

Who We Elect

Although not quite as diverse as the American public, state lawmakers are a remarkably varied lot.

BY KARL KURTZ

Who is the “average” lawmaker in America today? A white, male, Protestant baby boomer, with a graduate degree and a business background—a stereotype of the American “establishment.” But the truth is, there’s nothing average about the nation’s 7,383 legislators; in fact, only 50 actually have all six of those characteristics.

State lawmakers are less diverse than the country in general, but they reflect the wide variety of people they serve more closely than ever before, according to a new joint study by NCSL and the Pew Charitable Trusts.

Karl Kurtz is a white male Protestant from the Silent Generation with an advanced degree. By no means average, he retired last year from NCSL and now is principal of the consulting firm, LegisMatters.



There are six times as many women serving in state legislatures today than in 1971. By 2009, their portion had grown from a meager 4 percent to nearly 25 percent, where it is today. But women comprise 51 percent of the country's population. They have a long way to go to reach parity. If they would run at the same level as men, they might get there. When they're on the ballot, they win as often as men.

Likewise, African-Americans, between 1971 and 2009, jumped from 2 percent to 9 percent of all state lawmakers. They currently make up 13 percent of the U.S. population. But since 2009, the advances of women and blacks in legislatures have stalled.

Gains for Hispanic legislators have come primarily in the past six years, but at 5 percent, they are well short of their 17 percent slice of the total population pie. Low voter registration and turnout among Hispanic immigrants and their wider dispersal (compared with blacks) throughout the general population explain why there are fewer Latino-majority legislative districts.

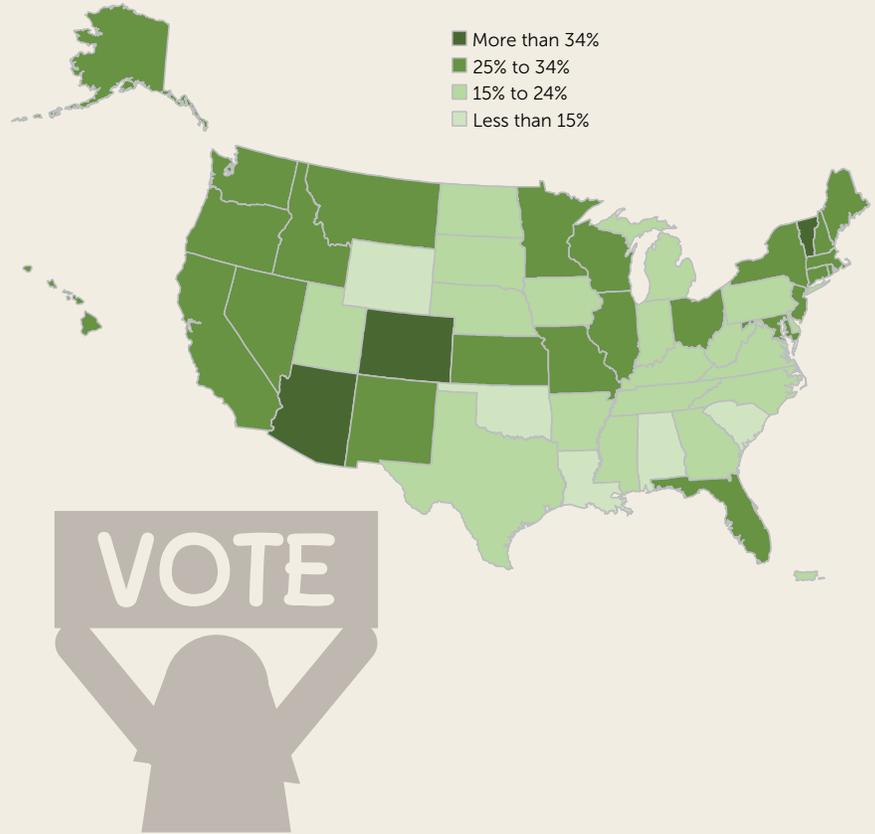
There are slightly more women in house chambers (25 percent) than in senates (22 percent), but the difference is not statistically significant. Between political parties, however, the difference is larger. Women comprise 34 percent of the Democratic lawmakers and 17 percent of the Republicans. In Colorado, Idaho, Montana and Utah, women make up the majority of the Democratic legislators. In Hawaii, women hold half the eight Republican seats in the Hawaii Legislature.

Minorities also are better represented among Democrats (33 percent) than Republicans (5 percent). Minorities (combined) now fill the majority of Democratic seats in the Arizona, California and Nevada legislatures. In nine Southern states, a majority of Democrats are black, while in New Mexico, the majority are Hispanic. In Hawaii, minority lawmakers (mostly of Asian and Pacific Islander descent) constitute majorities among the Democrats and Republicans alike. In all of these states, except California, Hawaii and New Mexico, Republicans are in the majority.

One of the arguments made for term limits during the 1990s, was that they would allow the number of women and minorities serving in state legislatures to increase. But 25 years later, in the 15 states still with limits, that hasn't occurred. Minority legislators average 19 percent of the membership in term-limited states and 17 percent in the other states, a statistically insignificant difference. The proportion of female members, as well, is virtually the same in the two types of legislatures. In fact, of all these demographic categories, the only one that has been affected by term limits is age.

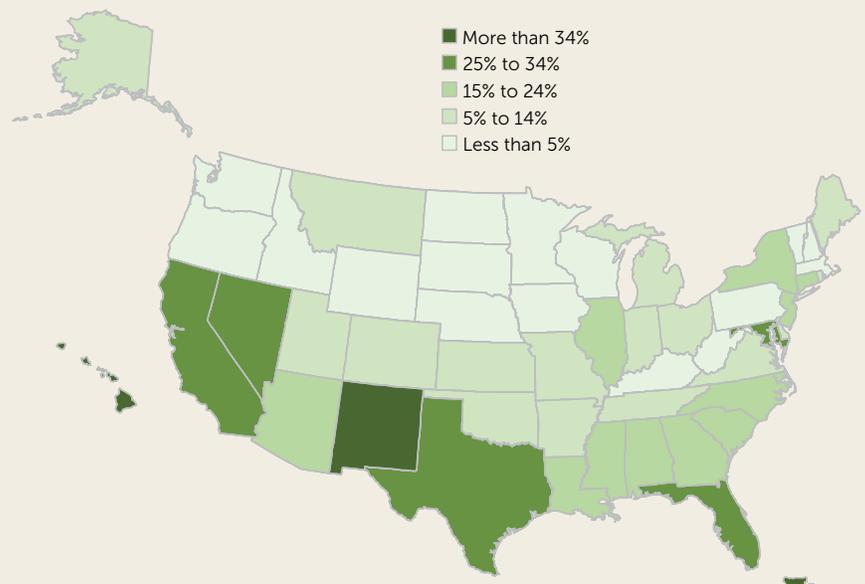
Where Women Run and Win

The steady increase in the number of female state lawmakers stalled out in 2009 at around 24 percent, where it remains today. In Congress, women hold only 20 percent of the seats.

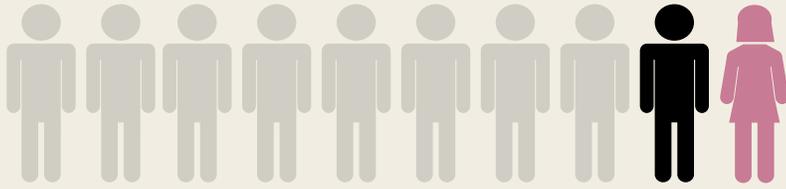


Where Minorities Serve

The Southern Tier has the largest concentration of minority lawmakers. The national average is 18 percent.

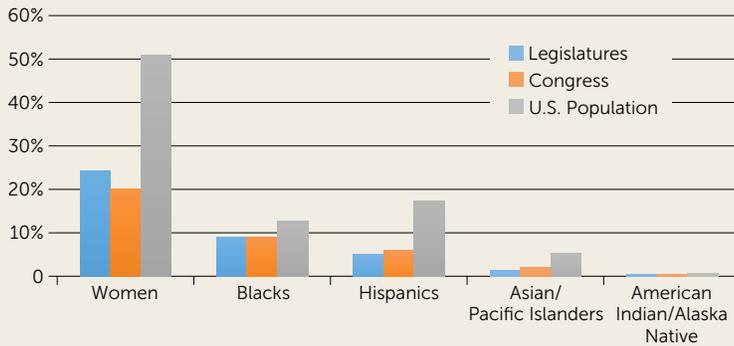


Women, Minorities Underrepresented (cont.)



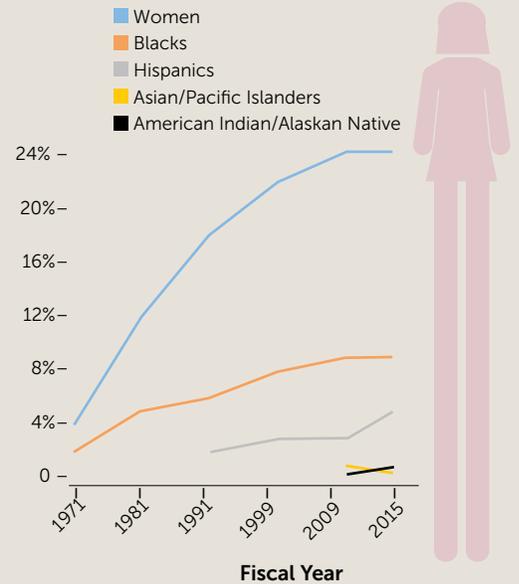
Room for Growth

Women and Hispanics are the most underrepresented populations in state legislatures today.



Growing Numbers

The growth in the number of women and minority groups serving in legislatures since 1971.



Educated to a Degree

The majority of legislators and members of Congress have a college degree, and the numbers are about the same for Democrats and Republicans. But the fact that two-thirds of members of Congress and 40 percent of state legislators have graduate or professional degrees, compared with 11 percent of the U.S. population, is remarkable. The proportions of doctoral and master's degrees are about the same in Congress as in state legislatures. But in the area of law, 39 percent of the members of Congress have law degrees compared to only 17 percent of state lawmakers.

The state legislative education data, however, are incomplete for nearly a quarter of the members. It is tempting to speculate why lawmakers would not share their educational background, but we'll leave any guessing up to the reader.

On Top

Portion of Legislators With Advanced Degrees

60%

New Jersey

58%

New York

56%

Virginia

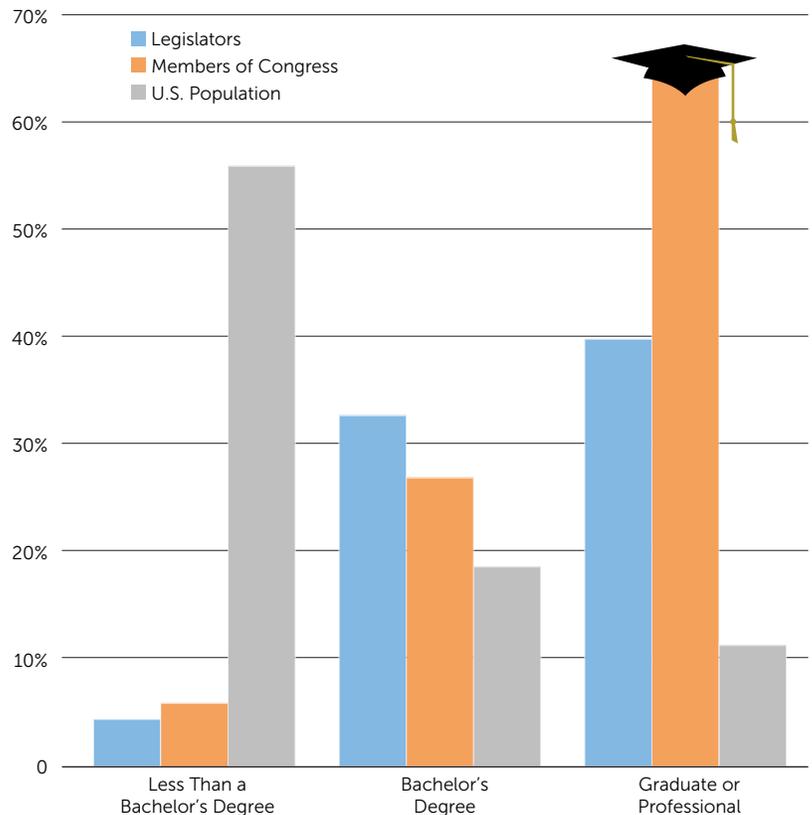
54%

Maryland

52%

Nevada/Oregon

Who's Most Educated?

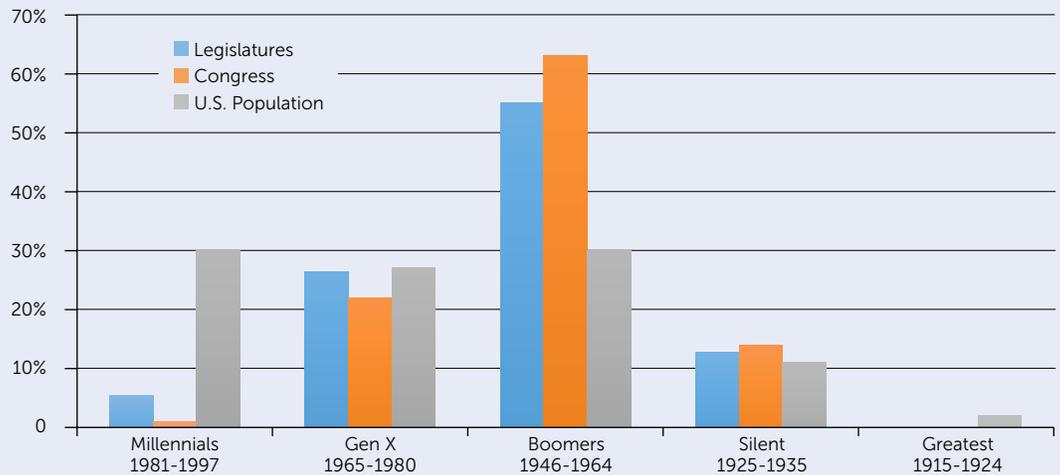


Note: Data obtained for only 77 percent of lawmakers.

Lawmakers Are Older and ...

Across the Generations

Baby boomers are better represented in legislatures, in relation to their portion of the U.S. population, than any other age group.



The average age of all state legislators is 56, compared with 47 for the adult U.S. population. But the average term-limited legislator is three years younger than his or her peers. That's no surprise since, by definition, term-limited legislatures have fewer long-serving—and therefore older—members.

Across the country, the average female legislator is two years older than her male counterpart. Likewise, senators tend to be about two years older than house members, probably reflecting a tendency for legislators to serve first in the house or assembly, then move on to the senate. Probably for the same reason, the

average age of members of Congress is 59, as most people serve at the state level before running for national office.

There are no differences in ages between members of the two political parties or among various regions of the country.

Legislators from the baby-boomer generation have a disproportionate influence in America's legislatures, with nearly twice as many members as their overall share of the U.S. population would warrant. The millennial generation (1981-1997) is seriously underrepresented in both state legislatures and Congress. A positive sign for the younger generation, though, is that their share of the state legislative population has grown from 1 percent in 2009 to 5 percent in 2015.

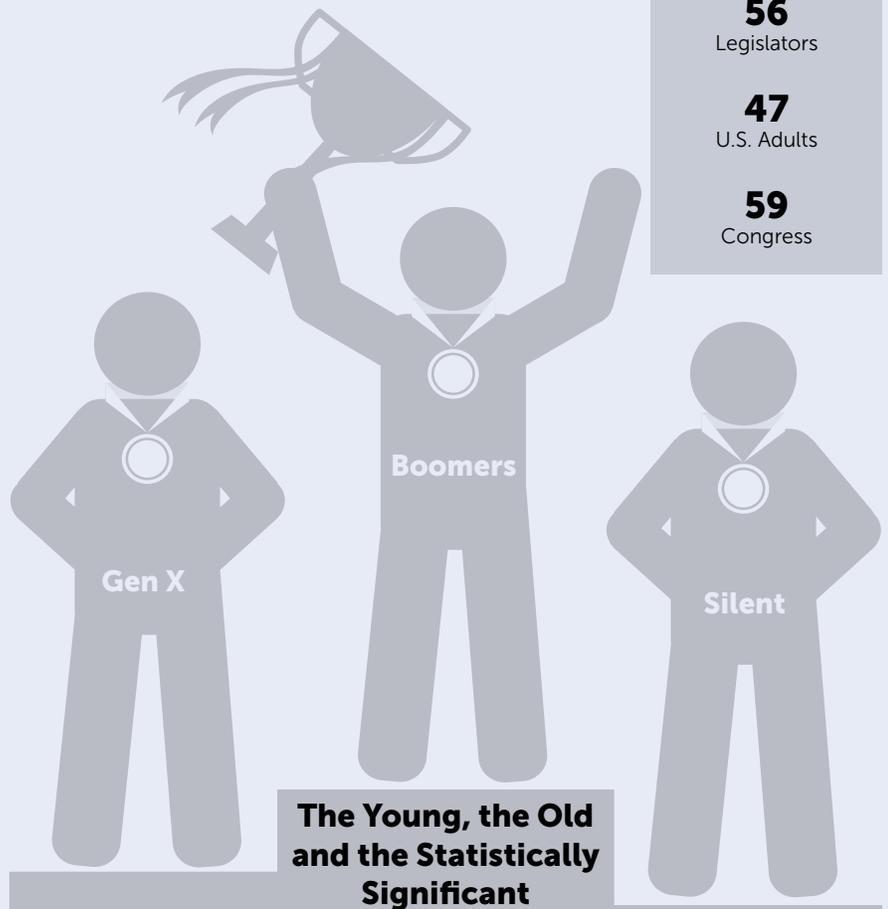
Among those who reported their birth year in this study, Representative Saira Blair (R) of West Virginia was the youngest at age 19, and Representative John Yates (R) of Georgia—one of four nonagenarian lawmakers—was the oldest at 94.

Average Ages

56
Legislators

47
U.S. Adults

59
Congress



The Young, the Old and the Statistically Significant

- Senators, on average, are two years older than House members.
- Lawmakers in term-limited legislatures are three years younger than those in the other states.
- Female lawmakers, on average, are two years older than their male counterparts.

The Oldest Legislatures
(Average Age of Members)

66
New Hampshire

63
Idaho

62
New Mexico

61
Vermont

The Youngest

50
Puerto Rico

50
Michigan

51
Florida

52
Wisconsin

52
Ohio



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Religion Reflects Society

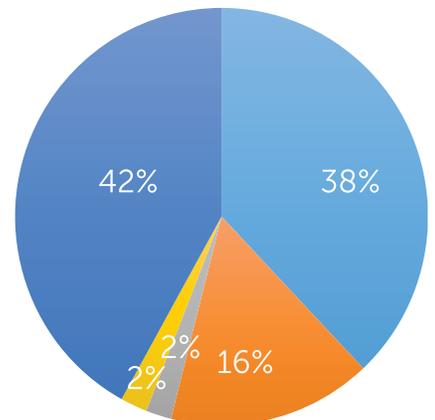
The religions of state legislators appear to reflect those of the U.S. population as a whole: Protestants and Catholics predominate, with a large number of “unaffiliated.”

While only nine of the 535 members of Congress list no religious affiliation, 22 percent of Americans report having no religious affiliation, according to the U.S. Census Bureau. Interestingly, among state legislators, 42 percent choose not to report their religious preference. It’s hard to say why, but the reasons for choosing not to state a religious preference may differ from why one chooses to be unaffiliated, so the two categories should not be compared directly.

At just less than 2 percent, Jews make up the largest number of non-Christian legislators nationally, although more than 5 percent of the legislatures in New York, Florida, Maryland and Illinois are Jewish. Only six legislators in the country report being Buddhist, Hindu or Muslim. The only state legislator who identifies himself as an atheist is the long-serving, iconoclastic Nebraska Senator Ernie Chambers (NP).

Faith

Many lawmakers choose not to identify their religious preference.



- Protestant 38%
- Catholic 16%
- Other Christian 2%
- Non-Christian 2%
- Unspecified/Not Available 42%

The Work of Legislators

NCSL has been collecting data on the occupations of state legislators for nearly 40 years. Their jobs and professions provide a broad-brush view of members' backgrounds. People engaged in business, many of them small-business owners, make up the single largest category.

There are substantially fewer lawyers serving in state legislatures than there were 40 years ago, and farmers and ranchers have declined by half, from 10 percent to 5 percent. New Jersey, Louisiana, Virginia and South Carolina top the list of states with at least one-quarter of their members practicing law. Not surprisingly, Nebraska, South Dakota, Wyoming, North Dakota and Montana all have more than 15 percent of their members working in the agricultural sector.



Descriptive Representation



These demographic characteristics of legislators make up what political scientists call “descriptive representation”—a way to measure the extent to which legislators mirror the population as a whole. While reflecting the demographics of one’s constituents may be a noble goal to strive for, in practice, with single-member legislative districts, it’s almost impossible to achieve.

There’s a lot more to representation than simply sharing the characteristics of your district.

Good representatives, according to the late political scientist Alan Rosenthal, “are continuously sensitive to the opinions, interests and demands of their constituents”—what Hannah F. Pitkin called “a constant condition of responsiveness, of potential readiness to respond,” in her classic book, “The Concept of Representation.” After all, representation is in the doing, not the belonging.

Their Other Jobs

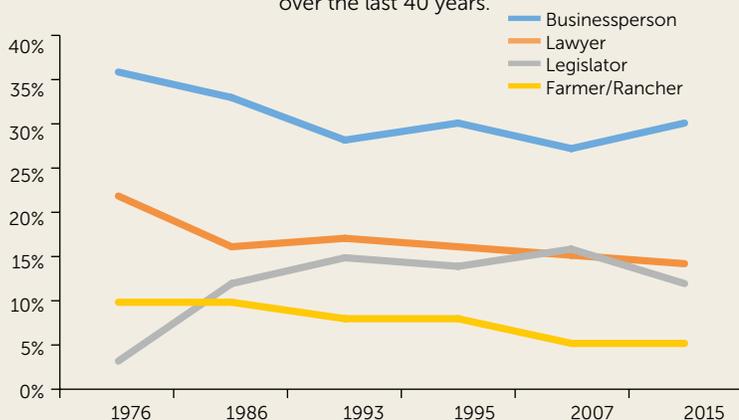
Occupation	Total
Business	30%
(Owner—13%)	
(Other—11%)	
(Real Estate—3%)	
(Insurance—2%)	
Attorney	14%
Legislator	12%
Retired	8%
Consultant	8%
Nonprofit Professional	
Educator	6%
Agriculture	5%

The number of people who report their occupation as “full-time legislator” has declined recently, perhaps because of the current widespread, public distrust of full-time politicians. Nevertheless, nearly half the members of the Pennsylvania General Assembly list their occupation as “legislator,” followed by at least a third of the lawmakers in Illinois, Massachusetts, New York and Wisconsin. Yet, in California, arguably the most “full-time” state legislature, only 8 percent of the members report their occupation as legislator, about the same as in Missouri, Colorado and Kentucky.

This points out the flaws of relying on self-reporting in general. Many legislatures collect and publish information on their members, but the definitions, categories and coding can vary widely. In the end, we can only accept the information for what it is—a broad overview of the types of people who make up our lawmaking bodies, with a pinch of healthy skepticism about conclusions drawn from the details.

What They Do

The ups and downs of a few common occupations of lawmakers over the last 40 years.



The Study

This joint study by NCSL and the Pew Charitable Trusts was conducted by compiling data gathered between May and September 2015 from the following sources:

- KnowWho, a directory publisher that gathers information from legislative websites, accessed in May 2015
- Project VoteSmart
- The Pew Research Center’s 2014 U.S. Religious Landscape Study
- The Census Bureau’s American Community Survey, accessed September 2015
- Legislators’ personal websites
- Membership lists from the National Black Caucus of State Legislators, the National Hispanic Caucus of State Legislators and the Asian Pacific Islander Legislative Caucus
- Key state legislative staff offices.

Complete data were obtained for members of Congress in all categories and for state legislators on gender, race and ethnicity. Other categories have incomplete data: Researchers found the occupation of 95 percent of lawmakers, the educational level attained for 77 percent, the ages of 75 percent, and the religion (or none) for only 58 percent. Analysis of the categories with incomplete data must be done with caution.

Stanford University intern Michael Gioia, NCSL’s Brian Weberg, University of Rochester Professor Lynda Powell and the Pew Charitable Trusts’ Rica Santos assisted in collecting and analyzing the data. This project was funded by NCSL and the Pew Charitable Trusts. For the entire report, go to www.ncsl.org/magazine.