

CONFLICT OF INTEREST AND CORRUPTION IN THE STATES

by

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A Dissertation

Submitted in Partial Fulfillment of the Requirements for the
Doctor of Philosophy

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DISSERTATION APPROVAL

CONFLICT OF INTEREST AND CORRUPTION IN THE STATES

By

Brian C. Chapman

A Dissertation Submitted in Partial

Fulfillment of the Requirements

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in the field of Political Science

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AN ABSTRACT OF THE DISSERTATION OF

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This dissertation creates a typology of conflict of interest laws, rules and policies implemented and practiced in all 50 state legislatures. The research identifies characteristics of conflict of interest regimes and suggests relationships between these characteristics and public corruption. It finds that the political culture of the state, and professionalism of the legislature, influence the definition of what constitutes a legislative conflict of interest, thereby sanctioning some conflict of interest regimes to engage in greater self profit of its members than other regimes.

PREFACE

My interest in political corruption comes from my observations of the Illinois General Assembly. While working as an appropriations analyst for the Illinois House of Representative, I witnessed legislators lobbying fellow legislators and voting for legislation for which they stood to make a personal profit. At the time, I simply thought of this behavior as normative political business of the General Assembly. It was not until years later, when I was removed from that environment and had turned to studying legislatures, that I realized such behavior may not be normative (or even legal) and that such behavior impacts the public perception of how well their state government operates.

For citizens currently living in Illinois, the majority feel their state is headed in the wrong direction. Recent polls conducted by the Paul Simon Public Policy Institute, at Southern Illinois University, confirm these feelings. In 2008, 75.4% of the respondents felt Illinois was moving in the wrong direction; in 2010, that number increased to 81.3%. Why are so many Illinoisans disenchanted with their state government?

The most recent public examples of corruption in Illinois government include two former governors, both of whom once served in the Illinois General Assembly. In 2006, former Governor George Ryan was convicted of profiting from bribes and personal vacations as pay back for steering millions in state contracts to family and friends. The following governor, Rod Blagojevich, was convicted in 2011 of attempting to sell an Illinois U.S. Senate seat to the highest bidder for campaign cash and future employment, along with several extortion schemes for personal profit. In both their cases, each defended their alleged corrupt acts as not being illegal, but simply politics as defined in Illinois.

A 2012 poll taken by the Paul Simon Public Policy Institute confirms this observation. Over three out of four respondents (76.8%) felt corruption in Illinois government is widespread, with 58% believing their state is more corrupt than other states and only 2.1% responding their state is less corrupt. It is interesting that the public sees corruption within their state government, but too often political actors who are involved in this government do not. One can see the foundations of both Ryan's and Blagojevich's defense of not doing anything illegal but simply practicing Illinois (legal) politics as taking root early in their years of service in the Illinois General Assembly. It was there where they participated in a conflict of interest regime designed to allow them to personally profit from their public office, and, as they argued, they were encouraged to do so as part of the political culture.

This political culture of self-profit as practiced in the Illinois General Assembly was witnessed and confronted over 40 years ago by then-Illinois State Representative Paul Simon. In fact, he was so upset by what he saw he wrote an article titled "The Illinois Legislature: A Study in Corruption," printed in Harper's Magazine in September 1964:

My colleagues, Republican Noble W. Le, who is Dean of the John Marshall Law School in Chicago and has served eleven terms in the House, estimates that one-third of the members, accept payoffs. In the light of my own observations, I agree. Most of these are recorded as legal fees, public relations services, or "campaign contributions," though a campaign may be months away. If questioned, the recipient simply denies that the payment had anything to do with legislative activity. This makes it technically legal. A somewhat small number of pay-offs are not veiled at all; cold cash passes directly from one hand to the other.

Sadly, this practice of Illinois legislators profiting from their elected public position and protected by the rules governing such behavior continues today, as we can see by several recent news articles:

“Illinois State Senator Bill Brady voted in November for tax subsidies that helped revive his family’s struggling real estate investment in a central Illinois town, raising issues of potential conflict of interest as Brady seeks the Republican nomination for governor.” Chicago Tribune 2/6/2014 www.chicagotribune.com/news/local/ct-bill-brady-gibson-city-land-met-20140206,0,3272260.story

“Legislation attempting to prevent cozy relationships between lawmakers and lobbyists was squashed Friday by an Illinois Senate panel.” 3/24/2012 My Journal Courier, Jacksonville, IL

“(State Representative) Kevin McCarthy...was the main champion of legislation allowing Commonwealth Edison, the largest utility company in the state, to raise rates with less regulatory oversight. Within a month after retiring from the House, the Orland Park Democrat became a lobbyist for Commonwealth Edison.” 3/24/2012, My Journal Courier, Jacksonville, IL

“Illinois’ House Speaker Michael Madigan is an extreme example... (of a legislator helping paying clients). In a series of articles over the past few years, the Chicago Tribune reported on several cases in which Madigan... reportedly steered millions of dollars to (paying) clients of his firm, Madigan & Getzendanner.”

www.publicintegrity.org/2013/03/18/12313/conflicts-interest-run-rampant-state-legislatures

As a result of my initial observations, I began to wonder whether there is a political culture unique to state general assemblies that encourage and protect such self-profiting behavior. To get at the core of this behavior, I observed a reoccurring behavior of legislators violating conflict of interest norms, which mandate placing the interest of the public over their own personal, for-profit interests. This led to a series of questions, all of which I address in this dissertation. First, is it legal for Illinois legislators to vote for legislation that allows them to profit? Second, if such behavior is legal, why? Further research suggests that Illinois ethics rules and codes are written in such a manner as to protect legislators from being accused of violating conflict of interest rules and, in several cases, authorizing the legislator to self-profit from their elected position. Finally, do other state general assemblies operate in the same fashion? I found each state defines what constitutes a conflict of interest differently, along with how to deal with these issues when they arise. Through my research and to my surprise, I found nearly all state legislatures allow for some degree of self-profit on behalf of the legislator.

It became necessary to put these findings into a broader theoretical context. In a representative democracy, conflicts of interest are unavoidable. The question for each state legislature is how to deal with them in order to avoid corruption. Previous research suggests that there are three basic definitions of corruption, the first two being unobservable and therefore extremely difficult to measure, but nevertheless appropriate for my qualitative research. The most common definition refers to the public official placing his private interest above the interests of the public (Ackerman, 2001). The second definition refers to the theoretical impact public corruption has upon representation, which is the act of being excluded (Warren, 2004).

And the third definition, which I used in my quantitative analysis, is that of federal criminal convictions of public corruption. Lastly, bringing together my previous observations of legislative culture suggest that there is a political culture within state general assembly's whereby they operate as a conflict of interest regime to protect their members and reflect the political culture of the state. The differences in these conflict of interest regimes help to explain to some degree the variation in conflict of interest rules, regulations, the varying definitions of what constitutes a conflict of interest, and the variation in federal prosecutions of public corruption. This is the theoretical framework through which this project has taken place.

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CHAPTER 1

INTRODUCTION

Democratic representation gives elected officials the authority to make decisions on behalf of the public. But as members of the citizenry, these representatives reflect the interests of the public, including their own. Normally, the interest of the legislator and the interest of the citizen are indistinguishable. Other times, the interests of the legislator as citizen may conflict with the public interest. In some cases, the legislator may benefit substantially from the decisions of the legislature, while the public does not. Conflict of interest, then, is not something that can be avoided in a democracy. In response to this innate conflict, legislatures have built regimes to protect their members. The goal of this dissertation is to identify and evaluate how U.S. state legislatures address conflicts of interest that arise amongst their members.

Conflict of interest is an unavoidable challenge to representative democracy. In a representative democracy it is important for the constituents to have a presence or a representation during the policy making process (Pitken, 1972). While there may be debate about the role of a representative (Burke, 1774), the interests of the individual legislator should be secondary to the interests of the constituency. When there is a conflict of interest, equal representation (inclusion) is no longer present because the interests of those in power are given preference (excluding the majority) over the interests of others (minority, special interests) (Locke, 1690). Furthermore, conflicts of interest impact deliberation. When legislative conflicts of interests are not openly and publicly exposed, true, honest and open deliberation cannot take place (Bohman, 1998). Representatives should be made aware of all interests and all known

advantages and disadvantages of a given policy proposal; only then can true deliberation take place, thereby allowing for a rational collective decision (Quirk & Binder, 2005).

If one agrees representation and deliberation are fundamental components of democracy, then one must also agree that the failure of addressing legislative conflicts of interests exacerbates the weakening of democracy. Legislative conflicts of interest impair deliberation, suspend constituent representation, and erode equality for all resulting in a weakened democracy. Fortunately, state legislatures have the ability to strengthen democracy by addressing legislative conflicts of interest.

There is no known way for legislators to deliberate and make well-informed decisions without also discovering conflicts between their private interests and the public interest. The best that can be expected is that legislatures enact laws and practices that limit the influence of legislators with conflicts of interest that would threaten representation and deliberation. Each state legislature reflects its environment and is unique to the constituents and legal entities located within its geographic boundaries defining the state, while operating in a federal government system.

Legislative bodies are designed for deliberation. The organizational structure and operating rules are purposefully created to induce deliberation from the members of the body (Quirk & Binder, 2005). Such deliberation serves to publicly discuss the purpose, function, and rationale behind all proposals and to hear testimony from all those favoring or opposing the proposal in question before the body (Lascher, 1996). Deliberation may increase the knowledge and alter the opinions of participants – i.e., legislators (Barabas, 2004). Through such public deliberation, the laws, policies, and codes for the units of government, businesses, and

constituents located within the boundaries of the government's jurisdiction are formulated (Bohman, 1998).

State legislative bodies are also designed for representation (Disch, 2011). The concept of an individual being elected to represent the interests of others is intentional: it recognizes that it is impossible for all citizens to equally participate in legislative matters. Therefore, the representative is to ensure all citizens are equally represented in the deliberation of forming policy. Representation occurs when a citizen freely gives his/her voice/vote to another who is either appointed or elected to cast a voice/vote on behalf of another; this representative must be responsive to the constituent (Pitkin, 1972). The representative can either act as a trustee or as a delegate when casting a vote or expressing a voice (Burke, 1774). When acting as a delegate, the representative votes per the expressed opinions of his constituents, those who have given their vote or proxy to the representative. When acting as a trustee, the representative is free to vote or voice his own opinion, even if it differs with his constituents' majority opinion.

Object of Inquiry

There is a tension between a public official acting in the interest of his personal goals versus that of the public good. In a representative democracy via state legislatures, we observe this often as it is natural for legislators to be confronted with issues in which they have a personal interest, thereby constituting a conflict of interest. We also observe circumstances for which the legislator feels justified in voting in favor of legislation for which they personally profit. This is unavoidable. As a response to this tension, legislatures have created conflict of interest regimes. The question is why do state legislatures create conflict of interest regimes? Do they create regimes to reduce or suppress the occurrence of conflicts of interests, thereby reinforcing theoretical normative behavior of a representative democracy to put the public first? Or, do state

legislatures create regimes to protect themselves from conflict of interest accusations through enabling laws that sanction such behavior, thereby legalizing self-profit? From these contrasting positions addressing legislative conflicts of interests, two hypotheses can be tested:

H1. Differences in conflict of interest regimes of state legislatures to suppress or sanction conflicts of interests result from political culture.

H2. Differences in conflict of interest regimes of state legislatures to suppress or sanction conflicts of interests result in differential levels of political corruption.

Significance of the Study

To study elected public service in a democracy, one must acknowledge the innate tension between public service and private interest that democratic servants are exposed to every day in their deliberating duties. These daily conflicts of interests that occur have the potential to tempt legislators to place personal private gain ahead of public service and the public interest. Because we know Madison recognized these tensions (expressed through special interests) as the world's leading democracy was being formed, separation of powers along with laws, rules, and codes of conduct have been devised because "men are not angels" (Madison 1787).

The idea of a citizen being plucked from private obscurity, where he or she is primarily concerned with the welfare and benefit of his or her family, and placed into public service, charged with representing the interests of his fellow citizens, comes with a timeless dynamic in a representative democracy. Theoretically, the long debated question is as follows: can an elected representative of the people honestly place the needs and interests of his fellow citizens, for

which he is to represent, above his own interest when faced with the potential of private gain. What complicates this dilemma even more is that in a deliberative body, such as a state legislature, there will always be instances of conflicts of interest to some degree or another in policy making decisions. It is inevitable and unavoidable. This then leads to the question, what is the threshold for what constitutes a conflict of interest that needs to be avoided or addressed? How does one classify a “severe conflict of interest” that must be exposed and addressed versus what should be considered a “minimal or unsubstantial” conflict of interest that should be ignored? It is through the formation and implementation of conflict of interest laws and policies that such thresholds are established. What is noteworthy is that in each state, there is the potential for a different definition of what constitutes a conflict of interest. There is a different definition of what constitutes this threshold of severity, thus forcing public disclosure and even recusal from voting. No two states, in their laboratories of democracy called general assemblies of elected representatives, treat this question the same.

Conflict of interest laws are to clearly delineate what is expected as normative behavior in democratic public service, thereby guiding the behavior of public officials in such a manner as to promote the public interest over that of the private interest of the official. In theory, conflict of interest laws to address this innate conflict between the natural condition of taking care of oneself and family, and the unnatural condition of taking care of the public. When public officials choose the more natural choice of taking care of themselves and immediate family and friends, this conflict of interest has potential to expose itself in the most dramatic form as public corruption. Public corruption has existed since the beginning of public service and continues to this day.

The impact upon democracies resulting from public corruption derived from legislative conflicts of interest can be severe. Bond, Watson and Smith state: "...the voices of citizens are supposed to matter in a democracy, and the government institution that is supposed to be the closest and most responsive to those voices is the legislature....If the legislature is fundamentally distanced itself from the will of the people, it is not serving its democratic function" (p. 317). Such loss of voice leads to potential loss of fundamental democratic rights such as equality and representation, as well as the loss of public trust in their elected officials and in their democratic government. This in turn can lead to less participation in civic life, from public service to exercising one's right of suffrage. When there is a loss in public participation, either in service or in voting, democracy is weakened.

Conflict of interest laws provide the structure which defines a conflict of interest as placing private interest above that of the public interest. Conflict of interest laws provide the structure to address violation of the law. Conflict of interest laws act as a deterrent to potential violations. Conflict of interest laws are dynamic. They reflect the values of the constituents. In this study I analyze the conflict of interest laws of all 50 states, with the goal of seeing how each state differs in how it defines what a conflict of interest is, as well as how these conflicts are to be regulated.

Research Design

In this dissertation, I examine how U.S. state legislatures address conflicts of interest, for the purpose of identifying the responses' idiosyncrasies. These 50 state legislatures represent individual and unique laboratories of democracy within one common federal system. These state laboratories provide a variety of legislative customs, rules, regulations, codes, and policies for us to study, compare, categorize, and contrast.

First, I create a typology of 1900 observations consisting of 38 conflict of interest law variables in order to develop an index. This index, which I dub the Chapman Index, seeks to predict the most corrupt states based upon this typology of tabulating the strictest state legislature to weakest state legislature in terms of regulating conflict of interests. Second, using the constructs of state political culture and legislature professionalism, I analyze these conflict of interest variables to determine relationships between culture and professionalism and each variable. Finally, I run a series of regressions incorporating these variables and U.S. Department of Justice convictions data to identify potential relationships between laws, culture, professionalism, and other controls variables with corruption.

Structure of the Research Study

Chapter one has included a discussion of the object of inquiry, significance of the study, and its research design.

Chapter two reviews democratic theory literature, explaining the concepts of public corruption, political culture, and conflict of interest regimes (e.g., state legislatures) that provide the framework to analyze the typology of conflict of interest laws.

Chapter three reviews the two methods used for this analysis. An empirical typology index is created using political culture work of Elazar (1966) and Johnston (1983), along with the work of legislative professionalism of Squire (1992) and King (2000), as well as a regression analysis, to discovery possible relationships between the unique state legislature conflict of regimes, their conflict of interest laws, and corruption.

Chapter four provides an empirical analysis to expose idiosyncratic, distinguishing, and unique characteristics of conflict of interest regimes. This chapter creates a typology of state legislative conflict of interest laws either sanctioned or suppressed by conflict of interest regimes

to develop the Chapman Index. The Chapman Index measures the weakness of legislative ethics laws and policies regulating the 50 state legislatures. The higher the Index score, the weaker the policies are for that state regime. The Index is comprised of 38 ethical policy or law observations for each of the 50 states for a total of 1,900 observations, and then tallies the number of the 40 ethical policies that have not been implemented. These observations are broken into 10 categories: 1. Conflict of Interest; 2. Voting Recusal Provisions; 3. Dual Elected Office Holding; 4. Dual Public Employment; 5. Representing Other Before Government; 6. Contracting with State; 7. Financial Disclosure Requirements; 8. State Ethics Commissions; 9. State Ethics Commissions (legislative only); and 10. State Legislative Ethics Committees. The index was created using data supplied by the National Conference of State Legislatures.

<http://www.ncsl.org>

Chapter five takes the Chapman Index and runs it through the political culture findings of Elazar (1996) and Johnston (1983) to sharpen our observations. This is necessary, since it is important for us to understand why some states place a higher importance on addressing legislative conflict of interest issues through the use of laws, policies, commissions, and committees than other states.

Chapter six reviews the conflict of interest laws, codes, and policies of state legislatures, as used in the Chapman Index and compares them to their legislative professionalism scores as developed by Peverill Squire (1992) and improved upon by James King (2000). For our purpose, the term “professionalism” is defined by James D. King from modifying a state legislature professionalism index created by Peverill Squire in 1993. The Squire Professionalism Index compares state legislatures to what is considered to be the world’s most professional deliberative body, that of the U.S. Congress. Congress is given the score of a perfect 1, so each

state is then measured scored accordingly until arriving at 1, thereby matching Congress in professionalism. In the last section of this chapter, I engage in regression analysis of the Chapman Index by logging the Chapman Index as the dependent variable and using political culture and professionalism as key explanatory independent variables. The results show that both political culture and professionalism are significant variables in predicting Chapman Index scores.

Chapter seven develops regression models to assist in explaining the conviction rates of state elected officials (as prosecuted by the federal Department of Justice) against a series of variables, including the Chapman Index, Political Culture, Professionalism, Party Public Officials, and Population. This empirical analysis involves two steps. First, I review the convictions totals by each variable to identify any observable influence that variable may have on the public corruption convictions. Second, I run a regression analysis to identify any statistical significant influence these variables may have upon federal convictions of state public officials that may have been missed or that may be further developed.

Chapter eight discusses the findings that how a conflict of interest regime defines a conflict of interest is influenced by the political culture and professionalism of the regime and the relationship between how conflicts of interests are defined and political corruption. It concludes by making recommendations for additional research.

CHAPTER 2

THEORY

This dissertation is an empirical study of conflicts of interest among state legislators, but it is motivated a normative position that legislative conflicts of interest impairs representative democracy and constitutes the worst in public rule. There is a general consensus in political theory that a good and just ruler must always strive to put the polis above the ruler's own personal needs, wants, and desires. This need to put the public good above the ruler's personal interests is arguably more important in a representative democracy, which is “of the people, by the people, and for the people” (Lincoln, 1863). A representative has no right to self-interest; instead, he or she serves the public interest. A representative democracy should require legislators to put aside personal gain for the sake of the public good.

Representative democracy, at its core, is about citizens governing themselves via representation in collective decision making process (Warren, 2004). In this dissertation, representative democracy is understood by observing and comparing the 50 state legislatures in the United States. While part of one nation, citizens in the U.S. elect regional representation to act and speak on their behalf in the collective decision making process. State legislatures are designed to encourage open public deliberation of public policy issues for the purpose of creating laws to govern the citizens of the state. State legislatures are where representatives deliberate on and enact regional laws that guide some of the most important aspects of life, including education, family, and property. In so doing, they act as a microcosm of Congress, and as James Madison declared, Congress must “deliberate; for deliberation is implied in legislation” (p. 19 Thompson, 1995).

American states are effectively 50 laboratories for examining how representative legislatures address the tension between private and public interest. Each state legislature addresses this tension by creating conflict of interest laws and policies. In theory, these laws should reinforce the normative value of placing the needs of the state ahead of the legislator. However, each state has created its own approach to conflict of interest laws. Some legislatures attempt to eliminate all conflicts of interests. Others protect the legislator through loopholes, thereby allowing some personal profit.

State conflict of interest laws should be designed to reinforce the desired behavior of the legislature to better ensure representation and deliberation. The primary purpose of legislative ethics laws should be to sustain institutional conditions in the legislature that promote the integrity of the democratic process. James Madison noted that citizen legislators, by nature, will inevitably incur conflicts of interest when formulating public policy. In *Federalist #10*, he acknowledged that a representative democracy is preferred to control for factions, as the legislator will share common interests with his constituents and will be held accountable to represent those interests. Every legislator comes to the assembly with an occupation, professional organization membership, interests, hobbies, businesses, investments, families, and friends that represent a personal interest which may be regulated or influenced by new legislation on which the legislator may deliberate. Although legislators take an oath of office to put the interests of public first, there are times when putting the interest of the state first is difficult because of the conflict with personal interest.

In this dissertation, I analyze the idiosyncratic preferences that may empower state legislative conflict of interest regimes to favor private gain over public service regarding conflict of interest laws and policies. This study explains how such practices and policies are derived

using legislative professionalism and political culture constructs unique to each particular state. Included in this typology is an extensive review of conflict of interest law and policies for all 50 state legislative bodies and an explanation for these variations along with their impact on public corruption. The questions this dissertation addresses are as follows: Is there a relationship between state conflict of interest laws and policies and the behavior of the elected legislator they are to regulate? And can we identify unique characteristics in conflict of interest law that may help to explain why some state legislative conflict of interest regimes engage in political corruption more than others?

In order to move to an empirical study of conflict of interest, in this chapter I discuss three concepts. The first is *corruption*. Corruption occurs when a representative excludes people from representation, often by representing the interests of a few who provide the legislator with a quid pro quo for him/her to act against the public interest. The second is a *conflict of interest regime*. A conflict of interest regime is the set of laws, policies, and institutions by which legislators define and regulate conflict of interest behavior. Finally, a state's *political culture* shapes the conflict of interest regime. Together, conflict of interest regime and political culture help us move from a normative stance on conflict of interest toward an empirically based understanding of how state legislatures create and maintain regulations on legislative behavior. In this study I will be examining how different conflict of interest regimes can encourage or discourage corruption.

Corruption

Corruption occurs in a democracy when the elected official excludes those from representation. Warren (2004) states that corrupt decisions are those that are "covert." Unlike some conflicts of interests, corruption is a violation of the public trust and is not tolerated by the

public. Corruption breaks the link between collective decision making and people's powers to influence collective decisions through speaking and voting, the very link that defines democracy. And corruption reduces the effective domain of public action, and thus the reach of democracy, by reducing public agencies of collective action to instruments of private benefit (Warren, 2004).

This normative exclusionary corruption can also be institutional. Thompson (1995) notes in his theoretical research that corruption in state legislatures occurs by the legislature as a body through its rules and customs. For example, he suggests that the rules regulating campaign donations provide exclusive access to representation to those who give large campaign donations, thereby excluding those who do not give large donations from access to their representative. Thus, Thompson suggests that the corrupt norms and customs of the institution must be addressed along with the corrupt behavior of the individual legislator (Thompson, 1995).

Empirically, the definition of public corruption captures only what can be observed. It is very difficult to measure exclusion. As Alt and Dryer (2003) note, "There is no commonly agreed-upon theoretical approach on which to base an empirical model of corruption, let alone to investigate the causes of corruption" (p. 342). Therefore, most social scientists refer to political corruption as criminal behavior that can be prosecuted. Meier and Holbrook (1992) define public corruption as "illegal activities for private gain- recognizing the exclusion of politically interesting actions that such a definition entails" (PAGE). They conclude this definition is more amenable to reliable measurement as "definitions of illegal behavior (within a single political system such as a state legislature) have less variation because both law and the courts operationalize these definitions in practice" (p.136).

Because the concept of political corruption is hard to measure, early researchers used the attitudes of state legislators to help define political corruption. By surveying 442 state

legislators, Welch and Peters (1977, 1980) concluded that corruption in state legislatures is the result of a socialization process. They found that the attitudes of state senators toward corruption are related to political culture. Senators from moralistic states are less likely to tolerate corruption than those senators from individualistic or traditionalistic states. Senators from traditionalistic states are the least likely to be concerned with corruption. Meier and Holbrook (1992) confirmed these findings by concluding corruption by state officials can be linked to historical, cultural, political, and bureaucratic forces.

In this analysis, I acknowledge there are two types of corrupt actions taken by public officials: those that are prosecutable, and those that are not. What is prosecutable is determined by the local U.S. district attorney and may depend upon the amount of resources available to assign to a given case. I also realize there might be more corruption than what is observable or even prosecutable. For this analysis it must be acknowledged that I am unable to measure the “un-prosecutable.” I can only use the conviction numbers as reported by the U.S. Department of Justice. I acknowledge this unit of measurement does not include all acts of political corruption. It only includes those acts that are deemed so flagrant that the local U.S. district attorney believes there is sufficient evidence to prosecute and win a conviction; this substantially reduces the number of politically corrupt acts that can be studied. Therefore, this measurement must be seen as recording only the most egregious acts of public corruption – those that can be successfully prosecuted.

Conflict of Interest Regimes

As mentioned above, a conflict of interest regime is the set of laws, policies, and institutions by which a legislature defines and regulates the behavior of representatives. This regime may have a broad or narrow definition of what a conflict of interest is, and it may have a

highly regulated or minimally regulated institution. No two states define or treat legislative conflicts of interest the same. Some states do a better job of regulating behavior, while other states may seek to exempt certain ethically dubious behavior.

While normative theory would call for legislatures to have strong conflict of interest regimes, there are reasons to expect legislatures to develop weak institutions to police the actions of their members. Rhodes (1972) reviewed the various types of enforcement mechanisms of legislative ethics including conflicts of interest through the use of codes, laws, and administrative rules. He suggested that it is difficult for legislatures to impose self-enforced sanctions because the culture of legislatures encourages rules designed to benefit the legislator. Likewise, Thompson (1995) points out that a legislature, as an institution, has a conflict of interest in the creation of a conflict of interest regime. That is, as an institution, it wants to benefit its members, not the public. As a result, legislatures often create rules and procedures that protect legislators and allow them to personally benefit at the expense of the public. Conflict of interest regimes often have laws that permit the legislator to seek personal gain while performing their legislative duties (Rosenson, 2005). Rules often do not restrict conflict of interest behavior as much as provide the proverbial fig leaf, allowing a legislator who receives personal benefit from a decision to justify it as legal (Atkinson & Mancuso 1991).

Institutions can enact reforms that strengthen the conflict of interest regime when events force legislators to put their own interest in reelection over protecting the financial interests of their colleagues. Rosenson (2003, 2005) finds that scandals play a prominent role in setting the agenda and facilitating the authorization of ethics commissions. This agenda-setting process transforms the immediate self-interest of legislators from one of economic well-being to one of political well-being (i.e., the need to be re-elected is more important than smaller financial

gains). The negative publicity leads legislatures to enact ethics legislation. Other factors that shape the likelihood of states enacting codes include legislative compensation, state ideology, other states' actions, unified government, the presence of the ballot initiative process, and political culture.

Political Culture

Representative democracy, at its core, is about citizens governing themselves via representation in collective decision making process (Warren, 2004). In this dissertation, representative democracy is understood by observing and comparing the 50 state legislatures in the United States. While part of one nation, citizens in the U.S. elect regional representation to act and speak on their behalf in the collective decision making process. State legislatures are designed to encourage open public deliberation of public policy issues for the purpose of creating laws to govern the citizens of the state. State legislatures are where representatives deliberate on and enact regional laws that guide some of the most important aspects of life, including education, family, and property.

One of the most important concepts in the study of state politics is that of political culture. Daniel J. Elazar was one of the first to examine political culture in the states. In his seminal work, *American Federalism*, Elazar conceives political culture as “The particular pattern of orientation to political action in which each political system is imbedded” (Elazar 1966, p. 84). He observes there are three primary political cultures that can be used to define each of the 50 states. These cultures are moralistic, individualistic and traditionalistic.

Moralistic states should display a culture whereby the good of the commonwealth is advanced above all other interests. According to Elazar, this culture was advanced by the Puritans who settled in New England. Government is used as a primary tool to advance and

improve the lives of those within the state; in such environments, corruption is not tolerated because ethical behavior is highly valued. State legislatures located in a moralistic political culture should display a legislative action that places the good of the commonwealth above that of personal profit for the legislature or individual legislator. In moralistic states, serving in the legislature is viewed as a citizen's duty to serve his neighbor and not as a means for self promotion or profit.

Individualistic state cultures should display a more capitalistic or marketplace mentality, whereby state government's role is to improve the business climate for increasing profits. Elazar observed this in the Mid-Atlantic States and the Midwest settled by the English and Germans. In these states politicians run for office as a means to get ahead where political patronage is practiced and expected. State legislatures that are located in individualistic political cultures should display more corrupt behavior, whereby the rules and policies that dictate the norms are designed to allow for self promotion and profit; after all, politics is an approved means to make money. Serving in the state legislature is accepted as a legitimate way to advance one's career and social and financial status, and the legislature will operate under those rules and conditions.

Traditionalistic state political culture displays behavior whereby social traditions are highly valued and elected officials are derived from the social elites. The role of state government is to continue this social and economic structure, thereby protecting the elites. Elazar observed this political culture is most often practiced in the southern states and derives from those settling in the colonies with an agrarian plantation economic system. State legislatures located in traditionalistic states should display a normative behavior whereby the rules and operations are designed to advance the political elites and protect them from the lower classes gaining political power. Serving in the state legislature is reserved for the social elites as

a family obligation and status symbol. Politics in the legislature is practiced among the elite, for the elite, and as is built upon personal relationships among the elite.

Elazar's research on state political cultures has provided the foundation for a long line of studies showing a connection between state political culture and the types of public policies they support and adopt. This includes policies and laws related to ethics and corruption. Ritt (1974) and Karning and Sigelman (1975) find that moralistic states are more likely to adopt innovative public policy reforms. Morgan and Watson (1991) tested whether moralistic states have the highest degree of legislative professionalism and the most support for innovative, progressive and liberal policies. They also found Elazar's typology of culture to a robust concept: moralistic states tend to have more innovative and liberal policies, especially when including political parties that are focused on policy.

This innovation includes policies dealing in ethics and corruption. Fitzpatrick and Hero (1988) concluded that moralistic cultures are less tolerant of political corruption, have lower rates of federal conviction for corruption, and are more likely to initiate reforms to discourage political corruption than other states (pp. 146-7). Peters and Welch (1978) developed measures of legislative attitudes toward political corruption. They found that political culture is related to legislators' attitudes toward political corruption. Moralistic cultures show the lowest tolerance for corruption and support for fellow officials engaging in corruption. Johnston (1983) postulated that political culture should determine the amount and type of political corruption occurring in each state because political culture dictates the public tolerance for corruption. He concludes: "Elazar is probably right in predicting that corruption should be relatively common in individualistic areas where politics is a marketplace in which self-interest comes first. But, as he notes, corruption in Individualistic areas produces relatively little public outcry. It is the

Moralistic political culture where citizens impose high standards upon their public servants and in which allegations of wrongdoing are apt to produce widespread concern.” (p. 30)

States with different political cultures are likely to create different conflict of interest regimes. Welch and Peters (1977, 1980) confirm Rhodes’ idea of there being a self-benefiting social structure and culture within legislative bodies that impacts the ability to sanction a fellow legislative member for ethical violations. However, they find that a legislature’s culture is shaped by the broader political culture. They found legislators from moralistic states to be less likely to tolerate corrupt behavior than legislators from traditionalistic or individualistic states.

Individualistic cultures are more likely to condone some conflict of interest behavior because of the value placed on risk, benefit, and self-interest. Atkinson and Mancuso (1991) argued that the cultures and institutional arrangements, and especially the degree of autonomy they confer on individual representatives and on the legislature as a whole, shape not only the potential for incidents of conflict of interest but also the legislative response to the problem. Political culture in the U.S. is said to cultivate the attitude that politics is an entrepreneurial realm. Atkinson and Mancuso contrast this to British political culture, in which the political career is seen as a noble calling and politics is considered by many to be an end in itself. These differences explain the two approaches toward addressing conflicts of interest.

The second characteristic of state legislatures that can be observed and measured is the professionalism of the body. Professionalism is often measured using an index developed by Squire (1993). The Squire Professionalism Index compares each state legislature to the U.S. Congress. Congress is given the score of a perfect one, so each state is scored in comparison to the professionalism of Congress. Squire’s index works: “Although a number of measures of legislative professionalism have been developed..., it is Squire’s (1992) technique of gauging

state legislative professionalism relative to characteristics of the United States Congress is most appropriate for cross-time comparisons....as Congress represents America's most professional legislature" (p. 297, Polsby 1995). This index is easy to interpret as state legislative resources as a proportion of congressional resources (Mooney, 1994), and further allows for comparisons over time (p. 329, King 2000).

States with a more professional state legislature should be less corrupt, as these legislatures operate with larger budgets thereby allowing them to devote scarce resources to technology and training that reduce corruption. Glaeser and Raven (2005) found richer states (e.g., those with more resources) on average have less political corruption, while Meier and Holbrook (1992) found state legislatures that have advanced computer systems (again, linked to resources) are less likely to engage in corruption as it allows for auditing, accountability and transparency. Rosenson (2005) found a link between the pay of legislatures and their likelihood of enacting ethical codes and laws to regulate behavior, with the higher the pay the more likely that legislature is to enact ethics codes. Again, this suggests that the more professional the legislature, the more likely it is to engage in behavior to prevent corruption. Lastly, the more professional a state legislature, the more resources are available to monitor the ethical behavior of its members through expenditures of ethics training and the formation and operation of legislative ethics committees and commissions.

CHAPTER 3

METHODOLOGY

This dissertation examines conflict of interest regimes in the U.S. states. This study requires an identification of each state's conflict of interest regime, political culture, and level of corruption. In this chapter, I lay out my mix method research design with a qualitative focus using quantitative measure to tease out statistical relationships. I begin with a discussion of my measurement tools of the features of state conflict of interest regimes. I then turn to an explanation for how I test the relationships between state characteristics, conflict of interest regimes, and corruption. I do not present my results in this chapter; the remainder of the dissertation presents my findings based on the research design described in this chapter.

Measuring Conflict of Interest Regimes

I began my study by collecting and analyzing state conflict of interest laws and policies for each state legislature. I started with data in the National Conference of State Legislators (NCSL) database of state statutes and codes. This database is extensive: there are over 3,300 codes and statutes in the NCSL data. Included in the NCSL database are conflict of interest laws dealing with state legislatures, and the commissions and committees designed to oversee compliance. The data used to analyze conflict of interest policy is derived from the National Conference of State Legislatures analysis on Conflict of Interest Definitions, updated in April 2013).¹

From the NCSL data, I pulled all laws, codes, and rules dealing with what I considered to be conflict of interest for each of the 50 state conflict of interest regimes located in state legislatures. As I searched and uncovered data, I created a spreadsheet containing states and

¹ Source: www.ncsl.org/legislatures-elections/ethicshome/50-state-table-conflict-of-interest-definitions.aspx

their respective laws, codes, and rules. Due to the size of the spreadsheet, I could not observe the data in a comprehensive manner for a qualitative assessment. Thus, I printed it out and taped pages together.

At this point I tried using an inductive assessment, by taking the specific 38 laws and policies for each state totaling 1900 observations, and trying to find generalizations and patterns that relate to conflict of interest regime theory by suppressing or sanctioning conflicts of interest through political culture and corruption. However, as I continued to analyze the data I decided to use a deductive approach, as I noticed I could narrow those 38 laws into nine broad categories: conflict of interest definitions; voting recusal provisions; dual office holding; dual public employment; representing others before government; contracting provisions; disclosures; state ethics commissions; and legislative ethics committees.

As I continued to break these categories down, I noticed a pattern of conflict of interest regimes sanctioning profit to these laws, rules, and codes. By breaking these categories and laws down into even smaller components, I began to see how some of these conflict of interest regime laws regulated behaviors in such a way as to create exclusions directly related to corruption theory and how they may impact public conviction rates. By using regression models, I tested for these relationships between the specific component of the law and Department of Justice corruption convictions.

Using my experience in working for the Illinois state legislature and knowledge of how it operates, I noticed that some of these laws made conflict of interest regimes stronger—through sanctioning the ability of a legislator to personally profit—while other policies weaken the regime, by suppressing this ability to profit. These observations began to fit with conflict of

interest regime theory suggesting the expected norms of the regime and its members are re-enforced by these laws, rules and policies.

Lastly, by continuing to break these nine categories into smaller measurements, I began to see patterns related to political culture theory. For example, by breaking down the definition of a conflict of interest, I noticed a pattern where Traditionalistic states are more likely to include a monetary threshold.

Sanction or Suppress: Legal Definition of Conflict of Interest

In order to regulate conflict of interest, a state must first define it. This definition is the most important theoretical feature of a conflict of interest regime. It also turns out to be the most important empirically. States can define conflict of interest in order to “suppress” or “sanction” conflict of interest. Some states define conflict of interest so that the definition includes *any* conflict of interest: in other words, a conflict is a conflict is a conflict. Other states, however, sanction some conflicts of interest by allowing some conflict of interest to occur as part of the political process. I argue in this dissertation that by sanctioning conflict of interest, states establish a normative position that public officials can put their self-interest above the public interest, thereby opening the door to further corruption.

States can sanction conflict of interest in two key ways. First, states can set a threshold for conflict of interest. These subjective overage thresholds legally authorize legislators to participate in deliberations and vote on laws for which they will personally profit, so long as they do not go over the specified dollar amount or percentage of ownership in a business. Thus, thresholds are designed to allow conflicts of interest to occur at a specified profit.

To illustrate how thresholds work to allow conflicts of interests to occur, I turn to three examples. The Utah legislature does not use a monetary threshold to define a conflict of interest.

Utah defines a conflict of interest as any action taken by a regulated office holder (legislator) that may cause a direct financial benefit to the office holder, family member, or business that is distinguishable from the effects of that action upon the public. Under this definition, a legislator commits a conflict of interest if he/she personally profits any amount if that benefit is peculiar to the legislator and not the public; thus, a personal profit of \$1.00 may be considered a conflict of interest. A small threshold example, meanwhile, is the South Carolina legislature. It defines a legislative conflict of interest as occurring when a legislator may gain a personal economic benefit of \$50.00 or more. And a large cash threshold example is the Delaware legislature. It says a legislator may engage in a conflict of interest so long as the personal profit does not exceed \$5,000. As one can see, the use of thresholds sanctions conflicts of interest for the personal profit of the legislator, whether it is \$50.00 or \$5,000. Both have the same ultimate effect, in that they allow some level of conflict of interest to occur. Only a definition that strictly prohibits any personal profit is a suppressive definition.

An additional problem with these thresholds is that they are measured on an individual bill basis and not a cumulative basis. Even with a low threshold, a legislator may be able to benefit greatly from a series of bills even if the threshold is low. For example, a legislator may vote for bill X so long as his conflict of interest does not exceed \$1,000. However, there is no limit in the number of bills for which the \$1,000 dollar and under threshold a legislator can take advantage. The result is that personal benefit is sanctioned as part of normal politics.

Second, states can sanction conflict of interest by excluding pecuniary interests. “Pecuniary” is a legal term referring to money. A pecuniary interest is a financial interest whereby a legislator may gain or lose money. Examples of a pecuniary interest would be the ownership of stock, or percentage of ownership in a business. By excluding a pecuniary interest

within the definition of a conflict of interest, it excludes that interest from being considered as a conflict of interest by the regime. To put it another way, conflict of interest regimes that exclude any mention of a financial interest normalizes this exclusion from consideration. This exclusion makes it harder for ethics commissions and committees to prove a conflict of interest.

The conflict of interest regime in the Illinois state legislature is one of five state conflict of interest regimes to purposely exclude a pecuniary interest from its definition. Illinois simply states a legislator may have a conflict “situation” created by personal, family, or client legislative interest for which he/she may wish to consider abstaining from voting. It does not include a personal financial interest as constituting a conflict of interest. Therefore, the normative behavior encouraged by the Illinois conflict of interest regime sanctions the ability of a legislator to vote for matters whereby a financial gain or protection from a financial loss may be advocated. A legislator’s defense from allegations is much easier, as pecuniary is excluded while “situations” is included. It is much harder charging a legislator of violating a “situation.” To illustrate this point, the Arizona conflict of interest regime suppresses this behavior by stating a conflict of interest occurs when a legislator has a personal financial interest that may cause a financial benefit directly or indirectly for the member. Under this definition, the Arizona conflict of interest regime suppresses profiting by specifically using “a personal financial interest” language instead of instituting a threshold.

Regulating Conflict of Interest: The “Chapman Index”

To capture the many features of conflict of interest regimes, I developed the less-than-humbly named Chapman Index.² This index measures the weakness of legislative ethics laws and policies regulating the 50 state legislatures. That is, the higher the index value, the weaker

² The name for the index was originally short-hand that Dr. Grant used during our discussions, and lacking a better name, it became the name I still use. The name may be appropriate because it recognizes that I am the one who determined which policies or laws should be included.

the policies are for that state. The index is comprised of 38 policies, laws, or rules for each of the 50 states, for a total of 1,900 observations. A point is assigned to that observation per state that fails to prevent legislative conflicts of interest from occurring, or put another way, encourages and protects the practice of engaging in personal benefit at the expense of public interest. This is tallied by state, thereby identifying those states with the weakest laws compared to those with the strongest legislative conflicts of interest and ethics laws. Again, the higher the score is, the weaker the ethics policies and laws are that regulate the respective state legislature.

Definition of Conflict of Interest

Up to two points are awarded for how strict the state defines a conflict of interest. A state receives one point if it does not include financial interests in the conflict of interest definition, as this exclusion makes the definition more subjective and harder to prove a conflict of interest exists. There is also one point if a state sets a financial threshold, as such thresholds essentially allow for conflict of interests to occur so long as a certain dollar amount is not acquired in personal benefit.

Voting Recusal

One point is awarded for each chamber in the legislature that does not require a legislator to refrain from voting if a conflict of interest is present. The ability for legislators to vote on bills for which they possess an ability to personally benefit is not only an ethical issue, but one of democratic theory (representativeness), and potential public corruption. Still, there are numerous states that do not restrict legislators from doing so. Therefore, I assign points to states that allow legislators to vote even if there is a conflict of interest, compared to those states that enforce a conflict of interest recusal clause (i.e., mandating that the legislator shall not vote). This observation measures recusal clauses in both the house and senate chambers in each state.

Dual Elected Office Holding

One point is awarded if a state legislator is able to hold two elected offices simultaneously. This recording is divided into two sections: the first section allows for state-wide office holding, and the second allows for county or municipal office holding. The ability to hold two elected offices at the same time presents numerous potential conflict of interest opportunities, increases the political power monopolized by one individual, and reduces the ability of checks and balances in government, which in turn may increase the likelihood of corruption.

Dual Public Employment

One point is given if a state allows dual public employment by legislators. Much like the ability to hold two elected offices, allowing a legislator to be paid for both being a legislator and a government employee in either a federal, state, or local department presents potential conflicts of interest and a consolidation in political power, which in turn may increase the likelihood of corruption.

Lobbying

One point is given if a state allows the legislator to receive compensation for his lobbying efforts, and additional point is awarded if a state does not require the disclosure of lobbying efforts by legislators. There are many ethical issues with allowing an elected legislator to play a dual role. First, it allows a legislator to represent the interests of others before his fellow colleagues in the legislative process, thereby potentially giving an unfair advantage to that interest over the interests of others. Second, the ability of a legislator to remove himself from the deliberative function and to lobby his fellow legislators on behalf of an interest by whom he is being paid represents a conflict of interest, as that legislator is no longer representing the

interests of his constituents through deliberation, but is instead representing the interests of a special interest through lobbying. Third, the representative may be lobbying for pay while at the same time being paid to deliberate and make policy. Lastly, the ability to represent others before government may increase the potential for public corruption as ethical lines are crossed and money changes hands. One point is awarded to each state that allows their legislator to represent others before government, thus allowing the legislator to be both an elected representative of the people and a lobbyist for special interest.

Contracting with State

Up to three points are awarded if a state legislator is allowed to contract with the state for the ability to supply a good or service to the state. There are three issues identified with this observation. First, it identifies those states that allow contracting, even with restrictions. Second, it identifies those states that do not require disclosures of such contracts. And third, it identifies those states that set a dollar threshold for disclosure. The potential for conflicts of interest exist in these circumstances, as usually the general assembly possesses the governmental function of approving all expenditures, thus essentially approving the funds for their own contracts, which may increase the likelihood of public corruption as money is passed through governmental departments to the policy makers who fund the departments and approve the grants.

Financial Disclosure Requirements

Up to seven points are awarded for not requiring state legislators to file public disclosure information on their income, state agency connections, household members income, lobbyist connections, gifts and honoraria received, credit and debtor information, and client information (if they are involved in a private practice or contractual relationship). States that do not require

such disclosures invite the potential for substantial legislative conflict of interests which may ultimately end in public corruption.

State Ethics Commissions

Up to two points are assigned if states failed to create a state ethics commission, and if they have, whether those commissions report to the legislative branch. The first point is awarded to states that fail to create the ethics commissions. The second point is awarded if the state does create an ethics commission, but allows the commission to report to the legislative branch; this is the classic “fox guarding the henhouse” scenario).

State Legislative Ethics Committees

Up to eight points are awarded for the powers and duties of state ethics commissions. Points were given to states that failed to: develop forms for legislatures to fill out for disclosures; develop training manuals to instruct legislators on how to comply with ethics laws; empower the commission to examine reports and monitor compliance; empower the commission to subpoena witnesses when investigating violations; empower the commission to issue advisory opinions; empower the commission to issue orders that are enforceable in a court of law; conduct ethics training for legislators; and issue annual public reports on activities.

Weakness of Ethics Committee

Up to nine points are assigned to states that use a weak ethics committee structure and have only fellow legislators investigating their colleagues, versus those states with a strong committee structure and incorporate non-legislative members to serve on the ethics committee. Specifically, this variable identifies those states that use standing ethics committees in both the house and senate chambers (or joint committees) compared to those states that only activate their ethics committees when an issue is elevated to warrant activation, as deemed necessary by

legislative leadership. It also identifies those states and chambers that use only legislators to serve on their respective ethics committees, versus those states that place non-legislative members on the committee and thereby adding credibility.

Summary

Conflict of interest regimes are complex and involve combinations of dozens of policies, laws, and regulations. One contribution of my dissertation is collecting data on each state's regime and presenting descriptions of important features of these regimes. In the next chapter, I describe each of these features in detail, but I focus on two features: the definition of conflict of interest (thresholds and pecuniary interests), and complexity measured by the Chapman Index.

Relationships with Conflict of Interest Regimes

After describing conflict of interest regimes, I turn to an examination of the relationships between these regimes and three features of each state. The first two are possible causes of conflict of interest regimes: political culture, and professionalism of the legislature. The third, how conflict of interest is defined by the conflict of interest regime, shows political corruption is a possible result of conflict of interest regimes that sanction conflicts of interest. For each relationship, I use two approaches to see what, if any, relationship exists. First, I approached the question qualitatively by ranking states on each variable and seeing whether there appeared to be a relationship. Second, I estimated a regression model that tested whether a statistical relationship existed, controlling for other variables. Together, these two approaches allowed me to determine the relationship between conflict of interest regimes and political culture, professionalism, and corruption.

In an effort to identify possible relationships, I expanded my spreadsheet to include federal convictions of elected officials over a 10 year span. I rank-ordered the Chapman Index,

with the most corrupt states ranked first to the least corrupt last. I then averaged the federal convictions of state elected officials from 2001 to 2010, and then rank-ordered the states with the most corrupt states, from the most corrupt first to the least corrupt last. At first I did not notice any significant patterns, as the rankings did not match up. However, I knew there must be a relationship between conflict of interest laws and corruption. So, I broke the Chapman Index down into the 38 measurements and compared them to the state corruption numbers. Here I observed a high number of convictions for states that excluded pecuniary terms and used a monetary threshold to allow for profit, along with what I suspected to be additional relationships in voting recusal measures, disclosures, and the composition of legislative ethics committees.

I then used the conviction rankings and compared them to the state professionalism rankings that I created, as well as the political culture classifications that I felt had to play a role in the attitudes conflict of interest regimes displayed toward conflict of interest. Again, I noticed a few patterns. I noticed that the traditionalistic states appear to have more convictions than the other states, which I found surprising as I thought it would have been the moralistic states (as they have implemented fewer suppressing conflict of interest laws). I also noticed a surprising relationship between the professionalism rankings and corruption rankings, as it appeared the more professional tended to be the more corrupt. The California legislature ranked first in professionalism, and second in federal state convictions. This was the opposite of what I was thinking, as I assumed the more professional a legislature, the more ethical it would be. But when I got thinking about conflict of interest regimes, it made more sense in that the more professional the regime, the better it is at creating an environment to sanction profit for its members.

Because I could observe, to a limited degree, what I perceived as a relationship between components of the Chapman Index, professionalism and political culture to corruption convictions, I wanted to estimate a series of regression models. I needed to know if my perceived observations could be verified through statistical analysis, which could either strengthen my measurements or cause me to seek additional explanations. However, before I could run the analysis, I created a list of other explanations (variables) that I felt could play a role in the corruption of conflict of interest regimes and conviction rates of state elected officials. If these other competing explanations do play a role in convictions in conflict of interest regimes, it may serve to assign a statistical “strength” number to how strong my variables are in explaining corruption in conflict of interest regimes.

My first thought of additional explanations was that perhaps the controlling party of the conflict of interest regime may influence the attitudes of conflict of interest regimes towards the suppression or sanctioning of ethics laws. I was thinking that perhaps Democratic-controlled regimes may be more likely to sanction self-profit, while Republican-controlled regimes would be more conservative, religious, and suppress self-profit. I also thought that the overall population of a state may have an impact upon corruption and conflict of interest regimes. I suspected that the larger the state population, the more corruption convictions will be won, as the local U.S. attorney has more resources in a larger state than a smaller state. In addition, I felt that larger states have a harder time paying attention to the actions of their elected officials, and in smaller states the likelihood of knowing your local state representative is greater. The last variable that I thought may play a role in conviction rates of conflict of interest regimes is the overall number of state elected officials in a state. My reasoning was simple: the more elected officials there are, the greater the opportunity for public corruption to occur.

CHAPTER 4

CONFLICT OF INTEREST REGIMES

This chapter provides a description of conflict of interest regimes in the states. These regimes include a definition of conflict of interest and regulations of conflict of interest. I summarize these regulations with the Chapman Index. This index counts the number of policies that sanction conflict of interest (i.e., that which encourages and protects the practice of engaging in personal benefit at the expense of public interest). Details for each set of regulations are included in the appendix to this chapter.

Definition of Conflict of Interest

As I approached the concept of a legislative conflict of interest, I expected to find a basic definition adopted by all 50 states. The basic components of what constitutes a conflict of interest suggests that, while performing official duties, a public official is placed in a position where he can advocate for his personal benefit (along with family and friends) above the benefit of the general public. However, as I began my analysis, it became apparent that no two definitions were alike.

After reviewing each definition, I found there are two primary components of a conflict of interest definition. The first component is the inclusion of language referring to a *pecuniary interest*. Forty-five states include pecuniary (financial) impact as a component of their conflict of interest definition. Some of the strengths of this definition include language stating the conflicted impact can be either a positive gain or negative loss. It is important to recognize that not all legislation in which a legislator is interested may be financially beneficial; it may also have a negative financial impact upon their personal finances. This sets a clear financial

definition for prosecutors, auditors, the media, and constituents. Absent a clear exclusion of pecuniary interest, the definition of conflict of interest remains subjective and varies according to the culture and practice of each legislature.

Five states do not reference pecuniary impact in their definition of conflicts of interest. Florida makes a general reference, stating no legislator shall vote on any matter that would ensure the official's special private gain or loss. Illinois suggests that when a conflict of interest (without defining it) situation arises, the official should consider eliminating the interest or consider abstaining. Ohio states that a conflict of interest exists if the private interests of the person to serve might interfere with the public interest, and if it does, their disclosure statement will be made public. South Dakota states that no elected official shall be interested in a contract with the state or county, but makes no further reference to conflicts of interests. And Vermont's conflict of interest law states that no member of the legislature shall vote upon any question in which they are immediately or directly interested. Again, there is no reference to personal financial gain or loss in these regulations, and may prove to be very difficult laws to formalize, define, and or uphold.

The second component is a clearly defined *monetary threshold* (for states with a pecuniary interest definition). It is important to highlight the potential problem with the monetary threshold, as it specifically sanctions conflict of interest below a set dollar amount. The actual dollar amount is strictly subjective and is different for each state. Thus, what constitutes a legislative conflict of interest is different for each state. My reaction to such inconsistencies and especially these thresholds is that it amounts to ethical dishonesty. It seems to me that these monetary thresholds used to define a legislative conflict of interest fail to

recognize the principle of the ethical argument, which is if there is a benefit (regardless of the amount); such a benefit constitutes a conflict of interest. See Table 1 below for more detail.

Table 1

States that Sanction Conflict of Interest

	Pecuniary Excluded	Sets Dollar Threshold
Alabama	0	X
Arizona	0	X
Arkansas	0	X
California	0	X
Delaware	0	X
Florida	X	0
Illinois	X	0
Kansas	0	X
Kentucky	0	X
Louisiana	0	X
Maryland	0	X
Massachusetts	0	X
Michigan	0	X
Mississippi	0	X
New Mexico	0	X
Ohio	X	0
South Carolina	0	X
South Dakota	X	0
Tennessee	0	X
Texas	0	X
Vermont	X	0
Virginia	0	X
West Virginia	0	X
Wyoming	0	X

Seventeen states use a financial impact along with an overage threshold in their definition of a conflict of interest. Financial thresholds range from a maximum allowable conflict of 10% ownership in stock (which is an unlimited dollar amount) to stock value not to exceed \$25,000,

all the way down to prohibiting a legislator from having a financial interest of \$50.00 or more.

The challenge is specifically articulating an economic threshold that constitutes a personal conflict of interest for state legislatures. This observation suggests these thresholds are different for each state, but why? Could the reason for these differences be in the political culture of the state? This finding alone suggests that there is a need for a consistent definition on what should constitute a conflict of interest within the 50 state legislatures, each of which amounts to a laboratory of democracy. I now list the definitions for each of these states, in order to highlight the diversity of definitions:

- Alabama defines a legislative conflict of interest as occurring when a legislator has a 5% or greater interest in a company that is impacted by the legislation.
- Arizona defines a legislative conflict of interest as occurring when a state legislator owns 3% or more in interest of the company that is impacted by the legislation in question and such income does not exceed 5% or more of total annual income for that legislator.
- Arkansas defines the financial threshold to be ownership as 10% or more in stock of the company affected by the legislation.
- California defines a legislative conflict of interest as occurring when a legislator has a financial interest in the legislation. This interest is defined as an investment of \$2,000 or more in a business or real property, any income, gifts or loans exceeding \$500, and gifts by donors valued at \$250 or more.
- Delaware defines a legislative conflict of interest as occurring when there is a financial benefit or detriment of \$5,000 or more.

- Kansas defines a legislative conflict of interest as occurring when a state legislator has a financial interest exceeding \$5,000 or owns 5% interest or more in the business impacted in the legislation. Their definition also includes receiving compensation of \$2,000 or more in a year and/or gifts valued at \$500 or more.
- Kentucky defines a legislative conflict to include a direct monetary gain or loss or when a legislator and or his family own or control \$10,000 in interest, or own more than 5% of the company.
- Maryland defines a legislative conflict of interest as when a legislator has an immediate personal financial interest or owns 10% of stock in the impacted business, or stock with a value of \$25,000 or more.
- Michigan defines a legislative conflict of interest as a legislator having a financial benefit in the legislation, unless the benefit is less than 1% ownership in stock or a market value of \$25,000 or less.
- Mississippi defines a legislative conflict of interest as a legislator having a financial benefit in the legislation when the legislator has a direct or indirect ownership, but excludes having ownership less than 10% interest and earning less than \$1,000, or less than 2% interest and earning less than \$5,000.
- New Mexico defines a legislative conflict of interest as occurring when a legislator has a substantial financial interest of 20% or more in interest in the company impacted by legislation in question.
- South Carolina defines a legislative conflict of interest as occurring when a legislator may gain an economic benefit of \$50 or more.

- Tennessee defines a legislative conflict of interest as occurring when a legislator has private income of \$1,000 or more, or an investment of \$10,000 or more, or owning 5% or the total capital in the business impacted by the legislation.
- Texas defines a legislative conflict of interest as occurring when a legislator has more than 10% voting interest in the company or owns more than \$25,000 in business interest, or receives 10% or more of the profits.
- Virginia defines a legislative conflict of interest as occurring when a legislator has 3% or more of total equity of the business impacted, or an annual income exceeding \$10,000 or benefits and salary exceeding \$10,000 or ownership of the business exceeding \$10,000.
- West Virginia defines a legislative conflict of interest as occurring when a legislator has an interest exceeding \$1,000 in profits or a contract worth more than \$5,000.
- Wyoming defines a legislative conflict of interest as occurring when a legislator has an interest in property not to exceed value of \$20, food or drink, or entertainment exceeding \$100 for which the legislation. However, Wyoming specifically excludes contributions to political campaign funds or the acceptance of an offer of employment from being included in a legislative conflict of interest.

States also vary in how they consider campaign contributions. Most states are silent on the issue. Only one state—Missouri—specifically includes campaign contributions as a potential conflict of interest and forbids such action. Thus, at least one state recognizes the inherent conflict of interest of allowing personal benefit to be disguised under the cloak of campaign contributions. However, six states specifically exempt campaign contributions or expenditures

from causing a conflict of interest. This observation is troubling. These states are effectively saying that it is permissible for a legislator to benefit financially on a given bill or policy position so long as such benefit is in the form of a political contribution or gift benefiting the campaign. Can it not be argued that such “contributions” are simply another form of personal benefit? After all, is not the successful re-election of a legislator a personal benefit of a position of political power, including wages, pension, and health insurance?

Regulation of Conflict of Interest

There is even greater variation in how states regulate conflict of interest. State legislators must consider if they should even *cast a vote* when they possess a conflict of interest in the proposed legislation. Forty-eight of the 50 states offer rules, regulations, codes, and laws to address this issue, and there is little consistency among them. Indeed, states do not even always have consistent language between the two chambers within each state legislature: ten states have different voting requirements in each chamber for conflicted legislators when they possess a personal interest in a legislative proposal. In Florida, Indiana, Iowa, Maine, and Rhode Island, House members shall refrain from voting, but a conflicted Senate member may vote. And in Georgia, Michigan, North Dakota, and Ohio, conflicted House members may vote, while a conflicted Senate member shall refrain from voting. Furthermore, in Tennessee, the House does not list any provisions for voting recusal, but Senate members shall refrain from voting. There are numerous states that do not restrict legislators from doing so.

Some states allow their state legislators to hold dual public offices simultaneously; other states forbid such practices in an attempt to prevent potential conflicts of interests. No state allows their legislators to hold another state wide elected office. However, there are twenty-five states that allow for state legislators to simultaneously hold county, local, or municipal elected

offices. This allows dual elected office holders to have greater access to public funds and to place the needs of their small constituent base above the needs of public at large. For example, if an elected state representative in Illinois simultaneously serves on the local county board, the legislator/board member has substantial influence on two public budgets. As the state representative, he votes for funds that are appropriated to all 102 counties in the state; he has the ability to influence how much money his county is appropriated, and thus he may reduce the amount of funds to other counties for the purpose of taking care of his county. The ability to hold two elected offices at the same time presents numerous potential conflict of interest opportunities, increases the political power monopolized by the same individual, and reduces the ability of checks and balances in government, which in turn may increase the likelihood of corruption.

Thirty-five states allow state legislators to hold another public job for compensation. A conflict of interest can occur when, as a participating state legislator, the legislature regulates the operations, policy, or budget of the second public job, division, or agency. Conversely, those state that do permit double public employment argue that serving as a state legislator is a part-time job and may not pay enough to meet today's living standards. However, even with this argument, the issue of potential conflicts of interests occurring still remains. Five of the ten full-time legislatures allow for dual employment (NJ, NY, IL, FL, and WI). Because these state legislatures are considered to be full-time, the question is, how do these legislators find time for their second taxpayer funded job without jeopardizing their elected duties and responsibilities to their constituents? Do they find themselves conflicted in their time and attention? Do they place one interest over the other, depending on which job personally benefits them the most?

Some states allow a state legislator to be both a legislator and a lobbyist, and some states do not require disclosure of such lobbying efforts by legislators. There are many ethical issues with allowing an elected legislator to play a dual role in this capacity. First, it is important to question the allowance of a legislator to represent the interests of others before his colleagues in the legislative process, thereby potentially giving an unfair advantage to that interest over the interests of others. Second, it is important to question the ability of a legislator to remove himself from the representative and deliberative function of his official elective office, especially during the critical time of deliberation for the purpose of lobbying his fellow legislators on behalf of an interest he is being paid to represent. This practice constitutes a conflict of interest when a legislator is no longer representing the interests of his constituents during deliberation, but is instead being paid to represent the special interest of a client. How can an elected state representative lobby his colleagues for a fee while, at the same time, be paid by tax payers to represent their interests in policy and finance? Lastly, the ability of a legislator to represent others before government increases the potential for public corruption as ethical lines are crossed and money changes hands.

Thirty-one states allow for state legislators to lobby on behalf of another interest and to be compensated for it. Sixteen of these states have specific language allowing for such practice, while fifteen states fail to have any law, rule, or policy regulating such practice, thereby allowing it to occur. The issue with such representation is that increases the possibility of creating a conflict of interest. If a state legislator is paid by an interest group to represent them before state government, those state officials and bureaucrats may be more inclined to support the issue for fear of retribution imposed by the state legislator when it comes time for them to seek assistance from the legislator regarding state funding or policy change. Some states do acknowledge the

potential for conflicts of interest in permitting state legislators to act as paid lobbyists, and attempt to address this issue by requiring the legislator to disclose information about their clients.

Some states allow legislators to contract with the state to supply a good or service for profit. As with lobbying, some states do not require disclosures of such contracts, nor do they set a dollar threshold for disclosure. The potential for conflicts of interest exists, as usually it is the legislature that possesses the function of approving all state expenditures, thus essentially approving the funds for their own contract; this may increase the likelihood of public corruption, as money is passed through governmental departments to the policy makers who fund the departments and approve the grants. Thirty-seven states permit state legislators to engage in contracting with the state, along with some limitations. However, the potential for conflicts of interest remains. From the most simplistic view, state legislatures are charged with controlling state spending through appropriations. The appearance of a conflict occurs when you have these same individuals who control state spending being awarded state dollars through contracts to provide some sort of service. Most states implement bidding procedures and disclosure requirements, but the fact remains that an awarding agency is aware of the fact that a state legislator is making application for state money, and that there may be consequences for not awarding the bid to that legislator.

Again, one could argue that because being a state legislator is considered for many a part-time job, it is only fair for legislators to not be punished for their public service and to be allowed to apply for state contracts if it is in their realm of business expertise. However, this does not excuse the potential for conflicts of interest. Furthermore, this argument should not apply to those legislatures that are considered full-time. Seven out of 10 state legislatures that are full-time allow for state contracting (MI, NY, PA, OH, MA, NJ, and WI). What is more, thirteen of

the 37 states that allow state legislators to contract with the state do not require any type of public disclosure. The lack of such public record adds to the perception that a conflict of interest is present. Of the remaining 24 states that allow for contracting, disclosures are required. However, 14 out of the 24 states set a dollar amount upon the disclosure. This stipulation allows state legislature to skirt the disclosure requirement if the contract is written in such a manner as to not exceed the limit. This may allow a legislator to receive a multitude of contracts and not have to report any of them, so long as they remain under the reporting threshold. Again, one must question why a financial threshold is placed upon public disclosure: the potential for a conflict of interest remains the same regardless of the financial benefit to the state legislator.

Nearly all of the states require state legislators to file public disclosures on their income, state agency connections, household members' income, lobbyist connections, gifts and honoraria received, credit and debtor information, and client information if they are involved in a private practice or contractual relationship. The purpose of the disclosure statement is to identify any potential conflicts of interest and to have them addressed, either by the state ethic's commission or by the legislative body through its own ethics committee. Only three states do not require their legislators to file financial disclosure statements (ID, MI, and VT). Thirty-five states require state legislators to disclose any connections they may have with state agencies; this might include instances of having a spouse or child working in state government. Forty-one states require state legislators to list the name, occupation, and employer of household members for the purpose of identifying potential conflicts of interest. This information allows the public to know if family members are employed by the state, are paid lobbyists, or hold any other positions that influence (or may be influenced) by the actions of the legislature. Nine states, however, do not require such public disclosure.

Legislators often need to report gifts or financial relationships. Twenty-one states require state legislators to publicly disclose and list the name of lobbyists with whom the legislator received food, gifts, campaign donations, and trips. Such disclosures are important, as they cast public light upon relationships and interests that seek favor of the legislator. It is also important to note that this advantage may come at the expense of the majority interest of the legislator's constituents. Thirty-five states require state legislators to publicly disclose and list gifts and honoraria that have been given to them, including by whom. Again, it is important for gifts and paid speaking engagements to be fully disclosed to the public, as it sheds light on the relationships and interests of the legislator that may prove to be either in or out of step with the majority of constituents; if enough voters are dissatisfied with these relationships, a change in office holders may be in store in the next election. Thirty-three states require state legislators to publicly disclose and list any and all financial institutions for which the legislators enjoys a financial credit or debt, including business loans, home mortgages, car loans, and equity or credit accounts. The disclosure is important for reasons similar to the others listed above, as it publicly discloses whether the legislator is receiving special financing for his home or car unavailable to others in the public. This special treatment may be illegal. Seventeen states do not require this type of public disclosure.

In all state legislatures, there are significant numbers of legislators who are also lawyers or in private business. Twenty-two states require legislators to publicly disclose their clientele list. Why is this important? An example of how a conflict of interest can occur would be if the legislator in question is a lawyer in private practice and specializes in property tax appeals at the local level. A conflict of interest would occur if that legislator introduced legislation that would impact the taxing formula for property, thereby affecting one of his clients.

States differ in what type of body they use to investigate conflict of interest violations. State ethics commissions are typically a group of individuals either appointed by the state's chief executive, the legislature, or a combination thereof for the purpose of monitoring the behavior of public officials and to develop and implement rules, codes, and laws designed to prevent public corruption. The design, powers, and duties of these ethics commissions vary by state, but I have identified ten key components that affect the strength of enforcement when dealing with state legislators.

Forty-one states have recognized the need to define and enforce ethical behavior of state legislators, creating state ethics commissions. But all commissions are not created equally. In the world of politics, it is important to know who will be enforcing the rules and codes. It is safe to say that an ethics commission composed of legislators, who oversee the behavior of their fellow legislators, will behave in a different manner compared to an ethics commission composed of citizens with no relationship or the ability to cast a vote on public policy with those they are to monitor. Legislatures, by their nature, are designed for deliberation; through voting, compromises are struck, allegiances are built, coalitions are formed, and relationships are bonded among legislators. Jeopardizing these relationships by engaging in ethics compliance procedures and casting penalties upon a fellow legislator goes against the legislative art of creating a vital voting coalition. Therefore, our concern for this component is to identify how many states have an ethics commission charged with monitoring legislators that, in fact, reports to the legislature: eleven states have such a reporting line.

Some ethics commissions have failed to develop policies for reporting or training. Ethics commissions should provide forms for legislatures to fill out for disclosures, develop training manuals to instruct legislators on how to comply with ethics laws, empower the commission to

examine reports and monitor compliance, empower the commission to subpoena witnesses when investigating violations, empower the commission to issue advisory opinions, empower the commission to issue orders that are enforceable in a court of law, conduct ethics training for legislators, and issue annual public reports on activities. Some states have not developed comprehensive public disclosure forms for the purpose of exposing income and relationships that may pose a conflict of interest, ethical dilemma, or an otherwise illegal activity. Commissions differ in whether they provide ethics manuals for the legislators whom they monitor, whether they provide ethics training, whether they examine and monitor the reports as filed by public officials for compliance, and whether they can publish their findings.

Ethics commissions also differ in their enforcement powers. Twenty-two states have empowered their ethics committee to not only be able to issue advisory opinions, but have the authority for their opinions and findings to be enforceable in court. What does this mean? It means that if a state's ethics committee finds that a legislator has violated a conflict of interest provision and therefore issues a monetary fine, this sanction is enforceable in a court of law. For those states that have not empowered their commission to have their orders enforced in court, they find that such sanctions can go unpaid or ignored.

Some states have created a weak ethics committee structure that includes fellow legislators investigating their colleagues, which, again, is like the proverbial fox guarding the hen house. Others have a legislative committee structure that includes non-legislative members. Many states have legislative ethic committees as part of their general assembly committee structure. The purpose of these standing committees is to investigate alleged violations of conflicts of interest, along with other ethical violations, and to determine whether the legislator should refrain from voting on the conflicted issue, or levy other sanctions depending upon the

nature of the violation. Some states have both -- a state ethics commission, and a standing legislative committee. Standing committees are routinely created with each new general assembly in either chamber and staffed year in and year out. Other states create ad hoc legislative committees when the need arises. With this committee structure the leadership in either chamber reserves the right to create a committee as a result of a serious ethical violation. These committees usually result in a public corruption exposure case of a fellow legislator and demand attention by the legislative body.

To summarize, there are many varieties of rules and regulations that either sanction or suppress potential conflict of interest behaviors of state legislators. The question of whether the behavior is encouraged or controlled resides in the empowered conflict of interest regime. I have reviewed a series of conflict of interest behaviors that have been addressed by these, including: voting on legislation for personal profit, to hold dual elected positions, to hold two public jobs, to lobby for pay, to contract with the state, to disclose personal information, and to form commissions and committees to regulate behavior. In each instance, the empowered regime determines the type of personal profiting behavior of its membership is to be sanctioned or suppressed.

Chapman Index

In this dissertation, I use two summaries of conflict of interest regimes. The first is the definition of conflict of interest. States can sanction conflict of interest by not explicitly including pecuniary interests, or by setting monetary thresholds for conflicts of interest. With a definition that sanctions conflict of interest, states are creating a norm that some conflicts of interest are acceptable. In this dissertation I test whether this sanctioning leads to further corruption by public officials.

The second is a sum of the regulations that monitor conflict of interest. In the appendix I lay out each of the regulations listed in the previous section. I add together the policies that sanction conflict of interest behavior. Together, this sum is the Chapman Index. The higher the score on the Chapman Index, the more policies a state has sanctioning conflicts of interest; the lower the score, the more restrictive the regulations. Table 4.2 ranks each state by its Chapman Index.

In reviewing the states' scores, the conflict of interest regimes located in Idaho, South Dakota, and Vermont lead all other state regimes in sanctioning conflict of interest behavior of its members. Idaho, for example, leads all states with a score of 26, by allowing its members in both the House and Senate to vote for legislation that may personally benefit the legislator. The Idaho regime permits legislators to have several public incomes simultaneously by permitting the legislator to hold two paid elected positions (one being a state legislator), or by allowing the legislator to hold a second paying state job (such as a correctional officer) while also being a paid state legislator, or by allowing the legislator to contract with the state for services provided by his/her business. The Idaho regime fails to require its members to file annual disclosure statements addressing state agency connections, income of household members, lobbyist connections, receipt of gifts and honoraria, creditor and debtor information, and potential client information of their personal business. And lastly, the Idaho regime fails to create and empower state ethics commissions and legislative ethics committees for the purpose of restricting and exposing the conflict of interest behavior of its members.

In contrast to the high index scores of Idaho and state regimes of South Dakota and Vermont, the conflict of interest regimes of Oklahoma, Kentucky, and Maryland implement

nearly all measures to suppress potential self profiting conflict of interest behavior of their members; this can be seen in Table 2.

To give an example of how these regimes scored so low in the Chapman Index, the Oklahoma conflict of interest regime used both pecuniary terms and excluded a monetary threshold in its definition of what constitutes a conflict of interest. As a result, the Oklahoma regime considers any personal financial benefit a legislative member of the regime may gain while performing his/her official duties to be a conflict of interest, and therefore forbids the member to vote for the proposal. Oklahoma regime members may not have a secondary income from holding another elected office, be employed by the state, or be a paid lobbyist. It does, however, allow its members to enter into contracts with the state to provide services offered through the member's personal business. The Oklahoma regime imposes nearly all public disclosure requirements on its members (except creditor and debtor information), and it fully empowers both state ethics commissions and legislative ethics committees to regulate, suppress, and enforce measures to discourage self profiting behavior via conflicts of interest. The only empowerment provision that the Oklahoma regime does not sanction is the ability of ethics commissions or committees to have their findings and sanctions enforced through court orders. In short, the Oklahoma conflict of interest regime is the strictest of all regimes in suppressing its members from engaging in self-profiting conflict of interest behavior.

The Chapman Index identifies and ranks various state conflict of interest regimes based upon the regime's attitude in sanctioning or suppressing conflict of interest behavior, in light of 38 measures. The purpose of this ranking is to identify those regimes that are more likely to encourage normative legislative behavior from its members than other regimes. According to the index's measures, a lower index score (like the Oklahoma regime, with an index score of 4)

should be the most likely regime to display the normative behavior of putting the needs of the public ahead of the personal needs of the regime members. Those regimes with high index scores (such as Idaho, with a score of 26) are more likely to exhibit self-profiting behavior among its regime members at the expense of normative representative democratic behavior.

Conclusion

This chapter contributes to the study of conflict of interest in two ways. First, it brings together information on conflict of interest regimes in the states. The most important feature is definition of conflict of interest—does it sanction conflict of interest by excluding pecuniary interests or by including thresholds? There is wide variety of laws, policies, and institutions that regulate conflict of interest. Second, it provides a summary of regulations with an index that counts the many ways that states can sanction conflict of interest. In the remaining chapters, I use this information to see how conflict of interest regimes are determined and how they affect corruption. See Table 2 below for state rankings.

Table 2

States Ranked by Chapman Index

State	Index (High = Sanctioning)
Idaho	26
South Dakota	25
Vermont	23
Iowa	22
New Mexico	21
North Dakota	21
Wyoming	21
Michigan	20
Arizona	19
Illinois	18
Utah	17

Table 2 Continued

Hawaii	16
Virginia	15
Mississippi	14
Montana	14
South Carolina	14
Maine	13
North Carolina	13
Kansas	12
Minnesota	12
Ohio	12
Tennessee	12
Colorado	11
Missouri	11
Alabama	10
Arkansas	10
Delaware	10
Florida	10
Georgia	10
Nevada	10
Oregon	10
West Virginia	10
Wisconsin	10
California	9
Louisiana	9
New York	9
Pennsylvania	9
Texas	9
Connecticut	8
Massachusetts	8
Nebraska	8
New Hampshire	8
New Jersey	8
Indiana	7
Rhode Island	7
Alaska	6
Maryland	6
Washington	6
Kentucky	5
Oklahoma	4

CHAPTER 5

POLITICAL CULTURE

It is important for us to understand why some states place a higher importance on addressing legislative conflict of interest issues through the use of laws, policies, commissions, and committees than other states. One such explanation may be political culture. Daniel J. Elazar, in his seminal work in 1966 titled *American Federalism: A View from the States*, was the first political scientist to develop a substantial theory of state political culture.

Why is a political culture theory important? Political culture theory provides political scientists a lens to view policy actions taken by 50 individual political laboratories called American states. Elazar's empirical observation of immigrant migration across the United States, along with their respective religious and ethical beliefs, provides a plausible explanation of how and why some public policy is formulated. It provides a means to understand the nature and purpose of these individual political government and actors, along with what is considered to be the proper roles and services of government and what is acceptable behavior for the political actors.

But what is political culture? Elazar conceives political culture as "The particular pattern of orientation to political action in which each political system is imbedded" (Elazar 1966, p. 84). Sharkansky was one of the first political science scholars to support Elazar's political culture theory suggesting that in understanding political culture, we can better understand public policy. "This orientation may be found among politicians and the general public, and it may affect their understanding of what politics is and what can be expected from government,

influence the types of people who become active in politics and formulate public policy” (Sharkansky 1969, pp. 67-68).

Elazar observes there are three primary political cultures that can be used to define all 50 states. These cultures are moralistic, individualistic and traditionalistic. The moralistic state, as Elazar explains, is a political culture concerned with the well-being of its citizens and believes that government is there to make a positive impact on the lives of its citizens; therefore, in moralistic states public corruptions will not be tolerated. Participation in politics by moralistic citizens is considered to be an altruistic endeavor, not for personal gain, but to assist in bettering the lives of one’s fellow neighbor. According to Elazar, it follows that the moralistic standards for public conduct will be higher as the good of society is placed above individual advancement. The moralistic culture can be traced back to the Puritans who settled in New England. This culture then migrated across the upper Great Lakes into the Midwest and to the Northwest, with Scandinavian and northern European groups coming out of the Northeast settled in the region. Moralistic states include California, Colorado, Idaho, Iowa, Kansas, Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Oregon, South Dakota, Utah, Vermont, Washington, and Wisconsin (Elazar, 1984). Therefore, as we review the Chapman Index using Elazar’s political culture classifications, we should be able to observe the moralistic political culture states leading in the implementation of conflict of interest laws, policies, and procedures regarding their respective state legislatures.

Traditionalist state culture represents an attitude that the government’s role is to maintain the status quo, including the existing economic and social hierarchy. Traditionalists come from the highly educated social elite. They are expected to serve in political office and run the affairs of government. It is their duty and calling, as “ordinary” citizens are not capable of

handling such responsibilities. For traditionalists, state government operates best on personal relationships where the integrity and honor of the official is very important. In this culture, politics is used as a means for personal advancement in society and a competition among the elites. As a result, there is a high tolerance for corruption, since the game of politics is played among the elites and out of the view of the average citizen. Elazar observes the traditionalistic culture to be found primarily in the south, resulting from its plantation-centered agricultural system. The Traditionalistic culture moved westward through the southern and southwestern states as the southern plantation descendants migrated. Traditionalistic states include Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and Arizona. (Elazar, 1984)

The third and last political culture observed by Elazar defines the culture as individualistic. Individualistic political cultures tend to see the primary role of government as limited to keeping the marketplace working. Elazar observed that politicians run for office for the purpose of their own self-interest and self-advancement, including making a professional career of being a legislator. The practicing politician is to make money and garner personal esteem, just as he would if he was in private business. Such a culture would be observed in states not passing strong conflict of interest laws, policies, and procedures, as these would be seen as hindering the advancement of one's political career. According to Elazar, because in the individualistic political culture there is "no altruistic conception of government working for the public interest or the good of society," a fair amount of corruption should be expected (Elazar, 1972: 95). Elazar observed this culture to have originated in the Mid-Atlantic States settled by German and English groups. As they migrated to the lower Midwest, Missouri, and western states, so did their individualistic political culture. States with a dominated by individualistic

political culture include New Jersey, Pennsylvania, Nevada, and Indiana, along with six other states that reflect a heavy individualistic influence: Massachusetts, New York, Rhode Island, Nebraska, Kentucky, and Maryland (Elazar, 1984).

Has the work of Elazar been verified? Many scholars through the years have shown there is a connection between state political culture and the types of public policies they support and adopt. Leonard G. Ritt, in his 1974 work titled “Political Cultures and Political Reform,” and Albert K. Karning and Lee Sigelman in their work “State Legislative Reform and Public Policy: Another Look,” both conclude that the more moralistic the state, the more likely it will adopt innovative public policy reforms, especially those dealing in ethics.

In their 1988 work, Fitzpatrick and Hero concluded that Elazar’s concept of political culture has proven useful in predicting various aspects of political behavior in the American states. “Its grounding in history and political theory, along with its established association with certain political behaviors suggests its utility in the study of state and local politics” (Fitzpatrick & Hero, 1988 p.146-7). Their work confirmed Elazar’s empirical research, which found states with moralistic cultures are less tolerant of political corruption, have lower rates of federal conviction for corruption, and are more likely to initiate reforms to discourage political corruption than other states (Fitzpatrick & Hero, 1988 p.146-7).

David Morgan and Sheila Watson, in their 1991 work titled “Political Culture, Political System Characteristics, and Public Policies among the American States,” test Elazar’s typology of political culture by using state religious data similar to Charles Johnson’s study in 1976. They hypothesize that moralistic states should have the highest degree of legislative professionalism and the most support for innovative, progressive, and liberal policies, while traditionalistic states should show the least amount of professionalism and innovation. Through multiple regression

analysis, they conclude Elazar's impressionistic typology of culture to be accurate and useful, and to be consistent with Elazar's observations that moralistic states tend to have more innovative and liberal policies, especially when including political parties that are focused on policy. They observed traditionalistic states are found to have the least innovative policies, while individualistic states are in the middle of the two (per Elazar's typology).

Peters and Welch, in their 1978 work titled "Politics, Corruption, and Political Culture: A view from the State Legislature," developed new measures of legislative attitudes toward political corruption and related these measures to state political cultures per Elazar's work. They found, "Political culture as defined by Elazar does in fact relate to political corruption" (Peters and Welch, 1978 p.352). Individualistic cultures have the highest corruption frequency scores, while traditionalistic cultures have the highest support for corruption scores and moralistic cultures show the lowest tolerance for corruption and support for fellow officials engaging in corruption. "In sum, our basic hypothesis of the study is confirmed; attitudes toward corruption are related to state political cultures..." (Peters & Welch, 1978 p.352).

Lastly, Michael Johnston's 1983 work titled "Corruption and Political Culture in America" postulated that political culture should determine the amount and type of political corruption occurring in each state, as political culture dictates public tolerance and response to corruption. He includes Elazar's three streams of political culture in his analysis and finds that high moralistic states, along with high voter turnout, are associated with more federal convictions for corruption. He concludes: "Elazar is probably right in predicting that corruption should be relatively common in Individualistic areas where politics is a marketplace in which self-interest comes first. But, as he notes, corruption in Individualistic areas produces relatively little public outcry. It is the Moralistic political cultures in which citizens impose high standards

upon their public servants and in which allegations of wrongdoing are apt to produce widespread concern” (Johnston, 1983 p.30).

Johnston uses religion demographic data to restructure Elazar’s political culture classifications, and in doing so finds that 85% (or 41 states) of Elazar’s original classifications are correct. However, this also means that 9 states (or 18%) need to be reclassified, as most of these states have moved to reflect individualistic political culture characteristics. For example, Delaware moved from traditional to individual, Missouri moved from traditional to individual, and Connecticut moved from moral to individual. Arizona, however, moved away from the individualistic culture to traditionalistic. See Table 3 below for more detail.

Table 3

Reclassification of State Political Culture by Michael Johnston

State	Johnston 1983	Change from 1966
Alabama	tradition	
Alaska	individual	
Arizona	tradition	I to T
Arkansas	tradition	
California	moralistic	
Colorado	moralistic	
Connecticut	individual	M to I
Delaware	individual	T to I
Florida	tradition	
Georgia	tradition	
Hawaii	individual	
Idaho	moralistic	
Illinois	individual	
Indiana	individual	
Iowa	moralistic	
Kansas	moralistic	
Kentucky	tradition	
Louisiana	tradition	

Table 3 Continued

Maine	moralistic	
Maryland	individual	T to I
Massachusetts	individual	M to I
Michigan	moralistic	
Minnesota	moralistic	
Mississippi	tradition	
Missouri	individual	T to I
Montana	moralistic	
Nebraska	individual	M to I
Nevada	individual	
New Hampshire	moralistic	
New Jersey	individual	
New Mexico	tradition	
New York	individual	M to I
North Carolina	tradition	
North Dakota	moralistic	
Ohio	individual	
Oklahoma	tradition	
Oregon	moralistic	
Pennsylvania	individual	
Rhode Island	individual	M to I
South Carolina	tradition	
South Dakota	moralistic	
Tennessee	tradition	
Texas	tradition	
Utah	moralistic	
Vermont	moralistic	
Virginia	tradition	
Washington	moralistic	
West Virginia	tradition	
Wisconsin	moralistic	
Wyoming	individual	

To give insight and explanation as to why some state legislatures behave the way they do as expressed through the Chapman Index variables, it is imperative to understand the political

culture of each state. For the remainder of this analysis, I will use this new ordering of Elazar's original state political culture classifications, as Elazar himself later agreed with Johnston's assessment and the importance of using religious demographic data (Elazar, 1984). During this analysis, if Elazar's political cultures hold true, I should expect to see observable and distinguishable difference between the three classifications of political culture when analyzing corruption-preventing conflict of interest policies dealing with state general assembly behavior. I should expect to see moralistic states exhibit a higher score in ethics and conflict of interest policies as they hold their politicians to a higher altruistic standard. Individualistic and traditionalistic states are tolerant to and familiar with corruption as a consequence of a politician's self-promotion and personal gain, and thus find it less offensive, which should be reflected in fewer ethic and conflict of interest laws and regulations, thereby allowing more of this behavior.

To study the impact that conflicts of interest have upon state legislators, it is important to first define a legislative conflict of interest. In law enforcement, to correct or prevent a behavior, the behavior must first be identified. Once the behavior is identified, it must be well defined with legal language and then adopted into law, thereby allowing law enforcement to prevent and punish unwanted and often dangerous behavior. These same principles hold true for state legislators. To correct or prevent unwanted behavior (as determined by the desires of constituents), the behavior must be identified and well defined. In reviewing the definition of what constitutes unwanted behavior for state legislators by means of legislative conflicts of interest, I found it interesting that no two states adopted the exact same language. The question to answer is, why not? Does political culture play a role in the adoption of such diverse and state specific conflict of interest policies? I found that each state does have a basic component

claiming a legislative conflict of interest occurs when their legislative behavior results in a direct personal gain to the legislator or immediate family at the expense of the interest of the at large public. But, what I did not expect to find is such a variation of what constitutes a direct personal gain. These variations came in the forms of pecuniary (financial) interests, ranging from hundreds to thousands of dollars per occurrence (piece of legislation.)

In reviewing the two most significant variables of the Chapman Index as identified by regression analysis---the inclusion of pecuniary language and a monetary threshold---one would assume that all states would formally include having a pecuniary interest as a primary component of a conflict of interest definition. However, this is not the case. Forty five states, or 90% of the states, include a pecuniary interest in the primary definition of what constitutes a legislative conflict of interest. These 45 states are evenly divided in political culture, with 15 states being moralistic, 15 being traditionalistic, and 15 being individualistic. However, five states, or 10%, do not include a pecuniary interest. The problem with excluding a pecuniary interest in the definition of what constitutes a conflict of interest is that by doing so, it makes it that much harder to charge someone with having a conflict of interest. Of these five states, two are individualistic (Illinois and Ohio), two are moralistic (South Dakota and Vermont), and one is traditionalistic (North Carolina). The only clear observation is that a Traditionalistic state is less likely to exclude pecuniary characteristics than the other two political cultures.

The second primary component of a conflict of interest definition expands on the pecuniary concept by including a dollar threshold in the equation. The problem with using thresholds is that it places a subjective dollar limit on what is to be considered a conflict of interest. It moves the concept from a theoretical conflict to a substantive issue with a hard dollar limit. These thresholds range from hundreds of dollars to tens of thousands. For example, in

California if a legislator has a direct interest of \$2,000 or more in an impacted business based upon the proposed legislation, then that legislator has a conflict of interest on the singular piece of legislation. In Kansas, that limit is \$5,000 or more, and in South Dakota it is \$10,000 or more. The point is that no two states use the same threshold, which leads to the question of why. Does political culture play a role?

If we take a look at the 45 states that include pecuniary language, 71% (32 states) do NOT set a financial threshold within their definition of what constitutes a conflict of interest. When we look at their political culture, we find moralistic states lead the states that do NOT set a threshold at 41%, compared to individualistic states at 34%, and traditionalistic states at 25%. For those 13 states that DO include a pecuniary threshold, we find the inverse: traditionalistic states lead in creating thresholds at 54% (or seven states), with individualistic states at 31% (or four states), and moralistic at 15% (or two states). The political culture results show moralistic states are more likely to NOT include a pecuniary threshold in what constitutes a conflict of interest. For these states, any financial interest constitutes a conflict of interest. For those states that do create financial thresholds, traditionalistic states are more likely to create such a dividing line of financial interest.

Table 4 identifies those 18 states (36%) which incorporate advantageous conflict of interest definition language for state legislators. Traditionalistic states represent 44% of these states with eight, individualistic states are second at 33% with six, and moralistic states are last at 22%, with four states. The advantageous language includes the exclusion of a pecuniary interest in their legislative conflict of interest definition, which makes it harder to charge a legislator with personally benefitting from a piece of legislation. And those states that do include a pecuniary interest create a financial threshold permitting personal profit, so long as the legislator stays

below the financial threshold on that singular piece of legislation. Remember: there is no cumulative effect for what constitutes a conflict of interest. If I am a legislator from South Dakota I can have a personal direct benefit of \$9,999 dollars, so long as I do not pass the \$10,000 threshold per occurrence.

Table 4

Chapman Index- Conflict of Interest Definitions, Advantageous or Restrictive Language by Political Culture

	Moralistic	Individualistic	Traditionalistic
Advantageous For Legislator	South Dakota Vermont California Kansas	Illinois Ohio Delaware Maryland Massachusetts New Jersey	Alabama Arizona Arkansas Louisiana North Carolina Tennessee Texas Virginia
Restrictive For Legislator	Colorado Idaho Iowa Maine Michigan Minnesota Montana New Hampshire North Dakota Oregon Utah Washington Wisconsin	Alaska Connecticut Hawaii Indiana Missouri Nebraska Nevada New York Pennsylvania Rhode Island Wyoming	Florida Georgia Kentucky Mississippi New Mexico Oklahoma South Carolina <i>West Virginia</i>

The remaining Chapman Index variables, which I shall later show to be of no statistical significance as shown in Table 25, still provide some interesting observations through the political culture theory. When it comes to voting recusal language, 25 states allow their legislators to vote even when they have a conflict of interest. Moralistic states represent 44% of these states with 11, individualistic states are second with eight (for 32%) and traditionalistic states are last with six states for 24%. Perhaps the moralistic states lead in allowing for conflicted voting in that these states feel it is unnecessary to regulate such behavior as the legislator should know better.

The same observations can be made when it comes to allowing state legislators to hold a dual public office. Moralistic states again lead in allowing this behavior. Of the 25 states that allow for dual office holding, 44% are moralistic (with 11 states), individualistic are second with eight states (for 32%), and traditionalistic states are again last with six states (for 24%).

When it comes to allowing legislators to hold a second public job, moralistic states lead in allowing this behavior with 14 out of the 35 states, for 40%. In this category, traditionalistic states are second with 11 states allowing a second public job; with Individualistic states last in allowing this behavior with 10 states for 29%. As we have seen before, perhaps the moralistic states lead in allowing for a second public job as they feel such regulation is unnecessary; in these states, the legislator should know better in engaging in “double dipping” at the public trough.

This pattern continues as we review conflict of interest rules that allow legislators to act as paid lobbyists, as the moralistic states represent 44% of the 25 states allowing this behavior, with 11 states. Both individualistic and traditionalistic states are tied with seven states each, for 28%. I should note that 14 of the 25 states that allow lobbying by legislators do so by failing to

address this practice in ethics laws, codes or rules. Only 11 states officially condone the practice in writing. This finding is in keeping with the theory of moralistic states not feeling a need to legislate morality.

Of the 43 states allowing legislators to enter into state contracts, the largest political group is that of individualistic states where 16 (37%) allow for contracting, compared to 15 traditionalistic and 12 moralistic. This observation makes sense, as it is the individualistic political culture that seeks to advance the career and livelihood of the legislator.

Forty-seven states require legislators to file annual disclosure statements. The three states that do not require disclosures are all moralistic, which again is fitting with the observation that the moralistic culture does not need to regulate morality. This finding holds true when I examined various components of disclosure statements, with the moralistic states least likely to require such disclosures.

Forty-one states create state ethics commissions to oversee the behavior of state employees including legislators. Of the nine states failed to create such commissions, five (or 56%) are moralistic, with traditionalistic states second with three and individualistic states with one. This observation is in keeping with our earlier observations and was consistent when I reviewed eight components of state ethics commissions. Moralistic states are the least likely to create disclosure forms, develop manuals, and conduct training, and are the least likely to empower these commissions with compliance authority.

Lastly, I reviewed the authorization of legislative ethics committee and their composition. The most consistent observation shows moralistic states are least likely to include non-legislators on the committee. It appears the moralistic states are more likely to desire to keep any ethical

infractions brought before a legislative committee “in house” and among fellow peers, and least likely to want to expose this behavior to the public.

For more detailed information on these conflict of interest variables as observed using political culture trends, see the Political Culture Appendix.

CHAPTER 6

PROFESSIONALISM

In this chapter I review the conflict of interest laws, codes, and policies of state legislatures, as used in the Chapman Index, and compare them to their legislative professionalism scores as developed by Peverill Squire and improved upon by James King. For our purpose, the term “professionalism” is comprised by James D. King from modifying a state legislature professionalism index created by Peverill Squire in 1993. The Squire professionalism index compares state legislatures to what is considered to be the world’s most professional deliberative body: the U.S. Congress. Congress is given the score of a perfect 1.0, so each state is then measured scored accordingly until arriving at 1.0, thereby matching Congress in professionalism.

Why use Squire’s measure? Scholars through the years have acknowledged that Squires’ legislature professionalism index works. “Although a number of measures of legislative professionalism have been developed (Bowman and Kearney 1988; Citizen’s Conference on State Legislatures [CCSL] 1971; Grumm 1970, 1971; Kurtz 1992), it is Squire’s (1992) technique of gauging state legislative professionalism relative to characteristics of the United States Congress that is most appropriate for cross-time comparisons. This technique rests on the notion that Congress represents America’s most professional legislature” (p. 297, Polsby 1995). Other scholars acknowledge that Squire’s index is easily interpreted (state legislative resources as a proportion of congressional resources) and replicated, and the use of a common standard facilitates cross-time comparisons (Mooney, 1994). And according to King, these properties make Squire’s procedure superior to others for assessing changes in professionalism in state legislatures (King, 2000, p. 329).

Squire compared the pay of state legislators, the average number of days in session, and the average size of legislative staff for each state legislature to that of Congress to compose a professionalism index. King sought to improve the Squire professionalism index by replacing the original variable measuring the number of legislative staff members with the budget assigned to support services for each state legislature. In King's 2000 analysis, he looks at legislative sessions over four decades from 1963-66, 1973-74, 1983-84, and 1993 -94, and finds that, overall, there is a movement of state legislatures becoming more professional.

If we take the professionalism scores for each state legislature and compare them to the conflict of interest laws and codes for each state legislature, we should expect to find that the more professional a state legislature, the more ethical it will behave, thereby enacting more restrictive conflict of interest laws regulating the behavior of legislators. We should see with each conflict of interest measurement used in the Chapman Index that, on average, the professionalism score should be higher on the restrictive behavior language than for the advantageous language allowing for legislators to personally benefit. One would think that as legislators are paid more for their service, the need to seek outside income would begin to diminish along with potential conflicts of interest that pertain to questionable income enhancements. Likewise, with more legislative staff and larger budgets to support these employees, there should be greater oversight in potential conflict of interest situations for members of the legislature as the private interests of the legislator becomes known and shared with staff. This increased awareness should translate into professionalism and control to ensure the current legislative members act ethically and are positioned well for re-election.

In order to assist with this analysis, I categorized each state and its professionalism score by whether it supports the restrictive conflict of interest law or policy or whether that state allows

for the legislator to engage in behavior that is advantageous to the legislator for personal profit.

We will review the professionalism score for each observation, and the number of state legislatures participating. Table 5 shows the professionalism score for each state legislature along with their respective rank.

Table 5

King Professionalism Score of State Legislatures

State	SCORE 2003	Ranking 2003
Alabama	0.071	45
Alaska	0.227	11
Arizona	0.232	10
Arkansas	0.106	41
California	0.626	1
Colorado	0.202	14
Connecticut	0.19	19
Delaware	0.148	26
Florida	0.223	13
Georgia	0.116	37
Hawaii	0.225	12
Idaho	0.138	29
Illinois	0.261	8
Indiana	0.102	42
Iowa	0.17	22
Kansas	0.125	34
Kentucky	0.148	27
Louisiana	0.129	33
Maine	0.089	43
Maryland	0.194	18
Massachusetts	0.385	4
Michigan	0.342	5
Minnesota	0.169	23
Mississippi	0.107	40
Missouri	0.174	21
Montana	0.076	44
Nebraska	0.162	24
Nevada	0.138	30

Table 5 Continued

New Hampshire	0.027	50
New Jersey	0.244	9
New Mexico	0.109	39
New York	0.48	2
North Carolina	0.198	16
North Dakota	0.051	49
Ohio	0.304	7
Oklahoma	0.187	20
Oregon	0.159	25
Pennsylvania	0.339	6
Rhode Island	0.133	31
South Carolina	0.124	36
South Dakota	0.064	47
Tennessee	0.116	38
Texas	0.199	15
Utah	0.065	46
Vermont	0.144	28
Virginia	0.131	32
Washington	0.197	17
West Virginia	0.125	35
Wisconsin	0.439	3
Wyoming	0.054	48

If we take a look at the top five state legislatures in the 2003 rankings, California is clearly in the lead for the most professional state legislature in the country compared to Congress, with a score of .626. The New York legislature is second with a professionalism score of .48, which means it is 48% as professional as Congress. Wisconsin is ranked third with a legislature professionalism score of .439, Massachusetts is fourth at .385, and Michigan is fifth with a score of .342. As we progress through our analysis, we will track where these top five professional state legislatures position themselves regarding addressing legislative conflicts of interest.

The most statistically significant observation in predicting public corruption, as identified in Tables 26 and 27, is the provision of states using advantageous language in their definition of what constitutes a legislative conflict of interest. The Chapman Index identified 18 states that have adopted either advantageous or restrictive language defining what constitutes a legislative conflict of interest. Advantageous language includes leaving out any reference to a legislator receiving a personal financial benefit, or if it is mentioned there is a monetary threshold in place that allows the legislator to benefit so long as he/she remains under that subjective threshold.

When we look at Table 6 using the professionalism index of Squire and King, we see that there are 18 states that use advantageous language in their definition of what constitutes a legislative conflict of interest. However, these 18 states (36%) on average have a higher professionalism score than the 32 states (64%) that prefer more restrictive language. Thus, those states that purposefully define a legislative conflict of interest in the manner that personally benefits the legislator the most are on average more professional. This is not consistent with what I thought I would find. Of the top five most professional legislatures, both California and Massachusetts support the more advantageous conflict of interest language.

Table 6

Chapman Index- Conflict of Interest Definitions Advantageous or Restrictive Language by Professionalism of State Legislature

Advantageous State	Score	Restrictive State	Score
Alabama	0.071	Alaska	0.227
Arizona	0.232	Colorado	0.202
Arkansas	0.106	Connecticut	0.19
California	0.626	Florida	0.223
Delaware	0.148	Georgia	0.116
Illinois	0.261	Hawaii	0.225
Kansas	0.125	Idaho	0.138

Table 6 Continued

Louisiana	0.129	Indiana	0.102
Maryland	0.194	Iowa	0.17
Massachusetts	0.385	Kentucky	0.148
New Jersey	0.244	Maine	0.089
North Carolina	0.198	Michigan	0.342
Ohio	0.304	Minnesota	0.169
South Dakota	0.064	Mississippi	0.107
Tennessee	0.116	Missouri	0.174
Texas	0.199	Montana	0.076
Vermont	0.144	Nebraska	0.162
Virginia	0.131	Nevada	0.138
		New Hampshire	0.027
		New Mexico	0.109
		New York	0.48
		North Dakota	0.051
		Oklahoma	0.187
		Oregon	0.159
		Pennsylvania	0.339
		Rhode Island	0.133
		South Carolina	0.124
		Utah	0.065
		Washington	0.197
		West Virginia	0.125
		Wisconsin	0.439
		Wyoming	0.054
Sub total	3.677		5.487
Divide by State	18		32
Average Total	0.2		0.17

In reviewing recusal provisions, I expected to find the more professionals state legislatures not allowing their members to cast votes for personal gain. When I calculated the professionalism scores, I found those state legislatures that allow their members to vote for

potentially personally benefitting legislation on average to be lower on their professionalism score than those states that oppose such votes. This observation is in keeping with what I would expect (i.e., the more professional state legislatures oppose and regulate the behavior forbidding a member to vote on legislation for which they may personally benefit).

Next, I looked at the variable allowing legislators to hold two elected positions simultaneously. I expected to find the more professional legislatures not supporting holding two jobs and therefore regulating and forbidding such behavior through conflict of interest laws, rules, and policies. My hypothesis was not supported, with the more professional state legislatures, on average, allowing a member to hold two elected paying positions at the same time.

The fourth Chapman Index variable looks at the ability of a state legislator to hold a second public job. I would expect to see the more professional state legislatures opposing the ability of their members to hold a second public job. Upon review, my expectations were correct. The overall professionalism score favors those states that forbid dual public employment compared to those that allow it.

The fifth and sixth Chapman Index variables forbid legislators from representing others before state government with compensation, and for those that do, they must disclose the information. I expected to find that the more professional the state legislature, the more likely it is to regulate and restrict this behavior. Upon review, my hypothesis was supported. I also expected to find for those states that allow this behavior; the more professional state will require disclosure. I was surprised to observe this was not the case.

The seventh and eighth Chapman Index variables seeks to identify those state legislatures that allow their members to contract with the state for a second income and for those that do,

identify if this information is publicly disclosed. As I reviewed King's professionalism scores for each state legislature, I expected to find on average the most professional legislators restricting this activity and for those that allow it, the more professional states will require disclosure. In keeping with my expectations, the more professional legislatures do indeed restrict this activity, and for those that do allow it, the more professional states require disclosure.

Next, I reviewed those states that allow legislators to enter into contracts with the state to provide a service. In keeping with my expectations, the more professional states restrict this behavior. For those states that do allow this behavior, I looked at whether this information must be disclosed. As I would expect, the more professional state legislatures required disclosure.

In reviewing annual disclosure requirements of state legislators, I was surprised by my findings. On average, the more professional state legislatures, as defined by Squire and King, do not require annual disclosures, and for those that do, the more professional state legislatures are more likely to not require disclosure of state agency contacts, household financial interests, and lobbyist connections. However, in keeping with my expectations, the more professional state legislatures do on average require disclosure of gifts and honorarium, creditor and debtor information, and listing of clients for which the legislator conducts business in his private business.

When it comes to state legislatures creating state ethics commissions, I expected to find the more professional state legislatures to be more likely to create these commissions. In my research I found that the more professional state legislatures are more likely to create state ethics commissions and excluded them from reporting to the legislature. The same is true for empowering these state ethics commissions with investigative and compliance powers: the more professional state legislatures are more likely to grant such authority.

Lastly, when I reviewed the creation of state legislative committees, I expected to find the more professional legislatures to be more likely to create standing ethics committees in both the House and Senate chambers. Upon review, I did find on average that the more professional state legislatures support standing ethics committees. The more professional state legislatures are also more likely to include non-members on these ethics committees in Senate chambers, but not in the House.

For more details on analyzing Chapman Index variables compared to state legislature professionalism scores, please see the Chapter 6 Professionalism Appendix.

CHAPTER 7

CORRUPTION

Do conflict of interest regimes through their sanctioning or suppressing of conflict of interest behavior influence federal convictions for public corruption? This chapter provides an empirical analysis to expose distinguishing and unique characteristics of six independent variables and their relationship to federal corruption convictions. The federal convictions results of elected state officials (from 2001 to 2010) is used as the dependent variable, and is measured against six independent variables that will compose the regression analysis at the end of this chapter. These independent variables are: Chapman Index score, party, political culture, professionalism, population, and public officials. This empirical analysis involves two steps. First, I review the convictions totals by each variable to identify any measureable influence that the respective variable may have upon public corruption convictions. Secondly, I run statistical models to identify potential significant influence these variables may have upon federal convictions of state public officials that may have been missed or may be further developed.

The federal conviction numbers used for this analysis were reported by the U.S. Attorney's office per each state, and individual U.S. District Attorney Offices within each state. Where necessary, I combined the multiple district numbers to derive a whole number for the state. The source for these numbers can be found using the U.S. Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2010," issued annually, pursuant to Section 529 of the Ethics in Government Act of 1978; Table III pages 31-34. In using these federal conviction numbers, I realized that the convictions numbers given for public corruption are a total of all elected officials and not broken out specifically for legislators, on which my analysis is focused. As a result, I wrote a letter to the U.S. Department of Justice

on June 19, 2012 seeking data on convictions information for state elected public officials from 1991 to 2010 by their respective branch of government (i.e., legislative, judicial, or executive, by state and the type of crime). On December 10, 2012, I received a response from the U.S. Department of Justice Criminal Division stating that my request has been assigned a file number, 201200701F, and requested additional time to fulfill the FOIA request due to its complexity, and that my exempt status as a student is under review, thereby allowing the Department to charge for each sheet of paper in fulfillment of the request (See Appendix A Correspondence). The state-by-state result of these tallied convictions can be viewed in Table 7, below.

Table 7

Total Federal Convictions per State 2001-2010

State	Federal Convictions	Convictions Rank
Alabama	273	12
Alaska	48	36
Arizona	175	21
Arkansas	87	27
California	679	2
Colorado	95	26
Connecticut	100	25
Delaware	46	37
Florida	673	3
Georgia	226	15
Hawaii	43	39
Idaho	23	46/47
Illinois	482	7
Indiana	140	22
Iowa	53	34/35
Kansas	35	42/43
Kentucky	281	11
Louisiana	384	10
Maine	34	44
Maryland	220	16

Table 7 Continued

Massachusetts	208	17
Michigan	245	14
Minnesota	66	30
Mississippi	178	20
Missouri	184	18/19
Montana	59	31/32
Nebraska	26	45
Nevada	35	42/43
New Hampshire	16	48/49
New Jersey	429	8
New Mexico	45	38
New York	589	4
North Carolina	184	18/19
North Dakota	55	33
Ohio	495	6
Oklahoma	133	23
Oregon	37	41
Pennsylvania	542	5
Rhode Island	23	46/47
South Carolina	53	34/35
South Dakota	59	31/32
Tennessee	258	13
Texas	697	1
Utah	38	40
Vermont	15	50
Virginia	413	9
Washington	84	28
West Virginia	72	29
Wisconsin	117	24
Wyoming	16	48/49
	9468	

If we examine the top states in federal convictions for elected state public officials with 200 convictions or more over a 10 year time frame, from 2001 to 2010, we find there are 17 states that meet these criteria: Alabama, California, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania,

Tennessee, Texas, and Virginia. To put these observations into context, it is important to note that 17 out of the 50 states equates to 34 % of the states being studied, yet these 17 states are responsible for 75% of the federal convictions of elected state officials (See Table 8 below). During the 10 year conviction time frame, there are a total of 9,468 federal convictions, with these 17 states accounting for 7,094 of the convictions.

Table 8

Top States for Public Corruption Federal Convictions

Federal Public Corruption Conviction Rank	Convictions 2001-2010 10 Yr Total
1. Texas	697
2. California	679
3. Florida	673
4. New York	589
5. Pennsylvania	542
6. Ohio	495
7. Illinois	482
8. New Jersey	429
9. Virginia	413
10. Louisiana	384
11. Kentucky	281
12. Alabama	273
13. Tennessee	258
14. Michigan	245
15. Georgia	226
16. Maryland	220
17. Massachusetts	<u>208</u>
Sub-total	7094
TOTAL	9,468
Percentage	75%

Federal Convictions by Chapman Index

The Chapman Index variable measures the weakness of legislative ethics laws and policies implemented by the 50 state conflict of interest regimes. The higher the index score, the weaker the policies as sanctioned by that state regime. The index is comprised of 38 ethical policy or law observations for each of the 50 states, for a total of 1,900 observations, and then tallies the number of the 38 ethical policies that have not been implemented. These variables are broken into 10 categories: 1. Conflict of Interest; 2. Voting Recusal Provisions; 3. Dual Elected Office Holding; 4. Dual Public Employment; 5. Representing Other Before Government; 6. Contracting with State; 7. Financial Disclosure Requirements; 8. State Ethics Commissions; 9. State Ethics Commissions (legislative only); and 10. State Legislative Ethics Committees. The index was created using data supplied by the National Conference of State Legislatures, available at <http://www.ncsl.org>

As we review the performance of Chapman Index variables through conviction data, we will specifically focus on those variables for which the top 17 convicted states outperform the remaining 33 states. The 33 states represent 66% of the 50 states, thus the remaining 17 states, if all states are equal, should perform at the 34% mark. Therefore, when reviewing the Chapman Index variables, we know if any of these variables have a number of top conviction states participating (above 34%), there may a relationship to the policy practice and corruption rate. To be safe in our analysis, we will use a 40% or more thresholds: those measures where the 17 states outperform the 34% mark by a minimum of 40% or more should indicate these states have a higher influence upon that particular variable (on average) than the other 33 states. For the Chapman Index, there are four variables for which the 17 states outperform the remaining 33 states by a margin of 40% or more.

When it comes to the first Chapman Index variable---including a pecuniary interest in the definition of what constitutes a legislative conflict of interest---only five states out of the 50 exclude a pecuniary interest. As mentioned before, this exclusion is troubling in that it makes the definition of what constitutes a legislative conflict of interest more subjective and harder to prove. However, what is even more interesting is that three of the five states, or 60%, are in the top 17 states in terms of federal convictions of elected state officials.

Table 9

Top Conviction States Exclusion of Pecuniary Terms in Conflict of Interest Definition

State	Pecuniary Excluded
1. Texas	
2. California	
3. Florida	X
4. New York	
5. Pennsylvania	
6. Ohio	X
7. Illinois	X
8. New Jersey	
9. Virginia	
10. Louisiana	
11. Kentucky	
12. Alabama	
13. Tennessee	
14. Michigan	
15. Georgia	
16. Maryland	
17. Massachusetts	
Sub Total	3
Total	5
	60%

What may be even more interesting is that when we look at those states that do set a monetary threshold for what does and does not constitute a legislative conflict of interest, nine of the 13 states (Alabama, California, Louisiana, Maryland, Massachusetts, New Jersey, Tennessee, Texas, and Virginia) that create a subjective financial threshold are also found in the top 17 conviction states. The significance of the subjective monetary threshold cannot be overlooked. As discussed earlier, these subjective thresholds allow a legislator to make a personal profit so long as the profit for that single piece of legislation does not cross the threshold. An astonishing 69% of the state legislatures that set a dollar threshold for what does or does not constitute a personal financial benefit can be found in the top 17 convicted states. This measure certainly suggests there may be a relationship between public corruption convictions and conflict of interest monetary thresholds. See Table 10 below.

Table 10

Top Conviction States Monetary Threshold in Conflict of Interest Definition

State	Sets Dollar Threshold
1. Texas	X
2. California	X
3. Florida	
4. New York	
5. Pennsylvania	
6. Ohio	
7. Illinois	
8. New Jersey	X
9. Virginia	X
10. Louisiana	X
11. Kentucky	
12. Alabama	X
13. Tennessee	X

Table 10 Continued

14. Michigan	
15. Georgia	
16. Maryland	X
17. Massachusetts	X
Sub Total	9
Total	13
	69%

If we combine the first two charts that break down the definition of a conflict of interest into a single table, we find something very interesting. Seventy-one percent of the states that lead the nation in public corruption convictions of state elected officials define what constitutes a legislative conflict of interest as either excluding a financial benefit as creating a conflict of interest, or setting a subjective monetary threshold to exempt certain dollar amounts from being regulated through ethics laws constituting an official conflict of interest violation. Twelve out of the top 17 convicted states address a legislative conflict of interest in this manner. These states include the top three ranked states of Texas, California, and Florida, as well as Ohio, Illinois, New Jersey, Virginia, Louisiana, Alabama, Tennessee, Michigan, Maryland and Massachusetts. See Table 11 below.

Table 11

Top Conviction States Combination of Excluding Pecuniary Terms OR Creating a Monetary Threshold

State	Excludes Pecuniary or Sets Dollar Threshold
1. Texas	X
2. California	X
3. Florida	X

Table 11 Continued

4. New York	
5. Pennsylvania	
6. Ohio	X
7. Illinois	X
8. New Jersey	X
9. Virginia	X
10. Louisiana	X
11. Kentucky	
12. Alabama	X
13. Tennessee	X
14. Michigan	X
15. Georgia	
16. Maryland	X
17. Massachusetts	X
Sub Total	12
Total	17
	71%

The third Chapman Index variable for which the top 17 states for federal convictions appear to have an abnormally high participation rate of 55% is for requiring the ethics commission report to the legislative branch. The trouble with this concept, as has been discussed before, is that it is hard to regulate the actions of those to whom you report. Six states out of the 11 total states that dictate their ethics commission to report to the legislative branch are found in the top 17 states for federal convictions. These states include: Florida, Illinois, Kentucky, New York, Tennessee, and Texas.

Table 12

Top Conviction States Where State Ethics Commission Reports to Legislative Branch

State	Ethics Commission Reports to Legislative Branch
1. Texas	X
2. California	
3. Florida	X
4. New York	X
5. Pennsylvania	
6. Ohio	
7. Illinois	X
8. New Jersey	
9. Virginia	
10. Louisiana	
11. Kentucky	X
12. Alabama	
13. Tennessee	X
14. Michigan	
15. Georgia	
16. Maryland	
17. Massachusetts	
Sub Total	6
Total	11
	55%

The fourth and final Chapman Index variable for which the top conviction states have an abnormally high participation rate of 44% was for those states that did not create a standing house ethics committee, but instead relied upon only creating such a committee when certain circumstances dictated it to be necessary. These ad hoc committees are referred to as “as needed” legislative ethics committees. Again, as we have discussed previously, these ad hoc legislative ethics committees fail to conduct business as a formal, regularly-meeting legislative

committee with a continuing legislative agenda. Of the nine states that use “as needed” committees, four are in the top 17 convicted states. These four states are Florida, Illinois, Louisiana, and Texas. See Table 13 below.

Table 13

Top Conviction States as Needed House Ethics Committees

State	As Needed House Ethics Committees
1. Texas	X
2. California	
3. Florida	X
4. New York	
5. Pennsylvania	
6. Ohio	
7. Illinois	X
8. New Jersey	
9. Virginia	
10. Louisiana	X
11. Kentucky	
12. Alabama	
13. Tennessee	
14. Michigan	
15. Georgia	
16. Maryland	
17. Massachusetts	
Sub Total	4
Total	9
	44%

Federal Convictions by Political Culture

Does political culture have an impact upon the federal conviction rates of states? As we learned earlier, the moralistic states seem to be less likely to implement strong ethics policies and

regulations. The natural conclusion would be to assume that the fewer ethical rules and regulations to guide the behavior of legislators, the more likely these moralistic legislators would be to engage in unethical behavior. But as we can see in the table below, that is not the case. If we take the federal convictions of state elected public officials from 2001 to 2010 and divide each state into the three political cultures as first described by Elazar, we find that the moralistic states are the least likely states to be convicted for public corruption by the federal Department of Justice. What we do not know is if this is a function of culture, in that those who live in moralistic states are truly more ethical as influenced by the culture of the state, or if fewer convictions are a result of fewer ethics laws on the books allowing for prosecution.

As we can observe in the Table 14 below, the traditionalistic states lead in the number of federal public corruption convictions with 4,132 convictions (44%) for the 16 states so classified. The 17 individualistic states are second, with 3,626 for 38%. And the moralistic are clearly last, with only 1,710 federal public corruption convictions over the same 10 year span for a mere 18%. Thus, traditionalistic states had 2,422 more public corruption convictions than moralistic states, compared to 1,916 more convictions for individualistic states.

Table 14

Federal Conviction Rate by Political Culture

Traditionalistic Convictions		Individualistic Convictions		Moralistic Convictions	
Alabama	273	Alaska	48	California	679
Arizona	175	Connecticut	100	Colorado	95
Arkansas	87	Delaware	46	Idaho	23
Florida	673	Hawaii	43	Iowa	53
Georgia	226	Illinois	482	Kansas	35
Kentucky	281	Indiana	140	Maine	34
Louisiana	384	Maryland	220	Michigan	245

Table 14 Continued

Mississippi	178	Massachusetts	208	Minnesota	66
New Mexico	45	Missouri	184	Montana	59
North Carolina	184	Nebraska	26	New Hampshire	16
Oklahoma	133	Nevada	35	North Dakota	55
South Carolina	53	New Jersey	429	Oregon	37
Tennessee	258	New York	589	South Dakota	59
Texas	697	Ohio	495	Utah	38
Virginia	413	Pennsylvania	542	Vermont	15
West Virginia	<u>72</u>	Rhode Island	23	Washington	84
		Wyoming	<u>16</u>	Wisconsin	<u>117</u>
TOTAL	4132		3626		1710

If we take the total state convictions per political culture and further break these numbers down by simply reviewing the top 17 convicted states, we find that the numbers change slightly, but do so in favor of the moralistic states, with even fewer convictions per percentage. As we can see in Table 9 below, when we divide the conviction totals by the top 17 states per political culture, the moralistic percentage drops from 18% down to 13%, with 924 convictions. The traditionalistic states once again lead in total convictions, with 3,205 convictions for 45% of the total. This represents a small 1% increase. The individualistic state total percentage climbed from 38% with all states included to 42% with just the top 17, for a 5% increase. This table certainly reinforces the finding that the moralistic state elected public official is much less likely to be convicted for public corruption. However, we still do not know why. It could be the result of ethical behavior, as learned through the moralistic culture, or a function of having fewer ethical rules, policies, and training to be used to convict violators.

Table 15

Top 17 Federal Conviction State by Political Culture

Traditionalistic Convictions		Individualistic Convictions		Moralistic Convictions	
Texas	697	New York	589	California	679
Florida	673	Pennsylvania	542	Michigan	245
Virginia	413	Ohio	495		
Louisiana	384	Illinois	482		
Kentucky	281	New Jersey	429		
Alabama	273	Maryland	220		
Tennessee	258	Massachusetts	208		
Georgia	226				
TOTAL	3205		2965		924

Federal Convictions by Political Party

The variable “party” derives from analyzing state election results for all 50 state legislatures over a 22 year time period (from 1990 to 2012) to determine the controlling party in the state legislature by chamber. The data provides results from 30 elections for each chamber (fifteen elections) for all of the 50 states, equating to 1,500 observations. Each election result was reviewed to identify which party controlled the respective chamber. Once a controlling party was identified for each state in both chambers, the numbers were tallied to calculate party dominance over the 22 year time span. The data for state legislative elections dating from 1990 to 2007 were tabulated using the Council of State Governments book “The Book of the States 2007,” specifically found on table 399. The election results from 2008 to 2012 were gathered from Polidata® Demographic and Political Guides, available at www.polidata.org (Election Yearbook for the United States 2008 Election Summary, found on page 2a.2; Election Yearbook for the United States 2010 Election Summary, found on page 2a.2; and Election Yearbook for the United States 2012 Election Summary, page 2a.2).

As we can see in the Table 16 below, a strong Republican state legislature (designated as R+) shows a clear party dominance of at least 24 out of the past 30 elections. The Idaho, South Dakota, North Dakota, Arizona, Wyoming, Florida, Ohio, South Carolina, Utah, Kansas, Texas, Pennsylvania, and Alaska legislatures are consistent Republican strongholds, ranked as R+ over the past 22 years. Virginia is an exception, with only 18 Republican victories, but it is clear that the Republicans are in complete control having won the last 16 out of 18 elections. A Republican state (designated as R) is a state where there has been some level of party competition, with Democrats competing in at least 6 elections. Here we find Michigan, Montana, New Hampshire, Virginia, Wisconsin, Georgia, and Indiana. It should be noted that New Hampshire is in jeopardy in this category, as Democrats have won the past five of eight elections. The final designation for weakly controlled Republican state legislature, designated as R-. To be classified as an R-, the Republican's must have won a minimum of 17 out of the past 30 elections. These states include Iowa, Missouri, Colorado, New York, and Oregon. It is important to note that the New York legislature has been divided by party for 29 out of 30 elections, with the Democrats controlling the House and Republicans controlling the Senate.

A strong Democratic state legislature (designated as D+) shows a clear party dominance of at least 24 out of the past 30 elections. The strongest Democratic controlled state legislatures include the states of Vermont, New Mexico, Illinois, Hawaii, Mississippi, Maine, California, West Virginia, Arkansas, Connecticut, Massachusetts, Rhode Island, Washington, and Maryland. Vermont, Illinois, and Washington are exceptions, with Democrats winning the last 12 elections in a row, thereby qualifying for plus status. A Democratic state legislature (designated as D) is a state legislature where the party has won 22 out of the past 30 elections. North Carolina, Alabama, Louisiana, and New Jersey are examples of this classification, as they have seen some

contested elections with Republicans occasionally winning. However, New Jersey is an exception, as the Democrats have won the past 14 in a row. Lastly, the final designation for a weakly controlled Democratic legislature is a D-. To be classified as a D- that state must have gone Democratic in a minimum of 18 elections. These states include: Delaware, Minnesota, Tennessee, Nevada, Kentucky, Oklahoma, and New York. New York is listed twice as both D- and R-, as its two legislative houses are consistently split between parties. Kentucky, Oklahoma, and Tennessee are all classified as D-, but it should be noted that the Republican Party is in strong competition, and in some cases has recently controlled both chambers.

Table 16

Partisan Control of State Legislatures

State	1990 - 2012 (30 Elections)	2000-2010 (18 Elections)	22 Year Party Dominance
Alabama	26 D, 4 R	16 D, 2 R	D
Alaska	24 R, 2 D, 4 tied	16 R, 2 tied	R+
Arizona	27 R, 1 D	16 R, 2 tied	R+
Arkansas	28 D, 2 R	18 D	D+
California	29 D, 1 R	18 D	D+
Colorado	17 R, 13 D	11 D, 7 R	R-
Connecticut	29 D, 1 R	18 D	D+
Delaware	18 D, 12 R	11 D, 7 R	D
Florida	25 R, 4 D, 1 tied	18 R	R+
Georgia	16 D, 14 R	12 R, 6 D	R
Hawaii	30 D	18 D	D+
Idaho	29 R, 1 tied	18 R	R+
Illinois	21 D, 9 R	14 D, 4 R	D+
Indiana	20 R, 8 D, 2 tied	12 R, 6 D	R
Iowa	18 R, 10 D, 2 tied	11 R, 7 D	R-
Kansas	29 R, 1 D	18 R	R+
Kentucky	20 D, 10 R	9 D, 9 R	D-
Louisiana	27 D, 3 R	17 D, 1 R	D
Maine	27 D, 3 R	16 D, 2 R	D+
Maryland	30 D	18 D	D+

Table 16 Continued

Massachusetts	30 D	18 D	D+
Michigan	23 R, 7 D	14 R, 4 D	R
Minnesota	22 D, 8 R	10 D, 8 R	D-
Mississippi	27 D, 3 R	17 D, 1 R	D+
Missouri	18 R, 12 D	16 R, 2 D	R-
Montana	22 R, 6 D, 2 tied	13 R, 3 D, 2 tied	R
Nebraska	(None Partisan Unicameral)		
Nevada	18 D, 12 R	11 D, 7 R	D-
New Hampshire	25 R, 5 D	14 R, 4 D	R
New Jersey	16 D, 12 R, 2 tied	14 D, 2 R, 2 tied	D
New Mexico	30 D	18 D	D+
New York	16 D, 14 R	10 D, 8 R	D-/R-
North Carolina	22 D, 8 R	15 D, 3 R	D+
North Dakota	28 R, 2 D	18 R	R+
Ohio	27 R, 3 D	17 R, 1 D	R+
Oklahoma	21 D, 9 R	11 D, 7 R	D-
Oregon	18 R, 10 D, 2 tied	10 R, 6 D, 2 tied	R-
Pennsylvania	26 R, 4 D	16 R, 2 D	R+
Rhode Island	30 D	18 D	D+
South Carolina	22 R, 8 D	18 R	R+
South Dakota	29 R, 1 D	18 R	R+
Tennessee	21 D, 8 R, 1 tied	11 D, 6 R, 1 tied	D-
Texas	19 R, 10 D, 1 tied	17 R, 2 D, 1 tied	R+
Utah	30 R	18 R	R+
Vermont	23 D, 7 R	15D, 3R	D+
Virginia	18 R, 10 D, 2 tied	16 R, 2 D	R
Washington	21 D, 8 R, 1 tied	15 D, 2 R, 1 tied	D+
West Virginia	30 D	18 D	D+
Wisconsin	20 R, 10 D	13 R, 5 D	R
Wyoming	30 R	18 R	R+

Overall, there appears to be an even split between the Republicans and the Democrats when it comes to control of state legislatures from 1990 to 2012. The tabulated results show

there are 24 state legislatures that can be considered to be controlled by the Republican Party, and another 24 states that have been controlled by the Democrats. New York is considered to be evenly divided, as their House and Senate has been split between parties over the past 29 out of 30 elections. Lastly, Nebraska has a unicameral legislature and is considered to be non-partisan. Of the strong partisan states legislatures, 13 states are controlled by the Republicans and 14 by the Democrats. There are seven states whose state legislatures should be considered to be moderately controlled by the Republicans, and four state legislatures that are in moderately controlled by the Democrats. Finally, Republicans have five highly contested states where their state legislatures are in constant competition for control, while Democrats have seven states that are weakly controlled by their party and are in jeopardy of losing control.

Now that we know there is a fairly even split in state legislatures between the two parties, the question still remains as to what impact party may have for federal conviction rates for elected state officials. Does the control of a political party impact the likelihood for state legislators to be convicted of public corruption crimes? As we can see in Table 17, over the past 10 years, the two parties are nearly identical in their federal conviction rates. The Republican states show a slight lead of 135 convictions over their Democratic colleagues, once we exclude New York.

Table 17

Federal Convictions by Political Party

Democratic States			Republican States		
State	Party	Federal Convictions	State	Party	Federal Convictions
Alabama	D	273	Alaska	R+	48
Arkansas	D+	87	Arizona	R+	175
California	D+	679	Colorado	R-	95

Table 17 Continued

Connecticut	D+	100	Florida	R+	673
Delaware	D	46	Georgia	R	226
Hawaii	D+	43	Idaho	R+	23
Illinois	D+	482	Indiana	R	140
Kentucky	D-	281	Iowa	R-	53
Louisiana	D	384	Kansas	R+	35
Maine	D+	34	Michigan	R	245
Maryland	D+	220	Missouri	R-	184
Massachusetts	D+	208	Montana	R	59
Minnesota	D-	66	New Hampshire	R	16
Mississippi	D+	178	North Dakota	R+	55
Nevada	D-	35	Ohio	R+	495
New Jersey	D	429	Oregon	R-	37
New Mexico	D+	45	Pennsylvania	R+	542
North Carolina	D+	184	South Carolina	R+	53
Oklahoma	D-	133	South Dakota	R+	59
Rhode Island	D+	23	Texas	R+	697
Tennessee	D-	258	Utah	R+	38
Vermont	D+	15	Virginia	R	413
Washington	D+	84	Wisconsin	R	117
West Virginia	D+	<u>72</u>	Wyoming	R+	<u>16</u>
TOTAL		4359			4494
	Note: Excludes NE and NY				

To further my analytical measurement of party influence on federal conviction rates, we can further reduce party influence to the top 17 convicted states. The Democratically controlled state legislatures outnumber the Republican controlled legislatures by two states, with the Democrats controlling nine state legislatures compared to seven for the Republicans. Since the Democrats control two additional states out of the top 17 for federal convictions, we should expect to see Democratic controlled states leading in federal convictions. Surprisingly, this is not the case, as can be seen in Table 18. By again excluding New York, as our party control analysis shows it to be evenly divided between the 2 parties over the past 10 years, the

Republican states are slightly ahead of the Democratic states in federal convictions with 3,291 convictions compared to 3,214 for the Democrats. However, with such slim margins in difference between the two parties, one must conclude that the party variable shows no influence upon the federal conviction rates at the state legislative level.

Table 18

Top 17 Federal Conviction States by Political Party

Democrat States		Republican States	
State	Federal Convictions	State	Federal Convictions
California	679	Texas	697
Illinois	482	Florida	673
New Jersey	429	Pennsylvania	542
Louisiana	384	Ohio	495
Kentucky	281	Virginia	413
Alabama	273	Michigan	245
Tennessee	258	Georgia	226
Maryland	220		
Massachusetts	208		
TOTAL	3214		3291

Federal Convictions by Professionalism

If we take the professionalism scores for each state and compare them to the federal conviction rates, we should expect to see a correlation between them. I expect to find that the more professional a state legislature, the more ethical it would be and less likely to engage in criminal behavior. I am assuming the more professional a state legislature, the fewer federal convictions it would encounter. As legislators are paid more for their legislative service, the need to seek outside income would begin to diminish along with potential conflicts of interest that pertain to questionable income enhancements. Likewise, with more legislative staff and larger budgets to support these employees, there should be greater oversight in potential conflict

of interest situations for members of the legislature as the private interests of the legislator becomes known and shared with staff. This increased awareness should translate into greater accountability and control, to ensure the current legislative membership is re-elected.

In order to assist with this observation, I listed each state and its federal convictions total along with that state's conviction ranking. I did the same for the professionalism score, as I listed each state and its professionalism score ranking. What I expected to see was a distant correlation between each ranking. For example, Texas is ranked number one as the most convicted state. I therefore expected Texas to have the lowest professionalism ranking of 50, with a variance of 49 between the two rankings. I expected to see this pattern continue down the ranking with California as the second most convicted state have a professionalism score of 49. This appeared to not be the case, as Texas ranked 15 in professionalism and California ranked as the most professional legislature in the nation. My first observation is that I can see, in some states, a relationship between Squires Professionalism Index and the conviction rates. Just because a legislature is considered to be professional does not equate into being more ethical or less corrupt, as measured by federal convictions. See Table 19 below.

Table 19

Convictions and Professionalism

State	Federal Convictions	Convictions Rank	SCORE 2003	Ranking 2003
Alabama	273	12	0.071	45
Alaska	48	36	0.227	11
Arizona	175	21	0.232	10
Arkansas	87	27	0.106	41
California	679	2	0.626	1
Colorado	95	26	0.202	14
Connecticut	100	25	0.19	19

Table 19 Continued

Delaware	46	37	0.148	26
Florida	673	3	0.223	13
Georgia	226	15	0.116	37
Hawaii	43	39	0.225	12
Idaho	23	46/47	0.138	29
Illinois	482	7	0.261	8
Indiana	140	22	0.102	42
Iowa	53	34/35	0.17	22
Kansas	35	42/43	0.125	34
Kentucky	281	11	0.148	27
Louisiana	384	10	0.129	33
Maine	34	44	0.089	43
Maryland	220	16	0.194	18
Massachusetts	208	17	0.385	4
Michigan	245	14	0.342	5
Minnesota	66	30	0.169	23
Mississippi	178	20	0.107	40
Missouri	184	18/19	0.174	21
Montana	59	31/32	0.076	44
Nebraska	26	45	0.162	24
Nevada	35	42/43	0.138	30
New Hampshire	16	48/49	0.027	50
New Jersey	429	8	0.244	9
New Mexico	45	38	0.109	39
New York	589	4	0.48	2
North Carolina	184	18/19	0.198	16
North Dakota	55	33	0.051	49
Ohio	495	6	0.304	7
Oklahoma	133	23	0.187	20
Oregon	37	41	0.159	25
Pennsylvania	542	5	0.339	6
Rhode Island	23	46/47	0.133	31
South Carolina	53	34/35	0.124	36
South Dakota	59	31/32	0.064	47
Tennessee	258	13	0.116	38
Texas	697	1	0.199	15
Utah	38	40	0.065	46
Vermont	15	50	0.144	28
Virginia	413	9	0.131	32

Table 19 Continued

Washington	84	28	0.197	17
West Virginia	72	29	0.125	35
Wisconsin	117	24	0.439	3
Wyoming	16	48/49	0.054	48

However, when I focused on the top 17 convicted states and listed them in rank order and measured the variance between the two, I began to see a relationship. When I listed the top eight states for federal corruption convictions by rank and then did the same for their professionalism ranking, I noticed that the average variance is much closer than it should be. If I add the top eight state conviction rankings along with their professionalism ranking variances, I come up with a total variance of 33. If my original idea was correct, that the top 17 ranked states for convictions should be ranked last accordingly in professionalism, then the total variance should have been 561 divided by 17, which equals 33. When I added up the actual variance for the top 17, I came up with a -8.11, which is (obviously) much lower. The same hold true for the top eight states. When I added up the actual variance for the top eight federal conviction states, I came up with a variance of -25 divided by 8, which equals -3.25; this is, again, much lower than expected. My expectation was for the variance average to be 33, but with such a low actual variance it appears the relationship is actually in the opposite direction. It seems likely that the more professional a state legislature may be, the more likely it is to experience public corruption convictions by the Federal Department of Justice (see Table 20 below).

Table 20

Top 17 Federal Conviction States and Professionalism

State	Federal Convictions	Convictions Rank	Squire's Professionalism Score 2003	Professionalism Rank	Difference
Texas	697	1	0.199	15	-14
California	679	2	0.626	1	+1
Florida	673	3	0.223	13	-10
New York	589	4	0.48	2	+2
Pennsylvania	542	5	0.339	6	-1
Ohio	495	6	0.304	7	-1
Illinois	482	7	0.261	8	-1
New Jersey	429	8	0.244	9	-1
Virginia	413	9	0.131	32	-23
Louisiana	384	10	0.129	33	-23
Kentucky	281	11	0.148	27	-16
Alabama	273	12	0.071	45	-33
Tennessee	258	13	0.116	38	-25
Michigan	245	14	0.342	5	+9
Georgia	226	15	0.116	37	-22
Maryland	220	16	0.194	18	-2
Massachusetts	208	17	0.385	4	+13
				Total	-138
				Average Variance	-8.11

Federal Convictions by Population

The “population” variable derives from the 2009 population numbers per state, as provided by the U.S. Census Bureau. The source for this variable can be found at the U.S. Census Bureau, Population Division. The numbers are from Table 1 of the Annual Estimate of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2009 (NST-EST2009-01) Release Date: December 2009; specifically, the first column of the table titled “July 1, 2009.”

When analyzing the relationship between state population and federal public corruption convictions, I began by listing each state along with its 10 year conviction totals, the state rank in convictions along with the state population and population rank. I expected to see the more populous a state, the greater the likelihood for public corruption and federal prosecution. My reasoning for this expectation was twofold. First, I assumed the more populous a state, the harder it is for the electorate to pay attention to their elected officials and ensure they monitor their behavior. Secondly, I assumed that more people per state equates into more federal resources these states will demand, thereby giving the U.S. District Attorneys in these states larger budgets and staff to go after public corruption crimes. In my first analysis (see Table 21 below), I could see this expected relationship, with the highest convicted states also being the largest in population.

Table 21

State Population and Federal Convictions

State	Population 7/1/2009	Population Rank	Federal Convictions	Convictions Rank
Alabama	4,708,708	23	273	12
Alaska	698,473	47	48	36
Arizona	6,595,778	14	175	21
Arkansas	2,889,450	32	87	27
California	36,961,664	1	679	2
Colorado	5,024,748	22	95	26
Connecticut	3,518,288	29	100	25
Delaware	885,122	45	46	37
Florida	18,537,969	4	673	3
Georgia	9,829,211	9	226	15
Hawaii	1,295,178	42	43	39
Idaho	1,545,801	39	23	46/47
Illinois	12,910,409	5	482	7
Indiana	6,423,113	16	140	22
Iowa	3,007,856	30	53	34/35

Table 21 Continued

Kansas	2,818,747	33	35	42/43
Kentucky	4,314,113	26	281	11
Louisiana	4,492,076	25	384	10
Maine	1,318,301	41	34	44
Maryland	5,699,478	19	220	16
Massachusetts	6,593,587	15	208	17
Michigan	9,969,727	8	245	14
Minnesota	5,266,214	21	66	30
Mississippi	2,951,996	31	178	20
Missouri	5,987,580	18	184	18/19
Montana	974,989	44	59	31/32
Nebraska	1,796,619	38	26	45
Nevada	2,643,085	35	35	42/43
New Hampshire	1,324,575	40	16	48/49
New Jersey	8,707,739	11	429	8
New Mexico	2,009,671	36	45	38
New York	19,541,453	3	589	4
North Carolina	9,380,884	10	184	18/19
North Dakota	646,844	48	55	33
Ohio	11,542,645	7	495	6
Oklahoma	3,687,050	28	133	23
Oregon	3,825,657	27	37	41
Pennsylvania	12,604,767	6	542	5
Rhode Island	1,053,209	43	23	46/47
South Carolina	4,561,242	24	53	34/35
South Dakota	812,383	46	59	31/32
Tennessee	6,296,254	17	258	13
Texas	24,782,302	2	697	1
Utah	2,784,572	34	38	40
Vermont	621,760	49	15	50
Virginia	7,882,590	12	413	9
Washington	6,664,195	13	84	28
West Virginia	1,819,777	37	72	29
Wisconsin	5,654,774	20	117	24
Wyoming	544,270	50	16	48/49
			9468	

Once I observed what appears to be a positive relationship between conviction rates and population, I broke down the 50 states into the top 17 states for federal convictions to again create a variance ranking measurement as I did earlier. Unlike my expected observations for professionalism, though, my expectations appear to be supported in this case. The variance for the top 17 conviction state rankings and those for population rankings is very small, at 4.47 (see Table 22 below for more details). This small deviation confirms that the states with the highest conviction rates are also the states with the highest populations. What we do not know is what influences this perceived correlation between conviction rates and population: is it a function of more populated states having more resources for prosecution, or could it be that with more people comes the likelihood of unethical behavior, or is it because higher populated states have more officials thereby making it more difficult to track their actions? Our next variable of elected state officials may give us some insight.

Table 22

Top 17 Conviction States and Population

State	Federal Convictions	Conviction Rank	Population	Population Rank	Difference
Texas	697	1	24,782,302	2	1
California	679	2	36,961,664	1	-1
Florida	673	3	18,537,969	4	1
New York	589	4	19,541,453	3	-1
Pennsylvania	542	5	12,604,767	6	1
Ohio	495	6	11,542,645	7	1
Illinois	482	7	12,910,409	5	-2
New Jersey	429	8	8,707,739	11	3
Virginia	413	9	7,882,590	12	3
Louisiana	384	10	4,492,076	25	15
Kentucky	281	11	4,314,113	26	15
Alabama	273	12	4,708,708	23	11
Tennessee	258	13	6,296,254	17	4
Michigan	245	14	9,969,727	8	-6

Table 22 Continued

Georgia	226	15	9,829,211	9	-6
Maryland	220	16	5,699,478	19	3
Massachusetts	208	17	6,593,587	15	-2
				Total	76
			Average Variance		4.47

Federal Convictions by Public Officials

The “public officials” variable represents the last official count of state elected officials as reported by the U.S. Census Bureau for the U.S. Department of Commerce. The source for this variable can be found on two tables: Table 2, page 2 and Table 4, page 4 of the U.S. Department of Commerce publication titled “1992 Census of Governments Volume 1, Government Organization, Number 2 Popularly Elected Officials.” This publication was issued in June 1995.

Just like the previous two variables, I expected to see a relationship between the number of elected state officials and the number of federal convictions for public corruption. I suspected that with an increase in the number of elected officials, there must be an increase in the likelihood of officials engaging in public corruption. After I listed the states and ranked the states with their respective convictions, I did the same for each state and the number of elected officials along with their rank. As we can see in Table 23 below, we find that Texas is ranked first in federal public corruption convictions and fourth in the number of elected state officials. Clearly, a variance of three is very low. However, when I reviewed California---with a conviction rank of second---I found it ranked 30th in the number of elected state officials, for a variance of 28. Thus, at first glance, the data does not meet my expectations. As a result, I investigated the data further by focusing on the top 17 public corruption states.

Table 23

Convictions and State Elected Officials Rank

State	State Elected Officials 1992	Rank	Federal Convictions	Rank
Alabama	436	15	273	12
Alaska	255	27	48	36
Arizona	239	28	175	21
Arkansas	349	19	87	27
California	226	30	679	2
Colorado	280	26	95	26
Connecticut	333	21	100	25
Delaware	80	50	46	37
Florida	934	3	673	3
Georgia	465	13	226	15
Hawaii	91	49	43	39
Idaho	171	42	23	46/47
Illinois	623	7/8	482	7
Indiana	506	12	140	22
Iowa	319	23	53	34/35
Kansas	343	20	35	42/43
Kentucky	565	10	281	11
Louisiana	629	6	384	10
Maine	210	33	34	44
Maryland	356	18	220	16
Massachusetts	225	31	208	17
Michigan	652	5	245	14
Minnesota	623	7/8	66	30
Mississippi	296	24	178	20
Missouri	994	1	184	18/19
Montana	201	36/37	59	31/32
Nebraska	201	36/37	26	45
Nevada	141	46	35	42/43
New Hampshire	430	16	16	48/49
New Jersey	121	47/48	429	8
New Mexico	220	32	45	38
New York	950	2	589	4
North Carolina	593	9	184	18/19
North Dakota	205	34/35	55	33

Table 23 Continued

Ohio	231	29	495	6
Oklahoma	362	17	133	23
Oregon	290	25	37	41
Pennsylvania	200	38/39	542	5
Rhode Island	155	43/44	23	46/47
South Carolina	195	40	53	34/35
South Dakota	155	43/44	59	31/32
Tennessee	321	22	258	13
Texas	815	4	697	1
Utah	200	38/39	38	40
Vermont	186	41	15	50
Virginia	143	45	413	9
Washington	537	11	84	28
West Virginia	205	34/35	72	29
Wisconsin	450	14	117	24
Wyoming	121	47/48	16	48/49

To further my analysis of a possible relationship between convictions and the number of elected state officials, I reduced the data from Table 23 to create Table 24. This table shows the top 17 convictions states, along with the rankings for convictions and public officials plus the variance between the rankings. As I observed before, Texas meets my expectations with a variance of three between the federal conviction rank and the number of elected officials. Other states that meet my expectations include Florida and Illinois, each with zero variance.

Additionally, Kentucky has a small variance of one. And New York, Georgia, and Maryland all have a small variance, at two. However, on the other side of the scale, New Jersey has a variance of 39, from its conviction rank of eight and its public officials rank of 47/48. Virginia and California each had large variances, with 36 and 28, respectively. As a result of these wide deviations, it was important for me to average the variance. The average came to a respectable 12.29, which is low enough to suggest there may be a correlation between states having more elected officials and the likelihood of seeing an increase in conviction rates.

Table 24

Top 17 Conviction States and State Elected Officials

State	Federal Convictions	Rank	State Elected Officials 1992	Rank	Difference
Texas	697	1	815	4	3
California	679	2	226	30	28
Florida	673	3	934	3	0
New York	589	4	950	2	-2
Pennsylvania	542	5	200	38/39	33
Ohio	495	6	231	29	23
Illinois	482	7	623	*7/8	0
New Jersey	429	8	121	47/48	39
Virginia	413	9	143	45	36
Louisiana	384	10	629	6	-4
Kentucky	281	11	565	10	-1
Alabama	273	12	436	15	3
Tennessee	258	13	321	22	9
Michigan	245	14	652	5	-9
Georgia	226	15	465	13	-2
Maryland	220	16	356	18	2
Massachusetts	208	17	225	31	15
				Total	209
			Average Variance		12.29

Conviction Rate Regression Analysis

The second step in our conviction rate analysis involves regression analysis on the variables we used in order to confirm the relationships suggested through my initial empirical analysis. As expected, I will use the same data and seven variables as above: Convictions, Chapman Index, Political Culture, Political Party, Professionalism, Population, and Public Officials.

You may recall that we found that, overall; the Chapman Index does not appear to influence conviction rates. However, when we broke the index down into its individual

variables, we found four variables that suggest there may be an influence. For the purpose of our regression analysis, I will use the top two variables (pecuniary interest and monetary threshold) to test for an expected significant relationship. First, let us test the Chapman Index as a whole for its significance in predicting federal public corruption convictions per Table 25 below. To ensure I address unobserved heterogeneity with my creation of the Chapman Index for the regression model below, I logged the Chapman Index and included robust standard errors. As stated earlier, the dependent variable is conviction rate, with the independent variables including Chapman Log, Party, Moralistic, Individualistic, Professionalism, Population, and Officials.

Table 25

Regression Model for Convicted State Elected Public Officials with Logged Chapman Index

	Coefficient	Robust Std. Err.	p-value
Chapman Log	113.40	82.82	0.178
Party	-23.67	20.25	0.249
Moralistic	-117.13	44.36	0.012
Individualistic	-34.511	43.97	0.437
Professionalism	417.99	126.45	0.002
Population	248.85	51.28	<0.001
State Officials	0.05	0.09	0.568
Number of Observations = 50			
R-squared = 0.74			

NOTE: Chapman Log variable is the Chapman Index logged
 Party variable identifies the dominate party controlling each state legislative regime
 Traditionalistic variable is excluded as a control
 Professionalism variable represents each state legislative regime score compared to Congress
 Population variable is the state population as of 2010
 State Officials variable is the estimated number of elected state officials

As we can see by the P-value of .178, the Chapman Log does not significantly affect convictions, just as we observed in our previous analysis. Our previous analysis also reflected the possibility that political culture impacts convictions, especially moralistic states, as they are the least likely to be convicted for public corruption. This model shows that with all things being

equal, moralistic states do have a negative effect upon conviction rates (as we observed earlier), with a P-value of .012. The Professionalism P-value of .002 strongly suggests that all things being equal, there is a relationship between the professionalism score and conviction rates. This measure is in keeping with our previous conclusion that the more professional a state legislature, the more likely it is to be convicted of public corruption. The last significant correlation this model predicts is that with all variables held constant, there is a significant relationship between population and federal convictions. Again, this finding is in agreement with our earlier finding that the higher the population, the higher the federal convictions rates. This model also confirms that political party does not have a relationship with convictions, as we witnessed in our previous analysis. Surprisingly, this model also suggests that the number of public officials in a state does not impact that state's federal conviction rate, as the P-value of .568.

In our earlier analysis, I observed what appears to be a relationship between two Chapman Index measures and that of conviction rates. Specifically, I noticed that for those states that excluded a pecuniary definition or set a dollar threshold in their conflict of interest definition, there appears to be a higher conviction rate. In the regression model below (Table 26) I test for this measure. Conviction rate is the dependent variable, with the independent variables of: Excluding Pecuniary, Setting Dollar Threshold, Party, Moralistic, Individualistic, Professionalism, Population, and Officials. Again, I include robust errors to address unobserved heterogeneity.

Table 26

Regression Model for Convicted State Elected Public Officials with Pecuniary and Threshold

	Coefficient	Robust Std. Err.	p-value
Pecuniary	119.21	43.08	0.008
Sets Threshold	88.67	41.16	0.037

Table 26 Continued

Party	-32.97	20.25	0.111
Moralistic	-82.87	40.31	0.046
Individualistic	-22.82	40.22	0.574
Professionalism	382.42	115.43	0.002
Population	211.66	52.25	<0.001
State Officials	0.07	0.09	0.401
Number of Observations = 50			
R-squared = 0.79			

NOTE: Pecuniary variable includes reference to money in conflict of interest definition
 Sets Threshold variable includes a monetary threshold not to exceed for a conflict of interest
 Party variable identifies the dominant party controlling each state legislative regime
 Traditionalistic variable is excluded as a control
 Professionalism variable represents each state legislative regime score compared to Congress
 Population variable is the state population as of 2010
 State Officials variable is the estimated number of elected state officials
 The linear regression model performs as expected. We see that both the pecuniary and

threshold variables perform at the statistical significance level, with a P-value of .008 for our Pecuniary variable and .037 for Sets Threshold variable. This finding is in keeping with our earlier measure, which found that for those states that either exclude a pecuniary clause in their conflict of interest definition, or if they do but create a monetary threshold to exclude subject profit making, there is a positive relationship between these and an increased likelihood of higher federal public corruption conviction rates.

In the third model below (Table 27), I created a dummy variable for states that exclude the pecuniary language, set a dollar threshold, or do neither, by creating the “Pecuniary and/or Threshold” variable. You may recall that in Table 5, “Top Conviction States Combination of Excluding Pecuniary Interests OR Creating a Monetary Threshold,” that 12 out of the 17 state legislatures that define conflicts of interests in this manner are the leading states in federal public corruption prosecutions. Again, the dependent variable is Convictions, with our independent

variables including: Pecuniary/Threshold, Party, Moralistic, Individualistic, Professionalism, Officials. As before, I included robust standard errors to address unobserved heterogeneity.

Table 27

Regression Model for Convicted State Elected Public Officials with Pecuniary and/or Threshold

	Coefficient	Robust Std. Err.	p-value
Pecuniary and/or Threshold	35.95	17.36	0.045
Party	-17.01	19.64	0.391
Moralistic	-105.11	42.86	0.018
Individualistic	-27.53	41.27	0.508
Professionalism	415.04	127.52	0.002
Population	250.91	55.16	< 0.001
State Officials	0.03	.087	0.769
Number of Observations = 50			
R-squared = 0.76			

NOTE: Pecuniary and/or Threshold variable adds the variables pecuniary and threshold together
 Party variable identifies the dominant party controlling each state legislative regime
 Traditionalistic variable is excluded as a control
 Professionalism variable represents each state legislative regime score compared to Congress
 Population variable is the state population as of 2010
 State Officials variable is the estimated number of elected state officials

As predicted, the Pecuniary/Threshold variable comes in with a statistically significant P-value of .045, which suggests with all other variables held constant, there is a positive relationship between the Pecuniary/Threshold variable and federal public corruption conviction rates.

CHAPTER 8

DISCUSSION/CONCLUSION

I approached this research dissertation as a lifelong resident of Illinois, and as a participant in and student of Illinois politics. Through the years my participation has waned, but not my interest. My observations of Illinois politics have lead to my disappointment and, in some cases, profound disgust at the corrupt behavior of my elected officials. I have recently witnessed the convictions of two governors and a hand full of state legislators. As a former employee of the Illinois House of Representatives, I continue to be interested in strengthening the concepts of representation and deliberation while addressing corruption, thus explaining my primary research focus on state legislatures. This dissertation attempts to identify the ethical dilemmas individual legislators face through conflicts of interest, and how they are addressed by the legislative regime to either squash or sanction such behavior.

Upon my observation that both convicted governors Ryan and Blagojevich each served in the Illinois House of Representatives---with each declaring they did nothing illegal but instead practiced normative politics---and because I personally witnessed an attitude of House members justifying their elected positions for the attainment of personal profit again declaring normative behavior, I set out to discover what fosters the corrupt attitudes and actions of Illinois elected officials. I began to question whether public corruption in the Illinois legislature was a culture, encouraged and protected by those who control it. A series of questions came to mind: Do state legislatures create conflict of interest regimes? Do they create regimes to reduce the occurrence of conflicts of interests, thereby reinforcing theoretical normative behavior of a representative democracy to put the public first? Or do state legislatures create regimes to protect themselves

from conflict of interest accusations through enabling laws that sanction such behavior thereby legalizing self profit? From these contrasting positions addressing legislative conflicts of interests, I formed two hypotheses:

H1. Differences in conflict of interest regimes of state legislatures to squash or sanction conflicts of interests result from political culture.

H2. Differences in conflict of interest regimes of state legislatures to squash or sanction conflicts of interests result in differential levels of political corruption.

My first order of business was to review the ethics laws, codes, and rules of Illinois and compare them to other states. These differences in ethics laws would identify for me their culture, with rules of operation and conduct or regime. To conduct this research, I found that the National Conference of State Legislatures compiles raw data on ethics codes, laws, and rules of all 50 state legislatures; I assume the database serves as a reference for state legislatures if they wish to strengthen or weaken their current ethics laws.

Upon reviewing the ethics laws of all 50 state legislatures, I noticed approximately 38 unique variables in how corruption is addressed. With 1900 observations, I compiled the data by state, thereby creating an index with the hope of comparing these observations to the Department of Justice corruption convictions of state elected officials to identify possible relationships. Of all the observable comparisons, one table stood out to me. When I combined the two definitions of how state legislatures define a conflict of interest by excluding a pecuniary term or creating a monetary threshold, I found an observable relationship for those states and conviction rates. Table 28 captures this relationship. Twelve of the top 17 states (71%) that are responsible for

75% of the public corruption convictions from 2001 to 2010 are found to define a legislative conflict of interest in this manner.

Table 28

Top Conviction States Excluding Pecuniary Interests or Setting a Monetary Threshold

Top Conviction States	Convictions 2001-2010 10 yr. Total	Excludes Pecuniary or Sets Dollar Threshold
1. Texas	697	X
2. California	679	X
3. Florida	673	X
4. New York	589	
5. Pennsylvania	542	
6. Ohio	495	X
7. Illinois	482	X
8. New Jersey	429	X
9. Virginia	413	X
10. Louisiana	384	X
11. Kentucky	281	
12. Alabama	273	X
13. Tennessee	258	X
14. Michigan	245	X
15. Georgia	226	
16. Maryland	220	X
17. Massachusetts	208	X
Sub Total	7094	12
Total	9468	17
Percentage	75%	71%

Knowing that the conflict of interest index (or, the Chapman Index) had the potential to explain, to at least some degree, corruption convictions, I began an extensive review of relevant literatures looking for other independent variables that may help explain political corruption in

state legislatures. It is here that I learned of Elazar and Johnston's work in the realm of identifying state political culture, and Squire and King's work in creating a professionalism index for state legislatures.

When I applied Johnston's index of political culture to the Chapman Index identifying the idiosyncratic compositions of conflict of interest laws for each of the 50 states, I noticed additional patterns, the most important being how states define a conflict of interest. Moralistic states are the least likely to set a pecuniary threshold defining a legislative conflict of interest, while traditionalistic states are the most likely to set such a threshold. This observation held true when I compared the convictions numbers using state political culture -- traditionalistic states are more likely to be convicted for public corruption, while the moralistic states are the least likely to be convicted of public corruption. Thus, it appears that political culture does help to explain how a state legislative regime addresses its definition of what constitutes a conflict of interest, as Table 29 illustrates.

Table 29

Top Conviction States Excluding Pecuniary Terms or Setting a Monetary Threshold with Political Culture

Top Conviction States	Convictions 2001-2010 10 yr. Total	Excludes Pecuniary or Sets Dollar Threshold	Political Culture
1. Texas	697	X	Traditional
2. California	679	X	Moralistic
3. Florida	673	X	Traditional
4. New York	589		Individualistic
5. Pennsylvania	542		Individualistic
6. Ohio	495	X	Individualistic
7. Illinois	482	X	Individualistic
8. New Jersey	429	X	Individualistic

Table 29 Continued

9. Virginia	413	X	Traditional
10. Louisiana	384	X	Traditional
11. Kentucky	281		Traditional
12. Alabama	273	X	Traditional
13. Tennessee	258	X	Traditional
14. Michigan	245	X	Moralistic
15. Georgia	226		Traditionalistic
16. Maryland	220	X	Individualistic
17. Massachusetts	208	X	Individualistic
Sub Total	7094	12	
Total	9468	17	
Percentage	75%	71%	

When I applied King's legislative professionalism index to the Chapman Index identifying how state legislatures define a conflict of interest, the finding mirrored that of the political culture index. The more professional state legislatures on average used advantageous language in their definition of a conflict of interest by either excluding a pecuniary interest or by including a monetary threshold. And again, I found that states leading in political corruption convictions on average had a higher legislature professionalism score. Thus, it appears the more professional a legislature (i.e., the more sophisticated the regime), the more likely it is for one of its members to be convicted of public corruption.

Table 30

Top Conviction States Excluding Pecuniary Terms or Setting a Monetary Threshold with Political Culture and Professionalism

Top Conviction States	Convictions 2001-2010 10 yr. Total	Excludes Pecuniary or Sets Dollar Threshold	Political Culture	Professionalism Rank of State Legislature
1. Texas	697	X	Traditionalistic	15

Table 30 Continued

2. California	679	X	Moralistic	1
3. Florida	673	X	Traditionalistic	13
4. New York	589		Individualistic	2
5. Pennsylvania	542		Individualistic	6
6. Ohio	495	X	Individualistic	7
7. Illinois	482	X	Individualistic	8
8. New Jersey	429	X	Individualistic	9
9. Virginia	413	X	Traditionalistic	32
10. Louisiana	384	X	Traditionalistic	33
11. Kentucky	281		Traditionalistic	27
12. Alabama	273	X	Traditionalistic	45
13. Tennessee	258	X	Traditionalistic	38
14. Michigan	245	X	Moralistic	5
15. Georgia	226		Traditionalistic	37
16. Maryland	220	X	Individualistic	18
17. Massachusetts	208	X	Individualistic	4
Sub Total	7094	12		
Total	9468	17		
Percentage	75%	71%		

To further test these observations, I estimated a series of models with the key independent variables of political culture and professionalism, as well as additional variables like political party, population, and the number of state elected officials, against the dependent variable of conviction rates. I included these variables as I suspected each may play a role in explaining state legislature regimes defining their conflict of interest laws via the Chapman Index, or in the conviction rates of a state's public officials.

The regression results did not show a statistically significant relationship---with a p value <.05---for the Chapman Index as a whole, in terms of explaining the relationship between conflict of interest laws and implemented by state legislative conflict of interest regimes and political corruption convictions. However, when I examined how conflicts of interest are

defined by including or excluding pecuniary terms or the inclusion or exclusion of monetary thresholds, the results came back statistically significant with pecuniary returning a p value of .008 (highly significant) and thresholds resulting in a p value of .037. Thus, how a state legislative conflict of interest regime defines a conflict of interest plays a significant role in the political corruption conviction rates of that state. The political culture of the state, professionalism of the legislature, and population of the state variables all returned a significant p value as well (see Table 31), which assist in explaining conviction rates.

Table 31

Regression Model for Convicted State Elected Public Officials With Pecuniary Terms Excluded and Setting Monetary Threshold

Independent Variable	Coefficient	Robust Std. Err.	t	P>
Pecuniary	119.2133	43.08435	2.77	0.008*
Sets\$Threshold	88.67862	41.16495	2.15	0.037*
Party	-32.97866	20.25568	-1.63	0.111
Moralistic	-82.87948	40.31151	-2.06	0.046*
Individualistic	-22.82101	40.22763	-0.57	0.574
Professionalism	382.4229	115.4319	3.31	0.002*
Population	211.6604	52.2521	4.05	0.000*
State Officials	.0769385	.0905825	0.85	0.401
Number of Observations = 50				
R-squared = 0.7869				

*P<.05

NOTE: Pecuniary include reference to money in conflict of interest definition

Sets\$Threshold includes a monetary threshold not to exceed for a conflict of interest

Party identifies the dominate party controlling each state legislative regime

Traditionalistic is excluded as a control

Professionalism represents each state legislative regime score compared to Congress

Population is the state population as of 2010

State Officials is the estimated number of elected state officials

This regression analysis shows that state legislative conflict of interest regimes do reflect a political culture and that this culture can help us predict what type of conflict of interest definitions they use. This analysis shows that conflict of interest definitions reflect the culture

and normative behavior of these legislative regimes, and play a significant role in predicting political corruption conviction rates of these regimes. Conviction rates are higher in state legislative regimes displaying a traditionalistic culture; lower in state legislative regimes displaying a moralistic culture, higher in more professional legislative regimes, and lower in less professional regimes. State legislative regimes located in states with higher populations are convicted of public corruption at a higher rate than lower population regimes.

Thus, both hypotheses are supported. We learned that normative legislative behavior varies between the legislative regimes, and these differences to some degree are related to political culture. Because of these differences, no two state legislative regimes operate with the same ethics laws. Each have their unique expectations of normative behavior as reflected in their ethics laws, codes, and rules that are designed to reflect such behavior as influenced by their political culture, thereby operating as a unique conflict of interest regime. What legally constitutes a legislative conflict of interest in one state does not mean it will do so in another state. This finding reflects the idiosyncratic regime culture of what constitutes normative legislative behavior. Some state legislative regimes allow for more profit taking by their members than others. This in turn leads to different levels of public corruption and convictions.

We know there is a statistical relationship between state legislatures that define a legislative conflict of interest, either excluding any reference to a legislator having a pecuniary interest or creating a monetary threshold condoning personal profit taking and political corruption convictions by the federal Department of Justice. These exclusions and thresholds of definitions reflect the political culture of the state and the conflict of interest regime. Such advantageous profit taking language reflects the expected normative behavior of that particular legislative body as determined by the conflict of interest regime.

This research helps explain the corruptive political norms observed in the Illinois General Assembly. It also explains the reasoning behind the defense put on by convicted former governors Ryan and Blagojevich, as they declared their behavior not to be criminal but simply practicing Illinois politics, a normative behavior they learned in the Illinois House of Representatives.

However, there are limitations to this research that must be acknowledged. The political culture classifications of the states as determined by Elazar in 1966 and Johnston's again in 1983 are dated. Seventeen years after Elazar's original work, Johnston discovered the political culture of a state continues to evolve as the attitudes of citizen's shift. This finding most likely holds true today. Therefore, by using Johnston's state political culture classifications from 1983, I must acknowledge these state classifications are most likely out of date. Future research should be conducted to update the political culture classifications of the states.

The state elected officials data used as a control variable is limited and outdated as well. The most recent collection of this data by the U.S. Census Bureau was in 1992. It is possible that over the past 22 years the number of elected state officials per state has changed as legislative districts change and state constitutional offices are eliminated or combined.

Finally, it must be acknowledged that the state conviction data provided by the U.S. Department of Justice has its limitations. The data, as reported to the public, does not identify the branch of government for which the accused or convicted elected state official works. As a result, the data used in this research cannot identify legislative only state corruption convictions and must therefore use all state corruption convictions. This study would be stronger had the Department of Justice reported such convictions by the convicted branch of government. As I state earlier, I have made this request and am awaiting the raw data for analysis.

This research advocates for additional research to continue the study of state legislative regimes. In order to do so, updates to state legislative ethics laws must be maintained, and specific state legislature conviction data must be gathered and analyzed. With these specific laws and convictions, researchers can update the ethics database created here to truly gauge the impact each regime has upon prosecutable public corruption. With this data, regime patterns may emerge that will shed light on specific regime culture and normative corruptive behavior.

This analysis may be useful in making policy recommendations to reduce public corruption convictions of state officials and redefine expected normative behavior in state legislative conflict of interest regimes. Universal ethics laws should be enacted to define the normative behavior of all 50 state legislatures. Currently, 18 conflict of interest regimes have created conflict of interest definitions specifically allow a legislator to engage in personal profit, which is in opposition to the normative behavior expected from elected officials in a representative democracy. The federal government should consider using a concrete definition of what constitutes a legislative conflict of interest for corruption and prosecutorial purposes. Such a definition should spell out the normative behavior expected of all state representatives operating in the United States under the guise of a representative democracy. Additionally, such a policy will help to strengthen public trust. Ultimately, this definition should include pecuniary terms and eliminate all references to a monetary threshold.

Lastly, this research can be generalized to other areas of state and local government. This research suggests that conflict of interest regimes may exist in other branches and levels of government. As a result, future research should be considered to identify conflict of interest regimes at the executive, and judicial branches of state government, as well as, various units of local government where elected public officials stand to profit at the exclusion of others.

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APPENDICIES

APPENDIX A
CORRESPONDENCE

June 19, 2012

Susan B. Gerson,
Acting Assistant Director
FOIA/Privacy Unit
Executive Office for United States Attorneys
Department of Justice
Room 7300, 600 E Street, N.W.
Washington, DC 20530-0001

Dear Ms. Gerson,

My name is Brian Chapman and I'm a Ph.D. candidate in Political Science at Southern Illinois University in Carbondale, Illinois. I'm creating a database for my dissertation that will become public record. This database is designed to measure and analyze variables explaining public political corruption via the crossing of conflict of interest thresholds. Ultimately, it is my hope that this research will assist in strengthening democracy and trust in our elected officials by identifying potential causes of corruption and means to prevent it. To do so, I'm requesting heretofore unpublished data from the United States Department of Justice to assist in building this database.

My request is for supplemental information that leads to the statistical data as provided in the "Report to Congress on the Activities and Operations of the Public Integrity Section For 2010." Specifically, I'm seeking additional information on the number of STATE OFFICIALS who have been Charged, Convicted, and Awaiting Trial (as found in Table II from the time period of 1991 to 2010 on page 29-30) which allows me to break down the STATE OFFICIALS category into three subfields of: Executive, Legislative, and Judicial state public officials Charged,

Convicted and Awaiting Trial. I do however need the ability to classify each subfield by their respective state and type of crime.

I'm assuming the 95 United States Attorney's Offices report these numbers to the Public Integrity Section, Criminal Division of the United States Department of Justice and therefore has access to each reported case by district, state, and classification, i.e. if the defendant public official is an elected official of the Executive, Legislative or Judicial branch of state government. Please note I do not need access to names and details of specific cases. I'm not interested in potentially sensitive information. I am interested in the elected office that State Official was holding at the time of alleged criminal activity, the type of alleged crime, and date in that particular state for each year starting in 1991 to 2010 for numerical purposes only.

I have enclosed the Certificate of Identity and respectfully request a fee waiver as my dissertation work, once completed, will be public record and will contribute to the public understanding of the operations and activities of government.

Any assistance you may provide in granting access to data that I may analyze to create these subfields is greatly appreciated.

Thank You,

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APPENDIX B

CHAPTER 3 - METHODS

Data Sources:

Conflict of Interest Regimes. The data for conflict of interest regimes is collected from the National Conference of State Legislatures analysis on Conflict of Interest Definitions, updated in April 2013. The analysis can be found at: www.ncsl.org/legislatures-elections/ethics/home/50-state-table-conflict-of-interest-definitions.aspx.

Party Dominance. I created this measure from state election results for all 50 state legislatures over a 22 year period, from 1990 to 2012. The data provides results from 30 elections for each chamber (fifteen elections) for all of the 50 states, equating into 1,500 election observations. Each election result was reviewed to identify which party controlled the respective chamber. Once a controlling party was identified for each state for both chambers, the numbers were tallied to calculate party dominance over the 22 year time span. The election data sources for state legislative elections, dating from 1990 to 2007, were tabulated using the Council of State Governments book titled *The Book of the States 2007* found on table 399. The election results from 2008 to 2012 were gathered from Polidata ® Demographic and Political Guides, available at www.polidata.org; Election Yearbook for the United States 2008 Election Summary, found on page 2a.2; Election Yearbook for the United States 2010 Election Summary, found on page 2a.2; and Election Yearbook for the United States 2012 Election Summary, page 2a.2.

Political Culture. I use Michael Johnston's recalculation of Daniel Elazar's concept of political culture. In 1966, Elazar published *American Federalism: A View from the States*. On page 84 he defines political culture as "the particular pattern of orientation to political action in which each political system is imbedded" and goes on to create three classifications of political

culture: moralistic, individualistic, and traditionalistic. Elazar uses a combination of empirical observations to formulate his classifications, such as studying state histories, reviewing public pronouncements, reviewing newspaper articles, analyzing state voting data, and undertaking field observations in 48 states. In keeping with Elazar's three classifications of political culture, Johnston reassesses the classifications by including religious data as another culture variable. As a result, Johnston reassigns culture classifications in 10 states. Johnston's observations reflect a shift in political culture that moves nine away from the extremes (of either moralistic or traditionalistic) to the middle ground (individualistic). These states include: Hawaii, Delaware, Missouri, Connecticut, Massachusetts, New York, Nebraska, Maryland, and Alaska. One state (Arizona) moved from individualistic to traditionalistic, according to Johnston. The data used for this variable can be found on pages 26 and 27, Table 2, in Michael Johnston's 1983 article titled, "Corruption and Political Culture in America: An Empirical Perspective." *Publius* 13 (1):19-39.

Legislature Professionalism. I use James D. King's update of a legislative professionalism index published, by Peverill Squire in 1993. The Squire index compares state legislatures to what is considered to be the world's most professional deliberative body: the U.S. Congress. Squire compared the pay to members, average days in session, and average staff per member of each state legislature to that of Congress to compose a professionalism index. King sought to improve the Squire index by replacing the original variable measuring the number of staff members with the budget assigned to support services for each state legislature. In King's 2000 analysis, he looks at legislative sessions over four decades (from 1963-6, 1973-74, 1983-84, and 1993 -94) and finds that, overall, there is a movement of state legislatures becoming more professional. The revised index created by King is published in his 2000 work titled, "Changes in Professionalism in U.S. State Legislatures." *Legislative Studies Quarterly* 25 (2): 327-343.

The data for this variable can be found on Table 1 “Legislative Professionalism Scores” on page 331, using the “1993-94” column.

Conviction. I use conviction numbers reported by the U.S. Attorney’s office per state and district. Where necessary, I combined the multiple district numbers to derive a whole number for the state. The source for this variable can be found using the U.S. Department of Justice’s “Report to Congress on the Activities and Operations of the Public Integrity Section for 2010,” issued annually, pursuant to Section 529 of the Ethics in Government Act of 1978; Table III pages 31-34. In using this variable, I realized that the convictions numbers given for public corruption are a total of all elected officials and not broken out specifically for legislators, for which my analysis is focused. As a result, I wrote a letter to the U.S. Department of Justice on June 19, 2012, seeking data on conviction of state elected public officials from 1991 to 2010 by their respective branch of government (i.e., legislative, judicial, or executive by state and the type of crime). On December 10, 2012, I received a response from the U.S. Department of Justice Criminal Division stating that my request has been assigned a file number, 201200701F, and requested additional time to fulfill the FOIA request due to its complexity, and that my exempt status as a student is under review, thereby allowing the Department to charge for each sheet of paper in fulfillment of the request.

Population. This is a LOG 10 function on the 2009 population numbers per state, as provided by the U.S. Census Bureau. The source for this variable can be found at the U.S. Census Bureau, Population Division. The numbers are from Table 1 of the Annual Estimate of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2009 (NST-EST2009-01) Release Date: December 2009; the first column of the table titled “July 1, 2009.”

State Elected Officials. This is the last official count of state elected officials as taken by the U.S. Census Bureau for the U.S. Department of Commerce. The source for this variable can be found on two tables. Table 2, page 2 and Table 4, page 4 of the U.S. Department of Commerce publication titled, “1992 Census of Governments Volume 1, Government Organization, Number 2 Popularly Elected Officials.” This publican was issued in June 1995.

APPENDIX C

CHAPTER 4 - CONFLICT OF INTEREST REGIMES

Table 32

Conflict of Interest Definitions by State with Pecuniary Terms or Monetary Thresholds

	Pecuniary Excluded	Sets Dollar Threshold	Total
Alabama	0	X	1
Alaska	0	0	0
Arizona	0	X	1
Arkansas	0	X	1
California	0	X	1
Colorado	0	0	0
Connecticut	0	0	0
Delaware	0	X	1
Florida	X	0	1
Georgia	0	0	0
Hawaii	0	0	0
Idaho	0	0	0
Illinois	X	0	1
Indiana	0	0	0
Iowa	0	0	0
Kansas	0	X	1
Kentucky	0	X	1
Louisiana	0	X	1
Maine	0	0	0
Maryland	0	X	1
Massachusetts	0	X	1
Michigan	0	X	1
Minnesota	0	0	0
Mississippi	0	X	1
Missouri	0	0	0
Montana	0	0	0
Nebraska	0	0	0
Nevada	0	0	0
New Hampshire	0	0	0
New Jersey	0	0	0

Table 32 Continued

New Mexico	0	X	1
New York	0	0	0
North Carolina	0	0	0
North Dakota	0	0	0
Ohio	X	0	1
Oklahoma	0	0	0
Oregon	0	0	0
Pennsylvania	0	0	0
Rhode Island	0	0	0
South Carolina	0	X	1
South Dakota	X	0	1
Tennessee	0	X	1
Texas	0	X	1
Utah	0	0	0
Vermont	X	0	1
Virginia	0	X	1
Washington	0	0	0
West Virginia	0	X	1
Wisconsin	0	0	0
Wyoming	0	X	1

Data updated April 2013

Table 33

Required Voting Recusal by State

	House Shall Recues	Senate Shall Recues	Total
Alabama	X	X	0
Alaska	X	X	0
Arizona	X	X	0
Arkansas	0	0	2
California	X	X	0
Colorado	X	X	0
Connecticut	X	X	0
Delaware	X	X	0
Florida	X	0	1
Georgia	0	X	1
Hawaii	0	0	2
Idaho	0	0	2
Illinois	0	0	2
Indiana	X	0	1
Iowa	X	0	1
Kansas	0	0	2
Kentucky	X	X	0
Louisiana	X	X	0
Maine	X	0	1
Maryland	X	X	0
Massachusetts	X	X	0
Michigan	0	X	1
Minnesota	X	0	1
Mississippi	X	X	0
Missouri	X	X	0
Montana	0	0	2
Nebraska		0	1
Nevada	0	0	2
New Hampshire	X	0	0
New Jersey	X	X	0
New Mexico	0	0	2
New York	0	0	2
North Carolina	X	X	0
North Dakota	0	X	1

Table 33 Continued

Ohio	0	X	1
Oklahoma	X	X	0
Oregon	0	0	2
Pennsylvania	X	X	0
Rhode Island	X	0	1
South Carolina	X	X	0
South Dakota	0	0	2
Tennessee	0	X	0
Texas	X	X	0
Utah	0	0	2
Vermont	X	X	0
Virginia	X	X	0
Washington	X	X	0
West Virginia	0	0	2
Wisconsin	X	X	0
Wyoming	X	X	0

Data updated April 2013

Table 34

Dual Office Holding by State

	Allows for State-wide Office Holding	Allows for County or City Office Holding	Total
Alabama	0	0	0
Alaska	0	0	0
Arizona	0	0	0
Arkansas	0	0	0
California	0	X	1
Colorado	0	X	1
Connecticut	0	X	1
Delaware	0	0	0
Florida	0	0	0
Georgia	0	X	1
Hawaii	0	X	1
Idaho	0	X	1
Illinois	0	X	1
Indiana	0	X	1
Iowa	0	0	0
Kansas	0	X	1
Kentucky	0	0	0
Louisiana	0	0	0
Maine	0	0	0
Maryland	0	X	1
Massachusetts	0	X	1
Michigan	0	0	0
Minnesota	0	0	0
Mississippi	0	X	1
Missouri	0	0	0
Montana	0	0	0
Nebraska	0	0	0
Nevada	0	0	0
New Hampshire	0	X	1
New Jersey	0	0	0
New Mexico	0	0	0
New York	0	X	1
North Carolina	0	0	0

Table 34 Continued

North Dakota	0	X	1
Ohio	0	0	0
Oklahoma	0	0	0
Oregon	0	X	1
Pennsylvania	0	0	0
Rhode Island	0	0	0
South Carolina	0	0	0
South Dakota	0	X	1
Tennessee	0	X	1
Texas	0	X	1
Utah	0	0	0
Vermont	0	X	1
Virginia	0	X	1
Washington	0	X	1
West Virginia	0	X	1
Wisconsin	0	X	1
Wyoming	0	X	1

Data updated December 2011

Table 35

Dual Public Employment by State

	Allows for Dual Public Employment	Total
Alabama	X	1
Alaska	0	0
Arizona	0	0
Arkansas	X	1
California	0	0
Colorado	X	1
Connecticut	0	0
Delaware	X	1
Florida	X	1
Georgia	0	0
Hawaii	X	1
Idaho	X	1
Illinois	X	1
Indiana	X	1
Iowa	X	1
Kansas	X	1
Kentucky	X	1
Louisiana	0	0
Maine	X	1
Maryland	0	0
Massachusetts	0	0
Michigan	0	0
Minnesota	X	1
Mississippi	X	1
Missouri	0	0
Montana	X	1
Nebraska	X	1
Nevada	X	1
New Hampshire	X	1
New Jersey	X	1
New Mexico	X	1
New York	X	1
North Carolina	X	1

Table 35 Continued

North Dakota	X	1
Ohio	0	0
Oklahoma	0	0
Oregon	0	0
Pennsylvania	0	0
Rhode Island	X	1
South Carolina	X	1
South Dakota	X	1
Tennessee	X	1
Texas	0	0
Utah	X	1
Vermont	X	1
Virginia	X	1
Washington	X	1
West Virginia	X	1
Wisconsin	X	1
Wyoming	X	1

Data updated January 2011

Table 36

Representing Others Before Government by State

	Allows for Representation before State Govt. w/ compensation	Requires Disclosure	Total
Alabama	X	X	1
Alaska	X	X	1
Arizona	0	0	0
Arkansas	0	0	0
California	X	0	2
Colorado	X	0	2
Connecticut	0	0	0
Delaware	0	0	0
Florida	0	0	0
Georgia	X	0	2
Hawaii	0	X	0
Idaho	X	0	2
Illinois	X	0	2
Indiana	X	X	1
Iowa	X	0	2
Kansas	0	X	0
Kentucky	0	X	0
Louisiana	0	0	0
Maine	0	X	0
Maryland	0	X	0
Massachusetts	0	0	0
Michigan	X	0	2
Minnesota	X	X	1
Mississippi	X	X	1
Missouri	0	0	0
Montana	0	0	0
Nebraska	X	0	2
Nevada	X	X	1
New Hampshire	X	0	2
New Jersey	0	0	0
New Mexico	0	X	0
New York	0	0	0
North Carolina	X	0	2

Table 36 Continued

North Dakota	X	0	2
Ohio	0	0	0
Oklahoma	0	X	0
Oregon	0	0	0
Pennsylvania	X	0	2
Rhode Island	0	0	0
South Carolina	X	X	1
South Dakota	X	0	2
Tennessee	X	0	2
Texas	0	X	0
Utah	X	0	2
Vermont	X	0	2
Virginia	X	X	1
Washington	0	0	0
West Virginia	0	0	0
Wisconsin	0	0	0
Wyoming	X	0	2

Data updated November 2009

Table 37

Contracting with the State by State

	1	2	3	Total
Alabama	X	X	X	2
Alaska	X	X	X	2
Arizona	X	X	X	2
Arkansas	X	X	X	2
California	0	0	0	0
Colorado	X	X	0	1
Connecticut	X	X	0	1
Delaware	X	0	0	2
Florida	0	0	0	0
Georgia	X	X	X	2
Hawaii	X	0	0	2
Idaho	0	0	0	0
Illinois	X	0	0	2
Indiana	0	X	0	0
Iowa	X	0	0	2
Kansas	X	X	0	1
Kentucky	X	0	0	2
Louisiana	X	X	X	2
Maine	X	X	X	2
Maryland	X	X	0	1
Massachusetts	X	X	0	1
Michigan	X	0	0	2
Minnesota	X	0	0	2
Mississippi	X	X	X	2
Missouri	X	0	0	2
Montana	0	0	0	0
Nebraska	X	X	X	2
Nevada	X	X	0	1
New Hampshire	X	X	X	2
New Jersey	X	0	0	2
New Mexico	X	X	X	2
New York	X	X	X	2
North Carolina	X	X	0	1

Table 37 Continued

North Dakota	X	0	0	2
Ohio	X	X	0	1
Oklahoma	X	X	X	2
Oregon	X	X	0	1
Pennsylvania	X	0	0	2
Rhode Island	X	0	0	2
South Carolina	X	X	X	2
South Dakota	0	0	0	0
Tennessee	X	0	0	2
Texas	X	0	0	2
Utah	X	X	0	1
Vermont	X	0	0	2
Virginia	X	X	0	2
Washington	0	X	X	1
West Virginia	X	0	0	2
Wisconsin	X	X	0	2
Wyoming	X	0	0	2

1. Allows for Contracting with Restrictions

2. Requires Disclosure

3. Sets Dollar Amount for Disclosure

Data updated September 2009

Table 38

Financial Disclosure for Legislators by State

	1	2	3	4	5	6	7	Total
Alabama	X	X	X	0	0	X	0	3
Alaska	X	X	X	X	X	X	X	0
Arizona	X	0	X	0	X	X	0	3
Arkansas	X	X	X	0	X	X	0	2
California	X	0	0	0	X	X	X	3
Colorado	X	X	X	X	X	X	0	1
Connecticut	X	X	X	X	0	X	0	2
Delaware	X	0	0	0	X	X	0	4
Florida	X	X	X	0	X	X	X	1
Georgia	X	X	X	0	X	0	0	3
Hawaii	X	X	X	0	X	X	X	1
Idaho	0	0	0	0	0	0	0	7
Illinois	X	X	X	X	X	0	0	2
Indiana	X	X	X	X	X	0	X	1
Iowa	X	0	0	0	0	0	0	6
Kansas	X	X	X	0	X	0	X	2
Kentucky	X	X	X	X	X	X	0	1
Louisiana	X	X	X	X	0	X	X	1
Maine	X	X	X	0	X	X	X	1
Maryland	X	X	X	0	X	X	X	1
Massachusetts	X	X	X	0	X	X	0	2
Michigan	0	0	0	0	0	0	0	7
Minnesota	X	X	X	0	0	0	0	4
Mississippi	X	X	X	0	0	0	X	3
Missouri	X	X	X	X	X	0	0	2
Montana	X	0	0	0	0	0	0	6
Nebraska	X	X	X	0	X	X	0	2
Nevada	X	X	X	0	X	X	0	2
New Hampshire	X	X	X	X	X	X	0	1
New Jersey	X	0	X	0	X	X	0	3
New Mexico	X	X	X	X	0	0	0	3
New York	X	X	X	0	X	X	X	1

Table 38 Continued

North Carolina	X	X	X	X	X	X	X	0
North Dakota	X	0	X	0	0	0	0	5
Ohio	X	X	X	X	X	X	X	0
Oklahoma	X	X	X	X	X	0	X	1
Oregon	X	X	X	X	X	X	X	0
Pennsylvania	X	0	0	0	X	X	X	3
Rhode Island	X	X	X	0	X	X	0	2
South Carolina	X	X	X	X	X	X	X	0
South Dakota	X	0	X	0	0	0	0	5
Tennessee	X	0	X	X	X	X	0	2
Texas	X	X	X	X	X	X	X	0
Utah	X	0	X	X	0	X	X	2
Vermont	0	0	0	0	0	0	0	7
Virginia	X	X	X	X	X	X	X	0
Washington	X	X	X	X	X	X	X	0
West Virginia	X	X	X	0	X	X	0	2
Wisconsin	X	X	X	X	X	X	X	0
Wyoming	X	0	0	0	0	0	0	6

1. Required to File
2. Disclose State Agency Connections
3. Disclose Household Members
4. Disclose Lobbyist Connections
5. Disclose Gifts & Honorarium
6. Disclose Creditor & Debtor
7. Disclose Client Identification

Data updated in March 2012

Table 39

State Ethics Commissions by State

	Established Ethics Commission	Reports to Legislative Branch	Total
Alabama	X	0	0
Alaska	X	X	1
Arizona	0	0	1
Arkansas	X	0	0
California	X	0	0
Colorado	X	0	0
Connecticut	X	0	0
Delaware	X	0	0
Florida	X	X	1
Georgia	X	0	0
Hawaii	X	X	1
Idaho	0	0	1
Illinois	X	X	1
Indiana	X	0	0
Iowa	X	0	0
Kansas	X	0	0
Kentucky	X	X	1
Louisiana	X	0	0
Maine	X	0	0
Maryland	X	0	0
Massachusetts	X	0	0
Michigan	X	0	0
Minnesota	X	0	0
Mississippi	X	0	0
Missouri	X	0	0
Montana	X	0	0
Nebraska	X	0	0
Nevada	X	X	1
New Hampshire	0	0	1
New Jersey	X	0	0
New Mexico	0	0	1
New York	X	X	1
North Carolina	X	0	0

Table 39 Continued

North Dakota	0	0	1
Ohio	X	0	0
Oklahoma	X	0	0
Oregon	X	0	0
Pennsylvania	X	0	0
Rhode Island	X	0	0
South Carolina	X	0	0
South Dakota	0	0	1
Tennessee	X	X	1
Texas	X	X	1
Utah	X	X	1
Vermont	0	0	1
Virginia	0	0	1
Washington	X	X	1
West Virginia	X	0	0
Wisconsin	X	0	0
Wyoming	0	0	1

Data updated on October 2011

Table 40

Powers & Duties of State Ethics Commissions (Legislative Only) by State

	1	2	3	4	5	6	7	8	Total
Alabama	X	X	X	X	X	0	X	X	1
Alaska	X	X	X	X	X	X	X	X	0
Arizona	0	0	0	0	0	0	0	0	8
Arkansas	X	X	X	X	X	0	X	0	2
California	X	X	X	X	X	X	X	X	0
Colorado	X	X	X	X	X	0	X	X	1
Connecticut	X	X	0	X	0	0	X	0	4
Delaware	X	X	X	X	X	X	X	X	0
Florida	X	X	0	X	X	0	X	X	2
Georgia	X	X	X	X	X	X	X	X	0
Hawaii	X	0	0	X	0	0	X	0	5
Idaho	0	0	0	0	0	0	0	0	8
Illinois	X	X	X	X	X	0	X	0	2
Indiana	X	X	X	X	X	X	X	X	0
Iowa	0	0	0	0	0	0	0	0	8
Kansas	X	X	X	X	X	X	X	X	0
Kentucky	X	X	X	X	X	X	X	X	0
Louisiana	X	X	X	X	X	X	X	0	1
Maine	0	0	X	X	0	0	0	0	6
Maryland	X	X	X	X	X	X	X	X	0
Massachusetts	X	X	X	X	X	X	0	X	1
Michigan	0	0	0	0	0	0	0	0	8
Minnesota	X	X	X	X	X	X	0	X	1
Mississippi	X	X	0	X	0	X	0	0	4
Missouri	0	0	X	X	0	X	0	0	5
Montana	X	X	X	X	X	X	X	0	1
Nebraska	X	X	X	X	X	X	X	X	0
Nevada	X	X	X	X	X	X	X	X	0
New Hampshire	0	0	0	0	0	0	0	0	8
New Jersey	X	X	X	X	X	X	X	X	0
New Mexico	0	0	0	0	0	0	0	0	8
New York	X	X	X	X	X	0	X	X	1

Table 40 Continued

North Carolina	0	0	0	0	0	0	0	0	8
North Dakota	0	0	0	0	0	0	0	0	8
Ohio	0	0	0	0	0	0	0	0	8
Oklahoma	X	X	X	X	X	0	X	X	1
Oregon	X	X	0	X	X	0	X	0	3
Pennsylvania	X	X	X	X	X	X	X	X	0
Rhode Island	X	0	X	X	X	X	X	X	1
South Carolina	0	0	0	0	0	0	0	0	8
South Dakota	0	0	0	0	0	0	0	0	8
Tennessee	X	X	X	X	X	X	X	X	0
Texas	X	X	X	X	X	X	X	X	0
Utah	0	0	0	X	0	0	0	X	6
Vermont	0	0	0	0	0	0	0	0	8
Virginia	0	0	0	0	0	0	0	0	8
Washington	X	X	0	X	X	0	X	X	2
West Virginia	X	X	X	X	X	X	X	0	1
Wisconsin	X	0	0	X	0	0	X	0	5
Wyoming	0	0	0	0	0	0	0	0	8

X indicates one of the following characteristics:

1. Develop Forms
2. Develop Manuals
3. Examine Reports, Monitor Compliance
4. Subpoena Witness
5. Issue Advisory Opinions
6. Orders Enforceable in Court
7. Conduct Ethics Training
8. Issue Annual Report

Table 41

Legislative Ethics Committees by State

	Suppress			Sanctioning - One Point Each						
	1	2	3	4	5	6	7	8	9	Total
Alabama	X	0	0	0	0	0	X	0	0	1
Alaska	0	0	X	0	0	0	0	0	0	0
Arizona	0	0	0	X	X	0	X	X	0	4
Arkansas	0	0	0	0	0	0	0	0	0	0
California	X	X	0	0	0	0	X	X	0	2
Colorado	0	0	0	X	X	0	X	X	0	4
Connecticut	0	0	0	0	0	0	0	0	0	0
Delaware	X	X	0	0	0	0	X	X	0	2
Florida	X	0	0	0	X	0	X	X	0	3
Georgia	0	0	X	0	0	0	0	0	X	1
Hawaii	0	X	0	X	0	0	X	X	0	3
Idaho	0	0	0	X	X	0	X	X	0	4
Illinois	0	0	0	X	X	0	X	X	0	4
Indiana	X	X	0	0	0	0	X	X	0	2
Iowa	X	X	0	0	0	0	X	X	0	2
Kansas	0	0	0	X	X	0	X	X	0	4
Kentucky	0	0	0	0	0	0	0	0	0	0
Louisiana	0	0	0	X	X	0	X	X	0	4
Maine	X	X	0	0	0	0	X	X	0	2
Maryland	0	0	X	0	0	0	X	X	0	2
Massachusetts	X	X	0	0	0	0	X	X	0	2
Michigan	0	0	0	0	0	0	0	0	0	0
Minnesota	X	X	0	0	0	0	X	X	0	2
Mississippi	X	X	0	0	0	0	X	X	0	2
Missouri	X	X	0	0	0	0	X	X	0	2
Montana	X	X	0	0	0	X	X	X	X	4
Nebraska	0	0	0	0	0	0	0	0	0	0

Table 41 Continued

Nevada	X	X	0	0	0	0	X	X	0	2
New Hampshire	0	0	X	0	0	0	0	0	0	0
New Jersey	0	0	X	0	0	0	0	0	X	1
New Mexico	X	X	0	0	0	X	X	X	X	4
New York	0	0	0	0	0	0	0	0	0	0
North Carolina	0	0	X	0	0	0	0	0	X	1
North Dakota	0	0	0	0	0	0	0	0	0	0
Ohio	0	0	X	0	0	0	0	0	X	1
Oklahoma	0	0	0	0	0	0	0	0	0	0
Oregon	0	X	0	X	0	0	X	X	0	3
Pennsylvania	X	X	0	0	0	0	X	X	0	2
Rhode Island	0	0	0	0	0	0	0	0	0	0
South Carolina	X	X	0	0	0	0	X	X	0	2
South Dakota	0	0	0	X	X	0	X	X	0	4
Tennessee	X	X	0	0	0	0	X	X	0	2
Texas	0	0	0	X	X	0	X	X	0	4
Utah	X	X	0	0	0	0	X	X	0	2
Vermont	0	0	0	0	0	0	0	0	0	0
Virginia	X	X	0	0	0	0	0	0	0	0
Washington	0	0	X	0	0	0	0	0	0	0
West Virginia	0	0	X	0	0	0	0	0	X	1
Wisconsin	0	X	0	0	0	0	0	X	0	1
Wyoming	0	0	0	0	0	0	0	0	0	0

X indicates one of the following characteristics:

1. Standing Senate Committee
2. Standing House Committee
3. Standing Joint Committee
4. As Needed Senate
5. As Needed House
6. As Needed Joint
7. Legislative Members Only Senate
8. Legislative Members Only House
9. Legislative Members Only Joint

Data updated July 2012.

Table 42

Chapman Index by State

	1	2	3	4	5	6	7	8	9	10	Total
Alabama	1	0	0	1	1	2	3	0	1	1	10
Alaska	0	2	0	0	1	2	0	1	0	0	6
Arizona	1	0	0	0	0	2	3	1	8	4	19
Arkansas	1	2	0	1	0	2	2	0	2	0	10
California	1	0	1	0	2	0	3	0	0	2	9
Colorado	0	0	1	1	2	1	1	0	1	4	11
Connecticut	0	0	1	0	0	1	2	0	4	0	8
Delaware	1	0	0	1	0	2	4	0	0	2	10
Florida	1	1	0	1	0	0	1	1	2	3	10
Georgia	0	1	1	0	2	2	3	0	0	1	10
Hawaii	0	2	1	1	0	2	1	1	5	3	16
Idaho	0	2	1	1	2	0	7	1	8	4	26
Illinois	1	2	1	1	2	2	2	1	2	4	18
Indiana	0	1	1	1	1	0	1	0	0	2	7
Iowa	0	1	0	1	2	2	6	0	8	2	22
Kansas	1	2	1	1	0	1	2	0	0	4	12
Kentucky	0	0	0	1	0	2	1	1	0	0	5
Louisiana	1	0	0	0	0	2	1	0	1	4	9
Maine	0	1	0	1	0	2	1	0	6	2	13
Maryland	1	0	1	0	0	1	1	0	0	2	6
Massachusetts	1	0	1	0	0	1	2	0	1	2	8
Michigan	0	1	0	0	2	2	7	0	8	0	20
Minnesota	0	1	0	1	1	2	4	0	1	2	12
Mississippi	0	0	1	1	1	2	3	0	4	2	14
Missouri	0	0	0	0	0	2	2	0	5	2	11
Montana	0	2	0	1	0	0	6	0	1	4	14
Nebraska	0	1	0	1	2	2	2	0	0	0	8
Nevada	0	2	0	1	1	1	2	1	0	2	10
New Hampshire	0	0	1	1	2	2	1	1	8	0	8
New Jersey	1	0	0	1	0	2	3	0	0	1	8
New Mexico	0	2	0	1	0	2	3	1	8	4	21
New York	0	2	1	1	0	2	1	1	1	0	9
North Carolina	0	0	0	1	2	1	0	0	8	1	13

Table 42 Continued

North Dakota	0	1	1	1	2	2	5	1	8	0	21
Ohio	1	1	0	0	0	1	0	0	8	1	12
Oklahoma	0	0	0	0	0	2	1	0	1	0	4
Oregon	0	2	1	0	0	1	0	0	3	3	10
Pennsylvania	0	0	0	0	2	2	3	0	0	2	9
Rhode Island	0	1	0	1	0	2	2	0	1	0	7
South Carolina	0	0	0	1	1	2	0	0	8	2	14
South Dakota	1	2	1	1	2	0	5	1	8	4	25
Tennessee	1	0	1	1	2	2	2	1	0	2	12
Texas	1	0	1	0	0	2	0	1	0	4	9
Utah	0	2	0	1	2	1	2	1	6	2	17
Vermont	1	0	1	1	2	2	7	1	8	0	23
Virginia	1	0	1	1	1	2	0	1	8	0	15
Washington	0	0	1	1	0	1	0	1	2	0	6
West Virginia	0	2	1	1	0	2	2	0	1	1	10
Wisconsin	0	0	1	1	0	2	0	0	5	1	10
Wyoming	0	0	1	1	2	2	6	1	8	0	21

1. Conflicts of Interest Definition
2. Required Voting Recusal
3. Dual Office Holding
4. Dual Public Employment
5. Representing Others Before Government
6. Contracting with the State
7. Financial Disclosure for Legislators
8. State Ethics Commissions
9. Powers & Duties of State Ethics Commissions (Legislative Only)
10. Legislative Ethics Committees

APPENDIX D

CHAPTER 5 – POLITICAL CULTURE

The second conflict of interest measure used in the Chapman Index reviews the ability of a legislator to vote on language that involves a conflict of interest. The ability of a legislator to vote on a conflicted piece of legislation certainly makes it much more likely for that legislator to benefit from that vote, especially if there is no pecuniary provision or a threshold in the controlling conflict of interest rules, policies, or law. Thirty-seven percent, or 18 states, allow their legislative house members to vote on conflicted legislation. Forty percent, or 20 states, allow their senator to vote for legislation that may benefit them personally. When we combine the states allowing house and senate members to vote on conflicted language, 25 states (or 50%) allow this behavior. The question is does political culture impact such behavior? Is there a political culture pattern allowing legislators to vote on conflicted language like there is with advantageous conflict of interest language?

When reviewing recusal language for House members by state using political culture, the Moralistic states lead in allowing their legislators to vote on conflicted language. The moralistic states represent 44%, or 8 states, allowing such votes. Both the traditionalistic states and the individualistic states are tied at five each, for 28%. As we have learned, it is not surprising the moralistic states would give their legislators the ability to vote on measures for which they have a conflict, as the moralistic legislator should know to do the right thing and does not need a policy or law to guide their behavior.

The recusal language for Senate members per state is similar. For senators, 20 states, or 40%, allow them to vote on legislation for which they have a conflict of interest. Of these states,

as was the case in the house chambers, the moralistic states lead with 45% (or nine states) allowing this behavior. The individualistic states are second in permitting senators to vote, with 35% (or seven states), and traditionalistic states are the least likely to allow their senators to vote on conflicted legislation for personal profit, with only four states allowing such behavior.

As can be seen in Table 43, it is clear that of the 25 states allowing for conflicted votes, moralistic states represent 44% of these. Individualistic are second with eight states, and traditionalistic states last with six. Conversely, traditionalistic states are the least likely to allow such behavior, representing 44% of the states opposing such votes.

The third variable in the Chapman Index takes a look at state conflict of interest policies that allow a legislator to hold an elected position at the county or city level, while simultaneously holding the elected position of state legislator. The legislator benefits by having two paid positions and the consolidation of political influence; this is advantageous for the legislator. This in turn may increase the potential for legislative conflicts of interest. Such potential conflicts of interest seem apparent as the legislator often votes for appropriations to be spent at the city or county level, and thereby may place undue influence upon the process to favor his or her county or city. It also expands their administrative control of scarce resources from the state level to the local level, which expands their political control and influence of budget and contracts. Half of the states allow legislators to participate in dual office holding at the county or city level.

Does political culture play a role in the expansion of political control through dual office holding? According to the political culture analysis, of the 25 states that allow for dual office holding, 44% of these states are moralistic, totaling 11 states. Individualistic states represent 32% of the states allowing dual office, while traditionalistic states represent 24% of the states (with six states). This political culture observation is surprising, as one would think it would be

individualistic states leading in dual office holding since it increases one's salary and personal gain. It also makes sense for the traditionalistic states, though, as they feel the upper classes are obligated to hold office.

Of the remaining 25 states that oppose dual office holding (which restricts a legislator's ability to increase their wages and political influence), traditionalistic states lead with 40% (for 10 states), individualistic is second at 36% (for nine states), and moralistic states represent 24% of the opposing states. Again, as for the same reasons stated above, this is a surprising observation as one would assume the moralistic states would be the first political culture to oppose dual office holding. See Table 44 for a listing of the states in each category.

The fourth variable in the Chapman Index reviews conflict of interest policies that allow for a legislator to hold another public job for compensation. This measure is clearly advantageous to the legislator, as it increases their wages and political influence. Like the previous measure, holding two public paying positions should also increase the likelihood of encountering legislative conflicts of interests. By holding a second public job, the legislator has the ability to represent the interest of his second employer when dealing with policy and appropriations that impact that department or division.

The question is does state political culture play a role in states that allow such practice? Surprisingly, 35 state legislatures, or 70% of states, allow members to hold a second public job. Of these 35 states, the moralistic states are the most likely to support dual employment with 14 states, or 40%, followed by traditionalistic states with 11 states (for 31%) and individualistic states last with 10 states (or 29%).

Conversely, individualistic states represent 54% of the states that are least likely to support dual public employment. This observation is just the opposite of what should be

expected, as it is the individualistic culture that promotes politics as a means for self-promotion. Traditionalistic states are second in opposing dual public employment at 33%, while the moralistic states are the least likely to oppose it with 13%. See Table 45 for listing of these states.

The fifth variable measured in the Chapman Index reviews legislative conflict of interest policies that allow the legislator to represent others before the General Assembly for compensation. In other words, there are states that allow the legislator to play the roles of legislator and lobbyist, which is clearly advantageous to the legislator. To allow this behavior appears to legalize a legislative conflict of interest: the legislator is being paid to represent a special interest before his fellow legislators at the expense of his electors. Put differently, the legislator is receiving a direct personal financial benefit in the form of compensation, while at the same time placing the needs of representing the paying client before the needs of his or her elective constituency. Granted, there may be a time when the needs of the paying client also are in sync with the needs of the legislators elected constituency, but this will likely be rare: if it were the case, there would be no need to pay the legislator for his services as he would mostly likely already be in support. Thus, it is safe to conclude that when a legislator takes on a client to represent their needs before the legislator's peers, it may often go against the interest of his constituents.

Does political culture impact the policies that allow a practice of simultaneously playing the role of an elected state representative and paid lobbyist, which are clearly advantageous to the legislator? Again, I found it surprising that half of American states allow their legislator to represent others before their General Assembly for pay. Of the 25 states allowing representation with pay, it is the moralistic states that lead the way with 44% (11 states), compared to

individualistic and traditionalistic states, tied at seven states each (or 28%). As in prior measures, one would expect individualistic states (not moralistic ones) to lead in allowing legislators to act as paid lobbyists. For the 25 states that oppose such practice, it is interesting to learn that individualistic states lead with 40%. Traditionalistic states are second at 36%, while moralistic states ranked last at 24%. It is crucial to note that 14 of the 25 states that allow for representation with pay do so by not formally addressing the issue through rules, policies, or law, while 11 of these states officially condone the practice in writing. Perhaps the failure to address explains the reason why the Moralistic states lead in this category, as they do not recognize the need to legislate morality. See Table 46 for the state listing.

Of the 25 states that allow for their legislators to also act as paid lobbyist, only eight states (or 32%) require such practice to be disclosed through official public disclosure statements. This leaves 68% of the state legislatures who participate in lobbying with compensation to not have to disclose their clients and pay, which makes it even more advantageous for a legislator to participate in such conflicted behavior. For those states that permit lobbying but require disclosure, 50% of these states are traditionalistic, 37% are individualistic, and 13% are moralistic. In similar fashion, the moralistic states represent the highest political culture to not require their state legislators to disclose their paid lobbying activities; again, the reason may be that they do not recognize the need to regulate morality. Of the 17 states not requiring disclosure, moralistic states represent 59% of them, individualistic states represent 24% of them, and traditionalistic states round out the three cultures with 18%. Clearly, moralistic states lead in allowing the practice of legislators being able to act as paid lobbyist, and they lead in not having to disclose. This result may simply be the fact that the

moralistic political culture fails to recognize the need to regulate ethical behavior through rules, policies, and law. See Table 47 for a listing of the states and categories.

The sixth variable measured by the Chapman Index reviews state conflict of interest policies, rules, and laws allowing state legislators to engage in contracting to provide services for state agencies and departments. In total, 43 states (86%) allow for state legislators to participate in providing services to the state through contracting, with some kind of restriction. Most of the time, this restriction consists of the legislator participating in a bidding process. However, such a practice must increase the likelihood of state legislator engaging in a conflict of interest, especially when the funding for that contract is appropriated through the legislature and voted on by that legislator. See Table 48 for more detail by state.

Unlike the past few measures where the moralistic states lead all states in providing advantageous economic opportunities for legislators, in state contracting individualistic state culture leads the group. This observation makes sense, as it is individualistic political culture that seeks to advance the career and livelihood of the politician through political means. Of the 43 states allowing legislators to enter into state contracts, the largest political culture group is the individualistic group, where 16 states (37%) allow for contracting, compared to 15 traditionalistic states and 12 moralistic states.

Of the states that prohibit legislators from contracting with the state, at last we see an expected observation: moralistic states lead at 71% (or 5 states) compared to one state each from the individualistic and traditionalistic cultures. Permitting state legislators to enter into providing services to the state through contracts is certainly advantageous for the legislator in terms of increasing their income. The allowance of contracting nicely fits with the individualistic political culture, just as the prohibition of such activity fits the moralistic political culture.

The seventh variable of the Chapman Index measures the mandatory disclosure of government contracts awarded to legislators, and whether such disclosure requires a financial threshold. Although allowing legislators to contract with the state appears to increase the likelihood of engaging in a legislative conflict of interest, the mandatory disclosure requirement at least exposes such conflicts to fellow legislators and to the public. Thus, it restricts the legislator's ability to keep such conflictive contracts secret. Of the 43 states that allow for legislators to enter into state contracts for service and compensation, 26 of those states require public disclosure. Of these 26 states, only 11 states (or 26%) require full disclosure regardless of dollar amount. In reviewing the political culture of these states, the findings are as expected with the moralistic states leading the group with five states (45%) requiring full disclosure without a financial threshold. Individualistic states came in second with four states, and traditionalistic states came in last with only two states.

The remaining 32 states that allow for legislators to contract with the state either do not require public disclosure, or if they do, have set a financial threshold in place, allowing a legislator to skirt such disclosure so long as the threshold is not breached. This observation seems to be the worst case scenario, as allowing legislators to enter into contracts for service with the state when they control the appropriation process is inviting legislative conflicts of interest. But what is more, to not disclose to the public and one's fellow legislators such conflicts invites public corruption. Such failure to disclose state contracts by legislators would be advantageous to the legislator in keeping the potential conflict of interest private. The threshold language allows for the legislator to keep the contract away from public scrutiny, so long as that singular contract stays below a particular dollar amount. This threshold language is different for each state, but all threshold language serves to give the legislator an advantage of secrecy and

increasing their ability to engage in legislative conflicts of interest. The political culture observations make sense, as the traditionalistic states lead in either not requiring disclosure or creating thresholds, with 13 states (or 41%). Because the traditionalistic culture depends upon personal relationships at the elite level, the issuance of contracts through these relationships without disclosure makes sense. Individualistic states are a close second with 12 states (or 38%), and Moralistic states are clearly last in engaging in this deceptive practice with seven states (or 22%), as they question the morality of contracting without disclosure. See Table 49 for state listings in this category.

The eighth variable in the Chapman Index measures the requirement of legislators to file annual disclosure statements with either their state ethics commission or their legislative ethics committee. Forty-seven out of the 50 states require their state legislators to file an annual disclosure statement. However, if we review the political culture of the three states that do not require annual disclosure---Idaho, Michigan and Vermont---we find that all three are moralistic states. This measure makes sense, as the moralistic political culture would suggest morality does not need regulated. The action of filing a disclosure statement can be seen as restricting potential conflict of interest activity, while failure to do so may result in an advantage for those who wish to engage in such activity. Table 50 presents these findings.

In keeping with annual disclosure requirements, the Chapman Index analyzes six common components found within these disclosure statements. When we review these components using political culture classifications of states, we begin to see a pattern of moralistic states not requiring their state legislators to disclose important information that may diffuse a potential conflict of interest situation. Again, this fits with the moralistic culture

reasoning that the morality of the public official does not need to be regulated, as all public servants must place the good of the commonwealth ahead of personal gain.

The first component of disclosure requirement measures the number of states that require their legislators to disclose any state agency connections. These may include disclosing that the legislator or any immediate family member is employed by a state agency or is on contract with the agency, along with relevant details. Obviously, it is to the advantage of the legislator to not have to disclose such agency connections if they wish to avoid public scrutiny and being charged with a possible ethics violation. Having to disclose such information can be seen as being restrictive to the legislator's desired behavior. Of the 47 states that require an annual disclosure to be submitted by legislators, traditionalistic states lead with 14, followed by individualistic states at 13, and moralistic states last (as expected) with eight. To confirm this observation, if we take a look at the opposite side of the equation, moralistic states lead in states not requiring an annual disclosure of state agency connections by their state lawmaker, with a total of nine states. This represents 60% of the states that do not require annual state agency disclosures; see Table 51 below for details.

The second component for annual disclosures in the Chapman Index is reporting on household members. When it comes to requiring state legislators to annually disclose information on their household members for things like annual income, state employment, state contracts, and lobbying efforts, we once again find the moralistic states lead in the failure to require such information. Sixty-seven percent of moralistic states so not require their legislators to disclose the business of their immediate family members. The failure to have to report such data can be seen as being advantageous for the legislator who has a conflict of interest between potential legislation and family members, especially if they work for state government or lobby.

Again, the traditionalistic states lead the way in requiring household information to be disclosed, with all 16 traditionalistic states meeting this requirement. Individualistic states are second, with 14 out of the 17 states fulfilling the disclosure of household members. And as we have come to expect, moralistic states are last, with 11 out of the 17 states meeting this requirement (for 65% compliance). See Table 52 for details on this component.

The third component the Chapman Index measures within the annual state legislative disclosure statement requirement is the existence of relationships with state lobbyist. The advantage to the legislator in not having to disclose this information is that it protects valuable resources (in the form of money and gifts given to the legislator) in exchange for their support on any given piece of legislation. Lobbyists make a living offering support to legislators---especially in the form of campaign donations---in exchange for the legislator supporting the lobbyist's position on a particular piece of legislation. Over half of the state legislatures do not require state legislators to disclose lobbyist connections, with 29 states (58%) not requiring such disclosure. The secrecy of such relationships plays to the advantage for legislators who wish to engage in legislative conflicts of interest without the threat of public exposure. To disclose such relationships works to restrict opportunities for voting for measures that may benefit them personally, as both the public and fellow legislators will hold the lawmaker accountable. For those states not requiring such action, moralistic and individualistic states are tied with 11 each. This observation is in keeping with the moralistic states continually ranking last in the implementation of ethics regulations. Traditionalistic states that do not require disclosure of lobbyist connections account for seven out of the 29. Of the 21 states that do require disclosure of lobbyist relationships, traditionalistic states lead with nine (for 42%), with both moralistic and individualistic tied for second with six states each. See Table 53 for more detail.

The fourth component of annual legislator disclosures the Chapman Index measures, for which political culture may shed some light, is the requirement that state legislators must disclose gifts and honoraria. This disclosure requirement is designed to expose legislators who are given gifts by lobbyists, state employees, and state contractors along with payment for public speaking engagements. Each of these practices used to be a common way for state legislators to pad their annual income and wealth. Of the 50 state legislatures, 15 states (30%) still do not require their members to report such activity. Failure to report valuable gifts and speaking fees is advantageous for these legislators, as they reap personal profit without the public scrutiny of discovering a legislative conflict of interest. When reviewing states that do not require such disclosure, moralistic states lead the pack. This observation continues to support the fact that the moralistic states appear to be the political culture that fails to address ethical issues through policy, rules, and laws. Nine of the 15 states are moralistic (60%) with four states identified as traditionalistic political culture and only two states representing individualistic political culture. Conversely, the individualistic states lead in requiring legislators to disclose gifts and honoraria, with 15 (or 43%). Traditionalistic states are second with 12 and, as we have seen, moralistic states are last, with eight states requiring such disclosure. See Table 54 for state details.

The fifth component the Chapman Index measure of legislative disclosures involves the legislator's relationship with credit or debtor financial institutions. Historically, legislators have been engaged in conflicts of interest when it comes to voting on measures regulating the banking industry. Banks have been caught in giving legislators a "preferred" interest rate on mortgages and loans much lower than those available to the average customer, thereby ensuring the legislator votes as the banking institution desires. Thirty-three states (66%) require state legislators to disclose such financial relationships, along with their respective interest rates and

institutions. Individualistic states lead in demanding this disclosure with 13 states complying. Traditionalistic states are second with 12 states and, as we have come to expect, moralistic states are last with only eight. For those states that do not require such disclosure, again the moralistic states lead with 53% out of the 17 states (nine states). Both the traditionalistic and individualistic states are tied for second, with four states each (24% of the total). Naturally, for legislators who wish to get a preferred interest rate on a loan in exchange for supporting public policy that benefits the financial institution in question, it is advantageous for that legislator to not have to disclose such information. The theme of moralistic states failing to address ethical issues through policy continues. See Table 55 for state specific detail.

The sixth and final annual disclosure component the Chapman Index measures is the requirement for a legislator to disclose any client information for which they do business. For example, if the legislator has a private business, such as a law practice or real estate agency, they must disclose their client list. This disclosure is important to expose potential legislative conflicts of interest as the legislator has the opportunity to impact their personal profit through their business if they can take care of their clients' needs legislatively. As an example, many legislators are lawyers actively involved in private practice. If that legislator's law firm practices property tax law and represents clients attempting to lower their tax rate, that legislator may vote on legislation that either increases or reduces the property tax formula. This control of property tax formulas has the potential to either cost or save their client money. Naturally, the client hires the law firm (legislator) to save them money. As the client saves money, the legislator makes money. Thus, it is advantageous to the legislator to not have to report such relationships. If we take a look at this requirement through the lens of political culture, we find this disclosure component to be nearly split. Forty -four percent (or 22 states) require legislators to disclose

their client information. What is more, the division of these 22 states between the three political cultures is nearly evenly split. The traditionalistic states lead by one, with eight states requiring disclosure. The individualistic and moralistic states are tied with seven states each supporting the requirement.

For the 28 states that do not require clientele disclosure, all three political cultures are again very close. The moralistic and individualistic states are tied with 10 states each that do not require disclosure of clients. The traditionalistic states have eight states that do not require this disclosure. The observation of which political culture supports client disclosure is very close. However, it is the moralistic state political culture that is again at least tied for not requiring the disclosure. See Table 56 below for specific detail.

The ninth variable the Chapman Index measures, for which political culture may give insight, is the formation of state ethics commissions that play a role in overseeing the ethical (or unethical) behavior of state employees, including legislators. The importance of creating a state ethics commission cannot be overstated, as this body is charged with training, reporting, and compliance of state employee behavior. It is through the ethics commission that the annual disclosure statements for legislators are filed and made available to the public. Not surprising, 82% of states (41 in all) have created ethics commissions. However, 11 (or 27%) of these states have the ethics commission reporting directly to the legislative branch. This reporting line resembles the fox guarding the hen house, as the legislature controls who sits on the commission, along with the duties and responsibilities of the commissioners. As a result, some state ethics commissions are empowered with more authority than others. By reviewing the laws that create these commissions for each state, I have identified eight common components that are used in the Chapman Index for scoring. These components consist of developing disclosure forms,

developing training manuals for employees, conducting periodic employee training, the issuance of annual reports, the commission authority to examine these reports to monitor compliance, the power to subpoena witnesses when investigating an alleged ethics violation, the ability of the commission to issue advisory opinions, and the ability of the commission to issue findings and orders that are enforceable in court.

Obviously, if a legislator wishes to engage in questionable ethical behavior and does not want to get caught, the best way is to not create an ethics commission. The next best way is to have the commission report to the legislature so it can be controlled. Of the nine states that fail to establish a state ethics commission, 56% of them (5) are moralistic states. As we have become accustomed to seeing, this is not a surprising finding. Traditionalistic states are second, with three states failing to create a commission, and only one individualistic state failing to do so. For 11 state commissions reporting to the legislature, individualistic states lead with 45% (five states) followed by traditionalistic with 36% (four states); moralistic is last with two states. For the individualistic states to lead in having their state ethics commission report to the legislator makes sense, as it is the individualistic political culture that supports the legislator using the position to make money as if public office is a private enterprise. Table 57 presents these findings.

The Chapman Index goes on to measure eight components of state ethics commissions. The first three components consist of observations identifying state ethics commissions that have: 1. Developed disclosure forms; 2. Created employee training manuals; and 3. Conduct periodic employee training. For the purpose of the political culture analysis, these three observations can be combined.

Naturally, if I am a state legislator who engages in unethical behavior and often vote on legislation for which I have a personal conflict of interest (the ability to have a personal gain at the expense of others), it is easier for me to do so if I do not have to disclose my personal relationships and financial activity to an ethics commission for review and monitoring. Likewise, as a legislator, it is harder for me to engage in this activity if I have been given a training manual along with the training that teaches me what is ethical behavior and exposes me to ethics laws that spell out my liability for violation of these ethical rules, laws, and codes. For the 41 state commissions in operation, 80% (or 33 states) have developed disclosure forms. Individualistic states lead in the creating of disclosure forms with 14 states out of the 33, for 42%. Traditionalistic states are second with 11 states for 33% and, again, the moralistic states are last with eight states (for 24%). Conversely, if we include all states, naturally it is the moralistic states that lead all political cultures in not developing annual disclosure forms through state ethics commissions, with nine states not participating. Traditionalistic states are second with five, and individualistic states are last in not developing disclosure forms with three states.

Thirty states with state ethics commissions have developed training manuals. Again, the individualistic states lead in creating employee training manuals, just as they did in creating disclosure forms. Twelve individualistic states have created manuals, compared to 11 for traditionalistic states and, as expected, moralistic states are last with seven. When it comes to actually conducting the employee ethics training, individualistic states make a clean sweep. Of the 30 states conducting training, 13 individualistic states participate for 43%, compared to 33% (10) for traditionalistic and 23% (7) for moralistic states. Table 58 combines these three components to reflect those states that participate in ethics training (thereby restricting legislative behavior) and those who do not, broken down by political culture. Clearly, individualistic states

lead in attempting to restrict unethical behavior (as they recognize the need for regulation of legislators), and the moralistic states are last in such acknowledgements.

The second grouping of state ethics commission components, as used in the Chapman Index, focuses on the monitoring of compliance. Typically, state ethics commission are empowered to examine disclosure statements and required to investigate if there is an alleged ethical violation, including conflict of interest violations of state legislators. Of the 41 state commissions, 28 states empower their commissions with tools to monitor compliance (68% of the states). Consistent with early findings dealing with state ethics commissions, it is the individualistic states that lead in such compliance monitoring with 13 states out of the 28 total (for 46%). Traditionalistic states are second with nine states, while it is the moralistic states that are last with six states. An important power to use in investigating potential ethical violations by state employees when a charge is made, including against state legislators, is the ability to subpoena witnesses for testimony. Of the 36 states that have created this ability for their state ethics commission, 15 (or 42%) are individualistic. Traditionalistic states are again second with 11 states, and moralistic states are third with 10 states (at 28%).

Naturally, those state legislators who wish to operate unethically by engaging in self-profiting behavior should oppose empowering state ethics commission with such compliance and investigatory authority. In Table 59 I have combined these two findings to clearly show it is the individualistic states that lead in ensuring ethical behavior of their employees, and it is the moralistic state that is least likely to empower its state ethics commission to monitor compliance.

The final three components of what the Chapman Index measures regarding state ethics commissions involves the ability to encourage compliance of offending employees by issuing public annual reports, issuing public advisory opinions, and by being empowered to issue court

enforceable orders for correction and compliance. When it comes to issuing public annual reports, only 24 of the 41 state ethics commissions (59%) do so. It is the individualistic state that is most likely to allow such reporting, as the individualist political culture leads with 11 states supporting these reports. Traditionalistic states are second with seven, and moralistic states are last with six. This observation is quite consistent with earlier observations.

If we take all states into consideration, again, the result is not surprising in that it is the moralistic state political culture that is most likely to oppose issuance of public reports, with 11 states opposing compared to nine for traditionalistic states and six for individualistic states. Naturally, if you are a state legislator found in violation of ethical laws, you would oppose public reporting and find it restrictive to your unethical behavior.

More states, however, allow for the issuance of advisory opinions by the ethics commissions, likely because such advisory opinions carry little legal weight and lack the authority to force compliance. Twenty-nine of the 41 state ethics commissions are capable of issuing advisory opinions. It is important to note that it is better to be able to issue an advisory opinion than no opinion at all. Again, it is the individualistic state that leads in the ability to issue an advisory opinion, with 12 states out of the 29 (for 41%). And like our previous observations, the traditionalistic states are second with 10 states, while the moralistic states are third with seven states. If we take all states into consideration, as we would expect, it is the moralistic state that leads in opposing the authority to issue advisory opinions with 48% (10 states) of the 21 opposing states.

The last compliance component to report is the ability of a state ethics commission to have their finding enforceable in court, thereby giving them control. This control would be seen as restricting the power of the legislature to take care of ethics violations in their own manner

and on their own time. As is consistent with our other observations, it is the individualistic state that leads all states in empowering its ethics commission with court enforcement, with 11 of the 22 states (for 50%). Traditionalistic states are second with seven, and moralistic states are last with four.

Conversely, it is the moralistic states that are strongly opposed such empowerment, as 13 of the 16 moralistic states do so. Of the 28 states that do not grant this power, the 13 moralistic states account for 46%. Table 60 combines these three components to demonstrate individualistic states lead in empowering state ethics commissions with compliance tools, as compared to moralistic states, who clearly oppose such measures.

The final variable the Chapman Index measures is the impact Legislative Ethics Committees (not to be confused with the previous State Ethics Commissions) may have upon the regulation of ethical behavior. To measure the potential impact, the Chapman Index breaks down the Legislative Ethics Committee observations into nine components. The first component group reviews state legislatures that appoint legislative ethics committees by their political culture. There are two types of legislative committees. There is the standing committee and then there are committees that are appointed only when deemed necessary by legislative leadership. The standing legislative ethics committee should be considered to be more formal and open to the public, as these committees meet more regularly, routinely conduct business, and have a formal committee structure with a chairman appointment along with minority spokesman appointment, which usually comes with additional pay. The standing legislative ethics committee grouping is broken down as: Standing Senate Ethics Committees, Standing House Ethics Committees, and Standing Joint Ethics Committees.

Twenty out of the 50 state Senate legislatures (including Nebraska, as its unicameral body is considered a Senate) implement a Standing Senate Ethics Committees (for 40% of the states). In analyzing these 20 states by using political culture, the traditionalistic states use this structure slightly more than the individualistic and moralistic states. At total of seven traditionalistic states use the Standing Ethics Legislative Ethics Committee structure, for 33% of the 20, compared to six individualistic states and six moralistic states for 29% each. Again, this observation is consistent with the moralistic political culture not recognizing the need for formal regulation. See Table 61 for states included.

The second type of a legislative standing ethics committee is the Standing House Ethics Committee. Like the Standing Senate Committee, 20 state legislatures, out of 49, use a Standing House Ethics Committee (for 41%). Unlike the Standing Senate Committee, whereby the traditionalistic states slightly used the standing committee more often, with the House Ethics Committee the moralistic states lead, with eight states (for 40% of the 20 states). The individualistic states are second with seven states (for 35%) and the traditionalistic states are last with five states (for 25%). This observation is not consistent with earlier observations. See Table 62 for the states included in this measure.

The last type of standing committee structure is the Standing Joint Ethics Committee. A joint committee is composed of both House and Senate members, and is empowered to review ethics charges against members of both chambers. Only nine states out of the 49 use this structure (for 18% of the states). Perhaps one reason this structure is not utilized to its full potential is that it is normal for members of a given chamber to prefer to keep the ethical business of that chamber and their fellow members within the control of the membership of that chamber. It is difficult for the leadership of one chamber to share in the power of controlling the

agenda and the outcome of a legislative committee with another leader. Of the nine states that implement this structure, individualistic states lead with four states (for 44%). Traditionalistic states are second with three states, and moralistic states are last with two. This observation is in keeping with the moralistic states not implementing formal ethics regulations. See Table 63 for states included.

The final type of legislative committee structure is the “as needed” committee. The “as needed” committee is only activated at the discretion of the chamber majority leader, i.e. the Speaker of the House or the Senate President. Typically, “as needed” ethics committees are only convened when there has been a public ethics exposure requiring a very public response. Therefore, the “as needed” ethics committee does not meet on a routine basis and only monitors the “ethical” actions of its members in extreme circumstances. Because the “as needed” ethics committees are ad hoc, the committee chair and the minority spokesman are not paid an additional stipend. In general, this legislative ethics oversight structure is utilized on rare occasions. Because the “as needed” committee structure is used only by a total of 13 states, it is possible for the purpose of the political culture analysis to combine the “as needed” Senate, House, and Joint committees into a single table. Combined, there are 13 state legislatures that implement the “as needed” ethics committee structure, for 26% of the states. The moralistic states are the most likely to use the “as needed” committee structure, with six states out of the 13. Traditionalistic states are second with five, and individualistic states are last with only two states using this ethics committee structure. This observation makes sense as the “as needed” legislative ethics committee is so rarely used and when it is, it usually results from a public scandal. Thus, it would be the moralistic states that are in most need of such a device -- as we have witnessed, they are the least likely political culture to formally regulate the behavior of their

legislators, thereby being the most likely to need an “emergency” response mechanism to address public scandals. See Table 64 below to see the states included in this measure.

The final conflict of interest variable the Chapman Index measures is that of identifying the state legislatures that appoint legislative members *only* to service on their respective legislative ethics committees. The legislative ethics committee is designed to weigh the evidence brought before the body to determine if a fellow legislator violated any ethical codes, rules, or laws, and to issue corrective action, including the rare case of impeachment. As to be expected, there is a structural problem with a legislator sitting in judgment of another fellow legislator, especially since those sitting in judgment will later need the vote of that accused legislator when it comes time to pass sponsored legislation. A primary skill set needed by a legislator is the ability to get along with his/her fellow legislators in order to secure their vote on an important piece of legislation. To sit in judgment of one’s peer places that legislator in a confrontational situation, and dramatically increases the likelihood of eroding their collegial relationship. Therefore, it is more beneficial for lawmakers to turn their cheek on alleged ethical violations in order to keep the peace and keep the wheels of the legislature turning out legislation. As a result, ethical codes may not be enforced as strictly as if the legislative ethics committees are composed of citizens (non-members).

The political culture of these states may shed some light on what kind of state legislature is more likely to use citizens serving on the ethics committee, versus legislators. The analysis below breaks these legislative ethics committees into three observations: 1. House Committees; 2. Senate Committees; and 3. Joint Committees.

When it comes to House chambers, 29 out of the 49 House Ethics Committees solely use legislative members. Moralistic states are the most likely to use members only, with 12 out of

the 29 states (for 41%). The individualistic state is second, with nine states using members only, and traditionalistic states are last with eight. This measure is interesting in that it appears to be keeping with the moralistic culture, as it is the Moralistic culture that is most likely to desire keeping the ethical behavior infractions of their fellow legislator “in house” and among friends. See Table 65 for the states included here.

Like the finding above (and as we should expect), the Moralistic states lead in Senate chambers using legislative members only to staff their ethics legislative committees. Of the 29 Senate chambers that only use legislative members, 11 of them are moralistic (for 38%). Both the traditionalistic and individualistic states are tied with nine states apiece, for 31% each. See Table 66 below for states included in this measure.

Lastly, there are seven states that use only legislative members for their Joint Chamber legislative ethics committee. Of these seven states, the traditionalistic states clearly prefer using only legislators, as four out of the seven states are Traditionalistic (57%). The individualistic state is second with two states, leaving moralistic states last with only one. This observation makes sense, as in the traditionalistic political culture where social hierarchy is valued; the traditionalistic legislature would be the one to most value the legislative hierarchy of the “upper chamber” known as the Senate: senators are often viewed as the senior legislators, as they typically have more political experience. It makes sense that the traditionalistic state senator would want to be in control of a joint chamber committee, as political and social hierarchy dictates they should be in control. See Table 67 for the states included using Joint Chambers.

Table 43

Chapman Index- Voting Recusals By Political Culture

	Moralistic	Individualistic	Traditionalistic
May Recues (Advantageous)	Idaho Iowa Kansas Maine Michigan Minnesota Montana North Dakota Oregon South Dakota Utah	Hawaii Illinois Indiana Nebraska Nevada New York Ohio Rhode Island	Arkansas Florida Georgia New Mexico *Tennessee West Virginia
Shall Recues (Restrictive)	California Colorado New Hampshire Vermont Washington Wisconsin	Alaska Connecticut Delaware Maryland Massachusetts Missouri New Jersey Pennsylvania Wyoming	Alabama Arizona Kentucky Louisiana Mississippi North Carolina Oklahoma South Carolina Texas Virginia

*Fails to address, thereby permitting

Table 44

*Chapman Index- Dual Office Holding for Legislators with City or County
By Political Culture*

	Moralistic	Individualistic	Traditionalistic
Allows (Advantageous)	California Colorado Idaho Kansas New Hampshire North Dakota Oregon South Dakota Vermont Washington Wisconsin	Connecticut Hawaii Illinois Indiana Maryland Massachusetts New York Wyoming	Georgia Mississippi Tennessee Texas Virginia West Virginia
Forbids (Restrictive)	Iowa Maine Michigan Minnesota Montana Utah	Alaska Delaware Missouri Nebraska Nevada New Jersey Ohio Pennsylvania Rhode Island	Alabama Arizona Arkansas Florida Kentucky Louisiana New Mexico North Carolina Oklahoma South Carolina

Table 45

*Chapman Index- Dual Public Employment for Legislators
By Political Culture*

	Moralistic	Individualistic	Traditionalistic
Allows (Advantageous)	Colorado Idaho Iowa Kansas Maine Minnesota Montana New Hampshire North Dakota South Dakota Utah Vermont Washington Wisconsin	Delaware Hawaii Illinois Indiana Nebraska Nevada New Jersey New York Rhode Island Wyoming	Alabama Arkansas Florida Kentucky Mississippi New Mexico North Carolina South Carolina Tennessee Virginia West Virginia
Forbids (Restrictive)	California Michigan Oregon	Alaska Connecticut Maryland Massachusetts Missouri Ohio Pennsylvania	Arizona Georgia Louisiana Oklahoma Texas

Table 46

Chapman Index-Legislators Representing Others Before State Government with Compensation By Political Culture

	Moralistic	Individualistic	Traditionalistic
Allows (Advantageous)	California Colorado* Idaho* Iowa Michigan* Minnesota New Hampshire* North Dakota* South Dakota* Utah* Vermont*	Alaska Illinois Indiana Nebraska* Nevada Pennsylvania* Wyoming*	Alabama Georgia* Mississippi North Carolina* South Carolina Tennessee* Virginia
Forbids (Restrictive)	Kansas Maine Montana Oregon Washington Wisconsin	Connecticut Delaware Hawaii Maryland Massachusetts Missouri New Jersey New York Ohio Rhode Island	Arizona Arkansas Florida Kentucky Louisiana New Mexico Oklahoma Texas West Virginia

*Fails to address, and thereby allows

Table 47

*Chapman Index- Legislators Representing Others before State
Government for Compensation Requiring Disclosure By Political Culture*

	Moralistic	Individualistic	Traditionalistic
No Disclosure (Advantageous)	California* Colorado* Idaho* Iowa Michigan* New Hampshire* North Dakota* South Dakota* Utah* Vermont*	Illinois Nebraska* Pennsylvania* Wyoming*	Georgia* North Carolina* Tennessee*
Disclosure (Restrictive)	Minnesota	Alaska Indiana Nevada	Alabama Mississippi South Carolina Virginia

*Fails to address, thereby does not require

Table 48

Chapman Index- Legislators Contracting with State By Political Culture

	Moralistic	Individualistic	Traditionalistic
Allows (Advantageous)	Colorado Iowa Kansas Maine Michigan Minnesota New Hampshire North Dakota Oregon Utah Vermont* Wisconsin	Alaska Connecticut Delaware Hawaii Illinois* Maryland Massachusetts Missouri Nebraska Nevada New Jersey New York Ohio Pennsylvania Rhode Island Wyoming	Alabama Arizona Arkansas Georgia Kentucky Louisiana Mississippi New Mexico North Carolina Oklahoma South Carolina Tennessee* Texas* Virginia West Virginia
Forbids (Restrictive)	California Idaho Montana South Dakota Washington	Indiana	Florida

*Fails to address thereby allows

Table 49

Chapman Index- Legislators Contracting with State Requiring Disclosure without Threshold By Political Culture

	Moralistic	Individualistic	Traditionalistic
Disclosure No Threshold (Restrictive)	Colorado Kansas Oregon Utah Wisconsin	Connecticut Massachusetts Nevada Ohio	North Carolina Virginia
No Disclosure Or Disclosure With Threshold (Advantageous)	Iowa Maine Michigan Minnesota New Hampshire North Dakota Vermont*	Alaska Delaware Hawaii Illinois* Maryland Missouri Nebraska New Jersey New York Pennsylvania Rhode Island Wyoming	Alabama Arizona Arkansas Georgia Kentucky Louisiana Mississippi New Mexico Oklahoma South Carolina Tennessee* Texas* West Virginia

*Fails to address, and thereby does not require

Table 50

*Chapman Index- Legislators Required to File Annual Disclosure
By Political Culture*

	Moralistic	Individualistic	Traditionalistic
Disclosure (Restrictive)	California Colorado Iowa Kansas Maine Minnesota Montana New Hampshire North Dakota Oregon South Dakota Utah Washington Wisconsin	Alaska Connecticut Delaware Hawaii Illinois Indiana Maryland Massachusetts Missouri Nebraska Nevada New Jersey New York Ohio Pennsylvania Rhode Island Wyoming	Alabama Arizona Arkansas Florida Georgia Kentucky Louisiana Mississippi New Mexico North Carolina Oklahoma South Carolina Tennessee Texas Virginia West Virginia
No Disclosure (Advantageous)	Idaho Michigan Vermont		

Table 51

*Chapman Index- Legislators Required to File Annual Disclosure
With State Agency Connections By Political Culture*

	Moralistic	Individualistic	Traditionalistic
Discloses (Restrictive)	Colorado Kansas Maine Minnesota New Hampshire Oregon Washington Wisconsin	Alaska Connecticut Hawaii Illinois Indiana Maryland Massachusetts Missouri Nebraska Nevada New York Ohio Rhode Island	Alabama Arkansas Florida Georgia Kentucky Louisiana Mississippi New Mexico North Carolina Oklahoma South Carolina Texas Virginia West Virginia
No Disclosure (Advantageous)	California Idaho Iowa Michigan Montana North Dakota South Dakota Utah Vermont	Delaware New Jersey Pennsylvania Wyoming	Arizona Tennessee

Table 52

*Chapman Index – Legislators Required to File Annual Disclosure
With Household Members By Political Culture*

	Moralistic	Individualistic	Traditionalistic
Disclosure (Restrictive)	Colorado Kansas Maine Minnesota New Hampshire North Dakota Oregon South Dakota Utah Washington Wisconsin	Alaska Connecticut Hawaii Illinois Indiana Maryland Massachusetts Missouri Nebraska Nevada New Jersey New York Ohio Rhode Island	Alabama Arizona Arkansas Florida Georgia Kentucky Louisiana Mississippi New Mexico North Carolina Oklahoma South Carolina Tennessee Texas Virginia West Virginia
No Disclosure (Advantageous)	California Idaho Iowa Michigan Montana Vermont	Delaware Pennsylvania Wyoming	

Table 53

*Chapman Index - Legislators Required to File Annual Disclosure
With Lobbyist Connections By Political Culture*

	Moralistic	Individualistic	Traditionalistic
Disclosure (Restrictive)	Colorado New Hampshire Oregon Utah Washington Wisconsin	Alaska Connecticut Illinois Indiana Missouri Ohio	Kentucky Louisiana New Mexico North Carolina Oklahoma South Carolina Tennessee Texas Virginia
No Disclosure (Advantageous)	California Idaho Iowa Kansas Maine Michigan Minnesota Montana North Dakota South Dakota Vermont	Delaware Hawaii Maryland Massachusetts Nebraska Nevada New Jersey New York Pennsylvania Rhode Island Wyoming	Alabama Arizona Arkansas Florida Georgia Mississippi West Virginia

Table 54

*Chapman Index – Legislator Required to File Annual Disclosure
with Gifts & Honorarium By Political Culture*

	Moralistic	Individualistic	Traditionalistic
Disclosure (Restrictive)	California Colorado Kansas Maine New Hampshire Oregon Washington Wisconsin	Alaska Delaware Hawaii Illinois Indiana Maryland Massachusetts Missouri Nebraska Nevada New Jersey New York Ohio Pennsylvania Rhode Island	Arizona Arkansas Florida Georgia Kentucky North Carolina Oklahoma South Carolina Tennessee Texas Virginia West Virginia
No Disclosure (Advantageous)	Idaho Iowa Michigan Minnesota Montana North Dakota South Dakota Utah Vermont	Connecticut Wyoming	Alabama Louisiana Mississippi New Mexico

Table 55

*Chapman Index – Legislators Required to File Annual Disclosure
with Creditor & Debtor by Political Culture*

	Moralistic	Individualistic	Traditionalistic
Disclosure (Restrictive)	California Colorado Maine New Hampshire Oregon Utah Washington Wisconsin	Alaska Connecticut Delaware Hawaii Maryland Massachusetts Nebraska Nevada New Jersey New York Ohio Pennsylvania Rhode Island	Alabama Arizona Arkansas Florida Kentucky Louisiana North Carolina South Carolina Tennessee Texas Virginia West Virginia
No Disclosure (Advantageous)	Idaho Iowa Kansas Michigan Minnesota Montana North Dakota South Dakota Vermont	Illinois Indiana Missouri Wyoming	Georgia Mississippi New Mexico Oklahoma

Table 56

*Chapman Index - Legislators Required to File Annual Disclosure
with Client Identification By Political Culture*

	Moralistic	Individualistic	Traditionalistic
Disclosure (Restrictive)	California Kansas Maine Oregon Utah Washington Wisconsin	Alaska Hawaii Indiana Maryland New York Ohio Pennsylvania	Florida Louisiana Mississippi North Carolina Oklahoma South Carolina Texas Virginia
No Disclosure (Advantageous)	Colorado Idaho Iowa Michigan Minnesota Montana New Hampshire North Dakota South Dakota Vermont	Connecticut Delaware Illinois Massachusetts Missouri Nebraska Nevada New Jersey Rhode Island Wyoming	Alabama Arizona Arkansas Georgia Kentucky New Mexico Tennessee West Virginia

Table 57

*Chapman Index – Creates State Ethics Commission
By Political Culture*

	Moralistic	Individualistic	Traditionalistic
Creates (Restrictive)	California Colorado Iowa Kansas Maine Michigan Minnesota Montana Oregon Wisconsin	Connecticut Delaware Indiana Maryland Massachusetts Missouri Nebraska New Jersey Ohio Pennsylvania Rhode Island	Alabama Arkansas Georgia Louisiana Mississippi North Carolina Oklahoma South Carolina West Virginia
Does NOT Create OR Reports to Legislature (Advantageous)	Idaho New Hampshire North Dakota South Dakota Utah Vermont Washington	Alaska Hawaii Illinois Nevada New York Wyoming	Arizona Florida Kentucky New Mexico Tennessee Texas Virginia

Table 58

Chapman Index – State Ethics Commission Developed Forms, Manuals, Training for Legislators by Political Culture

	Moralistic	Individualistic	Traditionalistic
Developed Forms, Manuals, Training for Legislators (Restrictive)	California Colorado Kansas Montana Oregon Washington	Alaska Connecticut Delaware Illinois Indiana Maryland Nebraska Nevada New Jersey New York Pennsylvania	Alabama Florida Georgia Kentucky Oklahoma Tennessee Texas
Failed to Develop (Advantageous)	Idaho Iowa Maine Michigan Minnesota New Hampshire North Dakota South Dakota Utah Vermont Wisconsin	Hawaii Massachusetts Missouri Ohio Rhode Island Wyoming	Arizona Arkansas Louisiana Mississippi New Mexico North Carolina South Carolina Virginia West Virginia

Table 59

Chapman Index – State Ethics Commission Empowered to Monitor Compliance of State Legislators & Subpoena Witnesses by Political Culture

	Moralistic	Individualistic	Traditionalistic
Empowered (Restrictive)	California Colorado Kansas Maine Minnesota Montana	Alaska Delaware Illinois Indiana Maryland Massachusetts Missouri Nebraska Nevada New Jersey New York Pennsylvania Rhode Island	Alabama Arkansas Georgia Kentucky Louisiana Oklahoma Tennessee Texas West Virginia
Not Empowered (Advantageous)	Idaho Iowa Michigan New Hampshire North Dakota Oregon South Dakota Utah Vermont Washington Wisconsin	Connecticut Hawaii Ohio Wyoming	Arizona Florida Mississippi New Mexico North Carolina South Carolina Virginia

Table 60

*Chapman Index – State Ethics Commission Empowered for Compliance
by Political Culture*

	Moralistic	Individualistic	Traditionalistic
Empowered (Restrictive)	California Colorado Kansas Minnesota Washington	Alaska Indiana Maryland Massachusetts Nebraska Nevada New Jersey New York Pennsylvania Rhode Island	Alabama Florida Georgia Kentucky Oklahoma Tennessee Texas
Not Empowered (Advantageous)	Idaho Iowa Maine Michigan Montana New Hampshire North Dakota Oregon South Dakota Utah Vermont Wisconsin	Connecticut Delaware Hawaii Illinois Missouri Ohio Wyoming	Arizona Arkansas Louisiana Mississippi New Mexico North Carolina South Carolina Virginia West Virginia

Table 61

Chapman Index – Legislative Ethics Committees Standing Senate Committee by Political Culture

	Moralistic	Individualistic	Traditionalistic
Utilized (Restrictive)	California Iowa Maine Minnesota Montana Utah	Delaware Indiana Massachusetts Missouri Nevada Pennsylvania	Alabama Florida Mississippi New Mexico South Carolina Tennessee Virginia
Not Utilized (Advantageous)	Colorado Idaho Kansas Michigan New Hampshire North Dakota Oregon South Dakota Vermont Washington Wisconsin	Alaska Connecticut Hawaii Illinois Maryland Nebraska New Jersey New York Ohio Rhode Island Wyoming	Arizona Arkansas Georgia Kentucky Louisiana North Carolina Oklahoma Texas West Virginia

Table 62

*Chapman Index – Legislative Ethics Committee Standing House
Committee by Political Culture*

	Moralistic	Individualistic	Traditionalistic
Utilized (Restrictive)	California Iowa Maine Minnesota Montana Oregon Utah Wisconsin	Delaware Hawaii Indiana Massachusetts Missouri Nevada Pennsylvania	Mississippi New Mexico South Carolina Tennessee Virginia
Not Utilized (Advantageous)	Colorado Idaho Kansas Michigan New Hampshire North Dakota South Dakota Vermont Washington	Alaska Connecticut Illinois Maryland Nebraska New Jersey New York Ohio Rhode Island Wyoming	Alabama Arizona Arkansas Florida Georgia Kentucky Louisiana North Carolina Oklahoma Texas West Virginia

Table 63

*Chapman Index – Legislative Ethics Committee
Standing Joint Committee by Political Culture*

	Moralistic	Individualistic	Traditionalistic
Implemented	New Hampshire Washington	Alaska Maryland New Jersey Ohio	Georgia North Carolina West Virginia
Not Implemented	California Colorado Idaho Iowa Kansas Maine Michigan Minnesota Montana North Dakota Oregon South Dakota Utah Vermont Wisconsin	Connecticut Delaware Hawaii Illinois Indiana Massachusetts Missouri Nebraska Nevada New York Pennsylvania Rhode Island Wyoming	Alabama Arizona Arkansas Florida Kentucky Louisiana Mississippi New Mexico Oklahoma South Carolina Tennessee Texas Virginia

Table 64

Chapman Index – Legislative Ethics Committee
“As Needed” Ethics Committee Structure by Political Culture

	Moralistic	Individualistic	Traditionalistic
Utilized (Advantageous)	Colorado Idaho Kansas Montana Oregon South Dakota	Hawaii Illinois	Arizona Florida Louisiana New Mexico Texas
Not Utilized (Restrictive)	California Iowa Maine Michigan Minnesota New Hampshire North Dakota Utah Vermont Washington Wisconsin	Alaska Connecticut Delaware Indiana Maryland Massachusetts Missouri Nebraska Nevada New Jersey New York Ohio Pennsylvania Rhode Island Wyoming	Alabama Arkansas Georgia Kentucky Mississippi North Carolina Oklahoma South Carolina Tennessee Virginia West Virginia

Table 65

*Chapman Index – Legislative Ethics Committee
Legislative Members Only House by Political Culture*

	Moralistic	Individualistic	Traditionalistic
Utilized (Advantageous)	California Colorado Idaho Iowa Kansas Maine Minnesota Montana Oregon South Dakota Utah Wisconsin	Delaware Hawaii Illinois Indiana Maryland Massachusetts Missouri Nevada Pennsylvania	Arizona Florida Louisiana Mississippi New Mexico South Carolina Tennessee Texas
Not Utilized (Restrictive)	Michigan New Hampshire North Dakota Vermont Washington	Alaska Connecticut Nebraska New Jersey New York Ohio Rhode Island Wyoming	Alabama Arkansas Georgia Kentucky North Carolina Oklahoma Virginia West Virginia

Table 66

Chapman Index – Legislative Ethics Committee
Legislative Members Only Senate by Political Culture

	Moralistic	Individualistic	Traditionalistic
Utilized (Advantageous)	California Colorado Idaho Iowa Kansas Maine Minnesota Montana Oregon South Dakota Utah	Delaware Hawaii Illinois Indiana Maryland Massachusetts Missouri Nevada Pennsylvania	Alabama Arizona Florida Louisiana Mississippi New Mexico South Carolina Tennessee Texas
Not Utilized (Restrictive)	Michigan New Hampshire North Dakota Vermont Washington Wisconsin	Alaska Connecticut Nebraska New Jersey New York Ohio Rhode Island Wyoming	Arkansas Georgia Kentucky North Carolina Oklahoma Virginia West Virginia

Table 67

Chapman Index – Legislative Ethics Committee
Legislative Members Only Joint by Political Culture

	Moralistic	Individualistic	Traditionalistic
Utilized (Advantageous)	Montana	New Jersey Ohio	Georgia New Mexico North Carolina West Virginia
Not Utilized (Restrictive)	California Colorado Idaho Iowa Kansas Maine Michigan Minnesota New Hampshire North Dakota Oregon South Dakota Utah Vermont Washington Wisconsin	Alaska Connecticut Delaware Hawaii Illinois Indiana Maryland Massachusetts Missouri Nebraska Nevada New York Pennsylvania Rhode Island Wyoming	Alabama Arizona Arkansas Florida Kentucky Louisiana Mississippi Oklahoma South Carolina Tennessee Texas Virginia

APPENDIX E

CHAPTER 6 - PROFESSIONALISM

The second legislative conflict of interest variable the Chapman Index measures is the regulation of a legislator's ability to vote on legislation for which he/she has a known conflict of interest (i.e., they stand to make a personal gain based on their vote). I would expect to see the more professional state legislatures regulating this behavior as both unethical and criminal. As we can see in Table 68, 25 state legislatures (50%) allow their legislator (either House or Senate member) to vote on legislation for which they have a conflict of interest, while the other half (50%) forbids such votes. When we look at the professionalism scores, those state legislatures that allow their members to vote for potentially personally benefitting legislation, their professionalism score average is lower (at .16) than those states that oppose such votes (at .20). This observation is in keeping with what I would expect (i.e., the more professional state legislatures forbid a member from voting on legislation for which they may personally benefit). When it comes to our top five most professional state legislatures, both Michigan and New York allow their members to vote on bills that may benefit them.

Table 68

*Chapman Index- Voting Recusals Advantageous or Restrictive Language
By Professionalism of State Legislature*

Advantageous (May Recues) State	Score	Restrictive (Shall Recues) State	Score
Arkansas	0.106	Alabama	0.071
Florida	0.223	Alaska	0.227
Georgia	0.116	Arizona	0.232
Hawaii	0.225	California	0.626

Table 68 Continued

Idaho	0.138	Colorado	0.202
Illinois	0.261	Connecticut	0.19
Indiana	0.102	Delaware	0.148
Iowa	0.17	Kentucky	0.148
Kansas	0.125	Louisiana	0.129
Maine	0.089	Maryland	0.194
Michigan	0.342	Massachusetts	0.385
Minnesota	0.169	Mississippi	0.107
Montana	0.076	Missouri	0.174
Nebraska	0.162	New Hampshire	0.027
Nevada	0.138	New Jersey	0.244
New Mexico	0.109	North Carolina	0.198
New York	0.48	Oklahoma	0.187
North Dakota	0.051	Pennsylvania	0.339
Ohio	0.304	South Carolina	0.124
Oregon	0.159	Texas	0.199
Rhode Island	0.133	Vermont	0.144
South Dakota	0.064	Virginia	0.131
*Tennessee	0.116	Washington	0.197
Utah	0.065	Wisconsin	0.439
West Virginia	0.125	Wyoming	0.054
Sub total	4.048		5.116
Divide by State	25		25
Average Total	0.16		0.2

The third Chapman Index variable that is measured is the ability of a state legislator to hold two elected paying public positions simultaneously. Specifically, I looked at the ability of a state legislator to hold city or county elected office while being an elected state legislator. You may recall that there are two measures that impact the professionalism score of a state legislature for which this observation addresses. The first measure is the higher the pay for the legislator, the more professional that legislative body scores. Thus, one would think that for those state legislatures a second job for their members is not necessary. Similarly, only the less professional

legislatures would participate in allowing their members to hold two offices simultaneously. Second, the more professional legislatures are in session longer. They meet and conduct business on a more routine, full time basis. Therefore, we should expect to see the more professional legislature's not supporting holding two jobs, and therefore regulating and forbidding such behavior through conflict of interest laws, rules, and policies. As we can see in Table 69, this hypothesis is not supported. The more professional state legislatures, on average, support allowing a member to hold two elected paying positions at the same time. The advantageous state legislatures scored a .19 on the King professionalism index, compared to the restrictive state legislatures with a .17. On this question, the states were evenly split at 25 apiece. However, four out of the five most professional state legislatures allow their members to hold two offices: California, New York, Wisconsin, and Massachusetts allow dual office holding, while only Minnesota forbids it.

Table 69

Chapman Index – Dual Office Holding By Professionalism of State Legislature

Advantageous (Allows) State	Score	Restrictive (Forbids) State	Score
California	0.626	Alabama	0.071
Colorado	0.202	Alaska	0.227
Connecticut	0.19	Arizona	0.232
Georgia	0.116	Arkansas	0.106
Hawaii	0.225	Delaware	0.148
Idaho	0.138	Florida	0.223
Illinois	0.261	Iowa	0.17
Indiana	0.102	Kentucky	0.148
Kansas	0.125	Louisiana	0.129
Maryland	0.194	Maine	0.089
Massachusetts	0.385	Michigan	0.342

Table 69 Continued

Mississippi	0.107	Minnesota	0.169
New Hampshire	0.027	Missouri	0.174
New York	0.48	Montana	0.076
North Dakota	0.051	Nebraska	0.162
Oregon	0.159	Nevada	0.138
South Dakota	0.064	New Jersey	0.244
*Tennessee	0.116	New Mexico	0.109
Texas	0.199	North Carolina	0.198
Vermont	0.144	Ohio	0.304
Virginia	0.131	Oklahoma	0.187
Washington	0.197	Pennsylvania	0.339
West Virginia	0.125	Rhode Island	0.133
Wisconsin	0.439	South Carolina	0.124
Wyoming	0.054	Utah	0.065
Sub total	4.857		4.307
Divide by State	25		25
Average Total	0.19		0.17

The fourth Chapman Index variable looks at the ability of a state legislator to hold a second public job. With this observation, the same logic applies as before: I would expect to see the more professional state legislatures opposing the ability of their members to hold a second public job. You may recall that the more professional the legislature, the more times the body convenes in session and the higher the pay, thus the less time there is to hold down a second job and the less of a financial need for a second income. Therefore, I expect to see, on average, the most professional state legislatures regulating and forbidding their members from holding a second job. Upon review of Table 70, these expectations were supported. The overall professionalism scores favor those states that forbid dual public employment, with a professionalism score of .24, compared to .15 for those that allow it. However, when it comes to

the number of state legislatures, I was surprised. Two of the top five most professional state legislatures allow their members to hold a second public job while in office -- New York and Wisconsin. Thirty-three state legislatures (66%) allow for dual public employment, compared to 17 (34%) that do not.

Table 70

Chapman Index- Dual Public Employment By Professionalism of State Legislatures

Advantageous (Allows) State	Score	Restrictive (Forbids) State	Score
Alabama	0.071	Alaska	0.227
Arkansas	0.106	Arizona	0.232
Colorado	0.202	California	0.626
Delaware	0.148	Connecticut	0.19
Florida	0.223	Georgia	0.116
Idaho	0.138	Hawaii	0.225
Illinois	0.261	Indiana	0.102
Iowa	0.17	Louisiana	0.129
Kansas	0.125	Maryland	0.194
Kentucky	0.148	Massachusetts	0.385
Maine	0.089	Michigan	0.342
Minnesota	0.169	Missouri	0.174
Mississippi	0.107	Ohio	0.304
Montana	0.076	Oklahoma	0.187
Nebraska	0.162	Oregon	0.159
Nevada	0.138	Pennsylvania	0.339
New Hampshire	0.027	Texas	0.199
New Jersey	0.244		
New Mexico	0.109		
New York	0.48		
North Carolina	0.198		
North Dakota	0.051		
Rhode Island	0.133		
South Carolina	0.124		
South Dakota	0.064		

Table 70 Continued

Tennessee	0.116		
Utah	0.065		
Vermont	0.144		
Virginia	0.131		
Washington	0.197		
West Virginia	0.125		
Wisconsin	0.439		
Wyoming	0.054		
Sub total	5.034		4.13
Divide by State	33		17
Average Total	0.15		0.24

The fifth Chapman Index variable which we will observe through the King professionalism index is conflict of interest laws, rules, or regulations that forbid legislators from representing others before state government with compensation. This ethics provision forbids a state legislator from acting as a paid lobbyist free to represent special interests in their dealings with the state and the legislative body. The potential for a substantial conflict of interest seems apparent when no ethical regulation is enacted to address this behavior. If a legislator is allowed to act both as a voting member of a deliberative body and as a paid lobbyist representing the interest of others before that same deliberative body, the question is, at what point are the interests of the constituents placed before the paid interests of the legislator? As I examine this variable, I expect to find that the more professional the state legislature, the more likely it is to address this issue through conflict of interest laws, rules, or regulations. Once I calculated the professionalism averages, my hypothesis was supported. Although the number of states allowing a legislator to act as a paid lobbyist is split (at 25 states allowing and 25 states regulating), the highest professionalism score goes to those states regulating and forbidding such behavior, with

a score of .20 compared to .17 for those that allow lobbying by legislators. When it comes to the top five professional legislatures, both California and Michigan support this behavior. See Table 71 for more details.

Table 71

Chapman Index – Legislators Representing Others By Professionalism of State legislatures

Advantageous (Allows) State	Score	Restrictive (Forbids) State	Score
Alabama	0.071	Arizona	0.232
Alaska	0.227	Arkansas	0.106
California	0.626	Connecticut	0.19
Colorado*	0.202	Delaware	0.148
Georgia*	0.116	Florida	0.223
Idaho*	0.138	Hawaii	0.225
Illinois	0.261	Kansas	0.125
Indiana	0.102	Kentucky	0.148
Iowa	0.17	Louisiana	0.129
Michigan*	0.342	Maine	0.089
Minnesota	0.169	Maryland	0.194
Mississippi	0.107	Massachusetts	0.385
Nebraska*	0.162	Missouri	0.174
Nevada	0.138	Montana	0.076
New Hampshire*	0.027	New Jersey	0.244
North Carolina*	0.198	New Mexico	0.109
North Dakota*	0.051	New York	0.48
Pennsylvania*	0.339	Ohio	0.304
South Carolina	0.124	Oklahoma	0.187
South Dakota*	0.064	Oregon	0.159
Tennessee*	0.116	Rhode Island	0.133
Utah*	0.065	Texas	0.199
Vermont*	0.144	Washington	0.197
Virginia	0.131	West Virginia	0.125
Wyoming*	0.054	Wisconsin	0.439

Table 71 Continued

Sub total	4.144		5.02
Divide by State	25		25
Average Total	0.17		0.2
* Fails to address, thereby allows			

The sixth Chapman Index variable we will observe through state legislature professionalism involves the ability of a state legislator to not only act as a paid lobbyist, but to then not disclose such arrangements. In keeping with my expectations of professional legislatures, I expect to find that on average, the more professional legislatures will require their members to report and disclose this lobbying income through conflict of interest laws, rules, and regulations. If we take the 25 states that allow their legislator to behave as a lobbyist, we find that 17 state legislatures (68%) do not require disclosure, while only eight (32%) do. To my surprise, the overall averaged professionalism score favored those state legislatures that do not require public disclosure, with a professionalism score of .18 compared to a score of .13 for the legislatures that do require public disclosure. Lastly, and just as surprising, of the top five state legislatures that allow this behavior (California and Michigan), neither one requires the legislator to publicly disclose this arrangement. See Table 72 for more details.

Table 72

Chapman Index – Legislators Representing Others with Compensation Requiring Disclosure by Professionalism of State Legislature

Advantageous (No Disclosure) State	Score	Restrictive (Disclosure) State	Score
California*	0.626	Alabama	0.071
Colorado*	0.202	Alaska	0.227

Table 72 Continued

Georgia*	0.116	Indiana	0.102
Idaho*	0.138	Minnesota	0.169
Illinois	0.261	Mississippi	0.107
Iowa	0.17	Nevada	0.138
Michigan*	0.342	South Carolina	0.124
Nebraska*	0.162	Virginia	0.131
New Hampshire*	0.027		
North Carolina*	0.198		
North Dakota*	0.051		
Pennsylvania*	0.339		
South Dakota*	0.064		
Tennessee*	0.116		
Utah*	0.065		
Vermont*	0.144		
Wyoming*	0.054		
Sub total	3.075		1.069
Divide by State	17		8
Average Total	0.18		0.13
* Fails to address, thereby allows			

The seventh Chapman Index variable seeks to identify those state legislatures that allow their members to contract with the state for a second income. Usually such contracts are to provide a service for which the legislator owns a business designed to deliver a particular service or product. The problem with allowing legislators to contract with the state is that it is the legislative body that approves all appropriations, including contractual obligations. These contracts are with state agencies. These are the same agency heads that must go before the legislature and the contracting representative seeking annual appropriations. Because the legislator controls the purse strings and eventually must approve his/her own contract, there is an inherent conflict of interest. As I reviewed King's professionalism scores for each state

legislature, I expected to find on average the most professional legislators restricting this activity. I was therefore surprised to see that only seven state legislature (14%) forbid legislators from contracting with the state. This leaves 43 states (86%) allowing legislators to enter into contracts with state agencies, thereby creating an exclusive advantageous opportunity for themselves. However, in keeping with my expectations, the professionalism score of the seven states on average is higher (at .20) than that of the remaining 43 states that allow this activity, with their average score of .18. Therefore, the more professional legislatures do indeed restrict this activity. As you can see in Table 73 in regards to our top five professional legislatures, only California restricts legislators from entering into contracts with the state, while New York, Wisconsin, Massachusetts, and Michigan approve.

Table 73

*Chapman Index- Legislators Contracting with the State
by Professionalism of State Legislature*

Advantageous (Allows) State	Score	Restrictive (Forbids) State	Score
Alabama	0.071	California	0.626
Alaska	0.227	Idaho	0.138
Arizona	0.232	Indiana	0.102
Arkansas	0.106	Florida	0.223
Colorado	0.202	Montana	0.076
Connecticut	0.19	South Dakota	0.064
Delaware	0.148	Washington	0.197
Georgia	0.116		
Hawaii	0.225		
Illinois*	0.261		
Iowa	0.17		
Kansas	0.125		
Kentucky	0.148		
Louisiana	0.129		

Table 73 Continued

Maine	0.089		
Maryland	0.194		
Massachusetts	0.385		
Michigan	0.342		
Minnesota	0.169		
Mississippi	0.107		
Missouri	0.174		
Nebraska	0.162		
Nevada	0.138		
New Hampshire	0.027		
New Jersey	0.244		
New Mexico	0.109		
New York	0.48		
North Carolina	0.198		
North Dakota	0.051		
Ohio	0.304		
Oklahoma	0.187		
Oregon	0.159		
Pennsylvania	0.339		
Rhode Island	0.133		
South Carolina	0.124		
Tennessee*	0.116		
Texas*	0.199		
Utah	0.065		
Vermont*	0.144		
Virginia	0.131		
West Virginia	0.125		
Wisconsin	0.439		
Wyoming	0.054		
Sub total	7.738		1.426
Divide by State	43		7
Average Total	0.18		0.2
* Fails to address, thereby allows			

The eighth measure used in the Chapman Index reviews state laws and codes that regulate what type of contractual information must be disclosed. I asked how many states would require any type of a contract to be publicly reported. Specifically, I searched for conflict of interest and ethics laws that forced legislators to publically disclose legislator contracts regardless of the dollar amount, or, in other words, public disclosures that did not have a dollar amount threshold built in; this would allow the legislator to get away with not reporting the contract if it fell below the threshold. With regards to the professionalism of the legislature, I expected to find that, on average, the higher the professionalism, the more likely it would require all disclosures without any threshold loopholes. In reviewing findings, I was surprised to see that 39 state legislatures (78%) do not require public disclosure of state contracts or, if they do, they build in a monetary threshold. This finding is in contrast to what I expected. However, when I averaged the professionalism scores, those state legislatures that do have restrictive laws and require full disclosure scored higher (with a .21), compared to a .18 for those state legislatures that do not require disclosure or incorporate a threshold loophole. This finding is as I expected. In reviewing Table 74 of the top five most professional state legislatures, I was equally surprised to see three falls into the category of not requiring public disclosure of state contracts, or if they do, they have built in a monetary threshold.

Table 74

Chapman Index- Disclosures of Contracts by Professionalism of State Legislature

Advantageous (No Disclosure or with Threshold) State	Score	Restrictive (Disclosure with No Threshold) State	Score
Alabama	0.071	Colorado	0.202

Table 74 Continued

Alaska	0.227	Connecticut	0.19
Arizona	0.232	Kansas	0.125
Arkansas	0.106	Massachusetts	0.385
California	0.626	Nevada	0.138
Delaware	0.148	North Carolina	0.198
Florida	0.223	Ohio	0.304
Georgia	0.116	Oregon	0.159
Hawaii	0.225	Utah	0.065
Idaho	0.138	Virginia	0.131
Illinois*	0.261	Wisconsin	0.439
Indiana	0.102		
Iowa	0.17		
Kentucky	0.148		
Louisiana	0.129		
Maine	0.089		
Maryland	0.194		
Michigan	0.342		
Minnesota	0.169		
Mississippi	0.107		
Missouri	0.174		
Montana	0.076		
Nebraska	0.162		
New Hampshire	0.027		
New Jersey	0.244		
New Mexico	0.109		
New York	0.48		
North Dakota	0.051		
Oklahoma	0.187		
Pennsylvania	0.339		
Rhode Island	0.133		
South Carolina	0.124		
South Dakota	0.064		
Tennessee*	0.116		
Texas*	0.199		
Vermont*	0.144		
Washington	0.197		
West Virginia	0.125		
Wyoming	0.054		

Table 74 Continued

Sub total	6.828		2.336
Divide by State	39		11
Average Total	0.18		0.21
* Fails to address, thereby allows			

The ninth Chapman Index conflict of interest observation identifies those state legislatures that require their members to file annual disclosure forms. Granted, each state has varying degrees of what is required to be disclosed, but I was surprised to see that there are three state legislatures that do not require any type of an annual disclosure, thereby making it more advantageous for their members to engage in conflict of interest behavior: Idaho, Michigan, and Vermont. To see Michigan was perplexing as, according to King, Michigan ranks as the fifth most professional legislature. What was not surprising was that 47 state legislatures, or 94%, require their members to file some sort of an annual disclosure. We will review specific requirements of these disclosures in the following observations.

In reviewing the professionalism scores of these states, I expected to find the highest professionalism score going to those state legislatures requiring disclosures. However, on average, the three state legislatures that do not require an annual disclosure scored a .21 in their professionalism score (largely thanks to Michigan), contrasted with a score of .18 for those state legislatures that do require disclosures. Therefore, my expectation was not met. See Table 75 for more details.

Table 75

Chapman Index- Annual Disclosures by Professionalism of State Legislatures

Advantageous (No Disclosure) State	Score	Restrictive (Disclosure) State	Score
Idaho	0.138	Alabama	0.071
Michigan	0.342	Alaska	0.227
Vermont	0.144	Arizona	0.232
		Arkansas	0.106
		California	0.626
		Colorado	0.202
		Connecticut	0.19
		Delaware	0.148
		Florida	0.223
		Georgia	0.116
		Hawaii	0.225
		Illinois	0.261
		Indiana	0.102
		Iowa	0.17
		Kansas	0.125
		Kentucky	0.148
		Louisiana	0.129
		Maine	0.089
		Maryland	0.194
		Massachusetts	0.385
		Minnesota	0.169
		Mississippi	0.107
		Missouri	0.174
		Montana	0.076
		Nebraska	0.162
		Nevada	0.138
		New Hampshire	0.027
		New Jersey	0.244
		New Mexico	0.109
		New York	0.48
		North Carolina	0.198
		North Dakota	0.051
		Ohio	0.304
		Oklahoma	0.187

Table 75 Continued

		Oregon	0.159
		Pennsylvania	0.339
		Rhode Island	0.133
		South Carolina	0.124
		South Dakota	0.064
		Tennessee	0.116
		Texas	0.199
		Utah	0.065
		Virginia	0.131
		Washington	0.197
		West Virginia	0.125
		Wisconsin	0.439
		Wyoming	0.054
Sub Total	0.624		8.54
Divide by State	3		47
Average Total	0.21		0.18

The tenth Chapman Index conflict of interest variable is whether the state legislator is required to report his/her contacts with state agencies. Examples of such reporting requirements include listing if that legislator is also an employee of an agency, if that legislator has any immediate relative working for a state agency, and if that legislator or an immediate relative has any contractual relationship with a state agency. Naturally, for those legislators who wish to engage in either contracting or working for a state agency and hope to do so without scrutiny or charges of conflicts of interest, it works to their advantage to not have to disclose this information. However, if you are a constituent concerned that your state representative is representing your interests to the fullest, you certainly want to know about these state agency relationships.

My expectation is for the more professional state legislatures to require this type of public disclosure. When I analyzed the data as provided in Table 11 below, I was surprised to learn

there are 11 (22%) state legislative bodies that do not require this type of disclosure. Included in the 11 is the most professional state legislature according to King (California), along with the fifth most professional (Michigan). New York, Wisconsin, and Massachusetts all require their legislator to publically disclose all state agency connections. I was also surprised to see that when I averaged the professionalism scores, the states that do not require this disclosure ranked slightly higher than those state legislatures that do require it (.19 to .18, respectively). See Table 76 for more details on this measurement.

Table 76

Chapman Index- State Agency Disclosures by Professionalism of State Legislatures

Advantageous (No Disclosure) State	Score	Restrictive (Disclosure) State	Score
Arizona	0.232	Alabama	0.071
California	0.626	Alaska	0.227
Delaware	0.148	Arkansas	0.106
Idaho	0.138	Colorado	0.202
Iowa	0.17	Connecticut	0.19
Michigan	0.342	Florida	0.223
Montana	0.076	Georgia	0.116
North Dakota	0.051	Hawaii	0.225
South Dakota	0.064	Illinois	0.261
Utah	0.065	Indiana	0.102
Vermont	0.144	Kansas	0.125
		Kentucky	0.148
		Louisiana	0.129
		Maine	0.089
		Maryland	0.194
		Massachusetts	0.385
		Minnesota	0.169
		Mississippi	0.107
		Missouri	0.174
		Nebraska	0.162
		Nevada	0.138

Table 76 Continued

		New Hampshire	0.027
		New Jersey	0.244
		New Mexico	0.109
		New York	0.48
		North Carolina	0.198
		Ohio	0.304
		Oklahoma	0.187
		Oregon	0.159
		Pennsylvania	0.339
		Rhode Island	0.133
		South Carolina	0.124
		Tennessee	0.116
		Texas	0.199
		Virginia	0.131
		Washington	0.197
		West Virginia	0.125
		Wisconsin	0.439
		Wyoming	0.054
Sub total	2.056		7.108
Divide by State	11		39
Average Total	0.19		0.18

Next, I reviewed the disclosure requirement of legislators being required to list the financial interest (including employment and contracts) of all household members. These members include spouses, children, and in some cases even extended family and friends, if they are living in the same house as the state legislator. The potential for the legislator to have a substantial conflict of interest while doing his/her job seems obvious: if the legislator's spouse or family member is a paid lobbyist, naturally there is a conflict of interest as that person will have preferred access to other members of the legislature along with elevated influence. If the household member is an employee of a state agency, that member has a direct relationship to a voting legislator on that agency's budget. In addition, that legislator has the ability to influence

the earning potential for his/her household. Naturally, I expected to see that the more professional state legislatures would support restrictive conflict of interest and ethics laws requiring household disclosures. I was surprised to see that for the nine states legislatures (18%) that do not require household disclosure, the average professionalism score is higher (.23) than for the 41 states (82%) that do require these disclosures. Of the five most professional state legislatures, two do not require household disclosures (California and Michigan). See Table 77 for more details.

Table 77

Chapman Index- Household Disclosures by Professionalism of State Legislatures

Advantageous (No Disclosure) State	Score	Restrictive (Disclosure) State	Score
California	0.626	Alabama	0.071
Delaware	0.148	Alaska	0.227
Idaho	0.138	Arizona	0.232
Iowa	0.17	Arkansas	0.106
Michigan	0.342	Colorado	0.202
Montana	0.076	Connecticut	0.19
Pennsylvania	0.339	Florida	0.223
Vermont	0.144	Georgia	0.116
Wyoming	0.054	Hawaii	0.225
		Illinois	0.261
		Indiana	0.102
		Kansas	0.125
		Kentucky	0.148
		Louisiana	0.129
		Maine	0.089
		Maryland	0.194
		Massachusetts	0.385
		Minnesota	0.169
		Mississippi	0.107
		Missouri	0.174
		Nebraska	0.162
		Nevada	0.138

Table 77 Continued

		New Hampshire	0.027
		New Jersey	0.244
		New Mexico	0.109
		New York	0.48
		North Carolina	0.198
		North Dakota	0.051
		Ohio	0.304
		Oklahoma	0.187
		Oregon	0.159
		Rhode Island	0.133
		South Carolina	0.124
		South Dakota	0.064
		Tennessee	0.116
		Texas	0.199
		Utah	0.065
		Virginia	0.131
		Washington	0.197
		West Virginia	0.125
		Wisconsin	0.439
Sub total	2.037		7.127
Divide by State	9		41
Average Total	0.23		0.17

The twelfth Chapman Index variable I researched involved the legislators disclosing of lobbyist connections. Specifically, I wanted to know how many state legislatures require their members to disclose the names and relationships to lobbyist, especially if these lobbyists are family members, business associates and or business clients. The relationship between a legislator and a lobbyist can become obscured, especially when we are looking at ethical and lawful behavior. All states forbid a legislator from taking a bribe, i.e. money in exchange for a vote. However, bribes can come in all shapes and forms. For example is a campaign contribution made by a lobbyist either directly before or after a vote taken by the legislator in

favor of the lobbyist's position considered a bribe? What if that lobbyist does business with the legislator in the legislator private business and as the legislator votes in step with the lobbyist position, the lobbyist increases the amount of money spent with the legislator's business, is that considered a bribe? By state legislatures forcing their membership to disclose of such relationships, it acts to expose potentially unethical or even criminal behavior. In this observation, I expected to see that more professional state legislatures supporting exposing legislator to lobbyist connections. I was dismayed to learn 29 state legislatures (58%) do not require such disclosures and that these 29 states scored higher in their professionalism score than the 21 states requiring lobbyist disclosures with a score of .19 to .18. Of the top 5 most professional state legislatures, 4 out of 5 do not require their members to publically disclose lobbyist connections. California, Massachusetts, Michigan, and New York all support the advantageous position for personal gain of the legislator by not requiring disclosure. Only the Wisconsin state legislature requires its members to disclose their lobbyist connections. See Table 78 for more detail.

Table 78

Chapman Index – Lobbyist Disclosures by Professionalism of State Legislature

Advantageous (No Disclosure) State	Score	Restrictive (Disclosure) State	Score
Alabama	0.071	Alaska	0.227
Connecticut	0.19	Arizona	0.232
Idaho	0.138	Arkansas	0.106
Iowa	0.17	California	0.626
Louisiana	0.129	Colorado	0.202
Michigan	0.342	Delaware	0.148
Minnesota	0.169	Florida	0.223
Mississippi	0.107	Georgia	0.116
Montana	0.076	Hawaii	0.225

Table 78 Continued

New Mexico	0.109	Illinois	0.261
North Dakota	0.051	Indiana	0.102
South Dakota	0.064	Kansas	0.125
Utah	0.065	Kentucky	0.148
Vermont	0.144	Maine	0.089
Wyoming	0.054	Maryland	0.194
		Massachusetts	0.385
		Missouri	0.174
		Nebraska	0.162
		Nevada	0.138
		New Hampshire	0.027
		New Jersey	0.244
		New York	0.48
		North Carolina	0.198
		Ohio	0.304
		Oklahoma	0.187
		Oregon	0.159
		Pennsylvania	0.339
		Rhode Island	0.133
		South Carolina	0.124
		Tennessee	0.116
		Texas	0.199
		Virginia	0.131
		Washington	0.197
		West Virginia	0.125
		Wisconsin	0.439
Sub total	1.879		7.285
Divide by State	15		35
Average Total	0.13		0.21

The fourth disclosure statement variable that is included in the Chapman Index analyzes those state legislatures that require their members to disclose all gifts and honoraria a legislator receives throughout the year. The receiving of gifts and speaking fees (honoraria) is yet one more way a legislator can personally benefit from holding elected office. The ethical (and even criminal) problem with a legislator receiving gifts and honoraria is that it can be interpreted as a

bribe. It can easily be argued that the legislator only receives such gifts and speaking opportunities because he is the elected representative. Most state legislatures differentiate between personal gifts and those that are directly related to his/her elected position. As I reviewed this reporting requirement, I expected to see the most professional state legislatures requiring their members to report such gifts and honoraria thereby publicly disclosing these questionable practices. In keeping with my expectations, 35 state legislatures (70%) require their members to disclose these gifts and honorarium and, on average, these 35 states scored much higher on the King professionalism index (with a score of .21). The 15 legislatures (30%) not requiring disclosure averaged a much lower professionalism score (.13). Of the top five most professional state legislatures, only Michigan does not require its members to disclose gifts and honoraria, thus giving their members an advantage for personal profit. California, New York, Wisconsin, and Massachusetts, along with 31 other states, have all adopted the more restrictive conflict of interest laws and rules requiring this disclosure. See Table 79 for more details.

Table 79

*Chapman Index – Gifts and Honorarium Disclosure
By Professionalism of State Legislature*

Advantageous (No Disclosure) State	Score	Restrictive (Disclosure) State	Score
Georgia	0.116	Alabama	0.071
Idaho	0.138	Alaska	0.227
Illinois	0.261	Arizona	0.232
Indiana	0.102	Arkansas	0.106
Iowa	0.17	California	0.626
Kansas	0.125	Colorado	0.202
Michigan	0.342	Connecticut	0.19
Minnesota	0.169	Delaware	0.148
Mississippi	0.107	Florida	0.223

Table 79 Continued

Missouri	0.174	Hawaii	0.225
Montana	0.076	Kentucky	0.148
New Mexico	0.109	Louisiana	0.129
North Dakota	0.051	Maine	0.089
Oklahoma	0.187	Maryland	0.194
South Dakota	0.064	Massachusetts	0.385
Vermont	0.144	Nebraska	0.162
Wyoming	0.054	Nevada	0.138
		New Hampshire	0.027
		New Jersey	0.244
		New York	0.48
		North Carolina	0.198
		Ohio	0.304
		Oregon	0.159
		Pennsylvania	0.339
		Rhode Island	0.133
		South Carolina	0.124
		Tennessee	0.116
		Texas	0.199
		Utah	0.065
		Virginia	0.131
		Washington	0.197
		West Virginia	0.125
		Wisconsin	0.439
Sub total	2.389		6.775
Divide by State	17		33
Average Total	0.14		0.21

The fifth annual disclosure statement variable for which the Chapman Index accounts is that of requiring legislators to list all creditor and debtor information. This information includes details on outstanding personal and business loans and mortgages that the legislator may have. The purpose in disclosing this information is to expose any preferential treatment the legislator may receive from banks and financial institutions in exchange for his/her vote. This practice of allowing legislators to receive lower interest rates on loans than what is offered to the public at

large is yet another form of a legislator using his elected office for personal gain. As I analyzed the professionalism data, I expected to see the more professional state legislatures regulating and restricting this behavior by requiring its members to fully disclose this information. Of the 33 state legislatures (66%) that require creditor and debtor information to be disclosed, the average professionalism score was .21, which is in keeping with my expectations. The remaining 17 state legislatures (34%) not requiring this disclosure scored lower on King's professionalism measure with a score of .14. Thus, the more professional legislatures do require this disclosure. And as I expected, five out of the five top professional state legislatures require their members to disclose this information: California, Massachusetts, New York, and Wisconsin require their members to disclose creditor and debtor information, while only Michigan does not. See Table 80 below for more details on the states.

Table 80

*Chapman Index- Creditor and Debtor Disclosure
by Professionalism of State Legislature*

Advantageous (No Disclosure) State	Score	Restrictive (Disclosure) State	Score
Georgia	0.116	Alabama	0.071
Idaho	0.138	Alaska	0.227
Illinois	0.261	Arizona	0.232
Indiana	0.102	Arkansas	0.106
Iowa	0.17	California	0.626
Kansas	0.125	Colorado	0.202
Michigan	0.342	Connecticut	0.19
Minnesota	0.169	Delaware	0.148
Mississippi	0.107	Florida	0.223
Missouri	0.174	Hawaii	0.225
Montana	0.076	Kentucky	0.148
New Mexico	0.109	Louisiana	0.129
North Dakota	0.051	Maine	0.089
Oklahoma	0.187	Maryland	0.194

Table 80 Continued

South Dakota	0.064	Massachusetts	0.385
Vermont	0.144	Nebraska	0.162
Wyoming	0.054	Nevada	0.138
		New Hampshire	0.027
		New Jersey	0.244
		New York	0.48
		North Carolina	0.198
		Ohio	0.304
		Oregon	0.159
		Pennsylvania	0.339
		Rhode Island	0.133
		South Carolina	0.124
		Tennessee	0.116
		Texas	0.199
		Utah	0.065
		Virginia	0.131
		Washington	0.197
		West Virginia	0.125
		Wisconsin	0.439
Sub total	2.389		6.775
Divide by State	17		33
Average Total	0.14		0.21

The last component of the potential legislator disclosure requirements involves the legislator listing all clients with which he/she may do business in their private practice or business. The rationale for forcing legislators to list their clients from their private practice is similar to what we have discussed before, in that the client “doing business” with the legislator may be used as a way to pay the legislator for services rendered or to be rendered. By forcing legislators to disclose such relationships, it exposes potential conflicts of interest and criminal situations so they may be resolved. In my analysis of King’s professionalism index, I expected to see, on average, the most professional state legislatures to require its members to disclose client information, and that is exactly what I found. The 22 state legislatures (44%) that require

their members to disclose client information averaged .22 on the King professionalism scale, contrasting with only .15 for those states that do not require this disclosure. I was surprised to see more than half of the state legislatures do not require this disclosure, with 28 states not requiring this (58%). Of the five most professional state legislatures, two do not require client disclosure (Massachusetts and Michigan), thereby making it more advantageous for their members to privately engage in business without public exposure. California, New York, and Wisconsin all require their members to disclose client information through more restrictive conflict of interest and ethics laws and regulations. See Table 81 for states requiring disclosure, and their accompanying professionalism scores.

Table 81

Chapman Index- Client Disclosure by Professionalism of State Legislature

Advantageous (No Disclosure) State	Score	Restrictive (Disclosure) State	Score
Alabama	0.071	Alaska	0.227
Arizona	0.232	California	0.626
Arkansas	0.106	Florida	0.223
Colorado	0.202	Hawaii	0.225
Connecticut	0.19	Indiana	0.102
Delaware	0.148	Kansas	0.125
Georgia	0.116	Louisiana	0.129
Idaho	0.138	Maine	0.089
Illinois	0.261	Maryland	0.194
Iowa	0.17	Mississippi	0.107
Kentucky	0.148	New York	0.48
Massachusetts	0.385	North Carolina	0.198
Michigan	0.342	Ohio	0.304
Minnesota	0.169	Oklahoma	0.187
Missouri	0.174	Oregon	0.159
Montana	0.076	Pennsylvania	0.339
Nebraska	0.162	South Carolina	0.124
Nevada	0.138	Texas	0.199

Table 81 Continued

New Hampshire	0.027	Utah	0.065
New Jersey	0.244	Virginia	0.131
New Mexico	0.109	Washington	0.197
North Dakota	0.051	Wisconsin	0.439
Rhode Island	0.133		
South Dakota	0.064		
Tennessee	0.116		
Vermont	0.144		
West Virginia	0.125		
Wyoming	0.054		
Sub total	4.295		4.869
Divide by State	28		22
Average Total	0.15		0.22

The sixteenth conflict of interest variable the Chapman Index measures is the identification of states that have created a state ethics commission to oversee and regulate the ethical (and unethical behavior) of state employees, including legislators. I found most states have created ethics commissions, so I then looked to see how many states have ethics commissions that report directly to the legislature. The regulation of unethical behavior is made more difficult for those states that have not created an ethics commission. It is also more difficult to regulate the unethical behavior of state legislators if the ethics commission reports to the legislature, receives its funding from the legislature, and reports its findings to the legislature; this leads to an inherent conflict of interest. Table 82 breaks the states into two categories: the first column lists those states that either do not have an ethics commission or, if they do, it reports to the legislature; and the second column lists those states that have created a state ethics commission which does not report to the legislature.

As I reviewed these columns, I expected to find the states that have created an ethics commission and do not report to the legislature to be more professional. As you can see

by Table 17 below, the states that have created an ethics commission not reporting to the legislature on average scored higher in their professionalism score. Thirty states (60%) have created these commissions with a professionalism score of .20 contrasting with 20 states (40%) that either has not with a professionalism score of .16. Four of the five most professional state legislatures support creating state ethics commissions that do not report to the legislature. Only New York has either not created a state ethics commission or, if it has, it reports to the legislative branch. See Table 82 for further state details.

Table 82

*Chapman Index- Creation of Independent State Ethics Commission
By Professionalism of State Legislature*

Advantageous (No Commission) or (Reports to Legislature) State	Score	Restrictive (Creates) State	Score
Alaska	0.227	Alabama	0.071
Arizona	0.232	Arkansas	0.106
Florida	0.223	California	0.626
Hawaii	0.225	Colorado	0.202
Idaho	0.138	Connecticut	0.19
Illinois	0.261	Delaware	0.148
Kentucky	0.148	Georgia	0.116
Nevada	0.138	Indiana	0.102
New Hampshire	0.027	Iowa	0.17
New Mexico	0.109	Kansas	0.125
New York	0.48	Louisiana	0.129
North Dakota	0.051	Maine	0.089
South Dakota	0.064	Maryland	0.194
Tennessee	0.116	Massachusetts	0.385
Texas	0.199	Michigan	0.342
Utah	0.065	Minnesota	0.169
Vermont	0.144	Mississippi	0.107
Virginia	0.131	Missouri	0.174
Washington	0.197	Montana	0.076

Table 82 Continued

Wyoming	0.054	Nebraska	0.162
		New Jersey	0.244
		North Carolina	0.198
		Ohio	0.304
		Oklahoma	0.187
		Oregon	0.159
		Pennsylvania	0.339
		Rhode Island	0.133
		South Carolina	0.124
		West Virginia	0.125
		Wisconsin	0.439
Sub total	3.229		5.935
Divide by State	20		30
Average Total	0.16		0.2

After identifying those states that created an independent ethics commission, I then wanted to see what types of responsibilities and duties are assigned to state ethics commissions. For the next category I reviewed the empowering state commission laws and found there are state ethics commissions that are charged with developing employee disclosure forms, employee ethics manuals, and must conduct periodic ethics training for state employees (including legislators). In Table 18 below, I have broken the states into two columns: the first column identifies those states that have not empowered the ethics commission to conduct employee ethics training and provide ethics manuals and disclosure forms; and the second column identifies those states that do make such requirements of their ethics commissions. I expected to find that for those states that do make such requests, those states would have higher professionalism scores for their legislatures. The requirements of forms, manuals, and training aid in restricting unethical behavior, thus it should be supported by a more professional legislature. The analysis confirms my expected results: those commissions that have developed

forms, manuals, and training have more professional state legislatures, scoring .21 on the professionalism index (contrasted with .16 for states that do not). However, I was surprised to learn that more states (26) do not require their state ethics commission to develop forms, manuals, and conduct training. Failing to empower these state ethics commissions to develop forms and ethics manuals and conduct annual employee training only serves to make the legislative environment more advantageous for unethical behavior to occur. Of the five most professional state legislatures, I was surprised to see three falls into the first column (not empowering their state ethics commission). These states are Massachusetts, Michigan, and Wisconsin. See Table 83 for more details on all states.

Table 83

*Chapman Index – State Ethics Commission Developing Forms and Training
By Professionalism of State Legislature*

Advantageous (No Forms & Training) State	Score	Restrictive (Forms & Training) State	Score
Arizona	0.232	Alabama	0.071
Arkansas	0.106	Alaska	0.227
Hawaii	0.225	California	0.626
Idaho	0.138	Colorado	0.202
Iowa	0.17	Connecticut	0.19
Louisiana	0.129	Delaware	0.148
Maine	0.089	Florida	0.223
Massachusetts	0.385	Georgia	0.116
Michigan	0.342	Illinois	0.261
Minnesota	0.169	Indiana	0.102
Mississippi	0.107	Kansas	0.125
Missouri	0.174	Kentucky	0.148
New Hampshire	0.027	Maryland	0.194
New Mexico	0.109	Montana	0.076
North Carolina	0.198	Nebraska	0.162
North Dakota	0.051	Nevada	0.138

Table 83 Continued

Ohio	0.304	New Jersey	0.244
Rhode Island	0.133	New York	0.48
South Carolina	0.124	Oklahoma	0.187
South Dakota	0.064	Oregon	0.159
Utah	0.065	Pennsylvania	0.339
Vermont	0.144	Tennessee	0.116
Virginia	0.131	Texas	0.199
West Virginia	0.125	Washington	0.197
Wisconsin	0.439		
Wyoming	0.054		
Sub total	4.234		4.93
Divide by State	26		24
Average Total	0.16		0.21

The second type of empowerment of state ethics commissions I analyzed involves compliance power. In reviewing the 50 states and their ethics commissions' duties and powers, I noticed that most empower their commissions to monitor compliance of ethics laws by state employees (including legislators), and have even given the state ethics commission subpoena power to call in witnesses to discover ethical violations. As I analyzed the data, I expected to find those states with a more professional legislature to be more likely to empower their ethics commissions with compliance powers. As with previous observations, I assumed the more professional a state legislature, the more likely it is to support ethical behavior of its members, even if it means empowering the state ethics commission with compliance powers. Again, my hypothesis was supported by the data. For the 28 states (56%) that have empowered their ethics commissions with compliance powers, the professionalism score of the legislature was higher (.20), compared to a score of .17 for those states that refused to grant compliance powers. I was, however, surprised to see that 22 states (44%) have not given their state ethics commissions the power to monitor ethical compliance of employee behavior. Two states within the top five most

professional state legislatures have failed to grant such power: Michigan and Wisconsin. See Table 84 for more information.

Table 84

*Chapman Index- State Ethics Commissions Compliance Power
By Professionalism of State Legislature*

Advantageous (Not Empowered) State	Score	Restrictive (Empowered) State	Score
Arizona	0.232	Alabama	0.071
Connecticut	0.19	Alaska	0.227
Florida	0.223	Arkansas	0.106
Hawaii	0.225	California	0.626
Idaho	0.138	Colorado	0.202
Iowa	0.17	Delaware	0.148
Michigan	0.342	Georgia	0.116
Mississippi	0.107	Illinois	0.261
New Hampshire	0.027	Indiana	0.102
New Mexico	0.109	Kansas	0.125
North Carolina	0.198	Kentucky	0.148
North Dakota	0.051	Louisiana	0.129
Ohio	0.304	Maine	0.089
Oregon	0.159	Maryland	0.194
South Carolina	0.124	Massachusetts	0.385
South Dakota	0.064	Minnesota	0.169
Utah	0.065	Missouri	0.174
Vermont	0.144	Montana	0.076
Virginia	0.131	Nebraska	0.162
Washington	0.197	Nevada	0.138
Wisconsin	0.439	New Jersey	0.244
Wyoming	0.054	New York	0.48
		Oklahoma	0.187
		Pennsylvania	0.339
		Rhode Island	0.133
		Tennessee	0.116
		Texas	0.199
		West Virginia	0.125

Table 84 Continued

Sub total	3.693		5.471
Divide by State	22		28
Average Total	0.17		0.2

The final area for empowering state ethics commission with compliance tools involves authorizing state ethics commissions with the ability to enforce its findings through publish annual compliance reports and to have their compliance finding and orders enforced in a court of law. This authority acts to restrict unethical behavior. The ability of a state ethics commission to have its orders enforced through the court system is a major step in compliance as it moves the power of the ethics commission from advisory to enforcement. It allows the state commission to order violators to pay monetary fines, suspend employment, and even terminate employment for ethics violations. As I reviewed the data, I expected to find that the more professional the state legislature, the more likely it would be to support a state ethics commission having court enforceable authority to ensure ethical compliance of its members. The data proves my hypothesis correct. The professionalism average for those state legislatures that support court enforcement and publications scored .22 on the professionalism scale contrasting with a .15 for those state legislatures that did not empower their state ethics commission. In total, however, there are more state legislatures that do not give such authority to their state ethics commission with 27 (54%) opposing to 23 (46%) supporting. Likewise, I was surprised to see 2 out of the top 5 most professional state legislatures, Michigan and Wisconsin, not supporting empowering its state ethics commission with the ability to publish its findings and to have their orders enforceable in court. See Table 85 for more specific detail on each state.

Table 85

Chapman Index- State Ethics Commissions Empowered for Compliance with Annual Reports and Court Orders By Professionalism of State Legislature

Advantageous (Not Utilized) State	Score	Restrictive (Utilized) State	Score
Alaska	0.227	Alabama	0.071
Arizona	0.232	California	0.626
Arkansas	0.106	Delaware	0.148
Colorado	0.202	Florida	0.223
Connecticut	0.19	Indiana	0.102
Georgia	0.116	Iowa	0.17
Hawaii	0.225	Maine	0.089
Idaho	0.138	Massachusetts	0.385
Illinois	0.261	Michigan	0.342
Kansas	0.125	Minnesota	0.169
Kentucky	0.148	Mississippi	0.107
Louisiana	0.129	Missouri	0.174
Maryland	0.194	Montana	0.076
Nebraska	0.162	Nevada	0.138
New Hampshire	0.027	New Mexico	0.109
New Jersey	0.244	New York	0.48
North Carolina	0.198	Pennsylvania	0.339
North Dakota	0.051	South Carolina	0.124
Ohio	0.304	Tennessee	0.116
Oklahoma	0.187	Utah	0.065
Oregon	0.159	Virginia	0.131
Rhode Island	0.133		
South Dakota	0.064		
Texas	0.199		
Vermont	0.144		
Washington	0.197		
West Virginia	0.125		
Wisconsin	0.439		
Wyoming	0.054		
Sub total	4.98		4.184
Divide by State	29		21
Average Total	0.17		0.2

The final Chapman Index measure, for which we will analyze using state legislative professionalism scores as developed by Squire and King, involve legislative ethics committees. We will review: Standing Senate Ethics Committees, Standing House Ethics Committees, “As Needed” Legislative Ethics Committees, Ethics Committee Membership Senate, and lastly Ethics Committee Membership House. The legislative ethics committee is not to be confused with a state ethics commission. The legislative ethics committee is a committee of the legislature designed to investigate alleged ethical violations of legislators. There are two types of legislative ethics committees. There are the “standing” committees and the “as needed” ethics committees. The “as needed” legislative ethics committees are activated only when deemed necessary by legislative leadership, usually to address a very public ethics violation by one of its members. The standing legislative ethics committee should be considered to be more formal and open to the public as these committees meet more regularly, routinely conduct business, and have a formal committee structure with a chairman appointment along with minority spokesman appointment, which usually comes with additional pay. The standing legislative ethics committee grouping is broken down into two groups: Standing Senate Ethics Committees and Standing House Ethics Committees.

As I reviewed those state Senate legislatures that created a Standing Senate Ethics Committee, I expected to find on average that the more professional Senate legislatures would use this format. A Standing Committee structure, to me, appears to be more professional as it has legislative staff assigned to the committee along with routinely appointed committee members. It is also more restrictive as it meets on a regular basis to monitor the ethical behavior of its members. Typically the chairman of the committee, along with the minority spokesperson is paid a stipend to staff the committee. The Standing Ethics Committee is typically authorized

to operate for a two year time frame before needing to be reconfigured due to legislative turnover.

I was surprised to see that only 21 (42%) of the state Senates use a Standing Ethics Committee structure, however on average these 21 states scored higher on their professionalism score than the 29 state Senates that did not use a Standing Committee with professionalism scores of .20 to .17 respectively. Thus, the professionalism score was in keeping with my expected observation that the more professional state Senate legislatures should use standing ethics committees. Of the top 5 most professional state legislatures, only the Wisconsin state Senate does not utilize the Standing Ethics Committee format. See Table 86 for more detail on this measure.

Table 86

*Chapman Index – Standing Senate Ethics Committees
by Professionalism of State Legislatures*

Advantageous (No Standing) State	Score	Restrictive (Standing) State	Score
Alaska	0.227	Alabama	0.071
Arizona	0.232	California	0.626
Arkansas	0.106	Delaware	0.148
Colorado	0.202	Florida	0.223
Connecticut	0.19	Indiana	0.102
Georgia	0.116	Iowa	0.17
Hawaii	0.225	Maine	0.089
Idaho	0.138	Massachusetts	0.385
Illinois	0.261	Michigan	0.342
Kansas	0.125	Minnesota	0.169
Kentucky	0.148	Mississippi	0.107
Louisiana	0.129	Missouri	0.174
Maryland	0.194	Montana	0.076
Nebraska	0.162	Nevada	0.138

Table 86 Continued

New Hampshire	0.027	New Mexico	0.109
New Jersey	0.244	New York	0.48
North Carolina	0.198	Pennsylvania	0.339
North Dakota	0.051	South Carolina	0.124
Ohio	0.304	Tennessee	0.116
Oklahoma	0.187	Utah	0.065
Oregon	0.159	Virginia	0.131
Rhode Island	0.133		
South Dakota	0.064		
Texas	0.199		
Vermont	0.144		
Washington	0.197		
West Virginia	0.125		
Wisconsin	0.439		
Wyoming	0.054		
Sub total	4.98		4.184
Divide by State	29		21
Average Total	0.17		0.2

When I analyzed the data regarding the number of state House legislatures that utilize a Standing Ethics Committee format by King's professionalism, I expected to find similar results. I expected to see those state legislatures incorporating Standing House Ethics Committees to be on average more professional than those states that do not. I also expected to see the averages go down slightly, as I assumed that on average Senate chambers will behave more professionally than House chambers, so the professionalism score should reflect the same by go down slightly. What I found confirmed my expectations. The states that utilized a Standing House Ethics Committee scored slightly higher in professionalism with a .19 than those states that do not with a score of .18. The number of state House chambers using a Standing Ethics Committee was also similar to the number of state Senate chambers doing the same. There are 20 states (40%) using standing House Ethics Committees compared to 21 states (42%) using standing Senate

Ethics Committees. When I reviewed the top 5 most professional state legislatures, I discovered 2 of these state House chambers do not use a standing ethics committee, Michigan and New York. See Table 87 for more state details.

Table 87

*Chapman Index- Standing House Ethics Committees
by Professionalism of State Legislature*

Advantageous (Not Utilized) State	Score	Restrictive (Utilized) State	Score
Alabama	0.071	California	0.626
Alaska	0.227	Delaware	0.148
Arizona	0.232	Hawaii	0.225
Arkansas	0.106	Indiana	0.102
Colorado	0.202	Iowa	0.17
Connecticut	0.19	Maine	0.089
Florida	0.223	Massachusetts	0.385
Georgia	0.116	Minnesota	0.169
Idaho	0.138	Mississippi	0.107
Illinois	0.261	Missouri	0.174
Kansas	0.125	Montana	0.076
Kentucky	0.148	Nevada	0.138
Louisiana	0.129	New Mexico	0.109
Maryland	0.194	Oregon	0.159
Michigan	0.342	Pennsylvania	0.339
Nebraska	0.162	South Carolina	0.124
New Hampshire	0.027	Tennessee	0.116
New Jersey	0.244	Utah	0.065
New York	0.48	Virginia	0.131
North Carolina	0.198	Wisconsin	0.439
North Dakota	0.051		
Ohio	0.304		
Oklahoma	0.187		
Rhode Island	0.133		
South Dakota	0.064		
Texas	0.199		
Vermont	0.144		
Washington	0.197		

Table 87 Continued

West Virginia	0.125		
Wyoming	0.054		
Sub total	5.273		3.891
Divide by State	30		20
Average Total	0.18		0.19

The last type of legislative ethics structure that I found to be useful in analyzing professionalism scores are those state legislatures that only activate a legislative ethics committee when it is determined by the leadership to be “needed.” Typically these “as needed” legislative ethics committees are activated as a reaction to a public scandal or after criminal charges have been brought against a legislative member. In both cases the media coverage forces the legislative leadership to take action and address the ethical crisis as these public scandals impact the public trust of the entire legislature.

Before I analyzed the data, I expected to see fewer state legislatures using the “as needed” option and for those state legislatures that do, they should score lower in their respective professionalism score than those who do not use this option. Upon analyzing the data I found my expectations to be accurate. There are only 12 states (24%) that use the “as needed” option. These states have an averaged professionalism score of .17 contrasted with the 38 states (76%) that do not use the “as needed” option for state legislative ethics committees. Lastly in keeping with my expectations, in regards to the 5 most professional state legislatures, all 5 do not use this option. Thus, it appears the more professional a state legislature, the less likely it is to use the “as needed” state legislative ethics commission structure. See Table 88 for more detail.

Table 88

*Chapman Index – “As Needed” Legislative Ethics Committee
By Professionalism of State Legislature*

Not “As Needed” State	Score	“As Needed” State	Score
Alabama	0.071	Arizona	0.232
Alaska	0.227	Colorado	0.202
Arkansas	0.106	Florida	0.223
California	0.626	Hawaii	0.225
Connecticut	0.19	Idaho	0.138
Delaware	0.148	Illinois	0.261
Georgia	0.116	Kansas	0.125
Louisiana	0.129	Montana	0.076
Indiana	0.102	New Mexico	0.109
Iowa	0.17	Oregon	0.159
Kentucky	0.148	South Dakota	0.064
Maine	0.089	Texas	0.199
Maryland	0.194		
Massachusetts	0.385		
Michigan	0.342		
Minnesota	0.169		
Mississippi	0.107		
Missouri	0.174		
Nebraska	0.162		
Nevada	0.138		
New Hampshire	0.027		
New Jersey	0.244		
New York	0.48		
North Carolina	0.198		
North Dakota	0.051		
Ohio	0.304		
Oklahoma	0.187		
Pennsylvania	0.339		
Rhode Island	0.133		
South Carolina	0.124		
Tennessee	0.116		
Utah	0.065		
Vermont	0.144		
Virginia	0.131		
Washington	0.197		

Table 88 Continued

West Virginia	0.125		
Wisconsin	0.439		
Wyoming	0.054		
Sub total	7.151		2.013
Divide by State	38		12
Average Total	0.19		0.17

The last two observations I made regarding the professionalism of state legislatures and the Chapman Index measurements involved identifying those state legislatures that only use legislative members to serve on their respective ethics committees. What I expected to find was the more professional state legislatures behaving more ethically by incorporating non-legislative members to serve on their ethics committees. I expected the more professional state legislatures to acknowledge the ethical dilemma of only allowing legislators to sit on the ethics committee charged with investigating alleged ethical violation of their fellow members. I expected the more professional state legislature to be aware of and appreciate the public's perception and lack of trust in having only legislators investigating and levy corrective action against a fellow member..

What I found was that for the House Ethics Committees, over the half of the states (29 states, or 58%) only allow House members to serve on the ethics committees. I was even more surprised to learn that the 29 state legislatures that only use House members for their House ethics committees scored higher on the professionalism scores, with an average score of .19 compared to .17 for those state legislatures that appoint non-House members to their respective ethics committees. Three out of the top five most professional state legislatures use only House members on their committee: California, Massachusetts, and Wisconsin. Both the Michigan and New York state legislatures are part of the 21 states (42%) that use House members and non-

House members in their House ethics committees. See Table 89 for more details on this measure.

Table 89

*Chapman Index- Ethic Committee House Members Only
by Professionalism of State Legislature*

House Members Only State	Score	Non-House Members Included State	Score
Arizona	0.232	Alabama	0.071
California	0.626	Alaska	0.227
Colorado	0.202	Arkansas	0.106
Delaware	0.148	Connecticut	0.19
Florida	0.223	Georgia	0.116
Hawaii	0.225	Kentucky	0.148
Idaho	0.138	Michigan	0.342
Illinois	0.261	Nebraska	0.162
Indiana	0.102	New Hampshire	0.027
Iowa	0.17	New Jersey	0.244
Kansas	0.125	New York	0.48
Louisiana	0.129	North Carolina	0.198
Maine	0.089	North Dakota	0.051
Maryland	0.194	Ohio	0.304
Massachusetts	0.385	Oklahoma	0.187
Minnesota	0.169	Rhode Island	0.133
Mississippi	0.107	Vermont	0.144
Missouri	0.174	Virginia	0.131
Montana	0.076	Washington	0.197
Nevada	0.138	West Virginia	0.125
New Mexico	0.109	Wyoming	0.054
Oregon	0.159		
Pennsylvania	0.339		
South Carolina	0.124		
South Dakota	0.064		
Tennessee	0.116		
Texas	0.199		
Utah	0.065		

Table 89 Continued

Wisconsin	0.439		
Sub total	5.527		3.637
Divide by State	29		21
Average Total	0.19		0.17

The final observation to be analyzed using Squire and King's state professionalism scores involve identifying those legislatures that use only Senate members to serve on their respective Senate chambers ethics committees. Just like the last observation, I expected to find the more professional state Senates to incorporate non-Senate members to service on their ethics committee. This time, the states that allowed non-members scored higher in their average professionalism score (.19), compared to those states that only use Senate members (.18). Unlike the House analysis, this Senate observation meets my expectation of the more professional state legislatures using non-Senate members for Senate ethics committees. And just like with the House observation, I was surprised to learn there are fewer state legislatures incorporating non-Senate members to serve on their ethics committee, with 21 states (42%), compared to 29 states (58%) that use only Senate members. Two out of the five most professional state legislatures use only Senate members on their Senate ethics committees (California and Massachusetts), while Michigan, New York, and Wisconsin incorporate non-members. See Table 90 below for more state details.

Table 90

*Chapman Index – Ethics Committee Senate Members Only
by Professionalism of State Legislature*

Senate Members Only State	Score	Non-Senate Members Included State	Score
Alabama	0.071	Alaska	0.227
Arizona	0.232	Arkansas	0.106
California	0.626	Connecticut	0.19
Colorado	0.202	Georgia	0.116
Delaware	0.148	Kentucky	0.148
Florida	0.223	Michigan	0.342
Hawaii	0.225	Nebraska	0.162
Idaho	0.138	New Hampshire	0.027
Illinois	0.261	New Jersey	0.244
Indiana	0.102	New York	0.48
Iowa	0.17	North Carolina	0.198
Kansas	0.125	North Dakota	0.051
Louisiana	0.129	Ohio	0.304
Maine	0.089	Oklahoma	0.187
Maryland	0.194	Rhode Island	0.133
Massachusetts	0.385	Vermont	0.144
Minnesota	0.169	Virginia	0.131
Mississippi	0.107	Washington	0.197
Missouri	0.174	West Virginia	0.125
Montana	0.076	Wisconsin	0.439
Nevada	0.138	Wyoming	0.054
New Mexico	0.109		
Oregon	0.159		
Pennsylvania	0.339		
South Carolina	0.124		
South Dakota	0.064		
Tennessee	0.116		
Texas	0.199		
Utah	0.065		
Sub total	5.159		4.005
Divide by State	29		21
Average Total	0.18		

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