

article

The role of super interest groups in public policy diffusion

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In recent years scholarship has drawn attention to the role of large multi-issue interest groups in policy networks and in public policy diffusion. This paper develops this field of study by demonstrating empirically the leverage of the 'sustained organisational influence' theory of policy diffusion. Specifically, it focuses on the role of the American Legislative Exchange Council (ALEC) in diffusing the Stand Your Ground policy across US state legislatures. By comparing ALEC's template policy to bills introduced and legislation subsequently enacted within state legislatures, we demonstrate that ALEC has positioned itself as a 'super interest group', exerting sustained organisational influence across an expanding number of states. In doing so, this paper moves theory beyond the typical advocacy coalition framework that implicitly assumes policymaking occurs discretely among specialists on an issue-by-issue basis. It also highlights the democratic implications of the role of super interest groups in shaping policy behind the scenes.

key words policy diffusion • sustained organisational influence • interest groups
• policy networks • advocacy coalition frameworks • American Legislative Exchange Council
• Stand Your Ground • state legislation

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Introduction

Trayvon Martin was shot and killed by George Zimmerman on the night of 26 February 2012. Martin, a 17-year-old black teenager visiting his relatives in Sanford, Florida, was walking home from a convenience market when Zimmerman – a self-appointed neighbourhood watch coordinator – confronted him resulting in Martin's death. Zimmerman was acquitted of murder on grounds of self-defence. During the trial, the judge informed jurors that, because of Florida's Stand Your Ground law (hereafter, SYG), Zimmerman had no duty to retreat in the face of a perceived threat (Martin). The incident renewed public attention to SYG laws in general and specifically how they came to pass.

More recently, in March 2019, Marquis Todd, a 22-year-old black college basketball player at William Penn University, was stabbed to death while unarmed. The individual charged in his death is seeking immunity prior to trial by citing Iowa's 2017 SYG Law. In short, SYG laws have had major consequences in the exoneration of crimes committed against American citizens.

We use the case of SYG lawmaking in US state legislatures to evaluate and expand upon a relatively new theory of policy diffusion, called sustained organisational influence (SOI). The SOI theoretical approach builds upon existing models of policy diffusion (for example, policy entrepreneurs, coercive isomorphism, policy learning, policy imitation/emulation and economic competition), and the policy process itself, such as the Advocacy Coalition Framework (ACF). While we are interested in diffusion, SOI theory relies on coalition-building within and across states – where SOI is the central organiser – to improve the organisation's diffusion capacity. This is why, in the SOI framework, it is necessary to blend ACF with existing theories of policy diffusion. Under SOI, large sustained organisations ('super interest groups') often drive policy diffusion in multiple policy areas (for example, guns, healthcare, immigration, education).

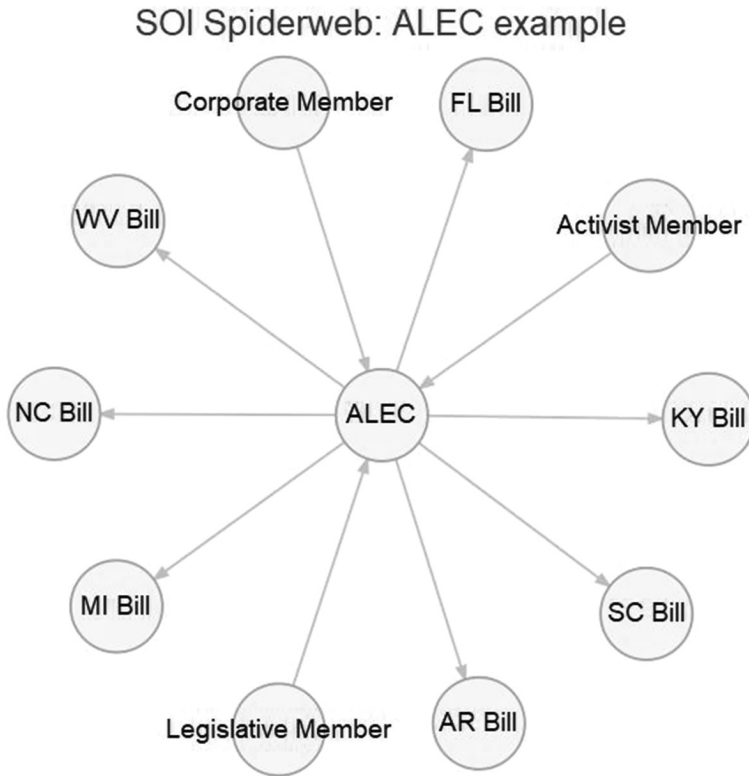
Theoretically, we expand upon the SOI framework by conceptualising sustained organisations as a spiderweb with one central entity organising the exchange of policy ideas, building necessary coalitions within and across states, and diffusing bill proposals. One implication is that SOIs will influence legislation across a wide array of issue areas. Empirically, we assess the influence of the American Legislative Exchange Council (ALEC) over the diffusion of SYG legislation in the US states during a 10-year time period. Using text analysis, we show that large chunks of ALEC-sponsored 'model' legislation made their way into SYG bill introductions and enactments beginning in 2006.

Little empirical research has investigated the determinants and diffusion of SYG laws, even though some variant of the law exists in 33 states. However, taking a classic event history analysis (EHA) approach, [Butz et al \(2015\)](#) find that SYG policy diffusion is primarily a function of a state's racial context, gun violence, elite ideology and poverty. While [Butz et al \(2015\)](#) note that the National Rifle Association (NRA) and ALEC pushed initial SYG laws in the mid-2000s, the authors' measure for interest groups is statistically insignificant.

Furthermore, [Garrett and Jansa \(2015\)](#) examine ALEC's role in the diffusion of SYG and other self-defence laws by demonstrating that parts of enacted laws are related to ALEC's model legislation. However, these scholars do not look at bill introductions, take a different textual approach to ours, and do not embed their analysis within a larger – and relatively new – theoretical approach such as SOI.

We build off [Butz et al \(2015\)](#) and [Garrett and Jansa \(2015\)](#) but incorporate and expand upon a relatively new policy diffusion framework – SOI – to further explain how and why SYG policy diffused around the US states. We build on previous research that has focused on legislative professionalism and staff expenditures to explain the capacity both citizen and professional legislatures have to copy policy language from previous adopters ([Jansa et al, 2018](#)). However, [Jansa et al \(2018\)](#) employ cosine similarity methods – a bag of words approach – to measure language similarity, whereas we employ plagiarism detection methods that take sentence structure into account. Unfortunately, we could not estimate event history analysis due to a lack of data on ALEC membership by state by year.

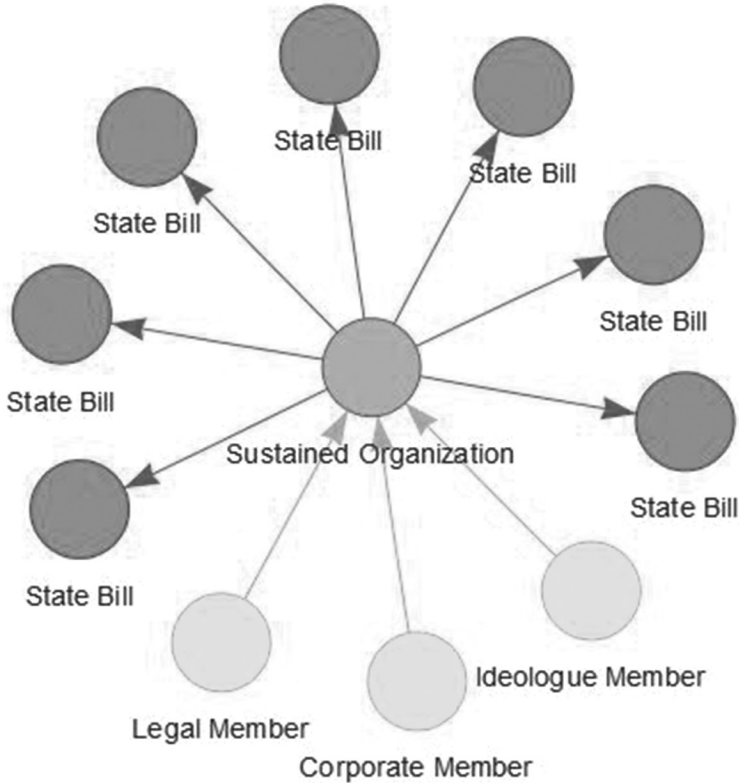
Figure 1: This diagram represents a basic visual network that plots the functionality of SOI in general



Our theory stipulates that sustained organisations – in this case ALEC – are well financed, policy-goal oriented, focus on multiple issues, and have a mutually beneficial relationship with legislators (Collingwood et al, 2019). At the moment, ALEC is probably the only sustained organisation in the US. Powerful unions, like SEIU (Service Employees International Union), are involved in multiple issue campaigns, but tend to focus under umbrella labour issues. The State Policy Network (SPN) is related to ALEC but is considered to be more of a think-tank. Noting ALEC’s success, a left-leaning organisation called the State Innovation Exchange (SiX) has recently emerged. SiX has set up three progressive think-tanks, claims to represent more than 1,500 legislators throughout the states, and even issues its own model legislation; the organisation has yet to display the powerful breadth and influence of ALEC though. Furthermore, we expand on the SOI framework by conceptualising SOI in a spiderweb metaphor with the SOI as the central node. Figure 1 provides a visual aid to conceptualise the SOI framework more generally. The visual application of ALEC within this framework is presented in Figure 2.

In this sense, for any policy area, SOIs can easily gather information from multiple sources and stakeholders, with different players and interests involved depending on the issue area. For any one issue, different sub-interest groups and individual entrepreneurs may be involved, but the SOI nonetheless plays the central organising role in bringing people together to draft then disseminate model legislation. With

Figure 2: This diagram represents a basic visual network that plots the functionality of SOI as it applies to ALEC



their network, SOIs can promote model legislation effectively regardless of the issue area. The spider-web framework integrates legislator membership into the push-and-pull of model policy and real policy diffusion. This unique element of SOIs further differentiates our focus group – ALEC – from other interest groups like AARP (formerly the American Association of Retired Persons).

While research demonstrates that ALEC is partly responsible for diffusing anti-sanctuary city legislation around the states (Collingwood et al, 2019), business interests generally (Hertel-Fernandez, 2014), and education privatisation (Anderson and Donchik, 2016), research to date has not tested diffusion implications of the SOI model in multiple issue areas. Therefore, beyond contributing to the explanation of SYG diffusion and expanding on the SOI theoretical framework, we add evidence in support of SOI theory by demonstrating ALEC’s policy influence on issues beyond sanctuary city and immigration politics.

Our findings suggest that SYG diffusion is a paragon of the SOI model. We evaluate SYG diffusion by textually comparing ALEC’s model SYG law adopted in 2006 against all bills related to self-defence post-ALEC adoption. Using plagiarism detection software, we calculate similarity scores between ALEC’s model bill and each SYG bill/enactment with raw word count overlap and percentage overlap, showing that a large portion of SYG introduced and passed bills emanate word for word from

ALEC's model SYG legislation. Unlike previous SOI research, we demonstrate that ALEC's influence moves beyond legislative proposals into actual laws.

Theoretical framework

We build on an existing theoretical framework of policy diffusion and the policy process called SOI. To varying degrees, SOI relies on the theoretical work enunciated under other theories of the policy process and policy diffusion: ACF and punctuated equilibrium, diffusion theories of innovation/emulation, and policy entrepreneurs, as well as the ecology of interest groups (Gray, 1973; Mintrom, 1997; True et al, 2007; Gray and Lowery, 2000; Weible and Sabatier, 2006; Sabatier and Weible, 2014).

As Mitchell (2018) recently noted, policy diffusion is rooted in studies of spatial diffusion and the early twentieth-century development of the laws of imitation. Political science research on diffusion, originally focused at the individual and group level, was concentrated on temporal, neighbourhood, hierarchal and distancing effects. It was not until the 1960s that policy diffusion research shifted to focus on how policies become adopted across US states (Mitchell, 2018). Walker's (1969) work argued that a state's likelihood of adopting a new programme is higher if other nearby states have already adopted the programme. However, with technological change, diffusion may increasingly have less of a neighboring focus (Butz et al, (2015)).

Innovation is another important component of policy diffusion theory (Mohr, 1969). When states innovate to solve a problem, other similarly situated states are more likely to adopt a similarly innovative policy. For example, if a state were to legalise marijuana resulting in lower incarceration, other states may seek to emulate the policy. Top-down diffusion also matters, as scholars find that policies with federal incentives diffuse faster than policies without such incentives (Welch and Thompson, 1980).

Berry and Berry (1990) show that both internal and external state characteristics account for policy learning. Shipan and Volden (2006) show that policy diffusion can occur from the bottom up (local policy to state level policy). Shipan and Volden (2008) show that imitation, for instance, is often an essential diffusion mechanism, where electoral success of a policy leads to more diffusion (Gilardi, 2010). Gray and Lowery (2000)'s work on state level interest organisations' ecology aims to understand how interest groups and policy entrepreneurs drive the enactment of policy solutions.

We augment the study of policy diffusion by showing how a large and well-connected sustained organisation like ALEC contributes to the diffusion of public policy around the US states. ALEC facilitates the innovation of these policy ideas, and we begin to see the motivation of other states to adopt strikingly similar policies with near identical language. Because ALEC has been around a long time, it maintains a broad network of like-minded coalition groups that can help fund and promote its model legislation, depending on which issue is important to the group.

If we didn't have SOI, theoretically, we might think that in the case of SYG, it's really just Florida legislators and their networks pushing SYG around the states post 2005. From this, we might anticipate a common diffusion story, conceptualised as being driven by internal and external state characteristics. So even though the empirical data might be the same, say, if we were using Florida's 2005 SYG bill as our model legislation, the actual proponents and movers would be lost in the analysis because the movers are members of this sustained organisation – ALEC. Our argument is that we are unlikely to see this type of rapid diffusion if it weren't for this SOI.

Finally, the theory of SOI is distinct from existing theories of policy diffusion because we argue that the proponents of policy diffusion are members of sustained organisations. Additionally, our findings and review of media coverage about the issue show that it is not just one state (for example Florida) that has legislators and networks advancing SYG laws post 2005.

SOI's utility is in explaining policy diffusion from a unique class of powerful interest groups. A network framework has been used to explain policy diffusion in terms of agenda setting, issue framing and financing political campaigns (Denzau and Munger, 1986; Austen-Smith, 1987; Baumgartner and Leech, 1998; 2001; Baumgartner et al, 2009; Baumgartner and Jones, 2010). The ACF has been widely tested and explains policymaking well on an issue-by-issue basis but tends not to account for actors across issue arenas (Gray, 1973; Hecl, 1978; Mintrom, 1997; Weible and Sabatier, 2006; Weyland, 2009; Henry, 2011; Sabatier and Weible, 2014). Other scholars rely on a policy entrepreneur's approach to explain diffusion, where highly involved policy-actors actually move policy proposals about the states (Cohen and Barrilleaux, 1993; Ramakrishnan and Gulasekaram, 2012; Gulasekaram and Ramakrishnan, 2015). SOI builds on these theories, but also relies on the interest group literature to demonstrate how an extremely powerful 'super interest group' facilitates policy diffusion much more broadly than these other models might predict. However, research has only tested the implications of SOI on one issue.

Sustained organisational interest

In recent decades, a new type of super interest group has emerged, providing legislators with access not only to representatives from a variety of interest communities but also colleagues from other states. A sustained organisation is not merely a forum for the exchange of information; rather, they provide legislators with a number of important benefits. While sustained organisations may not necessarily be the originators of policy ideas, they are often the reason such policy ideas diffuse across the states rapidly and broadly. While some scholars have argued that interest groups ensure greater representation of various groups in society (Dahl 1967; Garson 1978; Schattschneider 1975), the growth of SOI influence in American state politics suggests that significant legislation may be the product of potentially anti-democratic and closed-door processes. Democracy becomes threatened when this process of policy diffusion, led by one overwhelmingly influential interest group, actively promotes policies around the states that disadvantage a growing portion of the population often to the benefit of private interests.

First, sustained organisations are well-financed, so that they can provide legislators access to powerful corporate/interest groups that can contribute to legislative campaigns (legislator perks, resources). Second, SOIs provide policy expertise and information that legislators can use to promote ideas to their colleagues (lower information cost). This could prove to be important, especially in state politics where many legislatures are not professional. That said, due to our methodological approach, we cannot fully test this component of our theory; however, the SOI's ability to reduce the cost of information and policy expertise plays a central role in our stipulated theory.

Third, SOIs focus on multiple policy issues, offering a 'one-stop shop' across domains (multi-issue). This is a key distinction between SOI theory and ACF in terms

of understanding the policymaking process. Legislators who attend ALEC meetings receive access to information about multiple policies that are of importance to their state/district. Therefore, it stands to reason that SOIs can successfully diffuse bills across a wide range of policy areas.

Fourth, SOIs provide legal expertise in the form of model legislation (lower information cost). This is a particularly valuable service for legislators, especially those who are not members of a professional legislature. Drafting legislation that meets constitutional and other standards is costly, especially given the electoral and legislative time constraints which state legislators face. Templated legislation, especially on edgy issues like immigration and guns, developed by trusted legal experts can greatly facilitate the likelihood of bill introductions. Furthermore, since these organisations tend to attract legislators who are ideologically consonant with the beliefs and positions of the group, the level of trust in this expertise is high (shared belief systems).

Fifth, organisations like ALEC have operated for a long time and tend to develop a reputation for delivering results thus creating a market among legislators (long-term) (Sabatier, 1988). While newer groups on the left, like SiX, are attempting to model ALEC's framework, they do not yet have comparable influence under our model as the group has only existed for 6–10 years. However, we suspect that SiX will eventually grow into a full sustained organisation like ALEC given more time. Finally, since these organisations are private, their membership lists are also private and their events do not include media (resources). As a result, legislators, lobbyists and business executives can discuss policy concerns, campaign donations and corporate interests without the risk of public scrutiny (resources). In addition, these legislators can craft bills and then might actually personally benefit (for example, Russell Pearce and private prisons). For a comparison of competing models of policy diffusion see Collingwood et al (2019).

These organisations are so effective precisely because of their central locations within a broader network of ideological and corporate interests. An SOI links activists (for example, Tea Party groups), legislators, corporate brokers (for example, Altria), policy analysts (for example, SPN) and ideological interests in a large web of connections and relations. Indeed, individuals within this network may be affiliated with multiple links within the network. For instance, an individual might work at the Heritage Foundation but sit on the board of a major corporation. This broad set of connections across multiple layers of the policy process (that is, experts, interest representatives and lawmakers) dramatically increases SOI's ability to reach across multiple issue domains.

This SOI centralising feature – so important to SOI's reach across the policy spectrum – is not explicated as a driving and necessary force in other policy diffusion theories. Clearly, the policy entrepreneur diffusion framework articulates connections between entrepreneurs and relevant contacts in other states. But the depth of contacts and web-like structure is unique to an SOI conceptualisation precisely because SOIs have and facilitate relations with the requisite people and organisations involved in policymaking across a multi-issue range and across a sustained period of time.

Thus, while Collingwood et al (2019) contribute to the policy diffusion literature, their framework is relatively untested empirically. While sanctuary city policy is particularly salient at the moment, implications of SOI theory need to be tested across a variety of policy platforms to strengthen or challenge the empirical basis of the

theory. This paper therefore adds a second policy area to the literature and provides further evidence that SOI theory explains certain policy diffusion processes.

The case: ALEC

Founded in 1973 around the ‘principles of limited government, free markets, and federalism’, ALEC is one of the few venues where legislators work with private entities and corporate sponsors to craft model legislation in a public–private process. In general, ALEC mobilises the interests of right-leaning corporate entities (Hertel-Fernandez, 2018). In the case of SYG, groups like the NRA and gun and weapon manufacturers are heavily invested in policies that promote gun use and gun identity in order to increase gun sales. ALEC differs significantly from traditional lobbying since private entities are directly working with legislators to draft model bills that can then be introduced in the legislators’ respective states and chambers (Anderson and Donchik, 2016). This separates ALEC from more traditional think-tank organisations such as the Brookings Institute, the CATO Institute, or the SPN. Furthermore, a recent ALEC report claimed that their membership includes 20 per cent of Congress, eight governors, 25 per cent of state legislators, as well as 200 corporate and nonprofit members (ALEC, 2017). However, ALEC does work with many other right-leaning organisations like the SPN – a collection of state policy think-tanks. Furthermore, ALEC’s structure exhibits a spider-web quality as specified in our theoretical expansion of SOIs, so incorporating other entities is a feature not a drawback.

In a piece for Brookings, Jackman (2013) demonstrates ALEC’s wide-ranging influence on state policymaking by showing that ALEC-affiliated members introduced bills on immigration, energy and environment, guns and prisons, health and pharmaceuticals, voting rights, tort reform, consumer rights, schools and higher education, and tax and budgets in the 2011–2012 legislative session. In addition, both Cooper et al (2016) and Anderson and Donchik (2016) show that ALEC’s model legislation has been successful in both criminal justice and education policy. For example, New Jersey’s School Children First Act included all of ALEC’s recommended requirements for teacher rankings that had been included in their model legislation (Anderson and Donchik, 2016).

Additional work has found that ALEC has had the same overwhelming influence on the introduction of anti-sanctuary legislation in the United States (Collingwood et al, 2019). ALEC has also published *School Choice and State Constitutions* (Komer & Neily, 2007) in an effort to promote the privatisation of educational programmes. Since then, several states including Louisiana, Oklahoma and Georgia have adopted ALEC’s recommendations. This emphasis on privatisation would support segregation in schools based on academic ability, disability and ethnicity. Racial isolation is just one implication of this push in education put forth by organisations like ALEC (Orfield and Lee, 2007). Recent work has also shown that the political strategies ALEC employs, particularly regarding education, are strategies of corporate leaders and mostly Republican legislators (Anderson and Donchik, 2016). Prior analyses found the same connection between ALEC and bills that represent restricting voter registration and participation (Hertel-Fernandez, 2014).

It can, however, be difficult to trace the linkages between this legislation and the final product at the state level since ALEC is not considered a lobbying

organisation, and therefore disclosure of their bill input is not required ([Anderson and Donchik, 2016](#)). But in 2011, ALEC was hacked and many of their model bills posted to a website [alecexposed.org](#). ALEC argues that it is not a lobbying group, but [Boldt \(2012\)](#) suggests that many of ALEC's activities are directly aimed at influencing legislation and should be considered lobbying. Since adopting Florida's 2005 SYG law as model legislation, ALEC has worked with the NRA and other pro-gun groups to diffuse SYG throughout the states through the influence and reach they have as a public-private organisation. It is precisely ALEC's structure, large web and powerful financial backing that make it the most important player and entity in SYG policy diffusion. However, no previous work has systematically examined the influence of ALEC's model SYG legislation on policy diffusion, how often it has been introduced into the states, and how often it has become actual law.

Issue area: Stand Your Ground

The relationship between self-defence and guns has a rich ethos in American culture. Dating back to the early 1600s, the 'castle doctrine' put in place the idea that you do not have to retreat from an attack if you are in your own home ([Rothman, 2017](#)). In this case, a man's home is his castle. This English common law recognised two different types of self-defence: justifiable homicide and chance medley. Justifiable homicide gave the defendant the right to kill when he or she had been attacked by another individual. Chance medley occurred when two parties would get into an avoidable physical altercation, and one party had unsuccessfully tried to retreat. After proving that one party had attempted to retreat, that party would be perceived as justified in the murder of the threatening individual. When common law emerged in the United States, chance medley self-defence was no longer considered reasonable justification. Rather, being armed became tied with individual rights. Defendants who use SYG typically go free 70 per cent of the time – although of course using SYG as a defence is endogenous to the event.

Since the enactment of Florida's SYG law, scholars have pointed out multiple problematic aspects of the law. [Weaver \(2008\)](#) provides a detailed analysis of the history and rise of SYG as well as the problems it has created for law enforcement, prosecutors and the general public. SYG opponents, including the former president of the National District Attorney's Association, Paul A Logli, argue that SYG gives citizens more rights than police officers, with significantly less review. [Weaver \(2008\)](#) also found that local law enforcement believed SYG gave intoxicated and irresponsible citizens too much power and presumed immunity when it came to use of a firearm ([Weaver, 2008](#)).

Among the most common criticisms of SYG law is the discriminatory and harsh impact the law has specifically on youth, racial minorities and women who are victims of abusive relationships. Even those individuals who are supposed to benefit from the law, such as survivors of domestic violence acting in self-defence, are ultimately not protected especially if they are women of colour ([Abuznaid et al, 2014](#)). The findings from recent research show that SYG laws are incompatible with many of the protections guaranteed under international human rights law including equal protection and non-discrimination ([Abuznaid et al, 2014](#)).

Florida's SYG Law – which serves as the basis of ALEC's model legislation – was passed under a Republican state legislature in 2005 with substantial support from

the NRA. Florida was the first state since Utah in 1994 to enact a SYG law. Since its enactment, over 200 criminal defendants have successfully used SYG to justify self-defence. Florida's SYG law includes three parts: 1) a person must have reasonable fear of death or immense bodily harm after an intruder has broken into their home or car; 2) the person does not have a duty to retreat if death or bodily harm is imminent; 3) the person is immune from criminal prosecution for justifiable use of force.

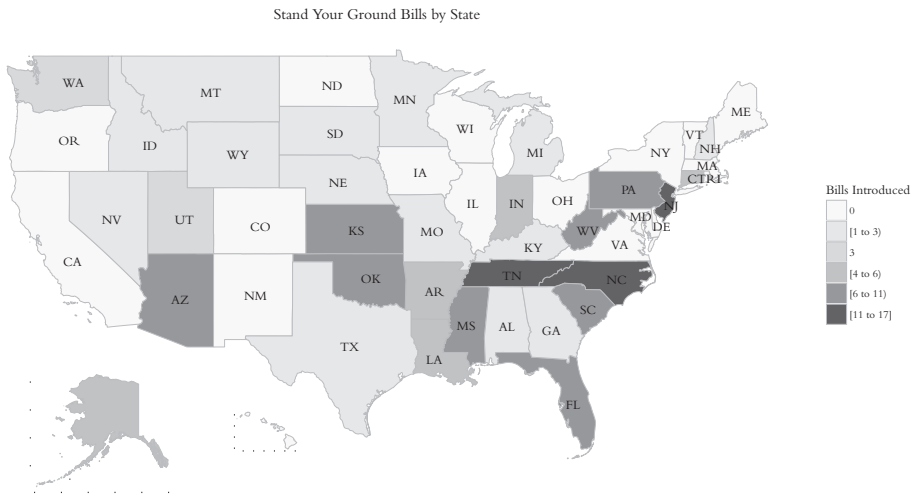
SYG laws have been criticised for their ambiguity in implementation, however. Laws in recent years now include a 'no duty to retreat' clause that gives individuals the right to stand their ground in any place where they think that they have the right to be (even outside of one's home). This component of the law gives persons who use deadly force immunity from criminal prosecution and is probably the most controversial aspect to the law.

Organised groups such as the NRA and the Institute for Legislative Action are major proponents of SYG laws – arguing SYG laws may help deter criminals, and ultimately prevent criminal activity from happening because the public has no duty to retreat. However, empirical work suggests that SYG laws have no relation and do not result in reduced crime rates (Cheng and Hoekstra, 2012). Rather, since the 2005 implementation of Florida's SYG law there has been a 24.4 per cent increase in homicide and a 31.6 per cent increase in firearm related homicide (Humphreys et al, 2016). Some studies also suggest that SYG laws may actually increase gun purchases, resulting in higher homicide rates (Humphreys et al, 2017). For instance, concealed-carry permit issuances have tripled since SYG became law in Florida – it seems with more guns comes more chances of deadly altercations.

Sustained organisations like ALEC have developed standardised model legislation since Florida's SYG bill became law. While we cannot empirically rule out the possibility that states organically base their SYG legislation on Florida's law instead of ALEC's model legislation, a strong case – as reviewed above – can be made that interest groups like ALEC play a critical role in diffusing laws around the country. Thus far, over half of all US states have attempted to implement some version of this law. Figure 3 maps SYG bill introductions by state. In general, SYG bills are disproportionately introduced in the South (North Carolina and Tennessee), parts of the Midwest (Oklahoma, Kansas) and the Southwest (Arizona). The upper East Coast (for example, New York, Massachusetts and Rhode Island) and the West Coast (California and Oregon) produces fewer SYG bills.

Furthermore, we conducted a separate qualitative search of newspaper articles (see Appendix) on LexisNexis from 2010 to the present and included search terms that incorporated both ALEC and SYG diffusion. In this research – excerpts in the Appendix – media coverage often credits legislators' ALEC membership for policy diffusion. These articles suggest ALEC members' physical presence locally influences their state leadership on SYG state-level policy changes. Perhaps most important are the articles detailing ALEC's co-opting of Florida's SYG law and spreading the bill introductions into other states at an alarming rate. One journalist even calls laws such as SYG 'ALEC Laws'. Finally, a detailed article in *The Atlantic*, in 2012, notes: 'in recent years, [ALEC] ventured into the culture wars, helping to push Stand Your Ground – which says a person in any public place, if threatened, can use lethal force to defend himself without having to retreat – to 23 states'.

Figure 3: SYG's bill introductions and enactments after ALEC adopted Florida's initial SYG law



Hypotheses

Based on implications of the SOI framework, we develop two hypotheses relevant to SYG policy diffusion in the United States. It is important to reiterate here that we are not testing the full scope of SOI theory nor are we making precise causal arguments – rather, we are examining particular implications of SOI theory. However, in the discussion section we suggest some possible empirical tests for future research. First, we predict that there will be significant textual similarity between ALEC’s model legislation and SYG bills that have been introduced since 2005 (ALEC adopted a model bill in 2005). If SYG bills introduced in multiple states resemble ALEC model legislation after ALEC stamped its approval on a model bill, that is suggestive of policy diffusion given the temporal component of bill introductions.

Second, we also suspect that text from ALEC model legislation might be textually related to chunks of SYG enacted laws. However, given the nature of bill marking, editing, and the like, we expect the textual relationship between ALEC model legislation and laws to be significantly lower than the relationship between ALEC model legislation and introduced bills. These anticipations lead to two hypotheses:

- **Hypothesis 1:** ALEC SYG model legislation will be textually related to large elements of SYG introduced bills *after* ALEC adopts such SYG legislation.
- **Hypothesis 2:** ALEC SYG model legislation will be textually related to large elements of SYG enacted laws *after* ALEC adopts such SYG legislation. However, the relationship will be respectively lower for enactments than introductions.

Data and methods

Our analysis relies on data collected from the LexisNexis State Net bill search database. This database tracks all legislation introduced and enacted in all state legislatures. The database includes bill text, introduction and enactment date, as

well as sponsor/cosponsor information. We also gathered data from individual state legislative websites to include SYG-related bills that were both introduced and enacted between 2005 and 2017. We searched for SYG legislation by using key terms including ‘stand your ground’, ‘no duty to retreat’, and ‘castle doctrine’. These searches produce a universe (N) of approximately 131 SYG-related bills. We focus specifically on SYG bills because of the increasing relevancy of the legislation in cases like Trayvon Martin’s murder, and because we know a priori ALEC promoted an SYG law. Moreover, assessing whether ALEC influences SYG bill introductions and enactments provides further evidence that state policy is driven in large part by an un-elected publicly unaccountable organisation whose interests may or may not align with those of the mass public.

We compare each bill introduction/enactment fitting the above search criteria against ALEC’s SYG model legislation, the ‘Castle Doctrine Act,’ to analyse our hypotheses that a textual relationship exists between ALEC’s model bill and our sample bills. We read and coded the textual information attached with each bill including the bill’s status, year of action, sponsors and geographic location.

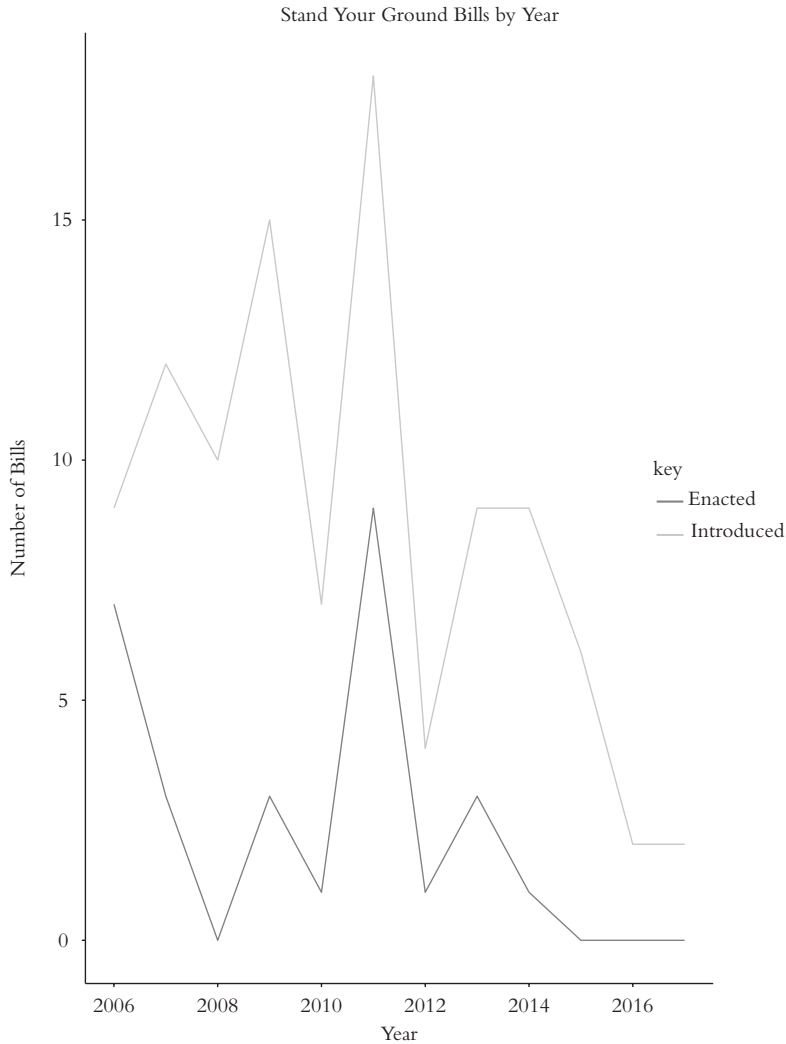
Figure 4 plots SYG bill introductions by year, beginning in 2006, the year after Florida passed – and ALEC ratified – the initial ‘modern’ SYG law. The number of bills introduced increases after the success of the Florida adoption (bills introduced and enacted peaks in 2011) until around 2012 when ALEC began distancing itself from the SYG legislation.

An important advantage in gathering bills between 2005 and 2017 is that we can evaluate the influence of ALEC’s model legislation over a substantial amount of time. This lets us test a major implication of the SOI theoretical model because policy diffusion requires time. However, unlike previous research, we can also examine the similarities and differences between the introductions and enactments of multiple bills in terms of similarity to ALEC’s model legislation. We gather insight into the legislative-making process by examining both SYG bill proposals and enactments. For instance, enactments and bill introductions that are more similar to each other and to ALEC’s model legislation may suggest greater ALEC influence in that particular state.

In order to test our hypotheses, we use the R package, RCopyFind, which integrates freely available plagiarism software (WCopyFind) with various visualisation tools (DeMora and Collingwood 2018). This software is designed to detect how similar one body of text is to another, extracting all the segments that are essentially identical. Wilkerson et al (2015) employed a similar – although admittedly significantly more complex – procedure in their study of how ideas flow across legislation and laws. With this methodology, we can trace ideas across text, and, knowing that one text was written before another, we know the direction of influence. In this way, we can compare ALEC’s model legislation line by line with the text used in the state legislation, respectively.

Theoretically, bill introductions and the model legislation should be more similar at the mean, respectively, than should enactments and model legislation (at the mean). In the former, some legislators introduce the model bills as is, and can introduce any bill. With regards to the latter, by the time the bill makes it into enactment it has been subject to debate, changes and so on, thus attenuating its textual similarity to the model bill. From WCopyFind we extract a numeric

Figure 4: This figure depicts SYG bill introductions and enactments by year, beginning in 2006, the year after Florida passed – and ALEC ratified – the initial 'modern' SYG law



measure of similarity (total number of overlapping words) to test our original hypotheses.

One question, however, is what separates related legislation from unrelated legislation. If two bills (say an ALEC model bill and another bill) have a relationship of 15 per cent overlap does that qualify as related? How do we know if this relationship is strong or weak, insofar as legislation is concerned? No benchmarks exist per se, so to establish a baseline we evaluate bill relationships on a perennially contentious state issue that has no connection to ALEC: abortion. We gathered all abortion-related state bills introduced into the US states during 2018 and 2019 (n>1,000). Our expectation is that relationships between bill proposals and ALEC model legislation will be significantly greater than the respective relationships across our corpus of abortion bills.

Results

Below, we assess our two hypotheses separated into two sections. The first section analyses the textual relationship between ALEC's model 'Castle Doctrine Act' and all bills introduced into American state legislatures post 2005. The second analysis examines the textual overlap between ALEC's model legislation and SYG laws enacted throughout the United States.

Bill introductions (textual analysis)

Figure A (see online Appendix) presents the textual analysis of our initial results seeking to evaluate Hypothesis 1. This dotplot shows the degree to which bills introduced after ALEC ratified its model legislation (post 2005) are textually related to ALEC's model legislation. In testing our hypotheses, we are interested in the total amount of copied text from the ALEC model legislation. We assess similarity by obtaining a numeric result of shared words and phrases. We cast a wide net to collect SYG bills by using various search terms. Generally, we work under the assumption that legislators and legislatures are individuals or organisations that push legislation which has historically been thought to be self-contained. Therefore, if no diffusion is present, the analysis should have very little to no similarity to other state/entity laws. Figure A demonstrates that the majority of state bills introduced share over 400-word count similarity with ALEC's model legislation, the 'Castle Doctrine Act'. That is, the majority of bills introduced after the 'Castle Doctrine Act' have more than 400 identically lifted words and phrases from ALEC's model legislation.

This is a significant finding, providing strong support for Hypotheses 1 by demonstrating a textual relationship between specific bills and the model bill. This strengthens our argument that policy diffusion occurs across multiple states after ALEC adopted the initial SYG bill in 2005. Thus, black dots to the right represent introduced state bills that have a given percentage overlap with ALEC's model bill *after* ALEC stamped their approval on SYG model legislation in 2005. All the way through 2016, ALEC's model legislation continues to strongly influence the diffusion of SYG legislation as indicated by relatively high WCopyFind word similarity scores even in 2015.

Here we can also see that West Virginia's House Bill 2734 has 849 overlapping words. The match between the model text and West Virginia's legislation is almost 80 per cent. This is relevant to our theory of SOI because it supports the idea that ALEC is influential over state policy post 2005. It is also even more similar to ALEC's model legislation than Florida's initial SYG bills. Figure B (see Appendix) shows the percentage overlap between each bill and ALEC's model legislation – revealing a very similar set of relationships as observed in Figure A. Additionally, in Table A (see online Appendix), we visually represent the similarity between West Virginia's House Bill 2734 and the 'Castle Doctrine Act' model.

While most of the bills fall above 30 per cent similarity to the model bill, we cannot be sure that this is a high score solely based on intuition. For this reason, as noted, we collected all of the bills introduced in the US that related to abortion from 1 January 2018 until 1 June 2019 (n = 1,229). Several bills included very little information,

and not enough text to use as a comparison. So, we subset the bills by all those with greater than 5kb in size ($n = 1,151$). We compare each bill's similarity with all the other bills. We run the same analyses on the abortion case just as we did in the SYG case. We hypothesise that the lack of SOI in the abortion case will severely limit the textual similarity between each abortion. Our findings are consistent with these expectations. The average percentage overlap for the abortion bills is 2.52 per cent overall, with a standard deviation of 6.88 per cent. However, the large standard deviation is a function of within-state bill introductions (say from one year to the next by the same legislator). When we examine bills across-states only, the abortion bill overlap is 1.44 per cent with a standard deviation of 2.07. Thus, in one of the most controversial and highly salient issue areas, without the obvious presence of an SOI, we find almost no bill overlap across more than 1,000 comparisons. This suggests that our ALEC findings are especially impressive.

Laws (textual analysis)

In addition to analysing the similarity of bills to ALEC's model legislation, we ran the analysis on SYG laws using the exact same WCopyFind settings. Like with our bill introductions, we hypothesise that state laws will be textually related to ALEC's model legislation although not to the same extent as the similarity between ALEC's model bill and bill introductions.

Figure C (see online Appendix) plots the findings from our RCopyFind analysis. While the overlap between law and model legislation is indeed attenuated somewhat relative to the bill introductions, the similarities for many SYG laws remain intact. Clearly, many of these laws aim to preserve most of the intent within each bill. However, laws built upon those bills may or may not keep any of ALEC's original language. Nonetheless, our analysis shows that many laws *do* retain the wording from ALEC's model legislation. This means that the sustained influence of ALEC is even stronger than we had initially anticipated. About a third of the laws collected through LexisNexis shared language with the model legislation, representing non-trivial policy diffusion effect traced most cleanly to ALEC. For example, Kentucky 26, K. Acts 192 was enacted in 2006, in the same year as the Kentucky Senate Bill 38 bill enactment. These two documents are essentially identical.

Further analysis reveals that states ($n = 11$) that enact laws with at least 10 per cent ALEC overlap produce distinct laws from states that either do not enact ALEC-related laws ($n = 26$) or that enact SYG laws that have little overlap with ALEC-backed legislation ($n = 13$). Specifically, at the time of adoption 75 per cent of the high-ALEC related states had divided party government (NCLS), and that citizens in those states leaned in a conservative direction (41.4% versus 37.3% overall, $t = 3.03$, $p < 0.01$), and were more likely to report owning a gun (48.9% versus 42.3% overall, $t = 2.53$, $p < 0.05$) (CCES, 2006). This broadly conforms with Butz and colleagues' (2015) findings on elite ideology and gun consumption. Thus, it appears that ALEC and ALEC-affiliated legislators successfully pushed SYG laws in strategically important states that leaned in a conservative direction and exhibited disproportionately high gun culture (for example, Kentucky and Oklahoma).

Discussion and limitations

This paper demonstrated that the ALEC model SYG legislation diffused throughout the United States beginning in 2006. At the same time, we added some new theoretical and empirical weight to a relatively new policy diffusion theory: SOI. We advance the study of policy diffusion and policymaking by moving beyond the typical ACF framework that implicitly assumes policymaking occurs discretely among issue specialists on an issue-by-issue basis.

ALEC's reputation has grown tremendously in recent years and other groups (for example, SiX) appear to be replicating the framework. Given the extremely undemocratic nature of ALEC's task-forces and model legislation development process, the rise of SOIs may bode poorly for the future of small-d democratic state policymaking on both sides of the aisle.

The theory of SOI is distinct from existing theories of policy diffusion because we argue that the proponents of policy diffusion are interest-group members of sustained organisations. Our findings show that it is not just one case (for example Florida) that has legislators and networks advancing SYG laws post 2005. Our theory and results explain that ALEC is the primary driver that advances the diffusion of policy across multiple states.

Further research should, however, examine whether organisations that may be nearing SOI status are as effective in their policy diffusion as is ALEC. SOI theory would predict that, given competing model legislation, ALEC's model legislation would be significantly more textually related to bills introduced and laws enacted around the states than would a less established pseudo-SOI. Similarly, while ALEC and other right-leaning organisations tend to lobby similar positions, what happens when ALEC diverges from more traditional right-leaning policy positions, such as what they have done vis-à-vis the support of medical marijuana? Given the right issue area where ALEC diverges from a well-known right-leaning interest group might provide an appropriate empirical test of the ACF versus the SOI framework.

Research should delve further into why SOI model bills become attenuated but still serve as the core part of a bill. ALEC may play the creative role in drafting a legislative template, however, when legislators make changes, the final result becomes somewhat different from the model. Are there particular stages in the legislative process where ALEC bills are typically marked up or changed? If yes, does this vary from the prototypical legislative mark up process?

In addition to SYG and anti-sanctuary legislation, it is probable that ALEC has had a sustaining influence on other policies in the United States. As [Anderson and Donchik \(2016\)](#) found, ALEC has successfully promoted privatised education legislation in the United States. We could use the same textual analysis approach to test relationships between ALEC model legislation and other state laws that have shown growth in recent years, like Voter-ID legislation.

One limitation with the present diffusion analysis is the lack of a model-based approach, which is common in the study of policy diffusion. ALEC's relative privacy makes gathering over-time data on state ALEC membership very difficult. [Collingwood et al, \(2019\)](#) got around this problem somewhat by examining whether ALEC state membership count as measured in 2017 influenced the count of anti-sanctuary bills introduced in a state that same year. SYG laws were primarily implemented before 2017 and spread evenly across the years so a similar regression approach with this

policy is not possible because accurate information on ALEC state membership by year is nearly impossible to get. New policy diffusion explosions should be sensitive to single-year cross section diffusion analyses.

Conclusion

Through quantitative text analysis, our results provide clear support for ALEC's role in diffusing SYG laws around the United States. We showed that large portions of both SYG bill proposals and enactments are virtual copies of ALEC's model legislation. Using plagiarism software, we generated a numeric measurement of text similarity between 131 state bills, 287 state laws, and ALEC model legislation, respectively.

Based on these findings, and findings from the education, business and immigration issue areas, ALEC is a major player in the diffusion of right-leaning state-level legislation. SOI argues that an ACF or policy networks framework for understanding policymaking and diffusion do not capture the scope of the influence and power wielded by a group like ALEC. Instead, these groups use their vast networks to draw information into its core from a multitude of sources and push out the resulting generalisable policies to every outer political node. Organisations like ALEC utilise this spiderweb-like system to pull in members' interests and push out bill templates like 'The Castle Doctrine' at negligible costs regularly. Here we have an organisation that brings in corporate sponsorship, then promotes legislation designed to benefit these companies, regardless of the potential effects on civil society.

Since ALEC's meetings are private, it was not until the Center for Media and Democracy released ALEC model legislation that scholars began to empirically grapple with the organisation's influence and what that meant for democracy. Despite this, relatively little political science research has investigated whether ALEC's rising influence challenges existing policy diffusion or policy process theories. We think ALEC is bigger than a typical advocacy coalition as conceived and hope to continue to demonstrate the group's (and similar groups' on either side of the aisle) influence in other policy areas.

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Conflict of interest

The authors declare that there is no conflict of interest.

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Appendix A

WCopyFind settings:

- Shortest Phrase to Match: 8
- Fewest Matches to Report: 0
- Ignore Punctuation: Yes
- Ignore Outer Punctuation: Yes
- Ignore Numbers: Yes
- Ignore Letter Case: Yes
- Skip Non-Words: Yes
- Skip Words Longer Than 20 Characters: Yes

Figure A: WCopyFind per cent similarity between ALEC model legislation text and the text of all SYG bills post 2005. The larger the number, the greater the diffusion. This figure tracks both the number of SYG bills intruded as well as the bill similarity by year. Two black dots demarcate the Florida bills which are extremely similar to the model legislation, and from where ALEC likely drew inspiration for the model. West Virginia's identical legislation occurs after ALEC's initial adoption.

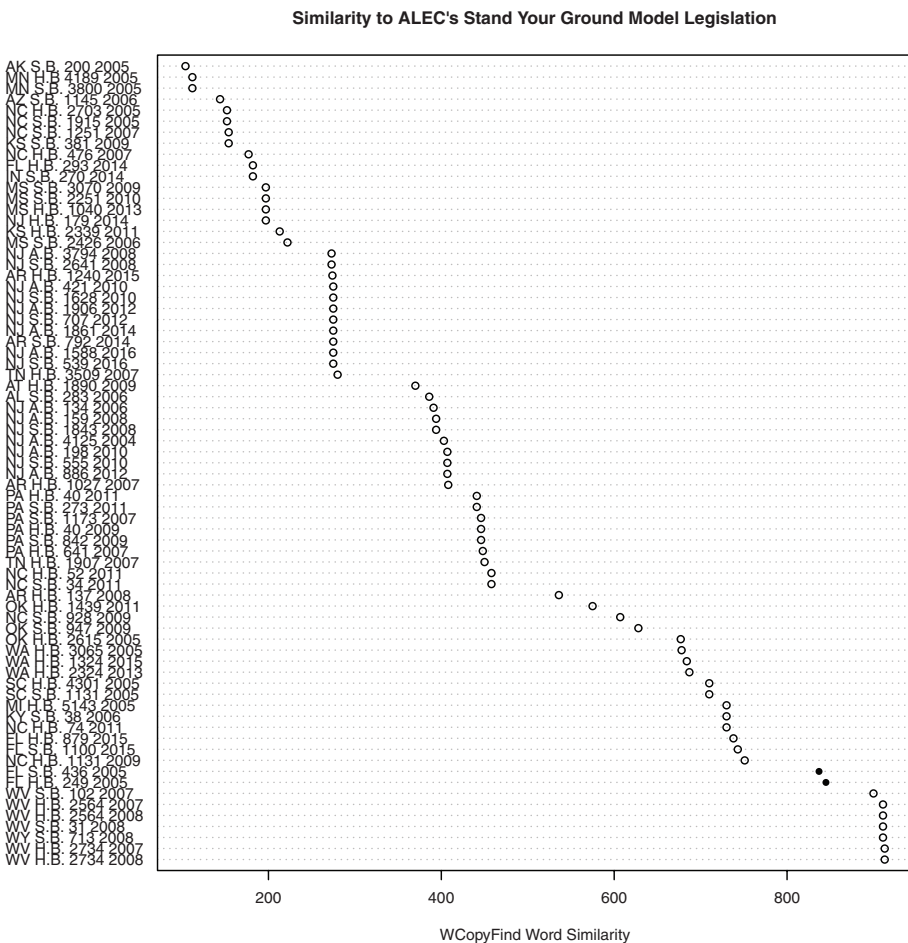
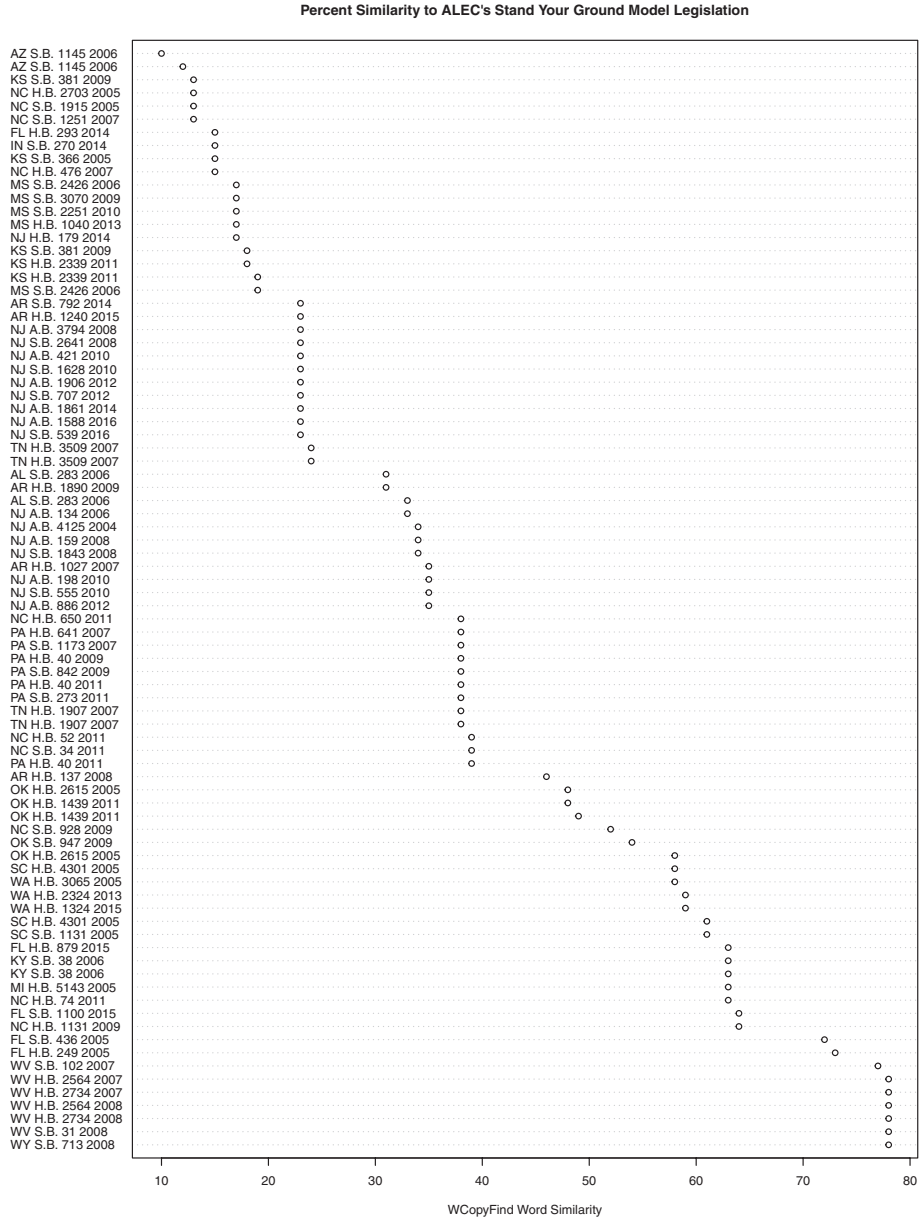


Figure B: WCopyFind per cent similarity between ALEC model legislation text and the text of all SYG bills post 2005. This plot includes bills mirroring the model legislation by at least 10 per cent. Higher percentages indicate a closer relationship between the ALEC bill and that particular bill.



- Most Imperfections to Allow: 9
- Minimum % of Matching Words: 75

Table A: West Virginia and ALEC Model Legislation side-by-side comparison. We compare excerpts of each text side by side to show a concrete example and evidence of their sameness. On the left is text from ALEC's model legislation and on the right, is WV H-2734.

Text Comparison	
<p>1.A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:</p> <p>a. The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully or forcefully entered, a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and b. The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.</p>	<p>(a) A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if: (1) The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and (2) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.</p> <p>(b) The presumption set forth in subsection (a) does not apply if: (1) The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee, or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person; or (2) The person or persons sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or (3) The person who uses defensive force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity; or (4) The person against whom the defensive force is used is a law-enforcement officer as defined in section eleven-a, article two- a, chapter twenty-nine of the code, who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person entering or attempting to enter was a law-enforcement officer.</p>
<p>2.The presumption set forth in Subsection (1) does not apply if: a. The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling residence, or vehicle, such as an owner, lessee, or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person; or b. The person or persons sought to be removed is a child, grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or c. The person who uses defensive force is engaged in a criminal activity or is using the dwelling, residence, or occupied vehicle to further a criminal activity; or d. The person against whom defensive force is used is a law enforcement officer, as defined in [insert appropriate reference to state/commonwealth code, which defines the term 'law enforcement officer' or similar], who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties and the officer identified himself or herself in accordance with applicable law, or the person using force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer.</p>	

Table A: Continued

<p>3. A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another, or to prevent the commission of a forcible felony. 4. A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence. 5. As used in this section, the term: a. 'Dwelling' means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night. b. 'Residence' means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.</p>	<p>(c) A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony. (d) A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence. (e) As used in this section, the term: (1) 'Dwelling' means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night. (2) 'Residence' means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.</p>
<p>c. 'Vehicle' means a conveyance of any kind, whether or not motorized, which is designed to transport people or property. Section 2. Immunity from Criminal Prosecution and Civil Action 1. As used in this subsection, the term 'criminal prosecution' includes arresting, detaining in custody, and charging or prosecuting the defendant. 2. A person who uses force as permitted in Section (1) [and other state codes which are affected/amended by this legislation and which refer to the use of force including deadly force] is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, except when: a. The person against whom force was used is a law enforcement officer as defined in [insert appropriate reference to state/commonwealth code, which defines the term 'law enforcement officer' or similar], who was acting in the performance of his or her duties and the officer identified himself or herself in accordance with applicable law; or b. The person using force knew or reasonably should have known that the person was a law enforcement officer.</p>	<p>(3) 'Vehicle' means a conveyance of any kind, whether or not motorized, which is designed to transport people or property. Section 61-2A-3. Immunity from criminal prosecution and civil action. (a) As used in this subsection, the term 'criminal prosecution' includes arresting, detaining in custody, and charging or prosecuting the defendant. CASTLE DOCTRINE (b) A person who uses force as permitted in section two of this article is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, except when: (1) The person against whom force was used was a law-enforcement officer, as defined in section eleven-a, article two-a, chapter twenty-nine of the code of West Virginia, who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law; (2) The person using force knew or reasonably should have known that the person was a law-enforcement officer.</p>

Table A: Continued

<p>3. A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (2), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful. 4. The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (2).</p>	<p>(c) A law-enforcement agency may use standard procedures for investigating the use of force as described in subsection (b), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful. (d) The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (b). NOTE: The purpose of this bill is to authorize the use of force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under certain circumstances and prohibiting cancellation of property insurance for claims made by those facing criminal prosecution under this article. Section 55-2-17a, Section 61-2A-1, Section 61-2A-2 and Section 612A-3, are new; therefore, strike-throughs and underscoring have been omitted.</p>
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News media sources and snippets

The nation

'How ALEC is creating Florida-Style-Messes in Other States'

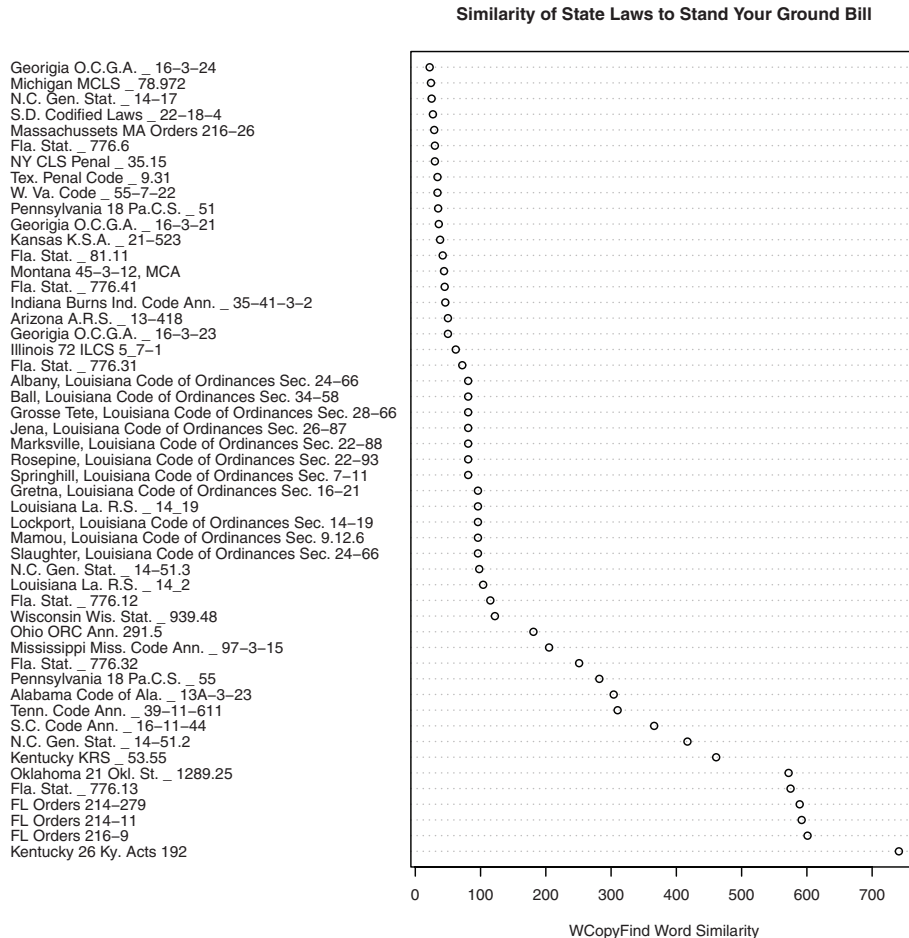
For the most part, ALEC's model legislation is designed to ease taxes and regulations for corporations, while weakening unions and undermining tort laws. But the shadowy Koch brothers-funded network – which brings together state legislators who cannot think for themselves with corporate interests and pressure groups that are more than happy to think for them – dabbles in electoral and public safety issues. That's what happened seven years ago, when ALEC's members approved model legislation that mirrored the Florida law's assertion that a gunman can use 'deadly force if he or she reasonably believes it is necessary.' ALEC-aligned lawmakers in states across the country began promoting the model legislation – sometimes in mirror form, sometimes with modest alterations – advanced. After Republicans gained complete control of state legislatures in states such as Wisconsin after the 2010 elections, the process accelerated. According to the Center for Media and Democracy, which organized the ALEC Exposed project 'Since becoming an ALEC model, sixteen states have passed laws that contain provisions identical or similar to (Florida's law).'

NPR fresh air

'How ALEC Shapes State Politics Behind the Scenes'

Mr. NICHOLS: I think there's a group of areas where ALEC has been very, very active this year, and that you've seen it across the country in a flood of legislation on tort reform, making it harder to sue corporations and powerful institutions; on limiting the taxing ability of states, particularly a whole host of corporate tax breaks, changes in what is expected of corporations. There's been a huge amount of legislation that has come down in states across the country on privatization of schools and of other government services, particularly requiring local governments to contract out rather than to use their own employees. There's a host of legislation in areas like prevailing wage and labor law, what's called paycheck protection, that is, taking away the dues

Figure C: WCopyFind word similarity between ALEC model legislation text and the text of all SYG enactments (laws). Higher scores indicate a closer relationship between the ALEC bill and that particular law. The larger the number, the greater the relationship to the model legislation.



check-off for unions. So a lot of legislation that we've seen in states across the country that's been very, very controversial, the great demonstrations you've seen in Wisconsin, Ohio, Michigan, Indiana, to a lesser extent Maine, around legislation of this kind. And then there's also been a lot of movement on the area of voter ID, 33 states looking at voter ID legislation that requires a lot more jumping through hoops before you can cast a ballot. And ALEC has been in the forefront of writing model legislation on voter ID bills.

GROSS: So if you were took at legislation that was introduced in several states and compare the wording of the bills on, say, tort reform, which is an issue that's big on the ALEC list of priorities, would the wording be the same? Would the wording be very similar to that model legislation that came out of ALEC?

Mr. NICHOLS: Absolutely. You're going to find immense amounts of similarity. In fact, one of the wonderful things about doing this story is that as it – after it appeared, a lot of journalists around the country read it, and they went into the Center for Media and Democracy's ALEC

Exposed website, looked at model legislation and then in their home states started looking at bills that have been passed. And just the other day, in Tennessee, a paper found a bill where basically the second half of it was verbatim from the ALEC model bill. Now, that's not always the case. The legislation will have variations on a theme. It won't always be verbatim. But the core concepts are there. And so you will see in a voter ID bill, for instance, specific references to what type of ID is acceptable, what type is not. In legislation and initiatives as regards public financing of campaigns, which ALEC is very, very opposed to, you'll find, again, the same set of references.

GROSS: Are there bills in your state, Wisconsin, that seem to be variations on model legislation that came out of ALEC?

Mr. NICHOLS: Definitely. I think there's no question of that. And I've watched the Wisconsin legislature for many years. Wisconsin's been a favorite state of ALEC for a long time, and there are a lot of Wisconsin legislators who have gone through ALEC. In fact, our governor, Scott Walker, is an ALEC alumni. So too are 10 other current Republican governors, that's – they were in ALEC when they were legislators. In addition, the majority leader of the state Senate is a former ALEC chair. The chairman of the Joint Finance Committee is the current ALEC chair. So there's a lot of physical presence there.

The Monroe County Reporter

'Lobbyists making GA. Laws Now; Unfair & Unbalanced'

Ladies and Gentlemen, meet ALEC! ALEC is your real Legislator. ALEC is your real Governor. ALEC conceives and writes the Bills that are eventually made law in Georgia and other red states. ALEC is the acronym for American Legislative Exchange Council. Remember the Voter ID Laws? That was ALEC. Remember the Asbestos law that limits who can be sued? ALEC. What about the Stand Your Ground laws? ALEC. Remember the Religious Freedom Bill last legislative session that was really an antigay bill? Yep! It was ALEC. Legislation to toughen Immigration laws, weaken unions, and stop minimum wage increases. ALEC. I know this is confusing, but please bear with me. Their membership list is not published. ALEC has a charity tax status and operates in secrecy. ALEC is a coalition of corporations, special interest groups (lobbyists), and lawmakers. Lobbyists donate money to ALEC. ALEC, in turn, gives the lawmakers 'scholarships' or 'grants' to attend meetings, and also provides the member legislator with an ALEC State Reimbursement Fund they can use for other incidentals. A state legislator pays \$50 per year to be a member. What a deal! For that pittance, the member receives expenses paid to various high-end resorts to attend meetings. These meetings are held behind doors with armed guards. This is where the laws are made. A vote is taken on the bills, and the lobbyists and the legislators have an equal vote. In other words, lobbyists have the veto power. Also for that pittance, ALEC does the legislator's job by providing the legislators with a template for the Bill; all they have to do is place their name on it. Then the legislator gives the Bill to the Georgia Legislative Counsel. ALEC was formed in the 70's and enjoyed anonymity until around 2011 when it was the forefront of the Stand Your Ground Laws in Florida. This past weekend, Atlanta's 11 Alive News, attempted to gain entry to an ALEC meeting with Georgia legislators in a Savannah resort hotel. The 11 Alive news crew were wearing Georgia media credentials and were lowkey and mannerly during the encounter. Not only were armed guards called to remove them, but ALEC had a reporter kicked out of the hotel where he was a paying guest. Shortly thereafter, 11 Alive requested receipts via the Open Records Act from the State Legislature. The request was denied by the Legislative Counsel stating, 'The General Assembly is not subject to the Georgia Open Records Act.'

The Huffpost

'How Are ALEC Laws Undermining Our Democracy?'

*How is model legislation drafted by the American Legislative Exchange Council (ALEC) undermining democracy? ALEC, which bears a striking resemblance to the evil law firm in the film *The Devil's Advocate*, is a 'bill churning mill' which uses corporate money to draft model legislation that advances the agenda of the far right and encourages crony capitalism.*

*One pictures a cadre of freshly scrubbed conservative attorneys working like medieval monks to pen legislation that undermines worker's rights, privatizes governmental services, and eases the transfer of wealth from the poor and middle class to the top few percent. In fact, John Nichols, who covers DC for the *Nation* magazine, writes that corporate leaders founded ALEC because they were "afraid of and threatened by civic democracy." ALEC is funded by the usual suspects: the Koch brothers, Exxon Mobil, and the NRA to name a few. 'The group boasts that twenty percent or so of the nearly 1,000 bills it introduces each year become law.' Over 2,000 state legislators are said to belong to ALEC, of which most are Republican.*

In addition to the Florida bill that ALEC and the NRA call the 'Castle Doctrine Act,' (also known as the 'Stand Your Ground' law which will likely be used as a defense in the Trayvon Martin killing), ALEC model bills have served as the template for 'voter ID' laws that swept the country in 2011, for the 'voucher' programs that privatize public education, for antienvironmental bills, anti-immigrant legislation, and for the wave of anti-worker legislation pushed over the past year in Wisconsin, Ohio, New Hampshire, Indiana, and most recently, in Arizona.

In Florida, justifiable homicides nearly tripled after the 'Stand Your Ground' law was passed. In Texas and Georgia, they nearly doubled. One needs only a 'reasonable fear' of harm to use deadly force under the law. The law prohibits the killer from being sued civilly, as well. Additionally, ALEC has drafted a number of bills as state models that expand the right to the concealed carry of firearms and allow guns on college campuses.

The Indianapolis Business Journal

'Stand Your Ground Against Tricky ALEC'

Stand your ground against tricky ALEC. With the controversial verdict in the George Zimmerman murder trial, attention has returned to the stand-your-ground law that was so central to the defense's case. Attention has also returned to a key group behind the adoption of stand-your-ground laws in Florida and two dozen other states, including Indiana. The American Legislative Exchange Council, or ALEC, is a corporate-financed lobby masquerading as a not-for-profit. The group brings together corporate lobbyists and conservative state legislators at lavish resorts for conferences, where it writes model legislation to promote privatization and enhance profits in nearly every aspect of our lives: education, health care, public safety, the environment and the economy. ALEC has a huge presence in Indiana and counts among its associates some of the most powerful men in the Legislature, including House Speaker Brian Bosma and Ways and Means Committee Chairman Tim Brown, Education Committee Chairman Bob Behning and Senate Appropriations Chairman Luke Kenley. Indianapolis Rep. David Frizzell is a former national chairman for the group founded almost 40 years ago by conservative political activist Paul Weyrich. Corporate underwriters pay tens of thousands of dollars to participate in 'task forces' where they craft model bills designed to bolster their profits, often at public expense. While ALEC has gotten a lot of negative public attention because of its involvement in stand your ground (so much so it has disbanded the 'task

force' that promoted the policy), its influence extends far beyond public safety issues. Several hot-button issues that have dominated the General Assembly over the last couple of sessions are all top ALEC priorities, including education reform focused on privatizing public education and shifting public resources from public schools to private ones. Right-to-work and other laws designed to defund unions and make it harder for them to organize are the product of ALEC handiwork. It also has been closely associated with 'ag-gag' legislation designed to pre-emptively protect factory farms from whistleblowers who expose unsafe and inhumane practices, an issue that took up a lot of our legislators' time this year. Although ALEC represents a pay-to-play system at its worst, and is clearly an infrastructure built and designed to advance legislation in state capitols across the country, it claims it does no lobbying. Incredibly, the organisation is incorporated under section 501(c)3 of the tax code, so it is considered the same kind of charity as your local animal shelter or soup kitchen and its corporate sponsors get to write off the huge amounts of money on ALEC dues.