

# Paying to Play: Dual Candidacy Laws and the Potential Costs of Running for Office

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## Abstract

*While a number of scholars have reckoned with the rational-choice model of candidacy for office, a great deal of attention has been focused on the likelihood of winning and the overall “opportunity structure” potential candidates face as influential shapers of their decisions. This research does not dispute these factors as formative and dominant, but instead seeks to use a ready-made natural experiment - state laws which prevent candidates from running for more than one office at once - to differentiate between the effects of the “costs” of running for office, which are a guaranteed loss of current benefits, and the “risks” of running for office, which only forfeit current benefits if the candidate wins. The theoretical argument is that candidates subject to these laws, in which current officeholders must essentially forfeit their current office in order to run for higher office, will do so at lower rates due to this increased guaranteed cost. I utilize an original comprehensive dataset of members of the U.S. House of Representatives in every state and district from 1946 - 2016 and model their likelihood of running for U.S. Senate using logistic regression abetted by more simplistic difference-of-means tests. While the results are inconclusive, there are several possible avenues by which this research could make a meaningful contribution.*

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Given the importance of the subject, it is unsurprising that many theories exist to attempt to explain the decision-making process behind the ambitious politician's run for office. While difficult to apply and calculate for any one politician, rational choice theories of candidacy that consider the varying costs and benefits can be of great use in guiding our thinking about which elements of politics these politicians value, and at which amounts. In considering these theories and potential variants, my research will not attempt to create a complete standalone model which can be applied term-for-term to each individual politician considering a run for office (or, in this case, for higher office). While there are many admirable studies that attempt this, my work instead will dive into deeper theoretical territory with the individual terms themselves, and will consider the specific benefits, probabilities, costs, and risks that politicians must recognize when and if they decide to step forward as a candidate for a particular office. Formal theory will thus guide my discussion into a natural legal experiment that states have subjected their candidates to and that could substantially change the effect of one or more of the terms. This experiment involves legal restrictions put in place in ten states that essentially force elected officials to resign their seats in order to formally run for a different office. I will return shortly to the particulars of these laws, as well as the potential and tested implications.

### *The Rational Choice Model and Theoretical Grounding*

Rational choice theorists in this vein of research have traditionally worked from a basic conceptualization of costs and benefits when attempting to formally structure the decision-making process of a potential candidate for office. In *Strategy and Choice in Congressional Elections*, Jacobson and Kernell (1981) address candidate emergence in

Congressional elections as a marketplace of political office in which potential and current candidates are strategic rational actors with agency over the decision to be a contender. Their argument - that politicians act strategically based on the national political environment - is based in large part on a simple yet useful rational utility function originally proposed by Gordon Black (1972) in his seminal work on officeholder career choices:

$$U = P*B - C, \text{ where:}$$

U = Utility of target office; P = Probability of winning election to target office; B = Value of target office; and C = Cost of a campaign to run for office. This is the same basic model used to calculate utility of voting (Downs 1959, Riker and Ordeshook 1968, Blais 2000), and is useful but incomplete. Jacobson and Kernell, however, amend this conceptualization and substitute (or rather, supplement) the “cost” term with the following:

$$U = P*B - R, \text{ where:}$$

R = Comprehensive risk. When discussing components of their “risk” variable, Jacobson and Kernell include traditional factors like the financial cost of the campaign as proposed by Black (1972), but also less tractable costs such as the opportunity cost of losing their base office (their current office), and the intrinsic value of that office. It is primarily with conceptualizations of this variable, and the importance of differentiating them under certain circumstances, that my project will be concerned. Much of the literature, including Jacobson and Kernell’s work, has focused in large part on the “P” term - the perceived likelihood of victory for the potential candidate in question (Rohde 1979; Jacobson and Kernell 1981; Brace 1984; Stone and Maisel 2003). There is no doubt that this term is an important one in terms of discounting or supplementing the potential benefits (the “B” term) of achieving the office in question. But

classifying certain costs merely as potential costs, and thus discounted under the “P” term, or alternatively as guaranteed built-in costs of running for another office, is a traditionally overlooked distinction that this research hopes to amplify.

Jacobson and Kernell’s conceptualization of comprehensive “risk” rather than the simple “cost” term is a critical distinction that forms the basis of this work. Campaign financing is just one component of this “cost” term: earlier work on ballot access laws and other institutional barriers faced by candidates has focused heavily on more traditional “costs” of getting on the ballot such as filing fees and signature requirements (Roebuck and Dyer 1982). While these have been found to have significant effects on candidate entry and recruitment (Ansolabehere and Gerber 1996, Stratmann 2005, Dowling 2008), these laws do not get to the heart of the decision-making process for current officeholders looking to rise into a more prestigious office: the value they place on their current office. This is the critical distinction between barriers to candidate emergence and those affecting candidate ambition, a more specific and nuanced subset of decision-making.

While there are any number of background factors that could impact the decision to run for office based on various components of the “cost” term, an assumption in the field of political ambition is that current officeholders have, to some degree, already overcome many of these hurdles permanently by winning office in the first place. Thus, when it comes to advancement from, for example, the House to the Senate, many ballot-access requirements that plague political amateurs (Dowling 2008) are unlikely to represent significant hurdles for current members of the House, who presumably have built-in institutional resources and personal followings (Fenno 1978) that enable them to easily overcome these comparatively trifling barriers. Advancement to

a more prestigious office from one already held comprises a unique context that changes the many incentives, costs, benefits, and risks that Jacobson and Kernell draw out in their model.

With this in mind, the barriers that do impact the decision-making process and political ambition of these potential candidates are those which threaten these unique resources and are damaging politically. It has been shown, for example, that potential candidates require higher probabilities of winning when costs are high to leave their current position (Berkman and Eisenstein 1999). From a formal theoretical point of view, this represents not so much a heightened cost but rather a significant potential loss of benefits. If a House member runs for Senate and loses, the member faces a political setback which may damage any future prospects for ambitious activity (that is, running for a more “prestigious” position); this is part of the “risk” of running for higher office. If, in the more extreme circumstance this paper addresses, they must abandon their seat in order to run for Senate, they lose at the very least an entire term of both abstract and tangible benefits (however they define this term) in the House. In other words, these candidates, while situated in a more favorable starting position in terms of *costs*, quite simply have more to lose in terms of *risks*. The traditional conceptualization of “cost” has guided other works in showing the structural barriers of running for office which have effects on *candidate emergence*; but very few have used Jacobson and Kernell’s differentiated concept of *risk* to identify the unique challenges and assumptions present in higher office candidate *ambition*. Fewer still have separated out the two into their more tangible and useful representations.

Doing this requires a reconsideration of Jacobson and Kernell’s formal logic. In their model, they pool guaranteed costs and those associated with *risk* - that is, not guaranteed, and inextricably tied with the likelihood of victory for the target office - into one term, the

comprehensive “R” term. However, as stated above, the loss of current office in favor of a more prestigious one represents not so much a heightened cost, but rather a significant potential loss of differentiated benefits. It is for this reason that while their introduction of risk and potentiality as concepts is eminently useful and a substantively critical contribution, a modification of Jacobson and Kernell’s formula that takes into account this nuanced differentiation is necessary. One possible formalization of such a model follows:

$$U = P*(B_T - B_B) - C, \text{ where:}$$

U = Overall utility of the strategic decision; P = Probability of winning election to target office; B<sub>T</sub> = Value of target office; B<sub>B</sub> = Value of base office; and C = All guaranteed costs associated with a campaign for higher office. This model accounts for the “traditional costs” such as campaign expenses, filing fees, petitions, and so forth within the “C” term. These are the guaranteed costs of conducting a campaign for higher office, regardless of the outcome of the election. But these are separated in this model from the other primary component of Jacobson and Kernell’s “R” term - the potential costs associated with an officeholder forfeiting their current seat and its associated benefits (B<sub>B</sub>) in favor of those associated with the target office (B<sub>T</sub>).

#### *Expanding the “C” Term: Dual-Candidacy Laws and Guaranteed Costs*

With this conceptualization of costs, risks, and more nuanced candidate considerations in mind, we can turn to state-level legal restrictions to help us test the effect increased costs might have on sitting officeholders’ decision-making process for ambitious political activity. Ten states currently have instituted legal restrictions that prevent a candidate from appearing more than

once on a state election ballot in any capacity (see Table 1). In all other states that have no such laws, officeholders may run for reelection for their current office while simultaneously attempting a run for higher office. In other words, most other candidates, if unsuccessful in the “ambitious” election, can appear on the ballot for their old office as a “fallback.”

**Table 1: Summary of State Dual-Candidacy Laws**

State	Format	Language	Year Effective	Exceptions/Notes
Arizona	Arizona Rev. Statute § 38-296	"A person is not eligible to be a candidate for nomination or election to more than one public office if the elections for those offices are held on the same day and if the person would be prohibited from serving in the offices simultaneously."	1997	
Colorado	Colorado Rev. Statute § 1-4-501	"No person is eligible to be a candidate for more than one office at one time"	1973	
Illinois	Illinois Ann. Statute § 10-7(9)	"If petitions for nomination have been filed for the same person for 2 or more offices which are incompatible so that the same person could not serve in more than one of such offices if elected, that person must withdraw as a candidate for all but one of such offices."	2015	
Florida	Florida Ann. Statute § 99.012	"No person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other."	1965	
Kentucky	Kentucky Rev. Statute § 118.405	"No candidate's name shall appear on any voting machine or absentee ballot more than once"	1990	
Louisiana	Louisiana Rev. Statute § 453	"No person shall become a candidate for more than one office."	1976	
Missouri	Missouri Rev. Statute § 115.351.1	"No person shall file for one office and, without withdrawing, file for another office to be filled at the same election."	1977	President/Vice President
Oregon	Oregon Rev. Statute § 249.013	"No person shall be a candidate for more than one office to be filled at the same election. In the case of two or more candidate filings, all shall be invalid."	1971	
Utah	Utah Code Ann. § 20A-9-201	"No person shall be a candidate for more than one office during any election year"	?	President/Vice President; Could not determine year effective before analysis
Wisconsin	Wisconsin Rev. Statute § 8.03(1)	" The name of any candidate who is nominated to the same office by more than one party or primary or nominated for more than one partisan or state nonpartisan office shall appear under the party first nominating him or her or under the office to which he or she was first nominated."	1979	President/Vice President

Perhaps the most salient examples of these types of legal issues happen at the presidential level, and can help orient our understanding of the effects these restrictions might have. A very

recent example is Marco Rubio (R-FL), whose candidacy for the presidency in 2016 coincided with a cycle in which he faced re-election to a particularly valuable Senate seat. But Rubio's home state of Florida has dual-candidacy laws on the books, which dictate in one form or another that a candidate for one office cannot appear on the ballot in the same election for a different office. Therefore, if Rubio had opted to remain on the ballot as a presidential candidate past the state's filing deadline in June, Rubio would have foreclosed his chance to retain his Senate seat as a major-party candidate (as it happens, Rubio dropped out of the presidential race before federal the filing deadline). Other high-profile candidates have been better-positioned - that is, living in states without these laws - such that they don't need to make this choice. Then-Senator Joe Biden (D-DE) was nominated as Barack Obama's vice presidential candidate in 2008 while in the same election appearing on the ballot for reelection for his Senate seat. In 2012, then-Representative (now Speaker of the House) Paul Ryan (R-WI) found himself in a similar position after being nominated as Mitt Romney's vice presidential candidate<sup>1</sup>. Both Biden and Ryan could appear on their state's ballot twice for two different offices, be elected to both, then resign from the "lower" office if they were successful in their election to "higher" office.

While the most high-profile of these examples are at the presidential and vice-presidential levels, it is a much more common consideration for those in lower offices. Nearly all of these restrictions apply to local, state, and federal offices: for example, a current state legislator could not run for reelection while attempting a simultaneous run for U.S. House (or Mayor, Governor, etc.). An even more common example, and the subject of analysis for this project, is the member of the U.S. House making the decision to run for the Senate.

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<sup>1</sup> In fact, the Wisconsin State Legislature carved out an exception in its dual candidacy laws for President/Vice Presidential candidates specifically for Ryan.

The key consideration for these laws is that the value of one's current office - in this case, a U.S. House member's value of his or her current seat - is, for most states, simply a *potential* cost, as indicated in the modified model of political ambition presented earlier. Current seat value is a risk resulting in a negative benefit (though not a net negative overall) only if the member were to win the Senate seat. It is a consideration they take into account when they decide to run: that the net benefits of a winning seat in the Senate outweigh the guaranteed costs of running a statewide campaign combined with the potential cost of losing their House seat.

But for potential candidates in the ten states subject to these laws, the guaranteed costs are far greater. By choosing to run for Senate (or more precisely, choosing to stay in the race past the state's filing period), they are forfeiting their House seat entirely, and moving whatever benefits they have amassed in their House career from the discounted "potential costs" category to the fully-realized "guaranteed costs" category. They sustain this loss, along with the aforementioned "traditional" costs of running a campaign (filing fees, petitions, fundraising, other built-in campaign costs), simply for the opportunity to run a campaign they are not guaranteed to win. The second modified version of Jacobson and Kernell's model for these candidates, therefore, can be formalized as follows:

$$U = P * B_T - (B_B + C)$$

In this model, the benefits of one's current office are moved outside the confines of the potential (nested under the "P" term) and into the differentiated territory of guaranteed costs like campaign expenses, filing fees, and extra time spent campaigning. While subtle, this is a

fundamentally different model that significantly increases the costs associated with running for higher office.

With this conceptualization in mind, it is the goal of this project to test the following hypothesis:

*H1: Members of the House of Representatives subject to dual-candidacy restrictions are less likely to seek higher office - specifically, seats in the U.S. Senate - than their counterparts who are free from such restrictions.*

This hypothesis rests on the assumption that members place high value in their current seat in the House of Representatives, and would prefer to remain in that position if winning election to higher office is not possible.

#### *Data & Methods*

Tackling a question of this magnitude, particularly when many of these legal restrictions have only been effective for a short span of Congressional history, requires a dataset with enough cases to make reasonable predictions about whether or not a current officeholder might be ambitious enough to seek higher office. While choosing the advancement from state legislature to the House would have provided a robust number of cases, much less is known about individual state legislators in terms of their backgrounds, leaving little room for drawing inferences about possible influences prior to their political career. A second, purely logistical reason to not use state legislators was the sheer time and resources needed to collect a reasonable

sample of enough legislators from states with enough variation in ambition to produce results. As such, I focused on the advancement from the U.S. House of Representatives to U.S. Senate.

Scholars prior to Rohde (1979) had analyzed the past careers of those who won election to the Senate coming from the House (Fenno 1978, Squire 1988a, 1988b, Francis 1993, Kiewiet and Zeng 1993). Ambition, however, is not winning; it is a fulfilled *or* unfulfilled desire to rise through the ranks, and therefore must be analyzed through the perspective of those who have it as well as those who do not. Thus, the subject of analysis is not just the House member who wins election to the Senate, but also those who run and lose, and those who choose not to run at all.<sup>2</sup> This is the more natural and precise strategy Rohde took in his 1979 work, and it is the strategy I utilize here.

The House is widely acknowledged to be the most common institutional pipeline to the modern Senate (Rohde 1979, Abramson et al 1987, Copeland 1989, Francis 1993, Johnson 2012), and data on members is fairly readily available in a usable (or at least manipulable) format from the Official Biographical Directory provided by Congress in a searchable online database which lists members from the entirety of Congressional history. Using web scraping tools and regular expressions in Stata, I extracted information for every House member from the 80th - 114th Congress (the term beginning in 1947 - the term beginning in 2015) and formulated a dataset containing an observation for each member of the House for every election year in which they served in the House. The sample as a whole, however, was appropriately limited only to members in years when a Senate election was being held in their state. Each observation (N =

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<sup>2</sup> Further iterations of this work will assess differential impacts on, for example, House members who lose in the primary election as opposed to the general election.

9,968), therefore represents a House member who could potentially either run for reelection or be a Senate candidate in their state in a given year.

The model contains one primary dependent variable, a dichotomous indicator of whether a member of the House was a candidate for Senate in the primary and/or general election in a particular year. This variable was computed for individual House member-years (that is, many individual House members received zeroes for years leading up to a Senate run, and a one for the year they finally did run). The model also contains one primary independent variable, a dichotomous indicator of whether a member faced a dual-candidacy ballot restriction in his or her state in the years they had an opportunity to run.

Of course, not all House members, nor the political environment in their district or state in a given election cycle, are equal. What Levine and Hyde (1977) and others (Brace 1984, Copeland 1989) have dubbed the political “opportunity structure” must work in a potential candidate’s favor in order for them to take the critical step towards ambitious office-seeking. In an attempt to control for these differences, I created a number of variables based on regular expressions of information found in the House biographical data. First, in order to control for experience in the House, I created a variable indicating the number of cumulative terms served in the house for each member at each term in the time series.<sup>3</sup>

Second, a control was needed for state size, on the theoretical basis that name recognition and share of party resources (necessary components for a statewide Senate race) decrease as a member’s share of their state’s congressional delegation seats decreases. Conversely, greater

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<sup>3</sup> Decisions to run for higher office seem to be skewed towards those with less experience in the House: 42% of House members who ran for Senate served only 1 or 2 terms before doing so, compared with 30% who served 5 or more terms; of House members who did not choose to run for Senate, 32% served only 1 or 2 terms, compared with 45% who served 5 more more.

overlap in the constituency currently represented with the constituency one seeks to represent has an obvious impact on House members' decisions to run for Senate, and an instrumentally positive effect on candidates' name recognition when running for statewide office generally (Rohde 1979). Third, a control variable was needed to account for party advantage in the state (essentially, how "red" or "blue" a state is); for example, a Republican House member in a very blue state may perceive a much lower "P" term in their calculation (and thus is less likely to run) than a Republican member in a very red state. As such, a variable was created measuring the percentage of the state's congressional delegation that is the same party as the member in question. In this case, a higher percentage indicates better party positioning for the member within the state.<sup>4</sup>

Finally, studies across the field have shown that party considerations matter a great deal, especially for the reliability of models of political ambition. (Kiewiet and Zeng 1993, Rohde 1979) For this kind of model, therefore, it will be essential to control for seat status in the Senate; that is, whether a potential Senate seat is held by an in-party incumbent, an incumbent of the opposite party, or is an open seat due to a Senator vacating his or her seat. Open seats on average are likely to produce the best opportunity for a House member to run and win, since they do not have to contend with the vaunted incumbency advantage (Ansolabehere and Snyder 2002) either in the primary (if the seat is held by an incumbent of their own party) or the general election (if the seat is held by an incumbent of the opposite party). As there are examples in the historical record of House members running in all three scenarios, they will all be included as cases in the

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<sup>4</sup> Future iterations of this project might attempt to control for regional party variation and party power structural differences between states

model; however, a variable for whether or not the Senate election opportunity in their home state is an open seat election will be included.

**Table 2: Summary of Key Variables**

Variable	Operationalization	Observations	Mean	SD	Min	Max
Loss of current office	Dual-candidacy legal restriction present	9842	0.08	0.27	0	1
Political experience	Number of terms served in the House	9842	4.86	3.72	1	30
State size	Number of House members in delegation	9842	18.67	13.74	1	55
Party advantage in state	Percent House delegation same party as member	9842	0.62	0.21	0.05	1
"Open" Senate Seat	No incumbent for Senate seat = 1	9842	0.21	0.41	0	1

The goal of this project is to determine the effect that increased costs associated with losing one's current seat (as operationalized through dual-candidacy restrictions) has on likelihood of seeking higher office. Therefore, the model employed in this project is a logistic regression with clustered standard errors around individual members, to account for members who served multiple terms. While this is the primary model, several preliminary difference-of-means tests were conducted as an initial assessment of whether there were any marked differences in Senate run rates between among House members in states with dual-candidacy restrictions and those without them.

### *Results*

Beginning with the more simplistic difference-of-means tests, there seems to be a modest but significant ( $p < .001$ ) difference in the proportion of House members<sup>5</sup> who chose to run for

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<sup>5</sup> The unit of analysis for these and all tests are in fact member-years; therefore, members who served for two or more terms are assumed to have that many chances of running for Senate minus the number of relevant elections for which there were no Senate elections in their state.

Senate when a dual-candidacy restriction is in place and when it is not; however, it is in the opposite direction than that suggested by my hypothesis. As Table 3 indicates, over 16% of members subject to restrictions run for Senate, compared with only about 13% of those who are not subject to restrictions. When limiting the sample only to those from the states that currently have these restrictions - essentially comparing members before and after the restrictions were put into place - the results are consistent, with the run rate margin expanding to over 5% and achieving even greater statistical significance ( $p < .001$ ; see Table 4).

**Table 3: Difference of Means - Ran for Senate or Not, All States**

	<b>No Dual-Candidacy Restrictions</b>	<b>Dual-Candidacy Restrictions</b>	<b>Combined Sample</b>	<b>Difference</b>
Observations	9058	784	9842	
Proportion ran for Senate	0.128 (0.004)	0.188 (0.014)	0.132 (0.003)	<b>-0.060***</b> <b>(0.013)</b>
95% Confidence Interval	0.121 0.135	0.160 0.215	0.126 0.139	-0.084 -0.035

$t = -4.74$ , \*\*\* =  $p < 0.001$

**Table 4: Difference of Means - Ran for Senate or Not, States With Dual-Candidacy Restrictions**

	<b>Before Restrictions Observed</b>	<b>After Restrictions Observed</b>	<b>Combined Sample</b>	<b>Difference</b>
Observations	1129	784	1913	
Proportion ran for Senate	0.105 (0.010)	0.188 (0.014)	0.140 (0.008)	<b>-0.082**</b> <b>(0.016)</b>
95% Confidence Interval	0.087 0.123	0.160 0.215	0.124 0.156	-0.113 -0.051

$t = -5.14$ , \*\*\* =  $p < 0.001$

These results do not bode particularly well for the hypothesis presented in earlier sections; the logistic regression will allow for more precise controls and effects. However, the probit results (Table 5) are less conclusive for the primary independent variable. Dual-candidacy restrictions have a large effect, but a nearly-as-large standard error and great overall uncertainty around the variable keeps it from approaching any reasonable level of statistical significance. The House experience and size of state delegation variables behave strongly as predicted, with both having a negative and highly significant ( $p < .001$ ) effect on decisions to run for Senate. Party advantage in the member's state also offers a fairly large effect, but it achieves similar levels of non-significance as the dual-candidacy variable and is pointing in an unexpected direction according to theory laid out earlier in this paper.

**Table 5: Probit Regression - Effect on Probability of Running for Senate**

Explanatory Variables	Coefficient	Std. Error <sup>a</sup>	Z-Score
Dual-Candidacy restriction	0.149	0.124	1.20
Open-Seat Senate Opportunity	0.138***	0.037	3.76
Terms served in House	-0.038**	0.011	-3.38
Size of state's House delegation	-0.021***	0.004	-5.39
Party advantage in state	-0.161	0.148	-1.08
Constant	-0.538**	0.136	-3.95

*Observations: 9842 sample limited to House members with opportunity to seek a Senate seat from 1946-2016; Standard errors clustered by House member*

\* =  $p < .05$ , \*\* =  $p < .01$ , \*\*\* =  $p < .001$

Fully interpreting the substantive effects of these key variables, however, requires looking past difficult-to-interpret log-odds coefficients and calculating predicted probabilities. After running the model, I demonstrate discrete differences in effect (to the extent that they exist) between different values of the independent variables by manually running the model using the observed values approach pioneered by Hanmer and Kalkan (2012). According to this approach, I have artificially shifted the values of individual independent variables for all cases while holding other variables to their observed values in order to assess the substantive effects that changes in these variables would have on the behavior of the dependent variable. In doing this, I then calculated the mean predicted probabilities of voting when cases were set to these artificial values, then calculated the discrete change between these probabilities. This resulted in the mean marginal effect of observing change across each of these variables in turn (rather than the effect of shifting the average case, which is much less precise and demonstrates infidelity to the data).

These probabilities and effects were calculated for the primary independent variable, presence of a dual-candidacy law, as well as with the variables of tenure length and presence of an open seat as opposed to incumbent-held Senate contest. The results can be found below in Table 6:

**Table 6: Predicted Probability of Running for Senate**

Observations: 9842

<b><u>Dual-Candidacy Laws*</u></b>	<b><u>Predicted Probability</u></b>	<b><u>Marginal Effect</u></b>
Not present	0.1297	
Present	0.1623	
<b>Discrete Change (No law to law)</b>		0.033

<b><u>Tenure Length</u></b>	<b><u>Predicted Probability</u></b>	<b><u>Marginal Effect</u></b>
One term in the House	0.1627	
Five terms in the House	0.1288	
Ten terms in the House	0.0937	
<b>Discrete Change (One term to ten terms)</b>		-0.069

<b><u>Open Senate Seat</u></b>	<b><u>Predicted Probability</u></b>	<b><u>Marginal Effect</u></b>
Incumbent running	0.1263	
Open seat race	0.1558	
<b>Discrete Change (Incumbent to Open)</b>		0.030

*Note: All predicted probabilities and marginal effects found using Hanmer and Kalkan's (2012) observed values approach.*

The results here demonstrate more precisely the effects of dual-candidacy laws observed in the earlier difference of means test; however, the predicted probabilities for this variable should be taken with a grain of salt given the lack of statistical significance and comparatively large error for that variable in the original probit model. The tenure length and open seat variables, however, demonstrate the expected effects - that as House members gain greater prestige and power in the House, they have more to lose by running for Senate; and that open seat contests are far more competitive and thus represent a more achievable opportunity than running against an incumbent of either party. The marginal effects here are small (under 10 percent), but by no means negligible.

On the whole, though, it appears that my hypothesis - that dual-candidacy laws adversely affect the likelihood of House members to run for higher office - cannot be confirmed with any certainty. In the following section, I will discuss the implications of these results and possible next steps.

### *Discussion*

There is little doubt that the decision of whether or not to run for a particular office is not one politicians take lightly; nor is it one scholars should take lightly. Despite the inconsistency and difficulties posed by these preliminary results, it is worth considering the potential impact these laws could have in terms of who runs for office, or more specifically, who retains ambition for higher office. On the electorate level, there are a great number of historical and current legal barriers to the act of voting that have had a disproportionately negative impact on certain types of voters, including women and racial minorities (Verba, Schlozman and Brady 1995; Piven and Cloward 2000). Given what we know about party recruitment, especially in certain regions and states, it seems reasonable to conclude that laws such as the ones addressed in this study have similar impacts on candidate ambition. Lawless and Fox (2005a, 2005b) describe a process in which a number of institutional (and non-institutional) factors coincide to make women less likely to advance into more ambitious positions.<sup>6</sup> Laws which place higher guaranteed costs on potential ambitious activity - such as being forced to abandon the seat in the House one currently holds - are likely to compound these factors for women and racial minorities, who required disproportionately high levels of resources to begin with in order to obtain their current seat. Not

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<sup>6</sup> To date, only 47 women have served in the Senate, with 20 serving as of this printing.

only, therefore, is the cost of running greater for these groups, but the sunk cost of having won their House seat and the opportunity cost of leaving it would also be higher in states where these laws are active.

With this said, it is clear that as the data currently stand, my hypothesized effect is nowhere to be found. Where, then, do we go from here? One hopeful possibility for the usefulness of this project is that the effects I have hypothesized exist, but that my data is not in a position to capture them (a traditionally-understood Type II Error). While confident in the source and structure of my dataset, there are a number of variables which, had I the time or resources to incorporate at present, would certainly have improved its comprehensiveness and therefore been included in the overall model. An obvious example is a variable that captures what is in fact the main finding of Jacobson and Kernell's work: national political conditions. Jacobson and Kernell use this variable in the context of the decision-making process behind congressional retirements, and others have extended this argument to show that national political conditions affect decisions to seek higher office (Levine and Hyde 1977, Brace 1984, Copeland 1989). The last several elections alone seem to show that at least on the margins, national conditions can boost or depress partisan turnout depending on the nature of these conditions.<sup>7</sup> However, this may apply more to likelihood of victory rather than the decision to run.

A second key variable to include in future valuations of a member's current House seat is that of party and chamber leadership. Committee chairs or chamber and party leaders, for example, may be less likely to relinquish their hard-won prestige and power in the House to run for Senate. Usable and available data for these members only reaches back to 1992, offering too

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<sup>7</sup> Otherwise ambitious Democrats in 2010, for example, may have been deterred by what was largely predicted to be, and in fact was, a Republican wave election in Congress.

small a sampling of members to work from at this time. Other works have conceptualized seats in the Senate as well as the House as having value that is relative in large part to its occupant and the power, influence, and prestige they have amassed. Schlesinger, in his formative work on political ambition, observed that “by running and winning the election, strong potential candidates would remove a high-quality incumbent.” (Schlesinger 1968, p. 482) The extension of this argument is that House members looking to run for Senate consider the worth of their own seat as well as the one they are seeking in terms of its current or departing occupant. This, in effect, inflates the value of the  $B_B$  (Benefits of Base Office) term discussed earlier. Incorporating these types of conceptualizations in future models will be a priority.

However, in the event that these considerations do not alter these results significantly, I believe there are a number of explanations for lack of substantial effect or hypothesized directionality of the dual-candidacy law variable. First among these is the possibility that members of the House simply do not value their current seats as highly as previously thought. This explanation, while of course possible, strains credulity given what we know about how hard members of the House work to retain their seats (Krasno et al. 1994, Epstein et al. 1995). It seems reasonable to assume that if House members cared so little for their seats, they would similarly show less interest in the Senate. This is not meant to suggest that the two chambers are the same, nor especially that they offer the same utility to politicians.

A second interesting, but for now unresolvable, possibility is that these states in question, due to their restrictive laws, are experiencing an effect of some kind, but that this happens prior to the attempted leap from House to Senate. Whether intentional or not, it is possible that these restrictions have a kind of “winnowing” effect that attracts to higher levels of office only the

“cream of the crop” from the pool of potential candidates originating at less prestigious levels of government. An important consideration that bears repeating is that these laws apply not just to federal offices, but in most cases to state and local offices as well. Therefore, the same theoretical calculations discussed earlier in terms of risk, cost, and utility, would also apply to a state legislator, city/town council member, mayor, or similarly well-situated potential candidate contemplating a run for House, Senate, or governor. With this in mind, as states who adopt these provisions adjust their political culture and norms to the reality of running for office and its incumbent sacrifices, this “winnowing” effect could be taking place at the roots of political ambition: “lower” offices such as state legislator. If politicians who have risen to the House of Representatives from these states are of inherently higher quality than in other states, then their “P” term - probability of victory in a Senate race - may be high enough relative to others to offset the costs discussed above.

Two findings from the current data suggest that this suspicion may be well-founded and merits further research. The first is a result from a difference of means test on a split sample showing that on average, members restricted by the dual-candidacy condition serve, on average, nearly an entire additional term in the House (5.4 terms on average) than those who are not (4.8 terms). The test (shown in Table 7) shows that the likelihood that this difference occurs by chance is minuscule ( $p < 0.001$ ). Limiting the sample to those who actually decided to run for Senate (Table 8) raised the mean difference by yet another half-term (4.8 terms for restricted members, 3.9 terms for all others;  $p < 0.001$ ). This second test essentially shows that with a high degree of certainty, ambitious members under dual-candidacy restrictions serve roughly 24% more time in the House before running for Senate.

Table 7: Difference of Means, Number of Terms Served at Time of Senate Candidacy, 1946-2016

	Dual-Candidacy Restrictions	No Dual-Candidacy Restrictions	Combined Sample	Difference
Observations	147	1157	1304	
Terms Served Before Senate Candidacy	4.76 (0.30)	3.92 (0.10)	4.01 (0.09)	<b>0.85***</b> <b>(0.29)</b>
95% Confidence Interval	4.18 5.34	3.73 4.10	3.83 4.19	-1.41 -0.28

t = -2.94, \*\*\* = p < 0.001

Table 8: Difference of Means, Number of Terms Served - All Members, 1946-2016

	Dual-Candidacy Restrictions	No Dual-Candidacy Restrictions	Combined Sample	Difference
Observations	1294	13934	15228	
Terms Served Before Senate Candidacy	5.38 (0.12)	4.80 (0.03)	4.84 (0.03)	<b>0.58***</b> <b>(0.11)</b>
95% Confidence Interval	5.14 5.61	4.73 4.86	4.78 4.90	-0.80 -0.37

t = -2.94, \*\*\* = p < 0.001

A second set of difference of means tests further confirms these suspicions related to quality of the candidate pools in these states. If the effects of these laws takes place at lower levels of government - the state or municipal levels, for example - then we might expect that House members in states with these laws will be of inherently higher quality, thus creating a higher quality pool from which to draw Senate candidates. This effect is reflected in Tables 9 and 10, which show percentage of members with experience as either a state representative or state senator (a traditionally-understood indicator of U.S. House candidate quality; see Gimpel et

al. 2016) among members who ran for Senate (Table 9) and among House members generally (Table 10).

The results are clear and highly significant. In Table 9, among ambitious members subject to dual-candidacy laws, and thus to the suspected “winnowing” effect on member quality, 61% have some form of state legislative experience, compared to only 35% of ambitious members in states without dual-candidacy laws ( $p < 0.001$ ). This effect is similar among House members generally (Table 10), with 59% of members from restricted states having state legislative experience, compared to only 43% in all other states ( $p < 0.001$ ).

**Table 9: Difference of Means, State Legislative Experience Pre-Senate Candidacy, 1946-2016**

	<b>Dual-Candidacy Restrictions</b>	<b>No Dual-Candidacy Restrictions</b>	<b>Combined Sample</b>	<b>Difference</b>
Observations	147	1157	1304	
Proportion with State Legislative Experience	0.61 (0.04)	0.35 (0.01)	0.38 (0.01)	<b>0.25*** (0.04)</b>
95% Confidence Interval	0.33 0.38	0.53 0.69	0.36 0.41	-0.33 -0.17

$t = -5.98$ , \*\*\* =  $p < 0.001$

**Table 10: Difference of Means, State Legislative Experience - All Members, 1946-2016**

	<b>Dual-Candidacy Restrictions</b>	<b>No Dual-Candidacy Restrictions</b>	<b>Combined Sample</b>	<b>Difference</b>
Observations	1294	13934	15226	
Proportion with State Legislative Experience	0.59 (0.04)	0.43 (0.00)	0.44 (0.01)	<b>0.16*** (0.01)</b>
95% Confidence Interval	0.42 0.44	0.56 0.62	0.43 0.45	-0.19 -0.13

$t = -11.21$ , \*\*\* =  $p < 0.001$

While simplistic tests, results like these could give us a window into possible deeper characteristics of members and potential candidates under these legal conditions that might make them inherently different from the average ambitious politician. They also confirm findings from Ansolabehere and Gerber (1996) indicating that House retirements are prolonged in states with more restrictive ballot access laws. If state law is structuring elected office candidacy in such a way that their elected officials at the federal level are of inherently higher quality, this is a contribution other states may wish to consider.

The list of next steps for this project is long, but surmountable. However, it is an important task: demonstrating that nearly a fifth of the most common pipeline to the U.S. Senate is being fundamentally altered in terms of either quality, ambition, or some interaction between the two, is I believe a worthy contribution to the literature and to the study of congressional elections overall.

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