Center for
Effective Lawmaking

I'm Coming Out! How Voter Discrimination Produces Effective LGBTQ Lawmakers*

Jacob M. Lollis† Mackenzie R. Dobson‡

October 14, 2023

Abstract

Are LGBTQ legislators effective lawmakers? We build on theories linking voter discrimination to effective lawmaking (Anzia and Berry 2011) by arguing that voters' prejudice toward LGBTQ candidates produce effective LGBTQ lawmakers. To test this expectation, we pair data on state legislators' sexual identity (Haider-Markel 2010) with Bucchianeri, Volden, and Wiseman's (Forthcoming) state legislative effectiveness scores (SLES). We find that LGBTQ lawmakers are 28% more effective than non-LGBTQ lawmakers. Additionally, we create an original measure indicating the year that LGBTQ lawmakers publicly came out. We leverage this data to show that out LGBTQ lawmakers—those who have revealed their sexual identity to voters—are 43% more effective than non-out LGBTQ lawmakers.

Center for Effective Lawmaking Working Paper 2023-09

*We are grateful for feedback from Craig Volden, as well as participants at the 2023 Center for Effective Lawmaking Conference. Jen Lawless read multiple drafts of this paper and provided excellent feedback. Finally, we thank the Center for Effective Lawmaking for sharing their State Legislative Effectiveness Scores, as well as Donald Haider-Markel for sharing his data on LGBTQ state legislators.

†Ph.D. Candidate, Department of Politics, University of Virginia, jml7hf@virginia.edu

‡Ph.D. Student, Department of Politics, University of Virginia, dkx9za@virginia.edu

Introduction

In 1974, Elaine Noble was elected to the Massachusetts House of Representatives, becoming the first openly LGBT non-incumbent candidate elected to an American legislature. Throughout her pioneering election, she experienced extreme violence and discrimination from voters because of her sexual identity. In an interview with *Out and Elected in the USA*, Noble recounted protesters shooting through her windows, destroying her car, and breaking windows at her campaign headquarters. Despite encountering overt prejudice and violence from some of her constituents, Noble displayed characteristics of a highly effective lawmaker throughout her two terms in office. She championed issues such as school desegregation and LGBTQ rights and, as a testament to her performance in office, won nearly 80% of the district vote share in the following election (*Secretary of the Commonwealth of Massachusetts* 1974).

During the 50 years since Noble's election, LGBTQ candidates have increasingly run for and won elections to local, state, and federal office. Despite gains in numeric representation, LGBTQ politicians remain underrepresented at all levels of government. Though 7.1% of the American population, and 20% of Americans born between 1997 and 2003, identify as LGBTQ, only 13 lawmakers in the 118th Congress identify as lesbian, gay, or bisexual (Jones 2022; Schaeffer 2023). Likewise, only 1.1% of state legislators identify as LGBTQ. The leading explanation for why LGBTQ candidates are underrepresented in American politics is voter discrimination (Haider-Markel 2010; Magni and Reynolds 2021).

Despite facing electoral discrimination, LGBTQ lawmakers, both at the state and federal levels, have demonstrated a record of effective lawmaking. In the U.S. Congress, LGB lawmakers have persistently championed policies promoting marriage equality and non-discrimination protections. For four consecutive Congresses (114th - 117th), David Cicilline, an openly gay representative from Rhode Island, sponsored the Equality Act. The Equality Act would have enshrined gender and sexuality-based non-discrimination protections into federal law and would have prohibited discrimination in some public accommodations (Kurtzleben 2021). Though this legislation ultimately died in the Senate, Tammy Baldwin, the first openly lesbian Senator, negotiated a deal

with Republican Senators in the 117th Congress to pass the Respect for Marriage Act. Though narrower in scope than the Equality Act, this bill codified marriage equality into law (Jalonick 2022). The legislative successes of LGBTQ lawmakers have been even more pronounced at the state level. In California, where more than 10% of the legislature identifies as LGBTQ, lawmakers have passed legislation aimed at increasing pre-exposure prophylaxis (PrEP) access, promoting economic equality for same-sex couples, and developing anti-discrimination measures and training for employers and LGBTQ youth (EqualityCalifornia 2023).

We argue that the legislative successes of Elaine Noble and other LGBTQ lawmakers are not a coincidence, but rather one result of electoral discrimination directed at LGBTQ candidates. In this article, we build on existing theories linking voters' prejudice toward underrepresented groups to their performance in office (Anzia and Berry 2011). We argue that if LGBTQ candidates face overt prejudice or perceive that voters are prejudiced against them during an election, the LGBTQ candidate pool will be hollowed out and only the most qualified LGBTQ candidates will become lawmakers. As a result, LGBTQ lawmakers will be more effective, on average, than non-LGBTQ lawmakers. To test our expectations, we use data from Haider-Markel (2010) to identify LGBTQ state legislators. We then pair these data with Bucchianeri, Volden, and Wiseman's (Forthcoming) state legislative effectiveness scores (SLES) for more than 22,500 state legislators. Additionally, we create a novel data set documenting the election year that LGBTQ candidates and legislators reveal their sexual identity to voters.

This article offers three unique contributions to the existing literature on voter discrimination and legislative effectiveness. First, we conduct our analyses at the state legislature level, rather than in the U.S. Congress, which provides greater variation in LGBTQ representation to analyze. In our data set, 946 legislator-term specific observations identify as LGBTQ. Second, we analyze an understudied identity group in legislatures—LGBTQ lawmakers. Though a small and growing literature studies LGBTQ politics (Haider-Markel 2010; Hansen and Treul 2015; Brant and Butcher 2022), we still know relatively little about the legislative behavior of LGBTQ lawmakers. Additionally, studying LGBTQ lawmakers is a good test of our theory given that we are inter-

ested in how voter discrimination is related to lawmakers' performance in office. While women and non-white candidates certainly face electoral biases (Dolan 1997, 2004; Newport and Carroll 2007; Lawless and Pearson 2008), recent research suggests that approximately 30% of the American population would oppose an openly gay or lesbian candidate for local, state, and federal office (Haider-Markel, Miller, Flores, Lewis, Tadlock and Taylor 2017). Upwards of 35% of the American population would never vote for a transgender candidate (Haider-Markel et al. 2017). Finally, one unique benefit of studying LGBTQ legislators is that we can leverage lawmakers' decision to "come out" as a proxy for when voters learn about their LGBTQ identity. Unlike observable descriptive identities, such as race and gender, individuals' LGBTQ identity is not immediately obvious. Therefore, there is variation in when individuals (and lawmakers) choose to publicly reveal their LGBTQ identity. This enables us to address a methodological challenge inherent to studies concerning race and gender: *we can measure an LGBTQ legislator's effectiveness before and after they reveal their LGBTQ identity to voters*.

Descriptive statistics and model estimates suggest that LGBTQ lawmakers are considerably more effective than non-LGBTQ lawmakers. Out LGBTQ lawmakers, those who have publicly revealed their LGBTQ identity, are 43% more effective than LGBTQ lawmakers who are not publicly out.

How Voter Discrimination Produces Effective LGBTQ Lawmakers

Public opinion toward LGBTQ people in the United States has generally improved over the last thirty years (Masci, Brown and Kiley 2019; Poushter and Kent 2020). Despite a positive trend in LGBTQ acceptance in the United States, significant prejudice toward LGBTQ people continues to exist (Jones 2023). Americans' attitudes regarding LGBTQ acceptance have consequences for the emergence of LGBTQ political candidates. Overall, out LGBTQ candidates face discrimination from voters (Haider-Markel 2010; Magni and Reynolds 2021; Wagner 2021). National and state survey data suggests that approximately 25% of the U.S. adult population is unwilling to

support an LGBTQ political candidate (Haider-Markel 2010). Demographically, individuals unwilling to support LGBTQ political candidates tend to be older, conservative, Republican males (Haider-Markel 2010, 64). Magni and Reynolds (2021) administered a conjoint experiment asking respondents to cast a (fictional) vote for a set of candidates. They then randomized candidates' attributes, including their sexual identity, and find that, on average, LGBT candidates in the United States face a 6.7% electoral penalty.

Despite strong evidence that LGBT candidates are discriminated against for revealing their sexual identity to voters, they are no less (or more) likely to win in a general election compared to non-LGBT candidates. This finding is perhaps puzzling given that we may expect voter discrimination to reduce the likelihood that LGBT candidates win elections. Haider-Markel (2010) proposes one explanation for this puzzle by suggesting that voter prejudice toward LGBTQ candidates is not uniform across social identity groups, but rather LGBTQ candidates select to run in LGBTQ-friendly districts. While Democrats are no more or less likely to penalize LGBT candidates than non-LGBT candidates, Republicans are 14.8% less likely to vote for an LGBT candidate than a non-LGBT candidate (Magni and Reynolds 2021). Thus, LGBTQ candidates are more likely to enter an electoral race in a Democratic urban district with numerous college-educated, Hispanic, LGBTQ, and middle-to-low-income constituents (Haider-Markel 2010, 81). LGBTQ candidates are less likely to run in districts with many Black and protestant evangelical constituents (Haider-Markel 2010, 81).

Another possible explanation that could accommodate these two contradictory findings is that electoral selection effects hollow out the LGBTQ candidate pool, such that only the most qualified run and win elective office. We build on Anzia & Berry's (2011) theory of electoral selection for female candidates and argue that voters' attitudes toward LGBTQ candidates are related to LGBTQ lawmakers' performance in office (Anzia and Berry 2011; Ashworth, Berry and Bueno de Mesquita 2023; Lollis 2023). If LGBTQ candidates face discrimination during elections—whether it be because voters overtly discriminate against them or because LGBTQ candidates perceive that voters are prejudiced against them—only the most qualified and skilled LGBTQ candidates will

enter the electoral arena and win their election. The result of this electoral selection effect is that LGBTQ lawmakers are more effective than non-LGBTQ lawmakers.[1]

LGBTQ electoral selection effects can occur in at least two ways. First, if LGBTQ candidates face overt discrimination from voters as a result of their sexual identity, only the most qualified and skilled LGBTQ candidates will run and win elective office. This leads to a hollowing out of the LGBTQ candidate pool, where only the most qualified LGBTQ candidates remain. As a result, the LGBTQ candidates that do gain representation in legislatures are higher quality candidates than their non-LGBTQ counterparts.

Second, electoral selection effects may translate into effective lawmaking if candidates *perceive* that voters are prejudiced against them (Anzia and Berry 2011). Indeed, the fact that LGBTQ candidates are more likely to run in LGBTQ-friendly districts is evidence that LGBTQ candidates are aware that (some) voters may penalize them for their sexual identity. Though running in these districts may decrease the likelihood that LGBTQ candidates face overt discrimination, they likely still *expect* to incur an electoral penalty. If LGBTQ candidates perceive voters to be discriminatory, they will likely work harder than non-LGBTQ candidates to win elections. This creates an over-performance premium that may facilitate effective policymaking once in legislative office. Similar to the demographic makeup of legislative candidates in elections, legislatures are comprised primarily of non-LGBTQ lawmakers. If LGBTQ candidates must work harder to succeed in elections, there is reason to suspect that this will remain true when they enter legislatures comprised primarily of non-LGBTQ lawmakers. Our theory suggests that regardless of whether LGBTQ candidates perceive or actually experience discrimination during elections, the result is the same: if elected, LGBTQ lawmakers will outperform their non-LGBTQ colleagues.

[1]Anzia and Berry (2011) argue that women candidates perceive and experience sexism within congressional elections and, as a result, perform better than their male colleagues to overcome this discrimination. More recent work also suggests that sex-based selection leads to women lawmakers being more effective than their male counterparts (Ashworth, Berry and Bueno de Mesquita 2023).

H1 (LGBTQ Legislative Effectiveness): LGBTQ legislators are more effective lawmakers than non-LGBTQ legislators.

There are, of course, other factors in addition to voter discrimination that may explain why LGBTQ lawmakers are more effective than non-LGBTQ lawmakers. We propose an additional expectation that connects voter discrimination to lawmakers' performance in office. If voter discrimination causes LGBTQ candidates to be more effective than their non-LGBTQ peers, we should expect only LGBTQ lawmakers who are *publicly out* to be more effective. Thus, if voter discrimination is responsible for producing effective lawmaking, we should observe a "coming out" boost in LGBTQ lawmakers' effectiveness.

H2 (Out LGBTQ Lawmakers): Out LGBTQ lawmakers are more effective than non-out LGBTQ lawmakers.

Data & Methods

To test our hypotheses, we pair data on state legislators' LGBTQ identity for more than 22,500 unique state legislators (Haider-Markel 2010) with Bucchianeri, Volden, and Wiseman's (Forthcoming) state legislative effectiveness scores (SLES). The data set includes SLES for 80,344 legislator-term-specific observations for 49 states from 1987-2017. Of these observations, 946 (or 1.1% of our sample) identify as LGBTQ.

SLES captures the weighted average of a legislator's actions throughout five stages of the lawmaking process: bill introduction (BILL), action in committee (AIC), action beyond committee (ABC), passing one chamber (PASS), and becoming law (LAW) (Bucchianeri, Volden and Wiseman Forthcoming). Therefore, these scores evaluate effectiveness throughout the entirety of the legislative process rather than only considering final passage votes. Additionally, SLES are weighted to reflect the substance and significance of legislation. Commemorative and symbolic

legislation influences a legislator's effectiveness score less than substantive and significant legislation. [2]

The primary independent variable, "LGBTQ," is a dichotomous variable coded 1 if a legislator identifies as lesbian, gay, bisexual, transgender, or queer (LGBTQ). We use Haider-Markel's (2010; 2020) data set to code state legislators' LGBTQ identity which includes every LGBTQ state legislator elected from 1975 to present. We also construct a novel data set indicating the year in which every LGBTQ lawmaker publicly came out. We use this data set to construct a dichotomous variable, "Out During Election", that indicates whether a legislator was out during each legislative term.

We condition on several covariates that likely influence legislators' effectiveness including demographic and chamber controls (Volden and Wiseman 2014). We also control for the percentage of LGBTQ legislators within a legislature-term to ensure that the estimated relationship persists regardless of how many LGBTQ lawmakers are in a legislature. Finally, we include state, term, and district fixed effects to control for variation specific to each state legislature, term, and district.[3]

Results

Are LGBTQ Legislators Effective Lawmakers?

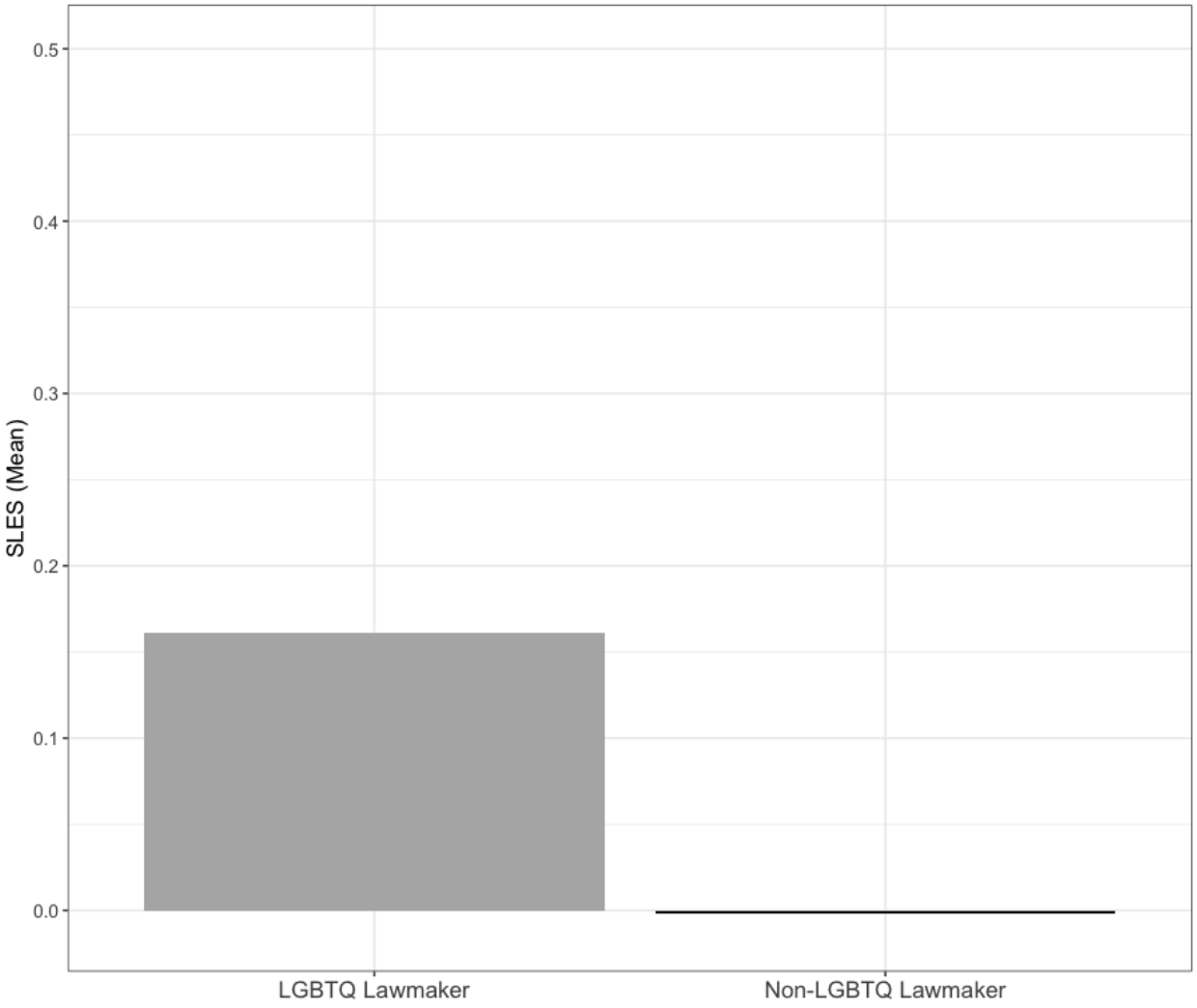
Before estimating the relationship between legislative effectiveness and legislators' LGBTQ identity, we consider the difference in mean SLES for LGBTQ and non-LGBTQ lawmakers. As Figure 1 shows, the mean SLES for LGBTQ lawmakers is 0.16, while the mean SLES for their non-LGBTQ colleagues is -0.002.[4] This provides initial descriptive support for our expectation that LGBTQ legislators are more effective lawmakers than non-LGBTQ legislators.

[2]See section 1 of Appendix for more information about how SLES are calculated.

[3]Descriptive statistics for the variables of interest are presented in Appendix A.2.

[4]Given that SLES are Z-scored, the mean SLES value in the sample is 0. This suggests that, descriptively, LGBTQ lawmakers are 16% more effective than the average lawmaker.

Figure 1: LGBTQ Legislators are More Effective Lawmakers



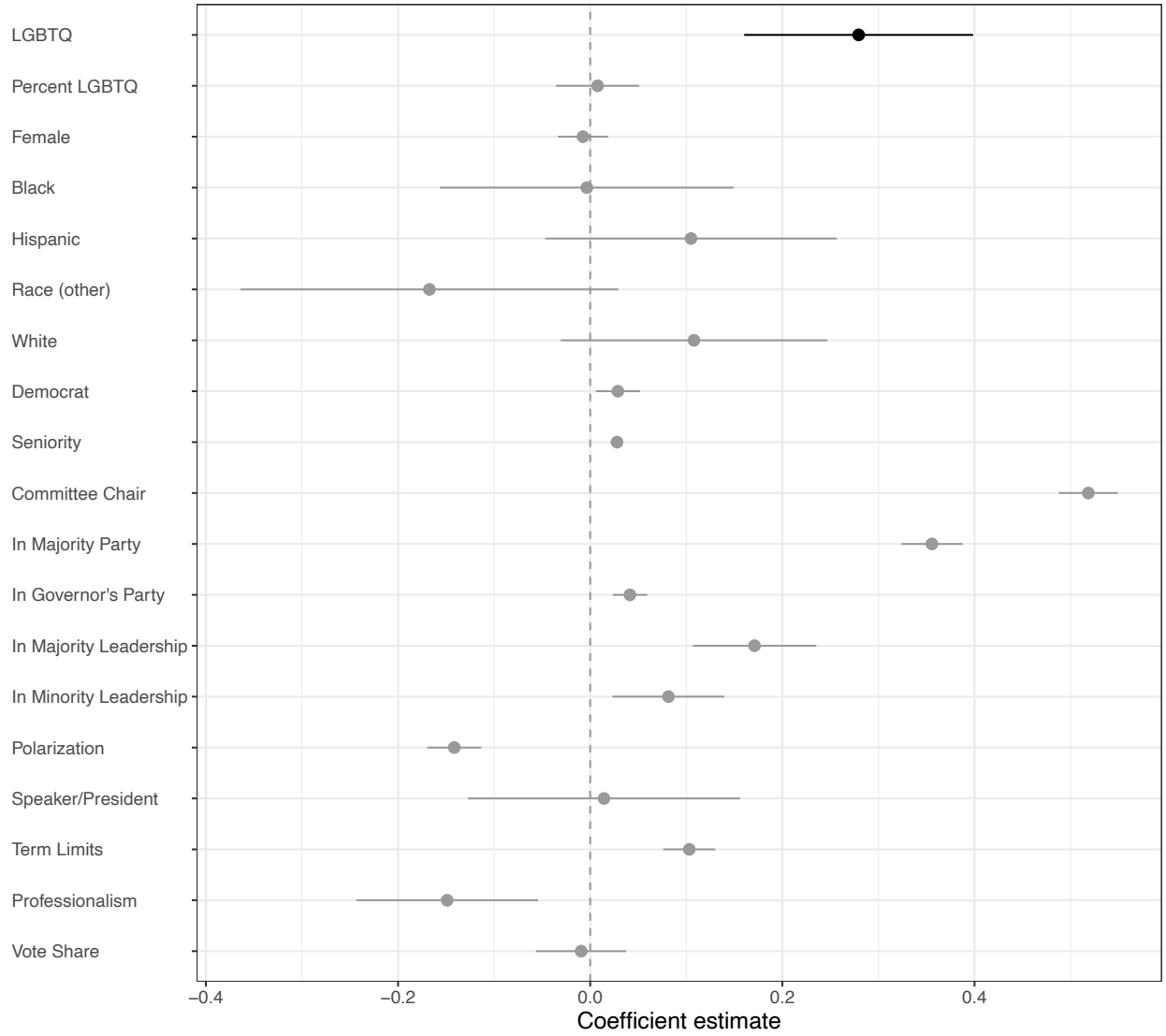
Note: Bars indicate the mean SLES score for LGBTQ and non-LGBTQ lawmakers.

To model this relationship, we estimate an OLS regression model with clustered standard errors that include state, term, and/or district-fixed effects. Figure 2 displays the results from this regression model, where the dependent variable is SLES and the independent variable is LGBTQ. LGBTQ lawmakers are 28% more effective than non-LGBTQ lawmakers ($p < 0.001$). This relationship is independent of individual- and chamber-level covariates across statehouses over time, as well as the percentage of LGBTQ lawmakers in a legislature. To contextualize the substantive implication of this result, the effectiveness of LGBTQ lawmakers is equivalent to 1.5 additional

terms of seniority. Moreover, the size of the LGBTQ coefficient is 53% of the committee chair coefficient, which is the largest effect in the model.

We also estimate this model using district-level fixed effects (results reported in Table 3.1 in the appendix). Similar to the prior model, LGBTQ lawmakers are 29% more effective than non-LGBTQ lawmakers when estimated alongside district-level fixed effects. This suggests that regardless of which state legislative district we consider when a district elects an LGBTQ representative (after being represented by a non-LGBTQ representative) they are 29% more effective than their predecessor.

Figure 2: LGBTQ Legislators are More Effective Lawmakers



Note: Dots indicate coefficients estimated from an OLS regression found in Table 3.1 (in the appendix). Estimated with 95% confidence intervals.

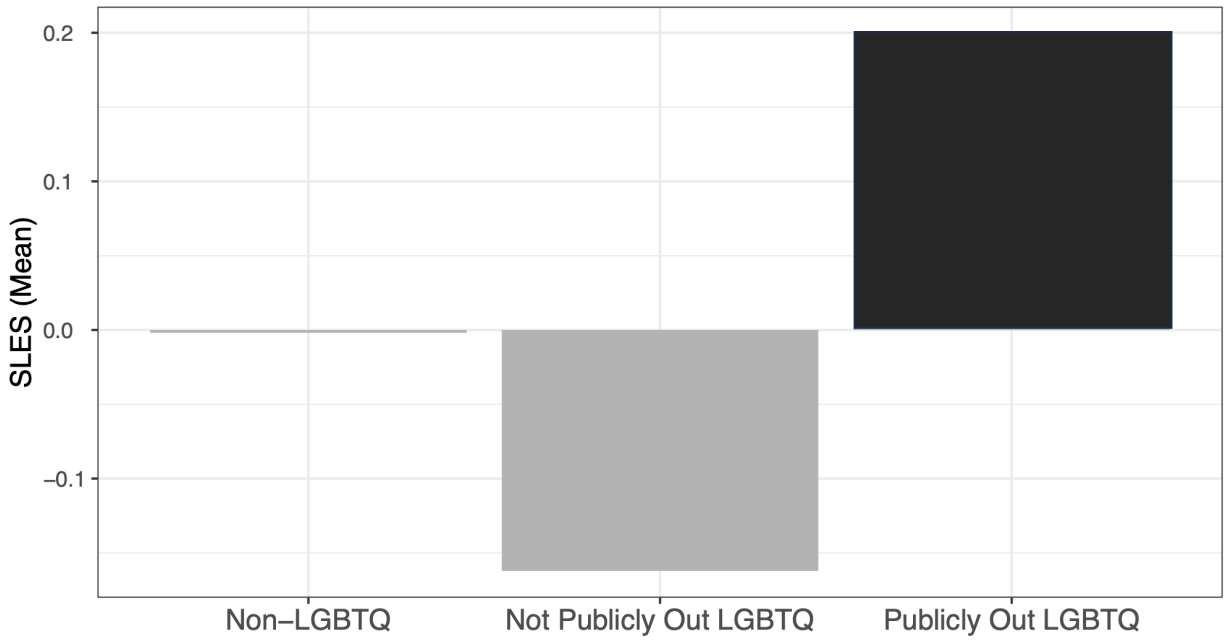
Does voter discrimination cause effective lawmaking?

To test whether LGBTQ lawmakers' effectiveness stems, in part, from voter discrimination, we leverage variation in when legislators reveal their LGBTQ identity to the public. If voter discrimination causes LGBTQ lawmakers to be more effective than non-LGBTQ lawmakers, non-out LGBTQ lawmakers, who do not experience voter discrimination related to their LGBTQ identity, should be less effective than out LGBTQ lawmakers. Conversely, out LGBTQ lawmakers should

be more effective than non-out LGBTQ lawmakers.

Figure 3 displays the mean SLES by group (Non-LGBTQ, Not Publicly Out LGBTQ, Publicly Out LGBTQ). Non-LGBTQ lawmakers have a mean SLES of -0.002. LGBTQ lawmakers who are not yet publicly out have a mean SLES of -0.162. Publicly out LGBTQ lawmakers have a mean SLES of 0.2. This suggests that when LGBTQ lawmakers publicly reveal their sexual identity, on average, their mean SLES increases by 0.362. Descriptively, these findings suggest that out-LGBTQ lawmakers are more effective than not publicly out LGBTQ lawmakers.

Figure 3: Out LGBTQ Legislators Are More Effective Lawmakers



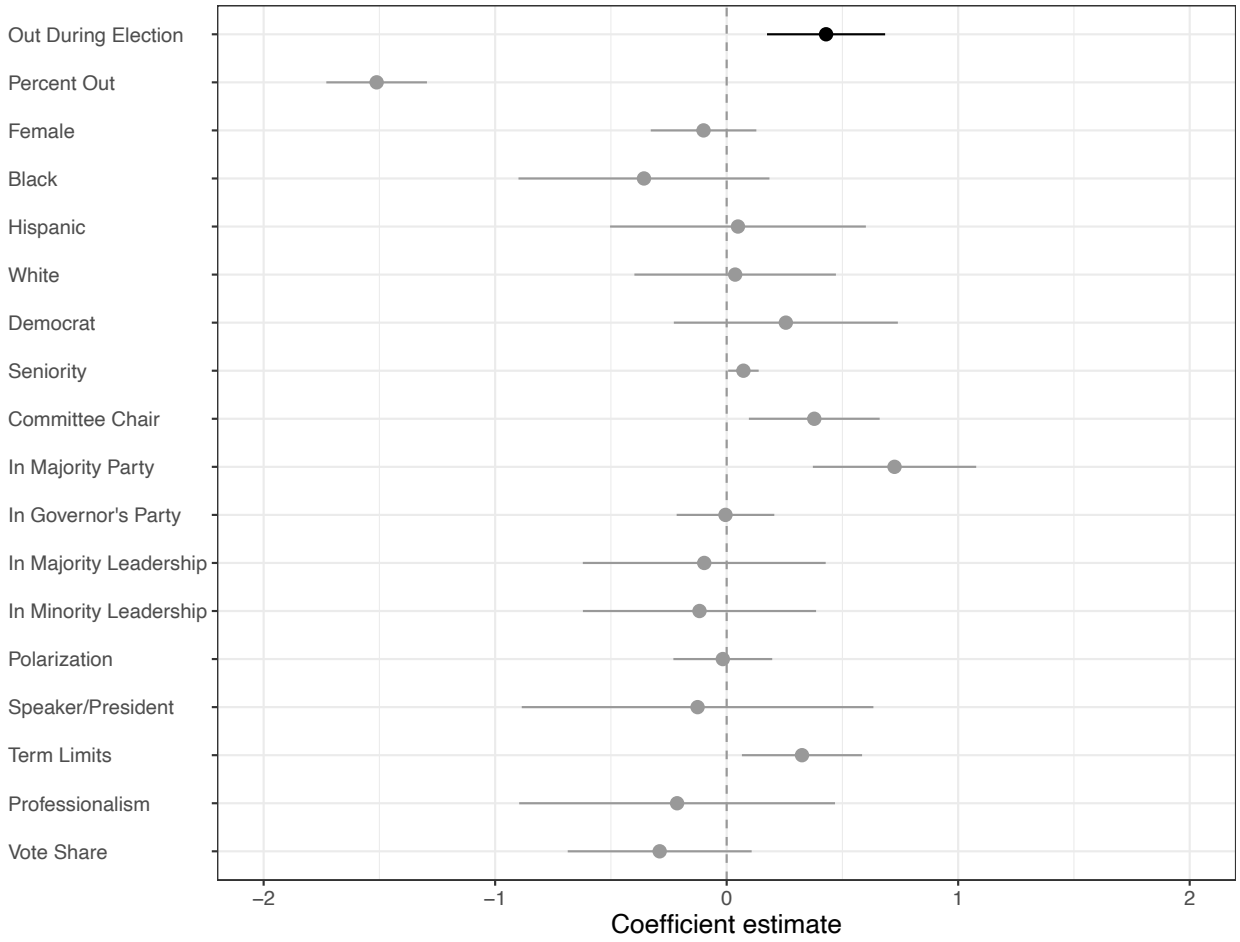
Note: Bars indicate the mean SLES for non-LGBTQ lawmakers, not publicly out LGBTQ lawmakers, and LGBTQ lawmakers.

To model this relationship, we estimate an OLS regression model using clustered standard errors with state and term fixed effects. We regress SLES onto Out During Election, our independent variable of interest. This variable allows for a careful mechanism test of voter discrimination as

discussed above because it isolates whether voters are aware of LGBTQ legislators' sexual identity. The results of this model are show in Figure 4 (and in Table 3.2 in the appendix).

The Out During Election coefficient is 0.43 ($p < 0.01$). This means that a publicly out LGBTQ lawmaker are approximately 43% more effective than a non-out LGBTQ lawmaker. Substantively, this estimate suggests that an out LGBTQ legislator has a comparable SLES to that of a lawmaker with 6 additional terms of legislative experience in their respective chamber. As seen in this model, going from not publicly out to publicly out increases SLES more than every covariate in the model apart from majority party status.

Figure 4: Out Legislators Are More Effective Lawmakers



Note: Dots indicate coefficients estimated from an OLS regression found in Table 3.2 (in the appendix). Estimated with 95% confidence intervals.

Conclusion

We provide a novel empirical test of Anzia & Berry's (2011) argument by demonstrating that, when faced with sexuality-based electoral discrimination, LGBTQ candidates become highly effective lawmakers. LGBTQ lawmakers experience a "coming out" effectiveness boost, suggesting that once voters are aware that a lawmaker identifies as LGBTQ, the legislator works harder within the legislature to safeguard their electoral support (Fenno 1978; Mayhew 2004).

Studying the legislative performance of LGBTQ lawmakers is important for at least three reasons. First, while voters likely discriminate against LGBTQ candidates for many reasons, one plausible explanation is that voters suspect that LGBTQ lawmakers will be bad at their job. Our findings suggest exactly the opposite—LGBTQ legislators are more effective lawmakers than non-LGBTQ legislators. Second, if the descriptive representation of an identity group improves substantive representation, our findings suggest that LGBTQ lawmakers have the legislative tools and skills necessary to substantively represent LGBTQ Americans. Finally, examining the legislative effectiveness of LGBTQ lawmakers clarifies the root causes of their descriptive underrepresentation in legislatures. Given that LGBTQ lawmakers are more effective than non-LGBTQ lawmakers, there is little reason to suspect that their numeric underrepresentation is a result of their lawmaking abilities.

Given that LGBTQ lawmakers win as often and legislate as well, what factors explain their numeric underrepresentation in legislatures? We highlight two potential causes of LGBTQ underrepresentation that scholars should empirically evaluate. First, LGBTQ Americans may be less likely than non-LGBTQ Americans to consider running for political office (Fox and Lawless 2004). If a sexuality-based political ambition gap exists, it could be the case that, though they are equally as qualified, LGBTQ Americans do not consider running for office. Second, political gatekeepers (political parties, activists, politicians) may be less likely to recruit LGBTQ candidates, despite being qualified for the job (Fox and Lawless 2010). Presenting empirical evidence demonstrating that LGBTQ lawmakers are capable of winning elections and effectively legislating is necessary to dismiss discriminatory arguments that LGBTQ candidates are in some way less capable than

other candidates. Identifying the cause(s) of LGBTQ underrepresentation—whether it be a lack of political ambition, political recruitment, or some other factor—is necessary to increase LGBTQ representation in American politics.

References

Anzia, Sarah F and Christopher R Berry. 2011. "The Jackie (and Jill) Robinson Effect: Why Do Congresswomen Outperform Congressmen?" *American Journal of Political Science* 55(3):478–493.

Ashworth, Scott, Christopher R Berry and Ethan Bueno de Mesquita. 2023. "Modeling Theories of Women's Underrepresentation in Elections." *American Journal of Political Science* .

Brant, Hanna K and Jordan Butcher. 2022. "Legislating as Your Full Self: Queer Women of Color in US State Legislatures." *Journal of Women, Politics & Policy* 43(3):297–309.

Bucchianeri, Peter, Craig Volden and Alan E Wiseman. Forthcoming. "Legislative Effectiveness in the American States." *American Political Science Review* .

Dolan, Kathleen. 1997. "Gender Differences in Support for Women Candidates: Is There a Glass Ceiling in American Politics?" *Women & Politics* 17(2):27–41.

Dolan, Kathleen. 2004. "Voting for Women: How the Public Evaluates Women Candidates. Boulder, CO.".

EqualityCalifornia. 2023. "Legislation.".
URL: *https://www.eqca.org/legislation/*

Fenno, Richard F. 1978. "Home Style: House Members in Their Districts." *(Little, Brown)* .

Fox, Richard L and Jennifer L Lawless. 2004. "Entering he Arena? Gender and the Decision to Run for Office." *American Journal of Political Science* 48(2):264–280.

Fox, Richard L and Jennifer L Lawless. 2010. "If Only They'd Ask: Gender, Recruitment, and Political Ambition." *The Journal of Politics* 72(2):310–326.

Haider-Markel, Donald P. 2010. *Out and Running: Gay and Lesbian Candidates, Elections, and Policy Representation*. Georgetown University Press.

Haider-Markel, Donald P, Patrick Gauding, Andrew Flores, Daniel C Lewis, Patrick R Miller, Barry Tadlock and Jami K Taylor. 2020. "LGBTQ State Legislative Candidates in an Era of Backlash." *PS: Political Science & Politics* 53(3):453–459.

Haider-Markel, Donald, Patrick Miller, Andrew Flores, Daniel C Lewis, Barry Tadlock and Jami

Taylor. 2017. "Bringing "T" to the Table: Understanding Individual Support of Transgender Candidates for Public Office." *Politics, Groups, and Identities* 5(3):399–417.

Hansen, Eric R and Sarah A Treul. 2015. "The Symbolic and Substantive Representation of LGB Americans in the US House." *The Journal of Politics* 77(4):955–967.

Jalonick, Mary Clare. AP News. 2022. "How Senators 'Defied Political Gravity' on Same-Sex Marriage.".

URL: *https://apnews.com/article/politics-wisconsin-rob-portman-marriage-tammy-baldwin-91b12650871afaa87a479d3018a4fded*

Jones, Jeffrey M. 2022. "LGBT Identification in U.S. Ticks Up to 7.1%." *Gallup* .

Jones, Jeffrey M. 2023. "Fewer in U.S. Say Same-Sex Relations Morally Acceptable." *Gallup* .

Kurtzleben, Danielle. NPR. 2021. "House Passes The Equality Act: Here's What It Would Do.".

URL: *https://www.npr.org/2021/02/24/969591569/house-to-vote-on-equality-act-heres-what-the-law-would-do*

Lawless, Jennifer L and Kathryn Pearson. 2008. "The Primary Reason for Women's Underrepresentation? Reevaluating the Conventional Wisdom." *The Journal of Politics* 70(1):67–82.

Lollis, Jacob M. 2023. "Are Workers Effective Lawmakers?" *Center for Effective Lawmaking Working Paper* p. 02.

Magni, Gabriele and Andrew Reynolds. 2021. "Voter Preferences and the Political Underrepresentation of Minority Groups: Lesbian, Gay, and Transgender Candidates in Advanced Democracies." *The Journal of Politics* 83(4):1199–1215.

Masci, D, A Brown and J Kiley. 2019. "5 Facts About Same-Sex Marriage. Pew Research Center.".

Mayhew, David R. 2004. *Congress: The Electoral Connection*. Yale University Press.

Newport, Frank and Joseph Carroll. 2007. "Analysis: Impact of personal characteristics on candidate support." *Princeton, NJ: Gallup News Service* .

Poushter, Jacob and Nicholas Kent. 2020. "The Global Divide on Homosexuality Persists." *Pew Research Center* 25.

Schaeffer, Katherine. 2023. "118th Congress Breaks Record for Lesbian, Gay and Bisexual Representation." *Pew Research Center* .

Secretary of the Commonwealth of Massachusetts. 1974.

URL: *https://electionstats.state.ma.us/candidates/view/Elaine-Noble*

Volden, Craig and Alan E Wiseman. 2014. *Legislative Effectiveness in the United States Congress: The Lawmakers*. Cambridge University Press.

Wagner, Angelia. 2021. "Avoiding The Spotlight: Public Scrutiny, Moral Regulation, and LGBTQ Candidate Deterrence." *Politics, Groups, and Identities* 9(3):502–518.

Online Supplemental Appendix

Contents

1 Computing State Legislative Effectiveness Scores

State Legislative Effectiveness Scores (SLES) are weighted averages calculated for individual legislators (i) in each legislative term (t) within each legislative chamber. SLES consider the number of bill's a legislator (i) introduced (BILL), received action in committee (AIC), received action beyond committee (ABC), passed their chamber (PASS), and became law (LAW) (Bucchianeri et al. 2020, p.6). Each bill is weighted by its overall significance. Commemorative bills are weighed α=1, substantive bills are weighted β=5, and substantive/significant bills are weighed $\gamma = 10$.

Finally, this equation is normalized (n/5) across N legislators to ensure SLES takes a mean value of 1 for each chamber (Bucchianeri et al. 2020, p. 6). We z-score the SLES variable to produce a normal distribution with a mean of zero.

SLES for four states appear in the data set post-2003: Massachusetts (2009), Nebraska (2007), Oregon (2007), and Rhode Island (2007). SLES do not exist for Kansas due to insufficient data.

The equation below explains how SLES scores are calculated. For a more detailed description of how legislative effectiveness scores are calculated see Volden & Wiseman (2014), and for more information on state legislative effectiveness scores see Bucchinaeri et al. (2020).

$$SLES_{it} = \left[\begin{array}{c} \dfrac{\alpha BILL_{it}^{C} + \beta BILL_{it}^{S} + \gamma BILL_{it}^{SS}}{\alpha \sum_{j=1}^{N} BILL_{it}^{C} + \beta \sum_{j=1}^{N} BILL_{it}^{S} + \gamma \sum_{j=1}^{N} BILL_{it}^{SS}} \\ + \dfrac{\alpha AIC_{it}^{C} + \beta AIC_{it}^{S} + \gamma AIC_{it}^{SS}}{\alpha \sum_{j=1}^{N} AIC_{it}^{C} + \beta \sum_{j=1}^{N} AIC_{it}^{S} + \gamma \sum_{j=1}^{N} AIC_{it}^{SS}} \\ + \dfrac{\alpha ABC_{it}^{C} + \beta ABC_{it}^{S} + \gamma ABC_{it}^{SS}}{\alpha \sum_{j=1}^{N} ABC_{it}^{C} + \beta \sum_{j=1}^{N} ABC_{it}^{S} + \gamma \sum_{j=1}^{N} ABC_{it}^{SS}} \\ + \dfrac{\alpha PASS_{it}^{C} + \beta PASS_{it}^{S} + \gamma PASS_{it}^{SS}}{\alpha \sum_{j=1}^{N} PASS_{it}^{C} + \beta \sum_{j=1}^{N} PASS_{it}^{S} + \gamma \sum_{j=1}^{N} PASS_{it}^{SS}} \\ + \dfrac{\alpha LAW_{it}^{C} + \beta LAW_{it}^{S} + \gamma LAW_{it}^{SS}}{\alpha \sum_{j=1}^{N} LAW_{it}^{C} + \beta \sum_{j=1}^{N} LAW_{it}^{S} + \gamma \sum_{j=1}^{N} LAW_{it}^{SS}} \end{array} \right] \left[\frac{N}{5}\right]$$

Note: Equation from Bucchinaeri et al. 2020 (p.6)

2 Descriptive Statistics

Variable	Mean	Std. Deviation	Range
LGBTQ	.0117744	.1078697	0 - 1
Percent LGBTQ	1.177437	.520029	0 - 2.631579
Out During Election	.8932347	.308978	0 - 1
Percent Out	1.051728	.5370096	0 - 2.631579
Bill Introductions (BILL)	.0128448	.0146815	0 - .3053966
Action in Committee (AIC)	0128448	.0167776	0 - .3949049
Action Beyond Committee (ABC)	.0128448	.0176302	0 - .4396467
Pass Chamber (PASS)	.0128448	.0177471	0 - .487277
Becomes Law (LAW)	.0128448	.0194319	0 - .5512031
State Legislative Effectiveness Score ($SLES_z$)	0	.993563	-2.937793 - 13.60942

3 Models

3.1 Table 3.1: LGBTQ Legislators Are More Effective Lawmakers

	BILL	AIC	ABC	PASS	LAW	SLES	SLES
LGBTQ	0.00194**	0.00138	0.00127	0.00132	0.00118	0.281***	0.2889***
	(0.000753)	(0.000767)	(0.000735)	(0.000751)	(0.000841)	(0.0608)	(0.0317)
Percent LGBTQ	0.00155***	0.00146***	0.00143***	0.00143***	0.00145***	0.00770	-0.0113
	(0.000249)	(0.000266)	(0.000258)	(0.000279)	(0.000303)	(0.0221)	(0.0071)
Female	-0.000207	0.000211	0.000318	0.000506*	0.000554*	-0.00753	-0.0059
	(0.000207)	(0.000232)	(0.000231)	(0.000224)	(0.000243)	(0.0133)	(0.0083)
Black	-0.00555*	-0.00625*	-0.00609*	-0.00603*	-0.00626	-0.00352	0.0133
	(0.00218)	(0.00243)	(0.00258)	(0.00294)	(0.00366)	(0.0780)	(0.0399)
Hispanic	-0.00334	-0.00418	-0.00405	-0.00408	-0.00438	0.105	0.1256**
	(0.00215)	(0.00240)	(0.00255)	(0.00291)	(0.00362)	(0.0775)	(.0382)
Race (other)	-0.00548*	-0.00537*	-0.00583*	-0.00848**	-0.00866*	-0.167	-0.1719
	(0.00260)	(0.00268)	(0.00283)	(0.00301)	(0.00367)	(0.100)	(0.1049)
White	-0.00408	-0.00463	-0.00454	-0.00468	-0.00486	0.108	0.1290***
	(0.00212)	(0.00237)	(0.00253)	(0.00288)	(0.00359)	(0.0708)	(0.0335)
Democrat	-0.000582**	0.000229	0.000231	0.000440*	0.000498*	0.0288*	0.0288***
	(0.000180)	(0.000201)	(0.000205)	(0.000200)	(0.000217)	(0.0117)	(0.0070)
Seniority	0.000121*	0.000137	0.000146	0.0000950*	0.000133*	0.0279***	0.0279***
	(0.0000573)	(0.0000712)	(0.0000770)	(0.0000474)	(0.0000540)	(0.00321)	(0.0011)
Committee Chair	0.00555***	0.00752***	0.00834***	0.00893***	0.00894***	0.518***	0.4736***
	(0.000257)	(0.000314)	(0.000338)	(0.000286)	(0.000327)	(0.0157)	(0.0085)
In Majority Party	0.00225***	0.00401***	0.00444***	0.00443***	0.00391***	0.356***	0.3687***
	(0.000251)	(0.000310)	(0.000329)	(0.000216)	(0.000230)	(0.0162)	(0.0085)
In Governor's Party	0.000605***	0.000866***	0.000853***	0.000921***	0.00137***	0.0414***	0.0414***
	(0.000133)	(0.000145)	(0.000152)	(0.000151)	(0.000164)	(0.00918)	(.0421)
In Majority Leadership	0.00290***	0.00392***	0.00477***	0.00556***	0.00557***	0.171***	0.1171***
	(0.000584)	(0.000631)	(0.000684)	(0.000696)	(0.000725)	(0.0328)	(0.0206)
In Minority Leadership	0.00223***	0.00144	0.000954	0.000430	0.000286	0.0814**	0.026
	(0.000620)	(0.000749)	(0.000772)	(0.000522)	(0.000563)	(0.0297)	(0.0203)
Polarization	-0.000228	-0.00117***	-0.00179***	-0.00223***	-0.00257***	-0.142***	-0.1414***
	(0.000233)	(0.000286)	(0.000304)	(0.000187)	(0.000198)	(0.0143)	(0.0083)
Speaker/President	0.00180	0.00329	0.00429*	0.00350*	0.00475*	0.0146	0.0368
	(0.00150)	(0.00185)	(0.00204)	(0.00167)	(0.00199)	(0.0723)	(0.0284)
Term Limits	0.00186***	0.00202***	0.00216***	0.00214***	0.00228***	0.103***	0.0815***
	(0.000217)	(0.000226)	(0.000238)	(0.000242)	(0.000261)	(0.0138)	(0.0089)
Professionalism	-0.00426***	-0.00400***	-0.00408***	-0.00408***	-0.00411***	-0.149**	-0.1321***
	(0.000605)	(0.000641)	(0.000639)	(0.000644)	(0.000723)	(0.0483)	(0.0286)
Vote Share	0.00132***	0.00108**	0.00108**	0.00127***	0.00137***	-0.00942	-0.0309**
	(0.000313)	(0.000377)	(0.000391)	(0.000372)	(0.000406)	(0.0240)	(0.0143)
Intercept	0.00830***	0.00658**	0.00639*	0.00625*	0.00642	-0.460***	-0.4891***
	(0.00221)	(0.00247)	(0.00262)	(0.00296)	(0.00368)	(0.0869)	(0.0387)
State Fixed Effects	✓	✓	✓	✓	✓	✓	
Term Fixed Effects	✓	✓	✓	✓	✓	✓	✓
District Level Fixed Effects							✓
Observations	73483	73483	73483	73483	73483	73483	72708

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

3.2 Table 3.2: Out Legislators Are More Effective Lawmakers

	BILL	AIC	ABC	PASS	LAW	SLES
Out During Election	-0.00438	0.00137	0.000861	0.00166	0.00289	0.429**
	(0.00267)	(0.00212)	(0.00202)	(0.00227)	(0.00197)	(0.130)
Percent Out During Election	0.000537	-0.00410**	-0.00444***	-0.00597***	-0.00739***	-1.512***
	(0.00151)	(0.00129)	(0.00126)	(0.00141)	(0.00138)	(0.111)
Female	0.000320	0.00149	0.00200	0.00188	0.00110	-0.0999
	(0.00137)	(0.00147)	(0.00142)	(0.00153)	(0.00157)	(0.116)
Black	-0.00221	-0.00821	-0.00640	-0.0111*	-0.0144**	-0.357
	(0.00435)	(0.00494)	(0.00455)	(0.00496)	(0.00537)	(0.277)
Hispanic	0.00109	-0.00611	-0.00444	-0.00982	-0.0110*	0.0489
	(0.00467)	(0.00460)	(0.00450)	(0.00510)	(0.00545)	(0.282)
White	0.000266	-0.00646	-0.00433	-0.00879*	-0.00996*	0.0367
	(0.00356)	(0.00391)	(0.00378)	(0.00428)	(0.00456)	(0.222)
Democrat	0.00217	0.00259	0.00308	0.00175	0.000943	0.256
	(0.00387)	(0.00253)	(0.00249)	(0.00193)	(0.00180)	(0.247)
Seniority	0.000351	0.000244	0.000260	0.000169	0.0000994	0.0724*
	(0.000259)	(0.000305)	(0.000235)	(0.000261)	(0.000262)	(0.0336)
Committee Chair	0.00364	0.00692**	0.00687**	0.00652**	0.00611**	0.378**
	(0.00192)	(0.00213)	(0.00207)	(0.00210)	(0.00234)	(0.144)
In Majority Party	0.00539**	0.00902***	0.00999***	0.0108***	0.0106***	0.725***
	(0.00177)	(0.00147)	(0.00150)	(0.00158)	(0.00161)	(0.180)
In Governor's Party	-0.000721	-0.00131	-0.000770	-0.000366	-0.000708	-0.00510
	(0.00134)	(0.00141)	(0.00146)	(0.00154)	(0.00185)	(0.108)
In Majority Leadership	0.00424	0.00570	0.00644	0.00871	0.00832	-0.0968
	(0.00361)	(0.00468)	(0.00464)	(0.00563)	(0.00628)	(0.268)
In Minority Leadership	-0.00204	-0.0000117	0.000469	-0.000269	0.0000783	-0.117
	(0.00293)	(0.00349)	(0.00333)	(0.00324)	(0.00354)	(0.257)
Polarization	0.0000373	-0.000282	-0.000741	-0.000566	-0.000957	-0.0167
	(0.00112)	(0.00110)	(0.00110)	(0.00118)	(0.00126)	(0.109)
Speaker/President	-0.00827	-0.00705	-0.00480	-0.00413	-0.00256	-0.126
	(0.00485)	(0.00558)	(0.00583)	(0.00665)	(0.00765)	(0.387)
Term Limits	0.00616**	0.00629**	0.00657**	0.00685**	0.00749**	0.325*
	(0.00189)	(0.00204)	(0.00210)	(0.00222)	(0.00248)	(0.132)
Professionalism	-0.00829	-0.0138**	-0.0127**	-0.00868	-0.00817	-0.214
	(0.00521)	(0.00463)	(0.00438)	(0.00481)	(0.00493)	(0.348)
Vote Share	0.00281	0.00100	0.00126	0.000978	0.000794	-0.289
	(0.00266)	(0.00206)	(0.00206)	(0.00204)	(0.00214)	(0.203)
Intercept	0.00259	0.0121**	0.00982*	0.0163**	0.0213***	1.720***
	(0.00540)	(0.00448)	(0.00464)	(0.00495)	(0.00549)	(0.354)
State Fixed Effects	✓	✓	✓	✓	✓	✓
Term Fixed Effects	✓	✓	✓	✓	✓	✓
Observations	865	865	865	865	865	865

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

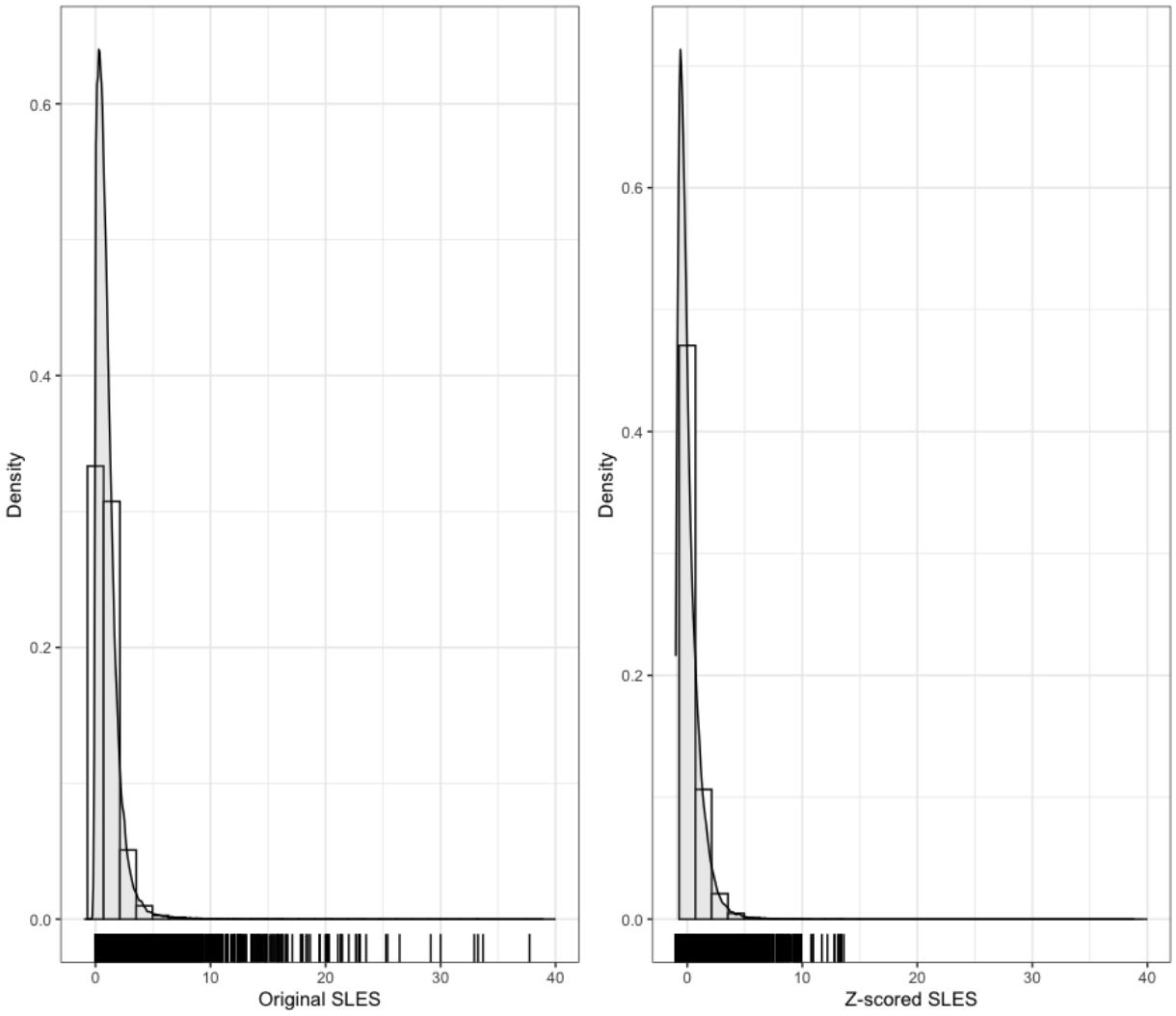
4 Additional Figures

4.1 Figure 4.1: Overtime Trends in LGBTQ Lawmakers Being Out for All of Their Legislative Tenure: 1991-2017

5 Transformation of the Dependent Variable

The distribution of SLES is skewed rightward, indicating numerous outliers at the upper end of the distribution. Given that outliers could bias our findings, we normalize the dependent variable by z-scoring SLES. Figure 5.1 displays a histogram of both the SLES variable and the transformed z-scored SLES. To guard against the possibility of outliers misrepresenting our specified model, we run all of our analyses using the original SLES variable and a z-scored transformation of the SLES variable. As the tables in section five of the appendix show, our findings are not sensitive to the transformed dependent variable. We choose to report results of our regressions using the normalized SLES variable in-text.

5.1 Figure 5.1: Distribution of SLES and Z-Scored SLES



5.2 Table 5.2: Transformation of the Dependent Variable: LGBTQ Legislators Are More Effective Lawmakers

	BILL	AIC	ABC	PASS	LAW	SLES
LGBTQ	0.00194**	0.00138	0.00127	0.00132	0.00118	0.244***
	(0.000753)	(0.000767)	(0.000735)	(0.000751)	(0.000841)	(0.0671)
Percent LGBTQ	0.00155***	0.00146***	0.00143***	0.00143***	0.00145***	0.00382
	(0.000249)	(0.000266)	(0.000258)	(0.000279)	(0.000303)	(0.0263)
Female	-0.000207	0.000211	0.000318	0.000506*	0.000554*	-0.0249
	(0.000207)	(0.000232)	(0.000231)	(0.000224)	(0.000243)	(0.0152)
Black	-0.00555*	-0.00625*	-0.00609*	-0.00603*	-0.00626	-0.0281
	(0.00218)	(0.00243)	(0.00258)	(0.00294)	(0.00366)	(0.135)
Hispanic	-0.00334	-0.00418	-0.00405	-0.00408	-0.00438	0.0210
	(0.00215)	(0.00240)	(0.00255)	(0.00291)	(0.00362)	(0.132)
Race (other)	-0.00548*	-0.00537*	-0.00583*	-0.00848**	-0.00866*	-0.112
	(0.00260)	(0.00268)	(0.00283)	(0.00301)	(0.00367)	(0.145)
White	-0.00408	-0.00463	-0.00454	-0.00468	-0.00486	0.0691
	(0.00212)	(0.00237)	(0.00253)	(0.00288)	(0.00359)	(0.131)
Democrat	-0.000582**	0.000229	0.000231	0.000440*	0.000498*	0.0435**
	(0.000180)	(0.000201)	(0.000205)	(0.000200)	(0.000217)	(0.0135)
Seniority	0.000121*	0.000137	0.000146	0.0000950*	0.000133*	0.0358***
	(0.0000573)	(0.0000712)	(0.0000770)	(0.0000474)	(0.0000540)	(0.00524)
Committee Chair	0.00555***	0.00752***	0.00834***	0.00893***	0.00894***	0.488***
	(0.000257)	(0.000314)	(0.000338)	(0.000286)	(0.000327)	(0.0220)
In Majority Party	0.00225***	0.00401***	0.00444***	0.00443***	0.00391***	0.385***
	(0.000251)	(0.000310)	(0.000329)	(0.000216)	(0.000230)	(0.0230)
In Governor's Party	0.000605***	0.000866***	0.000853***	0.000921***	0.00137***	0.0477***
	(0.000133)	(0.000145)	(0.000152)	(0.000151)	(0.000164)	(0.0104)
In Majority Leadership	0.00290***	0.00392***	0.00477***	0.00556***	0.00557***	0.120***
	(0.000584)	(0.000631)	(0.000684)	(0.000696)	(0.000725)	(0.0313)
In Minority Leadership	0.00223***	0.00144	0.000954	0.000430	0.000286	0.114*
	(0.000620)	(0.000749)	(0.000772)	(0.000522)	(0.000563)	(0.0452)
Polarization	-0.000228	-0.00117***	-0.00179***	-0.00223***	-0.00257***	-0.0702***
	(0.000233)	(0.000286)	(0.000304)	(0.000187)	(0.000198)	(0.0209)
Speaker/President	0.00180	0.00329	0.00429*	0.00350*	0.00475*	0.178
	(0.00150)	(0.00185)	(0.00204)	(0.00167)	(0.00199)	(0.118)
Term Limits	0.00186***	0.00202***	0.00216***	0.00214***	0.00228***	0.107***
	(0.000217)	(0.000226)	(0.000238)	(0.000242)	(0.000261)	(0.0136)
Professionalism	-0.00426***	-0.00400***	-0.00408***	-0.00408***	-0.00411***	-0.180***
	(0.000605)	(0.000641)	(0.000639)	(0.000644)	(0.000723)	(0.0515)
Vote Share	0.00132***	0.00108**	0.00108**	0.00127***	0.00137***	-0.0293
	(0.000313)	(0.000377)	(0.000391)	(0.000372)	(0.000406)	(0.0324)
Intercept	0.00830***	0.00658**	0.00639*	0.00625*	0.00642	0.488***
	(0.00221)	(0.00247)	(0.00262)	(0.00296)	(0.00368)	(0.146)
State Fixed Effects	✓	✓	✓	✓	✓	✓
Term Fixed Effects	✓	✓	✓	✓	✓	✓
Observations	73483	73483	73483	73483	73483	73483

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

5.3 Table 5.3: Transformation of the Dependent Variable: Out Legislators Are More Effective Lawmakers

	BILL	AIC	ABC	PASS	LAW	SLES
Out During Election	-0.00438	0.00137	0.000861	0.00166	0.00289	0.305*
	(0.00267)	(0.00212)	(0.00202)	(0.00227)	(0.00197)	(0.141)
Percent Out	0.000537	-0.00410**	-0.00444***	-0.00597***	-0.00739***	-2.003***
	(0.00151)	(0.00129)	(0.00126)	(0.00141)	(0.00138)	(0.124)
Female	0.000320	0.00149	0.00200	0.00188	0.00110	-0.126
	(0.00137)	(0.00147)	(0.00142)	(0.00153)	(0.00157)	(0.113)
Black	-0.00221	-0.00821	-0.00640	-0.0111*	-0.0144**	-0.441
	(0.00435)	(0.00494)	(0.00455)	(0.00496)	(0.00537)	(0.308)
Hispanic	0.00109	-0.00611	-0.00444	-0.00982	-0.0110*	0.00496
	(0.00467)	(0.00460)	(0.00450)	(0.00510)	(0.00545)	(0.251)
White	0.000266	-0.00646	-0.00433	-0.00879*	-0.00996*	0.00747
	(0.00356)	(0.00391)	(0.00378)	(0.00428)	(0.00456)	(0.211)
Democrat	0.00217	0.00259	0.00308	0.00175	0.000943	0.430
	(0.00387)	(0.00253)	(0.00249)	(0.00193)	(0.00180)	(0.326)
Seniority	0.000351	0.000244	0.000260	0.000169	0.0000994	0.0947*
	(0.000259)	(0.000305)	(0.000235)	(0.000261)	(0.000262)	(0.0406)
Committee Chair	0.00364	0.00692**	0.00687**	0.00652**	0.00611**	0.347*
	(0.00192)	(0.00213)	(0.00207)	(0.00210)	(0.00234)	(0.149)
In Majority Party	0.00539**	0.00902***	0.00999***	0.0108***	0.0106***	0.558***
	(0.00177)	(0.00147)	(0.00150)	(0.00158)	(0.00161)	(0.165)
In Governor's Party	-0.000721	-0.00131	-0.000770	-0.000366	-0.000708	-0.0381
	(0.00134)	(0.00141)	(0.00146)	(0.00154)	(0.00185)	(0.114)
In Majority Leadership	0.00424	0.00570	0.00644	0.00871	0.00832	-0.214
	(0.00361)	(0.00468)	(0.00464)	(0.00563)	(0.00628)	(0.242)
In Minority Leadership	-0.00204	-0.0000117	0.000469	-0.000269	0.0000783	0.00180
	(0.00293)	(0.00349)	(0.00333)	(0.00324)	(0.00354)	(0.260)
Polarization	0.0000373	-0.000282	-0.000741	-0.000566	-0.000957	-0.0384
	(0.00112)	(0.00110)	(0.00110)	(0.00118)	(0.00126)	(0.101)
Speaker/President	-0.00827	-0.00705	-0.00480	-0.00413	-0.00256	-0.0971
	(0.00485)	(0.00558)	(0.00583)	(0.00665)	(0.00765)	(0.318)
Term Limits	0.00616**	0.00629**	0.00657**	0.00685**	0.00749**	0.236
	(0.00189)	(0.00204)	(0.00210)	(0.00222)	(0.00248)	(0.127)
Professionalism	-0.00829	-0.0138**	-0.0127**	-0.00868	-0.00817	-0.877**
	(0.00521)	(0.00463)	(0.00438)	(0.00481)	(0.00493)	(0.328)
Vote Share	0.00281	0.00100	0.00126	0.000978	0.000794	-0.389
	(0.00266)	(0.00206)	(0.00206)	(0.00204)	(0.00214)	(0.248)
Intercept	0.00259	0.0121**	0.00982*	0.0163**	0.0213***	3.847***
	(0.00540)	(0.00448)	(0.00464)	(0.00495)	(0.00549)	(0.358)
State Fixed Effects	✓	✓	✓	✓	✓	✓
Term Fixed Effects	✓	✓	✓	✓	✓	✓
Observations	865	865	865	865	865	865

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$