

Party Power or Preferences?

Quasi-Experimental Evidence from American State Legislatures

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Abstract. Can majority parties control legislative outcomes by controlling the agenda, or are roll call patterns simply the product of legislators' preferences? We argue that, holding members' preferences constant, the majority party's ability to set the agenda gives it the power to influence legislative outcomes. We present the implications of this view of party power formally, and then explore them empirically in two quasi-experiments from American state legislatures. In both, agenda control varies while legislator preferences remain constant. Our consistent finding is that the majority party uses its control over the agenda to screen out bills that would split its own membership, devotes more floor time to bills that divide majority from minority party legislators, and ultimately uses agenda control to protect the policy interests of its members.

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In this paper, we investigate how agenda control affects legislative voting. Through a pair of quasi-experiments in state legislatures, we show that altering the majority party's power to control the agenda can — even when legislator preferences remain constant — reshape the coalitions that form to pass bills and change the direction in which these bills move policy.

Our study has implications for the long-standing debate about what forces determine legislative voting behavior. One answer, given by a line of scholars beginning with Mayhew (1974), is that district preferences largely determine voting patterns. Because reelection-seeking members faithfully represent their constituents, their observed ideological positions reflect each district's median voter (Kuklinski 1978; Wright 1989; Elling 1982; McDonagh 1993). A second answer, set forth in classic works like American Political Science Association Committee on Political Parties (1950) and Ranney (1951), is that legislative behavior is shaped by district preferences plus party influence, exercised through cajoling and disciplining by party leaders. A third answer, set forth by Cox and McCubbins (2005), is that legislative behavior is determined by preferences plus party influence, exercised both through whipping and — importantly — through agenda control.

While the study of both party whipping and constituency influence has a long history (e.g., Lowell 1901; Turner 1951), systematic studies of how agenda manipulation affects voting behavior have only emerged in the last decade. Most of these studies focus on a single legislative chamber and investigate patterns across roll calls and legislators that should be present if agenda control of a stipulated type exists (see, for example, studies of the U.S. House of Representatives by Sinclair (2002), Cox and McCubbins (2005), and Stiglitz and Weingast (2007) and of the Brazilian Câmara by Amorim Neto, Cox and McCubbins (2003)). A few studies look at how voting behavior and outcomes in a given chamber change after small changes in party membership alter control of the agenda (see Den Hartog and Monroe's (2008) study of the U.S. Senate and Kim's (2007) study of the Washington and Virginia state legislatures.) These studies come closer to a classical experimental

design, in that preferences and whipping are held nearly constant (because party membership changes only slightly), while the variable of primary interest — agenda control — changes. Finally, a few studies look at how voting behavior and outcomes in a given chamber change after the rules governing control of the agenda change (e.g., Cox and McCubbins 2005; Schickler and Rich 1997). These studies too, can better approximate the experimental ideal, but they face some challenges. In particular, rule changes affecting agenda control are typically endogenous and sometimes coincide with large changes in party membership or with rule changes affecting whipping, making it difficult to disentangle the three effects. To see better whether a shift in agenda control changes legislative behavior, one needs a research design that holds preferences and whipping constant.

Two quasi-experiments drawn from the American states provide such a design. Each gives us the opportunity to observe the effects that taking away the majority party's agenda control has on coalition patterns, policy movements, and ideological polarization, while legislator preferences and whipping remain nearly constant. In turning to the states to examine a theory constructed in congressional studies, we follow recent works such as Aldrich and Battista (2002), Wright and Schafner (2002) and Kousser, Lewis, and Masket (2008) that highlight the advantages of states as laboratories for the study of legislative behavior. The states provide, in essence, an “out of sample” test for theories that are often validated using the same congressional observations which generate them. Their institutions vary in ways that Congress does not. Because reform from the outside is easier in states than in the federal system, this institutional variation is often exogenously imposed, especially in states with direct democracy. States are fertile ground that we seek to till with two analyses here.

The first quasi-experiment measures the impact that an externally-imposed rule change — the “Give A Vote to Every Legislator” (G.A.V.E.L.) Amendment — had on Colorado's House in the late 1980s. This citizen initiative (pushed by Common Cause and other reform groups in 1988)

took away the control that Colorado's Republican majority had previously exercised over floor and committee agendas. In the following session, the once-powerful Rules Committee was disbanded, as the initiative guaranteed every bill a committee vote and, if it passed, consideration on the floor (Straayer 1990, 106, 110, 162). Importantly, little else changed in Colorado politics during this time, allowing us to isolate the impact of removing majority agenda control by conducting a pre-test, post-test analysis. This design is similar to Cox and McCubbins' (2005) analysis, but the preferences of legislators are more stable and the rule change is both more profound and clearly exogenous to the desires of majority legislators.

The second design comes from California's Assembly, where floor rules deny the majority party any control over the agenda. Every bill that is introduced gets a public vote in a policy committee, and bills that clear the committee stage are automatically put on the floor calendar. However, a practice codified in the rules governing the chamber's powerful Appropriations Committees — the placement of bills on the "Suspense File" — gives the majority cartel the ability to control the floor's agenda when it takes up bills that would require significant state spending. This sets up another quasi-experiment in which the same legislators vote on two sets of bills (control and treatment groups) that reach the floor through different processes. Members' preferences are held perfectly constant in this design, although the assignment of costly bills to the Suspense process is admittedly non-random. To strengthen this research design, we supplement our main analysis with an appendix using matching methods to hold constant other characteristics of California bills.

Evaluating legislative behavior in both states on a range of measures yields a consistent finding: Agenda control gives the majority party influence that is independent of legislator preferences. The majority cartel is able to block bills that would lead to the defeat of a majority of the party's members on the floor. Majority leaders appear to take much of the floor time that might have gone to bills which highlight intra-party differences and instead devote it to legislation that

emphasizes the inter-party divide. The ultimate effect is that when majority leaders possess control of the agenda, they can shape legislative outcomes by protecting more of the status quo policy positions favored by their members.

A Spatial Model of the Effects of Agenda Control

We begin by formalizing our expectations about how behavioral patterns in a legislature should shift when agenda control changes, employing the familiar one-dimensional, two-party spatial model of voting outlined in Downs (1957) and Black (1958).¹ Arbitrarily, but without loss of generality, we assume that the majority party is on the left and the minority on the right. We denote the ideal point of the median member of the majority party by \mathbf{M} , the floor median's position by \mathbf{F} , and the minority party's median member by \mathbf{m} . With the majority on the left, their positions fall in the following order: $\mathbf{M} < \mathbf{F} < \mathbf{m}$.

We also make a number of substantive assumptions about the legislatures modeled here. First, we assume that the majority party leaders who control the agenda are faithful agents of the majority party median. Kiewiet and McCubbins (1991) describe the conditions necessary for party leaders to be good agents, which appear to be fulfilled in these cases.² This assumption also fits with qualitative descriptions of legislative politics at the time in each state (Straayer 1990, California Journal Press 1999).

Second, we assume that bills come to the floor under an open rule. One implication of this assumption is that the median legislator on the floor can amend any proposal to align with her ideal point, and can get for this amended bill an up or down vote against the status quo. Although Colorado's budget "Long Bill" is protected from floor amendment, neither legislature has a process for attaching closed rules to normal legislation.

Third, we assume that status quo policies are distributed according to a cumulative distribution function G such that $G(\mathbf{F}) \geq .5$. That is, at least half of the status quo policies lie at or

to the left (the majority party's side) of the floor median. This assumption is flexible enough to accommodate both the model in which there is no majority agenda control and the cartel model (in which there is majority agenda control). To see how, suppose first that there is no majority agenda control. In this case, in the previous legislative session, all enacted policies will have corresponded to the previous floor median's preferences. We assume that policies are subject to white noise shocks over time. Thus, when the current legislative session begins, the distribution of status quo points should be symmetric about the current floor median (as, given no preference change, the current and previous floor medians coincide). Now suppose that there is majority agenda control. In this case, in the previous legislative session, all enacted policies will (as above) have corresponded to the previous floor median's preferences. However, the status quo policies in the majority roll zone (on which more below) will have been protected from change. Thus, after all policies are shocked, and the current legislative session begins, the distribution of status quo points will have more mass on the majority-party side of the current legislative median.

Finally, our discussion below assumes that all actors possess complete information. Every member's ideal point is common knowledge, so the agenda cartel knows precisely what will happen if it lets a piece of legislation onto the floor. Cox and McCubbins (2005, Ch. 8-9) show that the predictions of this model hold in slightly modified form even under incomplete information.

Given these assumptions, we can identify two idealized models of the legislative process. Both hold that all individual legislators are free to introduce any bill proposing a change to the status quo in some policy area. In the first model, where agenda control is absent, a bill is automatically placed on the floor agenda, where upon the floor median immediately amends the bill to represent her ideal point (**F**) on this issue. The roll call on final passage then pits **F** against the status quo policy (**SQ**).

Figure 1.A illustrates what happens to four typical status quos under the basic spatial model. If the bill seeks to move an extremely liberal policy such as the one represented by SQ_1 rightward to the floor median's ideal, it will pass by bipartisan consensus. All minority party members and any majority legislator located at M or a more centrist position will vote to move the new policy to F . The same is true for a bill addressing an extremely conservative status quo such as SQ_4 : It will pass and move policy to the left with the support of every majority party member, all of the moderates in the minority party, and m .

Consensus disappears, though, when a bill addressing a status quo such as SQ_2 comes to the floor. Any legislation seeking to change a status quo in the $[2M-F, F]$ zone will split the majority party moderates (i.e., those whose ideals lie between the floor and party medians). On every policy in this zone, M will be closer to the status quo than to the floor median's position, and will vote "nay" (along with the liberal wing of the majority party). Yet the floor median (a member of the majority's centrist wing) will ally with the minority party in order to pass the new policy at F . This brings a majority party roll, and moves policy toward the right. We label the $[2M-F, F]$ zone, then, the "majority roll zone."

The last possibility is that a bill addresses a status quo such as SQ_3 that falls in the $[F, 2m-F]$ zone. Here, all members of the majority ally with some minority party centrists in order to shift policy to the left, over the objections of m and a majority of the minority party. Accordingly, we call $[F, 2m-F]$ the "minority roll zone."

[Insert Figure 1.A About Here]

When no one possesses agenda control, bills addressing any of these typical status quo points will make it to the floor, and all of them will pass.³ Sometimes the majority party gets rolled, sometimes the minority gets rolled, and sometimes both parties reach consensus; the relative

frequency of these events is determined by the distribution of status quo points that legislators seek to change.

In the second idealized model of the legislative process, however, the majority party's leadership uses its control of the floor agenda to prevent bills that will harm the interests of most majority party members from reaching the floor.⁴ Specifically, the majority cartel blocks any bill addressing a status quo in the majority roll zone, **[2M-F, F]**. If one of these bills made it to the floor, most of the majority party's members would be on the losing side of the vote and policy would move rightward, away from **M**. Rather than allowing this, leaders will use their delegated agenda powers in order to protect the status quo, avoid an embarrassing vote, and guard the interests of the party's mainstream.

Thus, when majority leaders control the floor agenda, the majority party should never get rolled.⁵ As long as leaders can count votes correctly, they will not put any bills on the floor schedule that open the door to a rebellion by the minority party and majority centrists against the majority median. Even if they do make a few mistakes, or some legislators vote in error, the majority roll rate should be sharply lower when the majority cartel possesses agenda control.

What of the minority roll rate? The simplest version of cartel theory focuses only on the majority's ability to block bills that would split it. Yet, the majority cartel may also use its control of the agenda to let through a disproportionate number of bills that lead to nearly party-line votes and roll the minority. These deliver clear policy wins for most majority party members, and can help draw distinctions between the two parties on issues of the majority's choosing. Both benefits — the opportunity to unify their own party, and show their divergence from the other party — may tempt majority leaders to devote scarce floor time to bills that will roll the minority. In technical parlance, the cartel oversamples bills addressing status quos in the **[F, 2m-F]** zone, leading to an increase in the minority roll rate.

Our logic also has implications for the direction in which policy should move under different legislative rules. Allowing majority leaders to keep bills in the majority roll zone off of the agenda will reduce the number of rightward policy moves. The arc in Figure 1.B represents a symmetric distribution of status quo points around the floor median's ideal point. Each arrow shows the direction that policy will move when a bill addressing a given status quo point reaches the floor, and is amended into the enactment of **F**. In the absence of agenda control, there are equal numbers of rightward and leftward policy movements.⁶ When majority leaders do possess agenda control, though, all of the bills that would have moved status quos in the **[2M-F, F]** zone rightward toward **F** are blocked. We should observe fewer rightward policy moves, then, when left-leaning majority party leaders are able to protect their interests.

[Insert Figure 1.B About Here]

Two Quasi-Experiments from the States

Until November 8, 1988, the rules for considering legislation in Colorado's General Assembly were quite similar to the rules governing the US House of Representatives. The Republican majority held firm control over the agendas of committees and the floor. A committee chair was free to "pocket veto" any bill that she opposed, killing it without a hearing and without any vote. If a piece of legislation made it through the committee process, it became the possession of a Rules Committee, which controlled traffic onto the floor. In Colorado's House (the lower chamber of the General Assembly), legislative rules empowered the speaker to decide which bills the Rules Committee would schedule for a floor vote and which would die a quiet death (Straayer 2000, Ch. 5).

All of this changed, transforming Colorado's legislature from a textbook case of majority agenda control to a decentralized body, with 1988's G.A.V.E.L. Amendment. A citizen initiative

pushed by Colorado Common Cause and 22 other reform groups,⁷ G.A.V.E.L. put the following question before the state's voters:

“Shall there be an amendment to the Colorado Constitution to require that every measure referred to a committee of reference of the General Assembly be considered by the committee upon its merits, to provide that each measure reported by a committee of reference to the Senate or House shall appear on the calendar of that chamber in the order in which it was reported, and to prohibit members of the General Assembly from committing themselves or other members in a party caucus to vote in favor of or against any matter pending or to be introduced in the General Assembly?”⁸

By a 72%-28% margin, Colorado voters stripped the majority party's leaders of the ability to control their chambers' agendas (Colorado Legislative Council 2005). After the new rules went into effect in January of 1989, leaders dissolved the Rules Committees in each chamber because G.A.V.E.L. had taken away their key powers (Straayer 2000, 106).⁹

Fortunately for our purposes, little else changed at this time in Colorado politics. Republicans retained the tight grip on the state legislature that they had held since 1976, controlling the House by a 40-25 margin in 1987-88 and the Senate by a 25-10 edge, and losing just one seat in each chamber the next session (National Conference of State Legislatures 2002). With no term limits yet enacted, 50 members served in both the 1987-88 and 1989-90 sessions.¹⁰ Of the 15 new faces, eight were from the same party as the legislator they replaced. Roy Romer continued as governor while Speaker Bev Bledsoe led the House throughout the transition, and district boundaries remained unchanged (Straayer 2000). Both before and after the passage of G.A.V.E.L., committees could kill bills by taking a public vote, but this required that a majority of committee members — rather than simply the chair — wanted to keep it off of the floor.

Using this political stability to isolate the impact of a shift in agenda control, we track changes from the 1987-88 session held just before the passage of G.A.V.E.L. to the 1989-1990 session in which it was first implemented. Aldrich and Battista (2002, 171) have previously noted that the passage of G.A.V.E.L. presents an opportunity to observe whether losing agenda control

harms the majority party, stating that “If Krehbiel ... is correct, the loss of this institutional tool should not significantly affect the observed cohesion of the party... If however, parties and their institutional tools really matter, this hamstringing should result in an observable dissipation of power.” We conduct this test of party power by collecting floor final passage votes from the immediate pre- and post-G.A.V.E.L sessions, arbitrarily focusing only on the House. Our time series design allows agenda control to vary while holding constant the partisan balance in the legislature and the governorship and keeping individual membership nearly stable. The rule change was an exogenous event, not sought by the median legislator or concomitant with other shifts in Colorado politics. Consequently, we can reasonably infer that any changes we observe in roll rates, the direction of policy movements, and the ideological distribution of Colorado’s legislators are due to the impact of the G.A.V.E.L. Amendment.

We should stress that reducing the majority party's agenda power should have a smaller impact under divided government (as Colorado had) than under unified government. In particular, the Democratic governor, Roy Romer, may have been able to dissuade the Republican majority from pushing bills that would roll the Democratic minority, by threatening to veto them. Such veto threats, if effective, would depress the minority's roll rate in both the pre- and post-G.A.V.E.L. worlds, leaving less room for a G.A.V.E.L. effect to be discerned.

California’s Suspense Process

Comparing the California Legislature’s house rules — which deny the majority party any control over committee and floor agendas — with its record of strong leaders and highly polarized voting presents a puzzle. On the one hand, state Assembly and Senate rules guarantee every bill a hearing and a recorded vote in the policy committee to which it is assigned, and seemingly mandate a regular calendar for floor consideration. Research tracing the legislative histories of large random samples of bills in California confirms that they are indeed granted hearings, except in the rare

instances that their authors withdraw them (Cain and Kousser 2004, 32). Neither chamber allows its Rules Committee to direct the flow of traffic to the floor, with bills usually progressing in the order that they are passed out of committee. In contrast to this formal picture of decentralization and an open agenda is the state's history of iron fisted leaders and close party ranks. From Jess Unruh to Willie Brown, the self-declared "Ayatollah of the Assembly" (York 1999), the legislature has been ruled by strong leaders and exhibited partisanship typical of bodies in which the agenda is controlled by a majority party cartel (Representation in America's Legislatures 2005, Jacobson 2004).

The solution to this puzzle provides us with a second quasi-experiment isolating the impact of shifts in agenda control. In both the Assembly and the Senate, the rules governing fiscal committees grant the majority leadership agenda control over a subset of bills. In particular, any bill that requires state spending of \$150,000 or more a year is sent — through a routinized cost-estimation and assignment process performed by professional committee consultants — to the shadowy realm of the "Suspense File."¹¹

Ostensibly, the Suspense File allows fiscal committees in each chamber to hold all costly legislation until the policy committees have finished their work, the state budget begins to take shape, and committee members can match the demands they face with the amount of money they have to spend. When the fiscal committees have all of the costly bills in hand and an allowance from the budget, they let as many bills as they can afford to off of the Suspense File. Yet the Suspense File has evolved into a process that lets the leaders of the majority party control the floor agenda.

On the day before fiscal committee members meet to hear bills from the Suspense File, the top party leaders in each chamber get together with the fiscal committee's chair and staff to decide what will move. The decisions of this "screening group" (Matthews 1990) are based more on the political goals of the majority party than on any fiscal strategy, making this strategy session similar to

a congressional Rules Committee meeting. If a bill is allowed off of Suspense, it is voted on in the fiscal committee and, if it passes, moved to the floor. If not, it dies on the Suspense File without a vote.¹² Even the bills that pass off of the Suspense File are frequently amended according to the dictates of majority party leaders, giving leaders the power to avoid potential majority rolls or to engineer more minority rolls. These amended bills are presented as a *fait accompli* when they are finally moved off of Suspense, put before the full Appropriations Committee in a single “do pass as amended” motion. Should members of the fiscal committee dare to buck the amendment or passage recommendations of the unofficial screening group, they can be immediately removed from the committee, as Senators Debra Bowen and Jackie Speier were in 2005 (Yamamura 2005) and Senators Lou Correa and Ron Calderon were in 2007 (York 2007). According to former Senate Appropriations Chair Patrick Johnston, the Suspense File is used “to parcel out bills based on the policy need to prioritize spending and the political need to reward or punish members without a public vote” (Johnston 2006, 13).

Bills can thus move to the floor through two distinct processes in the California Legislature, one that is based simply upon the public votes of legislators and the other in which access is controlled by majority party leaders. Once bills make it onto the floor through either route, they are voted on by exactly the same legislators representing exactly the same districts. By comparing votes on the control group (bills that are never placed on Suspense, comprising about 90% of legislation) with votes on the treatment group (bills let off of the Suspense File, the remaining 10%), we can estimate the effects of agenda control. We do so using final passage roll call votes from the 1993-1994 session in the Assembly (the lower house of the Legislature), the most recent session for which we had roll call votes in a digital format. Democrats controlled the Assembly by a 48-32 margin during this session (National Conference of State Legislatures 2002), but faced divided government under Republican Gov. Pete Wilson. Using the legislative histories available online (California

Legislative Counsel 2005), we identify how each bill up for a final passage vote reached the floor. We separate bills into Suspense File and Non-Suspense categories, and compare voting patterns on them in our empirical section.

The potential flaw in this design is that bills are not randomly assigned to the treatment and control groups. In the matching analysis presented in our online Appendix A, accessible at weber.ucsd.edu/~tkousser/PartyOrPreferences.htm, we address this in depth by using matching methods to create comparable sets of bills which are held on Suspense and which bypass it, re-analyzing a subset of each. For our main analysis of the full sample of California bills, we focus on one potential difference between Suspense and non-Suspense bills: Although many bills generate great debate even if they do not cost the state any money, bills that are not expensive enough to be placed on the Suspense File are slightly less controversial on average than Suspense File bills. In the 1993-1994 Session, non-Suspense bills passed on the Assembly floor by an average vote of 61-10, compared with the 60-13 passage of a typical Suspense File bill. We admit that these two groups of bills are not perfectly equivalent in this regard. Yet it appears that the small differences between them should, if anything, bias the results of our analysis against the predictions of the agenda control cartel model. Because Suspense File bills are more controversial, they should be more likely to generate majority rolls and to cleave the majority party's moderates from its leaders. But we find that this category of legislation instead leads to fewer majority rolls and less rebellion, giving us more confidence in attributing these differences to the party influence wielded through agenda control.

Empirical Analysis

In this section, we analyze roll calls cast on the floors of the Colorado and California legislatures in order to test the predictions of the agenda cartel model. We look only at final passage votes, and drop unanimous votes from our figures.¹³ The agenda cartel model predicts that variation in agenda control matters for all of our measures of legislative behavior: Its presence should virtually

eliminate instances of majority rolls while replacing them with more minority rolls, and it should lead to more policy movements in the direction preferred by the majority party. By contrast, the consistent prediction of a purely preference-based theory is that all of these aspects of legislative behavior will remain unchanged as long as district and legislator preferences are held constant. As we show below, the evidence clearly favors the agenda cartel model.

Roll Rates and the Direction of Policy Movement in Colorado

If majority leaders effectively manipulate the floor agenda to pursue party goals, the first signs of their control will appear in the way that majority and minority legislators line up on the bills that they schedule for a vote. In this section, we investigate the effects of the two quasi-experiments on party voting patterns, taking each state in turn in order to give a comprehensive view of how agenda power affects floor votes. We begin in Colorado by tracking the frequency of majority rolls, roll calls on which a majority of the majority party ends up unsuccessfully opposing the passage of a bill. When there is no centralized agenda control, majority rolls should happen whenever a bill addressing a status quo in the **[2M-F, F]** zone — that is, a policy that the extremist wing and the mainstream of the majority party wants to protect but which the floor median wants to change — makes it to the floor. This should happen fairly rarely, but it may happen. When the majority cartel controls the agenda, though, it will use this power to keep such bills off the agenda. Leaders will guard the policies that they favor and never, unless they count votes incorrectly, get rolled. Because the removal of potential majority rolls opens up more room on the floor's packed agenda, majority leaders should use their control of the agenda to fill this room by letting through more bills that roll the minority party.

Our data on roll rates in Colorado generally fits with these predictions. During the post-G.A.V.E.L. 1989-1990 session, when the Republican majority did not control the House agenda, it was rolled 22 times. This constituted 4.8% of all contested rolls calls. Table 1 shows that the

majority roll rate was clearly lower at 1.4% — just 6 of 439 bills — when the majority party controlled Colorado’s committee and floor agendas in the 1987-1988 session. This number is nonzero, to be sure, but it is quite small and is substantially lower than the roll rate observed after the G.A.V.E.L. Amendment took away agenda control. The difference between the roll rates, representing 16 pieces of legislation, is statistically significant at the 95% confidence level. It is also clear that this finding is no mere artifact of the distribution of status quo points.¹⁴

In another finding that is consistent with the predictions of the agenda cartel model, the proportion of minority rolls in Colorado was larger when majority leaders dictated the agenda. Perhaps using the space on the floor agenda created by keeping off 16 potential majority roll bills, the majority cartel allowed nine more minority rolls bills onto the floor (73 vs. 64) when it possessed agenda control before the passage of G.A.V.E.L. Although the difference in the percentage of minority rolls (16.6% vs. 14.1%) is not statistically significant, it follows the predicted direction.

In addition to protecting their party politically from majority rolls, pre-G.A.V.E.L. Republican leaders in Colorado used agenda control to preserve their party’s policy interests. According to the spatial logic illustrated in Figure 2, the majority party cartel will use its agenda control to block bills addressing status quos favored by the majority’s median and extremist wing. If the entire legislature were allowed to vote on such bills, moderates in the majority would ally with the minority party to shift policy away from the majority’s preferred side of the ideological spectrum, and toward to the floor median’s ideal point. In Republican-controlled Colorado, such bills would bring leftward policy shifts. The prediction of the party cartel model, then, is that the passage of G.A.V.E.L. should open the door to more bills bringing leftward shifts.

As the data reported in Table 1 shows, this is exactly what happened. To gauge the direction of the policy shift brought by a piece of legislation, we use two alternative methods. Our Appendix B, accessible at weber.ucsd.edu/~tkousser/PartyOrPreferences.htm, explains each

method – estimating probit models for each roll call, or taking a measure of a policy shift directly from the output of the Optimal Classification program – in greater depth. In all of our analyses, we report the results of both methods to demonstrate the robustness of our findings. Table 1 summarizes the results of probit models for 1593 Colorado bills,¹⁵ showing that the passage of G.A.V.E.L. was followed by a large and statistically significant increase in the number of leftward policy shifts. We focus first on the probit results. While only 13.5% of contested roll call votes (59 bills) were on bills that proposed to move policy leftward when Republican leaders controlled the agenda during the 1987-1988 session, 24.2% of roll calls (110 bills) represented movements to the left in 1989-1990.¹⁶ The Optimal Classification output tells the same story: There were significantly fewer leftward policy shifts (39.4% versus 48.4%) before G.A.V.E.L. took away the majority’s control of the agenda. Agenda control, it appears, allowed the majority party to protect the policy positions favored by the median member of its caucus from adjustment toward the floor median’s ideal point.

[Insert Table 1 About Here]

Roll Rates and the Direction of Policy Movement in California

Table 1 also demonstrates that Democratic leaders in California were able to use the Suspense File to accomplish many of the same political and policy goals that Colorado Republicans achieved before G.A.V.E.L. took away their control of the agenda. They used their authority over what comes off Suspense to keep majority rolls low, allow more minority rolls, and protect their party median’s preferred positions against rightward policy moves.

In California, majority rolls are rare under any process. Of the 601 Assembly Bills that escaped the Suspense File and came to the floor under the regular order in California’s Assembly during the 1993-1994 session, only 8 led to majority rolls. The roll rate may have been so low because there were few status quo policies in the **[2M-F, F]** zone, few bills introduced to address

them, few bills of this type passing out of committee, or because majority leaders — such as the “Ayatollah of the Assembly” were able to twist the arms of potentially rebellious moderates.¹⁷

Regardless of the reason, there were even fewer majority rolls on bills coming off of the leadership-controlled Suspense File. Only one of the 97 Suspense bills led to a majority roll. As a percentage of all roll calls, this is not much lower (1.0% compared to 1.3%) than the majority roll rate for non-Suspense bills. Still, it is lower, and comes quite close to the prediction of the agenda control model that there will be zero majority rolls.

The largest effects of the Suspense File are seen in the rate of minority rolls. These are far more frequent in California when agenda control is in effect, and the difference — 62.9% of Suspense File bills rolled the minority, compared with 43.9% of non-Suspense bills — is statistically significant at the 95% confidence level. This may be because the majority leaders who control which bills make it off Suspense oversample from bills that will separate the parties and roll the minority, or because they use their amendment power to create more bills that lead to minority rolls. Either way, majority agenda power helps deepen divisions between the parties.

It also allows the majority to protect status quo policies favored by its median member against bills that would have shifted policy rightward, toward the floor median’s position. According to the probit analysis, only eight of the bills that reached the floor through the Suspense File (representing 8.2% of Suspense File bills) proposed rightward policy shifts, based on calculations from the types of probit models described above. Eight-four of the bills that were not placed on Suspense (representing 14.0% of the bills that were free from majority agenda control) proposed rightward policy moves. The difference between these proportions was statistically significant and substantively large. The Optimal Classification output also shows a lower rate of rightward policy shifts (21.6% versus 28.5%) for Suspense bills, though this difference is short of statistical significance. Combined, these figures make it clear that the Suspense File let California Democrats

protect many liberal policies against moves back toward the center just as agenda control preserved conservative status quos in Colorado.

Conclusions

Scholars have long understood the value of using state legislatures as laboratories to test more general theories of legislative process and behavior, usually developed in the congressional context. Morehouse and Jewell's (2004) recent call to revisit and better exploit this opportunity has gone hand in hand with a new wave of studies that use variation across all states (Aldrich and Battista 2002), and quasi-experiments between (Wright and Schafner 2002) and within (Kousser, Lewis, and Masket 2008) states, to broaden our discipline's empirical investigation of legislative theories. This study follows in that tradition, seeking to extend theories originally developed to explain the U.S. House to (some) state legislatures, and provide tests of the relevant propositions.

Each of the quasi-experiments we have examined allows us to measure the effects of a fundamental change in legislative rules, while the preferences of members and their districts remain nearly constant. Each quasi-experiment admittedly falls short of the standard set by a randomized experiment. But it is important to note that because each follows a different research design, the strengths of one design can help assuage fears about threats to the other. There are slight changes in legislative membership and political conditions over our time-series in Colorado; California's cross-sectional analysis holds membership and political trends perfectly constant. The bills that are assigned to California's Suspense File are different from those that are exempt from majority agenda control; Colorado's rule change affected all types of bills. Using these two research designs, with their complimentary strengths and weaknesses, we test our predictions about the effect of agenda control on three distinct legislative outcomes—viz., (1) how often the majority party is rolled; (2) how often the minority party is rolled; and (3) the proportion of bills reaching a final passage vote that propose to move policy leftward or rightward on the conventional left-right political spectrum.

We find consistent changes across the board. Every theoretical expectation (two cases, three tests per case) is validated in terms of sign and four of the six are validated in terms of statistical significance as well. Specifically, when the majority party loses agenda-setting power: (1) the majority party's roll rate increases; (2) the minority party's roll rate decreases; and (3) the proportion of bills moving policy away from the majority party's median increases.

While our specific predictions derive from cartel theory, our results provide general support for a key intermediate step postulated by the theory of conditional party government (Aldrich and Rohde 1997, 1998, 2000, 2001; Finocchiaro and Rohde 2002). That theory argues that, when (a) the majority party's members have homogeneous preferences distinct from those of the minority, they will (b) delegate greater powers to their leaders, and then (c) the leaders will use their power to secure greater cohesion and greater legislative accomplishments. Most studies of this theory focus on the connection between (a) and (c), skipping over (b). Our results show that endowing majority leaders with greater agenda-setting powers (or removing those powers) does affect their ability to influence legislative outcomes.

Table 1. Roll Rates and Policy Movement on Contested Roll Calls

	Majority Party Controls Floor Agenda	Majority Party Does Not Control Floor Agenda
<i>Colorado</i>	<i>1987-1988 Session</i>	<i>1989-1990 Session</i>
Number of Majority Rolls	6 (1.4%)	22 (4.8%)
Number of Minority Rolls	73 (16.6%)	64 (14.1%)
Leftward Policy Shifts, calculated by probits	59 (13.5%)	110 (24.2%)
Leftward Policy Shifts, calculated by OC output	173 (39.4%)	220 (48.4%)
<i>California</i>	<i>Suspense File Bills</i>	<i>Non-Suspense Bills</i>
Number of Majority Rolls	1 (1.0%)	8 (1.3%)
Number of Minority Rolls	61 (62.9%)	296 (49.3%)
Rightward Policy Shifts, calculated by probits	8 (8.2%)	84 (14.0%)
Rightward Policy Shifts, calculated by OC output	21 (21.6%)	171 (28.5%)

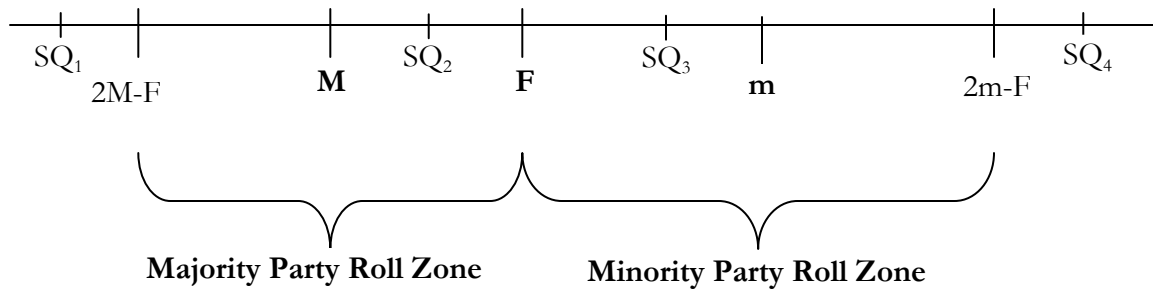
Notes: Percentages are calculated based on the number of contested roll calls. This excludes 313 bills that generated unanimous roll calls in the Colorado House's 1989-90 session, 266 bills from Colorado's 1987-1988 session, 311 bills from the California Assembly's non-Suspense process, and 39 bills from California's Suspense File. Using the probit method, a bill is categorized as a rightward (leftward) policy shift if a probit model estimating the effect of each legislator's first dimension ideal point on her likelihood of supporting the bill yields a positive (negative), significant coefficient. Using Optimal Classification (OC) output, a bill is categorized as a rightward (leftward) policy shift if a yea (nay) vote is the predicted choice above the projected midpoint on the line defined by a normal vector intersecting the two-dimensional estimated cutting plane at a right angle, indicating that legislators who were more conservative on the first dimension favored (opposed) the bill to the status quo. Boldface indicates that the difference between the proportions observed in the agenda controlled and the control-free sessions is statistically significant at the 95% confidence level in a one-tailed test.

Table 2. Post-Matching Analysis of California’s Roll Rates and Policy Movement

	Majority Party Controls Floor Agenda	Majority Party Does Not Control Floor Agenda
	<i>Suspense File Bills</i>	<i>Non-Suspense Bills</i>
Number of Majority Rolls	1 (1.4%)	8 (1.9%)
Number of Minority Rolls	52 (73.2%)	224 (53.6%)
Rightward Policy Shifts, calculated by probits	3 (4.2%)	48 (11.5%)
Rightward Policy Shifts, calculated by OC output	1 (14.1%)	113 (27.0%)

Notes: Percentages are calculated based on the number of contested roll calls on bills initially assigned to a “making good public policy” type of committee and subject to a simple majority vote. This constitutes 71 bills from the California Assembly’s Suspense File and 418 non-Suspense bills. Using the probit method, a bill is categorized as a rightward (leftward) policy shift if a probit model estimating the effect of each legislator’s first dimension ideal point on her likelihood of supporting the bill yields a positive (negative), significant coefficient. Using Optimal Classification (OC) output, a bill is categorized as a rightward (leftward) policy shift if a yea (nay) vote is the predicted choice above the projected midpoint on the line defined by a normal vector intersecting the two-dimensional estimated cutting plane at a right angle, indicating that legislators who were more conservative on the first dimension favored (opposed) the bill to the status quo. Boldface indicates that the difference between the proportions observed in the agenda controlled and the control-free sessions is statistically significant at the 95% confidence level in a one-tailed test.

Figure 1.A Two-Party Agenda Control Model



Notation:

F = Floor median

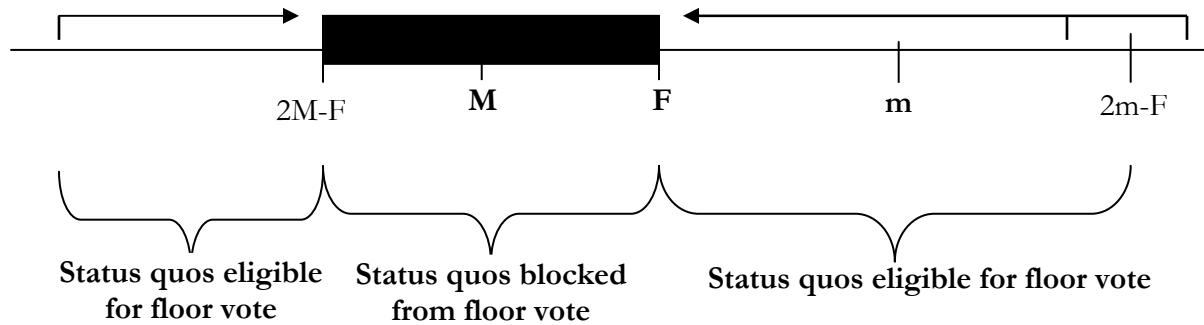
M = Majority party median

m = Minority party median

$2M-F$ = Majority party median's indifference point between **SQ** and **F**

$2m-F$ = Minority party median's indifference point between **SQ** and **F**

Figure 1.B Policy Movement When Majority Rolls are Censored



¹ Our empirical analysis reveals that nearly all of the conflict in the Colorado and California legislatures in the period of study falls along one dimension, making this assumption tenable.

² Party leaders are likely to be faithful agents for the majority median because speakers are chosen, according to chamber norms, by the majority party caucus (a useful selection mechanism), because their agenda control actions can be easily observed by their caucus (a monitoring requirement), and because the majority caucus possesses the institutional check of being able to initiate a new leadership election at any time.

³ While the prediction that any bill placed on the floor agenda will eventually pass may seem extreme, it is given some support by data on legislative histories for Colorado and California presented in Kousser (2002). Based on the histories of random samples of 373 bills from California's 1987-88 session and 379 from the state's 1997-1998 session, 90% of the legislation that made it to the Assembly or Senate floor passed. In Colorado, based on a sample of 235 bills from the 1989-1990 session and 234 bills from the 1999-2000 session, 96.75% of bills that made it to the House or Senate floor passed.

⁴ In our model, majority leaders rely only on their control of the floor agenda — though some process such as a Rules Committee or authority over the calendar — to block legislation. In reality, though, the majority party can also use its power over the agendas of policy committees to block legislation without a vote. Committee chairs in the modern Congress have this authority, and Colorado committee chairs had it before the passage of the G.A.V.E.L. amendment. The presence of this additional agenda control power should only strengthen the predictions of the agenda cartel model. If a legislature allows bills to be discharged from committees straight to the floor when a majority of members sign a petition, this creates a potential way around majority agenda control. Cox and McCubbins (2005, Appendix) argue that the gathering signatures for such a petition is

often very costly, but perhaps the best way to determine whether discharge procedures make agenda control useless is to answer an empirical question: Do fewer majority rolls take place when the majority cartel controls the agenda? If this is in fact the case, then discharge procedures do not render the cartel powerless to block bills.

⁵ We should hasten to note that these “the majority party never gets rolled” predictions are similar in analytic status to other predictions drawn from complete information models, in which actions are costless, such as “there is never any war” or “there are never any vetoes” (cf. Cameron 2000). These sorts of results should be viewed as baselines illustrating the extreme case of zero uncertainty and no costs to acting.

⁶ Note that this absolute prediction of an equal number of rightward and leftward policy movements depends on the assumption that status quo points are distributed symmetrically around the floor median. If this assumption is relaxed, the relative number of rightward and leftward moves will reflect the distribution of ideal points addressed by legislation. Regardless whether or not the assumption holds, giving the majority party control over the agenda will reduce the number of rightward policy moves compared to what we observe in the absence of agenda control.

⁷ According to Straayer (2000, 142), G.A.V.E.L. was first conceived by a Democratic legislator as a bill but pushed as an initiative by Colorado Common Cause, the PTA, the Colorado Senior Lobby, The League of Women Voters, the Council of Churches, and the Citizens’ League for Legislative Reform.

⁸ The text of this ballot question, a summary of 1988’s Amendment #8 amending Article V, Sections 20 and 22a of the Colorado Constitution, is taken from Colorado Legislative Council (2005).

⁹ In the Colorado House today, bills are placed on the floor calendar in the order of their bill number, while bills that avoid the suspense process in the California Assembly are placed on the

calendar according to the order in which they are reported from committees (National Conference of State Legislatures 2000, 5-46)

¹⁰ Colorado has a hybrid citizen/professional legislature that meets for 120-day sessions, pays its members \$30,000 a year (Council of State Governments 2000), and employs 213 staff assistants (National Conference of State Legislators 2001). After five Senators resigned due to the demands of long sessions, Colorado legislators themselves placed an initiative on the 1988 ballot cutting down their sessions from 140 to 120 legislative days, according to Jones (1992, 129). This change occurred at the same time as the passage of G.A.V.E.L., but it is difficult to see why it might substantially affect any of the aspects of legislative behavior studied here.

¹¹ In the Senate, the “Suspense File” and the criteria for placing bills on it is described in Rule 8 of the Senate Appropriations Committee, which the authors accessed at [http://www.senate.ca.gov/htbin/testbin/com-ahtml?INET_FTP:\[sen.committee.standing.approp.information\]rules.txt/analysis/analysis](http://www.senate.ca.gov/htbin/testbin/com-ahtml?INET_FTP:[sen.committee.standing.approp.information]rules.txt/analysis/analysis) in October, 2006. In the Assembly, the Suspense File procedures are laid out in the full house rules, in Assembly Rule 58.2, accessed at http://www.leginfo.ca.gov/rules/assembly_rules.html in October, 2006. Both sets of rules are typically amended or challenged only at the beginning of legislative sessions.

¹² Our description of the Suspense File is based on an interview with former Senate Appropriations Chair Dede Alpert, conducted by the authors on May 5, 2005 in San Diego, California, and upon anonymous follow-up interviews with committee staff.

¹³ While the frequency of unanimous votes may illustrate the level of consensus reached in a legislature, these votes are not informative for any of our measures of legislative behavior. Neither party can be rolled on them, we cannot infer the direction in which they move policy through our

method, and they do not produce cutpoints between legislators that tell us about members' ideological positions.

¹⁴ One might argue that because the majority party's agenda control in Colorado before the passage of G.A.V.E.L. enabled it to block consideration of status quo points that it favored to the floor median's position, the density of status quos will be especially high on the majority side of the floor median. If so, when the passage of G.A.V.E.L. opens the floodgates holding these status quo points back, one should observe even more of the majority rolls and leftward policy moves that we observe. This provides another path through which the removal of agenda control exerts its causal effect, rather than an alternative explanation of the empirical patterns that we indeed observe. Similarly, there might be more status quo policies located in the majority roll zone for Suspense bills in California, but only if the majority's agenda control is actually effective.

¹⁵ We were not able to estimate a probit model for every non-unanimous roll call, because in some cases, legislator's ideal point estimates perfectly predicted their roll call votes. This occurred when every member to the right of some point on the first dimension voted one way on a bill, and every member to the left voted the other way. Because there is no error in these models, we could not estimate the impact of ideological position on vote choice and thus excluded them from the analysis. We excluded one bill that led to perfect predictions in the Colorado House's 1989-90 session, one bill from Colorado's 1987-1988 session, two bills from the California Assembly's non-Suspense process, and zero bills from California's Suspense File.

¹⁶ It should not be surprising that the majority allowed some leftward policy shifts even before G.A.V.E.L., because these bills could have addressed status quos that were even more extreme than the ideal point of the legislator at the [2M-F] position, and thus have been favored by a majority of Republican as well as all Democrats.

¹⁷ Even though majority rolls are rare in California whatever the process, the fact that majority leaders often change the composition of the Appropriations Committee during Suspense hearings (as we noted earlier) testifies to the importance of the Suspense Process for the bills that are assigned to it. It suggests that when rank-and-file members vote on the expensive, high-profile bills that are placed on Suspense, the arm-twisting methods that influenced their votes on non-Suspense bills might not be enough to induce party-line voting.

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