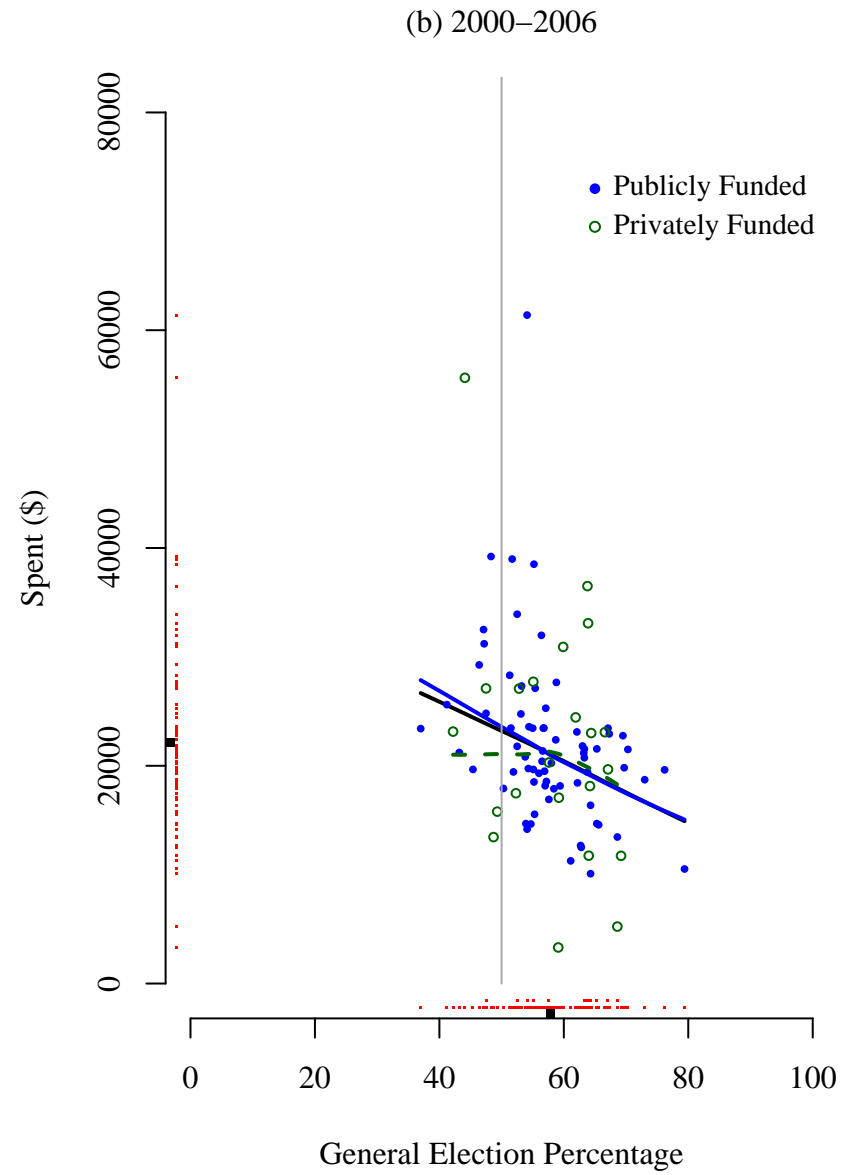
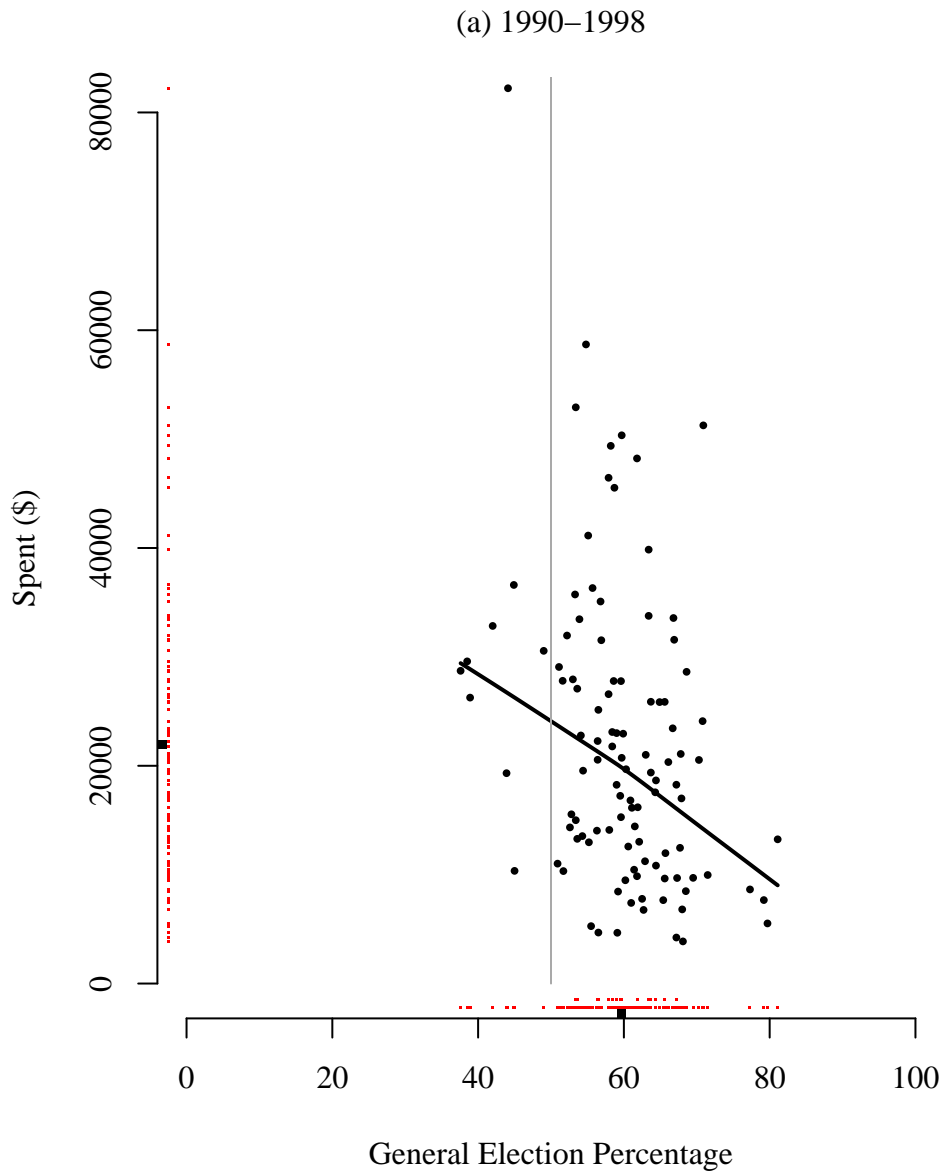
**Figure 6: Maine House Incumbents**



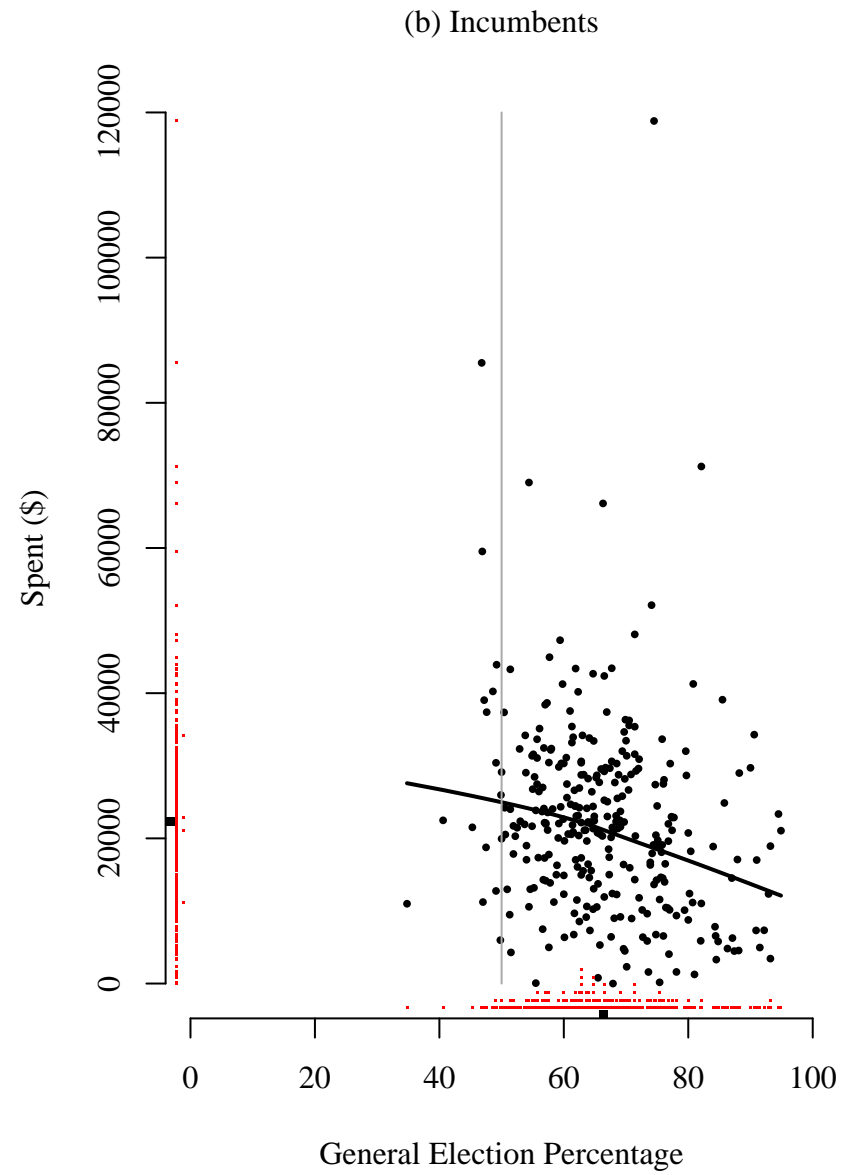
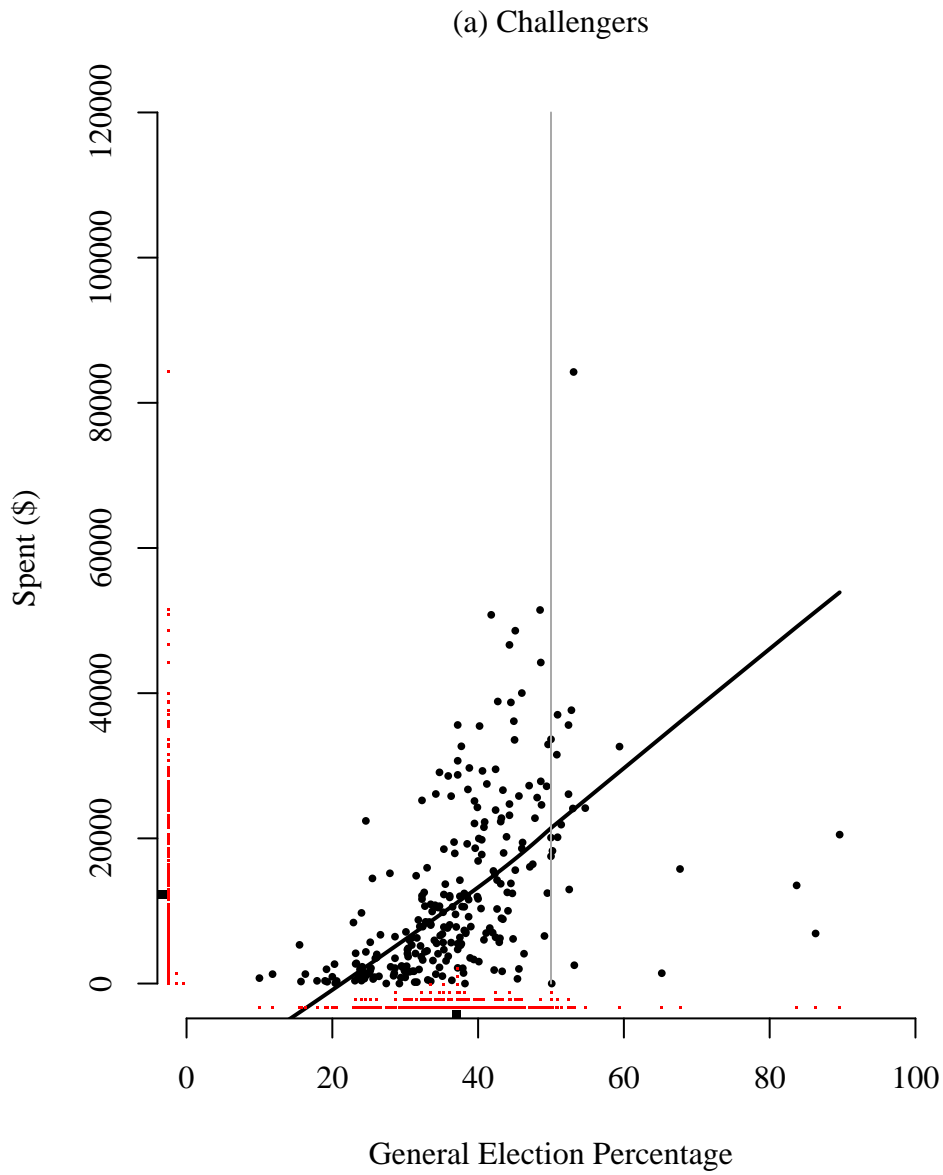
**Figure 7: Maine Senate Challengers**



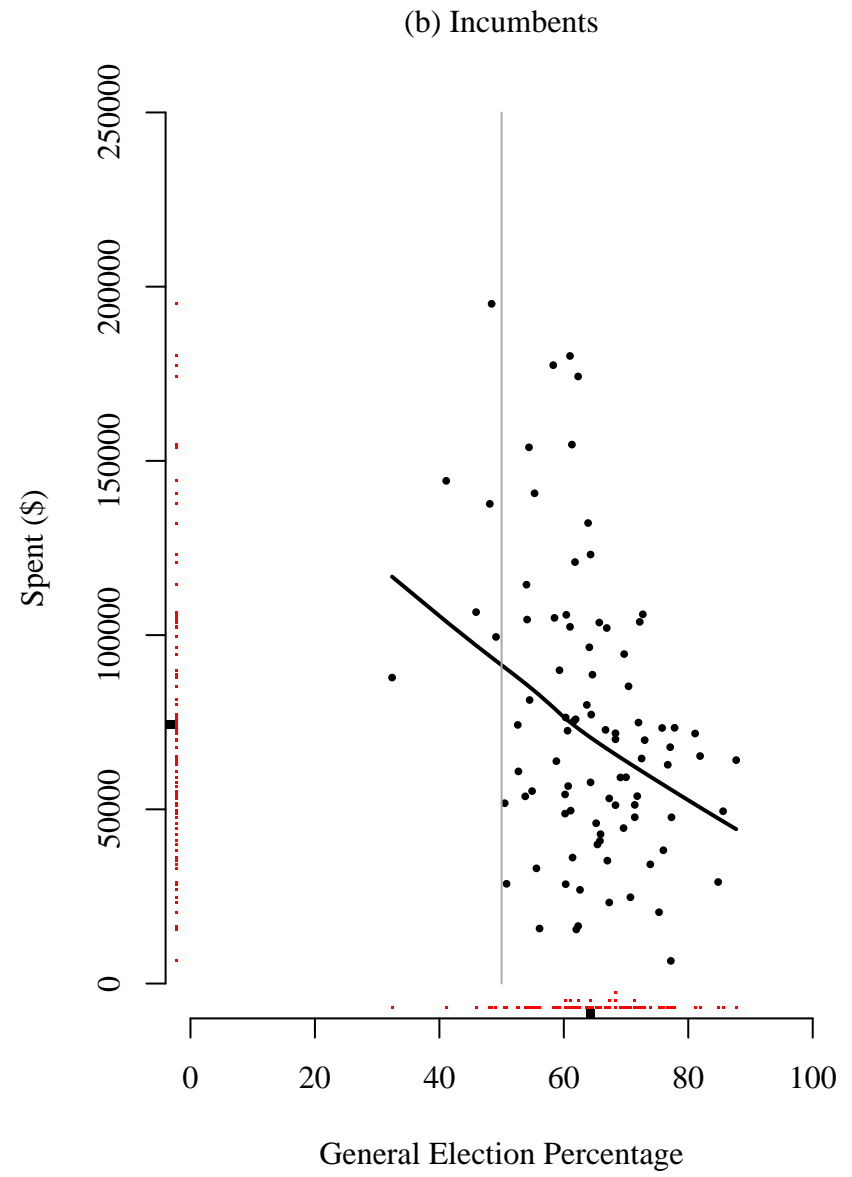
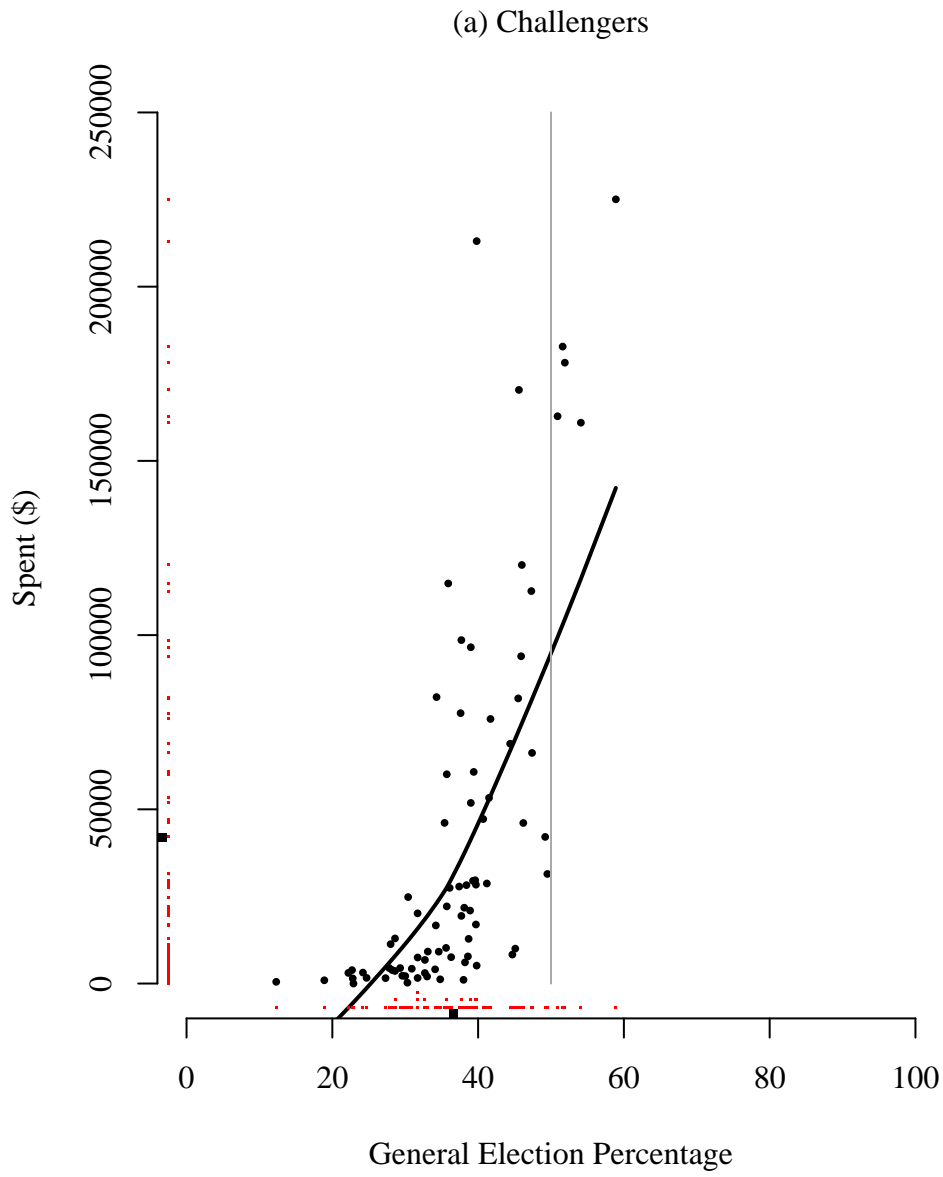
**Figure 8: Maine Senate Incumbents**



**Figure 9: Connecticut House Candidates, 2000–2006**



**Figure 10: Connecticut Senate Candidates, 2000–2006**



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