

# Legislative Organization and the Second Face of Power: Evidence from U.S. State Legislatures

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## Abstract

Do legislative institutions give majority parties gatekeeping power? In this paper, we exploit variation in U.S. state legislative institutions to test whether majority party gatekeeping rights affect majority roll rates. We begin by developing hypotheses about the institutional features of legislatures that could enable the majority party to block bills. Then, we test these hypotheses using an original dataset on the legislative organization and majority party roll rates of the 99 U.S. state legislative chambers. Our findings show that the presence of majority party gatekeeping rights at various stages of the legislative process is negatively and significantly associated with majority roll rates. Specifically, in legislatures where majority-appointed committees can decline to hear bills or decline to report them to the floor, or where the majority leadership can block bills from appearing on the calendar, majority roll rates are significantly lower than in legislatures where those veto points are absent.

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*Power may be, and often is, exercised by confining the scope of decision-making to relatively “safe” issues.* (Bachrach and Baratz 1962, 948)

A group’s political influence is a function of both its visible policy achievements and its success in blocking policy proposals it opposes. The second kind of influence, which Bachrach and Baratz famously called “the second face of power,” has long been center stage in the study of legislative organization, particularly in the study of committees in the U.S. Congress. Since the late 19th century when Woodrow Wilson wrote his treatise on congressional government, scholars in the reform tradition have lamented the frequency with which policy proposals are blocked by standing committees, thus resulting in what they see as an incoherent body of national policy (Wilson 2006).

Strong political parties have long been touted as a possible solution to legislative obstructionism and policy incoherence (APSA 1950). The new institutionalism literature on political parties, for one, has focused on the importance of parties for coordinating the behavior of legislators: parties present unified policy agendas to voters and ensure that legislators vote the party line on bills that are critical to the fulfillment of the party’s agenda (Aldrich 1995). In *Setting the Agenda*, however, Cox and McCubbins (2005) propose that political parties, like committees, engage in obstructionism. They suggest that the second face of party power is as important as party whipping for understanding party influence over the legislative process. Their theory - the cartel agenda model - implies that in the U.S. House, the majority party regularly and consistently uses its control of leadership positions to block bills that would divide the majority party from reaching consideration by the floor (Cox and McCubbins 2005). As a result, the full legislature does not have the opportunity to consider policies that would, if put to a floor vote, “roll” the majority party (i.e., place a majority of the majority party members on the losing side of a winning bill).

The argument that the majority party uses gatekeeping rights to influence policy-making is an intuitive one, but many aspects of the legislative process by which this occurs have yet to be explicitly defined and tested. Since most existing studies investi-

gate one or two legislative assemblies at a time, the literature does not provide a set of general, broadly-applicable hypotheses about the institutions that are responsible for majority party negative agenda power. Rather, most empirical studies on the subject argue that the majority party has access to gatekeeping institutions in the legislatures under examination and then conclude from evidence of low majority roll rates that majority gatekeeping institutions are the cause. Recently, a few studies have examined whether particular institutions that are presumed to be the source of majority negative agenda control in the U.S. House can be linked to low majority roll rates elsewhere (Cox, Kousser, and McCubbins 2010, Gailmard and Jenkins 2007, Kim 2005), but the results have been mixed, and those studies have focused on only one stage at which gatekeeping could potentially occur. Moreover, most of the literature does not account for the possibility that low majority roll rates could also be explained by noninstitutional characteristics of legislatures, such as majority party size or preference heterogeneity (Krehbiel 2006).

In this paper, we use the literature as a springboard to develop general hypotheses about the institutional features of legislatures that could enable the majority party to block bills from reaching the floor. We test these hypotheses using an original dataset on the institutions of the 99 U.S. state legislative chambers. Thus, rather than limit our analysis to one or two chambers that have gatekeeping institutions, we measure whether those institutions are present, and we use variation in those institutions to explain variation in majority party roll rates. In doing so, we also control for three noninstitutional features of legislatures – majority party size and intraparty and interparty preference heterogeneity – that possibly explain variation in majority roll rates.

We find that majority roll rates vary substantially across the 99 U.S. state legislative chambers, and in several chambers, they are higher than 10 percent. More importantly, consistent with our hypotheses, we find that the presence of majority party gatekeeping rights at certain stages of the legislative process is negatively and significantly associated with majority roll rates. Specifically, in legislatures where majority-appointed committees can decline to hear bills or decline to report them to the floor, or where the majority

leadership can block bills from appearing on the calendar, majority roll rates are significantly lower than in legislatures where those veto points are absent. Therefore, majority gatekeeping rights do lower the rate at which the majority party is rolled, above and beyond the effects of majority party size and preference heterogeneity.

## Majority Party Negative Agenda Power

In *Setting the Agenda*, Cox and McCubbins (2005) argue that political parties influence policymaking not only by persuading their members to vote the party-line position on legislation but also by blocking bills that threaten to pass against the wishes of a majority of their members. They formalize this argument in the cartel agenda model,<sup>1</sup> which assumes that there are agenda-setting agents within the majority party who can block bills from coming to the floor. The primary derivation of the model pertains to what Cox and McCubbins call the “majority block-out zone”: If the status quo policy is located within this zone, a majority of the majority party’s members prefer the status quo to bills that propose to change it (since, in the model, all new passing legislation is located at the ideal point of the median member of the floor). Yet, if a proposed bill were to come to the floor, it would receive sufficient support from opposition party members and moderate members of the majority party to pass. Thus, the majority party would be “rolled”: a majority of the majority party’s members would vote against a passing bill. To avoid majority rolls, Cox and McCubbins argue that majority party agenda-setting agents prevent bills that would move the status quo out of the majority block-out zone from reaching the floor. Thus, the simplest version of their theory predicts that we should not observe majority rolls (Cox and McCubbins 2005, 89), or, allowing for some error, that majority rolls should be rare.

Cox and McCubbins (2005) demonstrate that, consistent with their model’s prediction, the majority party in the U.S. Congress is rarely rolled, and, furthermore, that the

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<sup>1</sup>See also Denzau and Mackay (1983).

minority party is rolled far more often than the majority party. The authors argue that this empirical evidence is consistent with the hypothesis that the majority party blocks bills that would result in majority rolls from reaching the floor. Using a variety of empirical strategies, other scholars have confirmed that roll rate patterns in the U.S. House and Senate support the hypothesis that the majority party has negative agenda power (Campbell, Cox, and McCubbins 2002; Carson, Monroe, and Robinson 2011; Gailmard and Jenkins 2007) and have explored the foundations of the majority party legislative cartel (Jenkins and Monroe 2010). In addition, several studies have shown that roll rate patterns in other national legislatures are similar to those in the U.S., suggesting that legislatures in most countries operate according to the cartel agenda model (Amorim Neto, Cox, and McCubbins 2003; Chandler, Cox and McCubbins 2006; Cox, Heller, and McCubbins 2009; Cox, Masuyama, and McCubbins 2000; Cox and McCubbins 2011; Jones and Hwang 2005).

In a critique of this body of work, Krehbiel (2006) identifies a problem with drawing such a conclusion from evidence of low majority party roll rates: the cartel agenda model assumes that the majority party has gatekeeping rights and predicts that majority roll rates will be constant and zero, but actual majority roll rates in the U.S. House are positive (albeit small) and vary from congress to congress. To what extent, then, can the assumed constant – majority party gatekeeping rights – explain something that varies – majority roll rates? Krehbiel provides a theoretical account of how two features of legislatures that *do* vary – the size of the majority party and the heterogeneity of legislator preferences – should explain variation in majority roll rates. He stresses that in order to conclude that low majority roll rates are evidence in support of the cartel agenda model, one must evaluate whether gatekeeping rights have an effect above and beyond the confounding effects of majority party size and interparty heterogeneity.

Recently, a few studies have sought to explain *variation* in roll rates within the context of the cartel agenda model. The premise of such studies is that if majority party negative agenda-setting rights explain low majority roll rates in so many legislatures,

then changes in the degree of majority party control over the legislative agenda should cause corresponding changes in roll rates. For example, Cox, Kousser, and McCubbins (2010) look at the effect of the G.A.V.E.L. Amendment, which removed the Colorado House speaker's ability to determine which bills were scheduled for a floor vote, and they find that majority roll rates increased in the chamber as a result.<sup>2</sup> However, they also examine roll rates for two types of bills in California, the first of which must meet the approval of majority leaders to be scheduled for a floor vote, and the second of which is automatically scheduled for a floor vote once passed out of committee, and they find no significant difference between majority roll rates for the two types of bills. Similarly, Gailmard and Jenkins (2007) find that there is no significant difference between majority roll rates on comparable bills in the U.S. House and Senate, in spite of the conventional wisdom that majority gatekeeping institutions in the House are stronger than in the Senate.

These are important developments in the literature both for theoretical and empirical reasons. On a theoretical front, they suggest a shift in thinking about majority party gatekeeping rights. While earlier work made the claim that (in the modern U.S. House) the majority party's control of the agenda was unconditionally present, this newer body of work implies that, more generally, majority party gatekeeping rights vary in strength within and across legislatures (see Finocchiaro and Rohde 2008; Stiglitz and Weingast 2010). On an empirical front, this literature opens the door to new opportunities for testing the theory. If majority party gatekeeping rights vary within and across legislatures, then it is possible to conduct a comparative analysis in which variation in agenda-setting rights is used to (potentially) explain variation in majority party power.

Even so, based on these studies, we cannot definitively say that gatekeeping institutions are the cause of majority party negative agenda power, and if they are, we do not know which particular institutions are responsible. Specifically, what institutions, if

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<sup>2</sup>Also, Kim (2005) explores roll rates in the Washington House and the Virginia House, and he finds that in the chamber with the stronger speaker agenda rights, the parties' roll rates are more responsive to changes in which party controls the speakership.

absent, would lead to a prediction of higher majority roll rates? To be sure, the literature is rich with descriptions of the possibilities: For example, Cox, Kousser, and McCubbins (2010) refer to the organization of the Colorado House prior to the G.A.V.E.L. Amendment, which resembled the organization of the U.S. House, as “a textbook case of majority agenda control,” with committee chairs able to kill bills without a hearing or a vote and a speaker who could decide which bills would be scheduled for a floor vote by the Rules Committee. However, it is unclear which of these institutions is necessary for majority gatekeeping to occur – or whether it is something else entirely that explains low majority roll rates.

In the following sections, we develop a set of hypotheses about the features of the legislative process that could allow the majority party to exercise gatekeeping rights, and we test these hypotheses using variation in as many as 99 legislative assemblies. Our hypotheses are largely informed by the extant literature, but they are intended to be general rather than specific, potentially applicable to legislatures of all kinds. Thus, by evaluating our hypotheses, we gain understanding of the institutions that underpin majority gatekeeping power in legislatures generally, laying the ground work for future scholars to make predictions about majority negative agenda power in new samples of legislatures – purely on the basis of their institutional structures.

## Hypotheses

In order for the cartel agenda model to be a plausible theory of decision-making in a given legislature, the legislature must have majority party members who have the right to block bills from reaching a floor vote. Thus, the applicability of the model relies on two necessary conditions:<sup>3</sup> First, the legislature must have political party organizations,

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<sup>3</sup>Following Crombez, Groseclose, and Krehbiel (2006), we distinguish between majority party rights and majority party powers. An individual or party possesses a gatekeeping or negative agenda-setting right “if the governing procedures of the body allow the individual or group not to act on specific proposals, and if the certain consequences of such inaction is that an exogenously determined status quo policy remains in effect.” An individual or party possesses a gatekeeping or negative agenda-setting power “if it has a gatekeeping right and the right produces an outcome that the gatekeeper prefers to

and second, there must exist junctures in the legislative process at which the majority party leadership can block bills from reaching a floor vote. These necessary conditions lead us to two general hypotheses:

***H-1:** Majority roll rates will be lower in legislatures in which there are political party organizations.*

***H-2:** Majority roll rates will be lower in legislatures in which the majority party can block bills from reaching a floor vote.*

At first glance, *H-1* might appear trivial, since it simply states that majority roll rates should be higher if there are no majority party leaders present to block potential majority rolls from reaching the floor. However, we consider *H-1* to be an important starting point: First, it encourages the researcher to establish a baseline expectation of what majority roll rates look like in the absence of political party influence (Krehbiel 2006). Second, if correct, it suggests that there might be important differences in the policymaking processes of partisan and nonpartisan legislatures, many of which have not yet been tested empirically.

Even if there are political party organizations in a legislature, the majority party may or may not have gatekeeping rights. If the majority party does not control the veto points at which legislators can block bills from reaching a floor vote, or if there are no such veto points in the legislature, then the majority party does not have the ability to block undesirable bills from reaching the floor. *H-2*, then, states that when the majority party has gatekeeping rights, majority roll rates should decrease relative to what they would be in the absence of majority party gatekeeping rights.

The extant literature suggests two primary legislative junctures at which the majority party is most likely to carry out its gatekeeping efforts. The first is the committee stage. Scholars of U.S. Congress have long noted that death-by-committee is the most common

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the outcome that would have resulted if it did not have a gatekeeping right” (Crombez, Groseclose, and Krehbiel 2006: 2-3).



fate of bills introduced in either chamber of the national legislature (Denzau and Mackay 1983; Epstein 1997; Shepsle and Weingast 1987). In many places, committee members have great discretion to choose which bills to push forward through the legislative process, which bills to hold back, and which bills can be amended by the committee for consideration on the floor. If standing committees act as agents of the majority party leadership, then the right of committees to decide the fates of bills has the potential to be a critical source of majority party gatekeeping power – and, hence, lower majority roll rates. This forms the basis of *H-2a*:

***H-2a:*** *Majority roll rates will be lower in legislatures in which committees act as agents of the majority party and have the right to block bills from reaching the floor.*

The second main legislative juncture at which the majority party might have the opportunity to prevent bills from reaching a floor vote is the scheduling of bills for floor consideration, or the calendar stage. If a majority party leader or a committee that acts as an agent of the majority leadership has the authority to decide which bills are considered by the full chamber and when, then the majority party leadership has gatekeeping rights at the calendar stage. If, however, bills are automatically placed on the calendar when they emerge from committee, the majority party has little to no control over which bills are considered by the floor. Thus, *H-2b* is as follows:

***H-2b:*** *Majority roll rates will be lower in legislative chambers in which a majority leader, or committee that acts as an agent of the majority party leadership, has the right to decide which bills are placed on the calendar for consideration on the floor.*

A large body of work on the U.S. House focuses on the importance of the Rules Committee for legislative gatekeeping. However, the primary reason that the Rules Committee is so crucial to majority gatekeeping in the U.S. House is that its members have the right to prevent bills from making it onto the floor calendar (Cox and McCubbins 2005).<sup>4</sup> Since

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<sup>4</sup>The Rules Committee has the right to propose special orders which, if approved by the majority of the chamber's members, change the order in which bills are considered by the floor. Since floor time is limited, the right to change the order of business is, essentially, the right to prevent bills from coming to a vote.

the gatekeeping rights of the Rules Committee in the U.S. House are essentially calendar rights, we consider rules committees to be one possible avenue by which majority parties could possess calendar rights. In theory, however, any majority party agent – including a majority party leader or a calendar committee – could have the right to decide which bills are considered by the full chamber. For this reason, we do not develop a hypothesis specific to rules committees but rather focus on the general calendar blocking right as a potential basis of majority party gatekeeping power.

## Empirical Design and Data

To test the hypotheses outlined above, we require variation in the presence of legislative party organizations, variation in the institutions that allow the majority to block bills from reaching the floor, and majority roll rates. To this end, we have constructed a new cross-sectional dataset on the legislative institutions and majority roll rates of the 99 state legislative chambers in the U.S.

There are several advantages to our design. First, rather than evaluate a claim about two presumed *constants* (majority party gatekeeping rights and majority roll rates) in a *single* legislature, as most existing studies do, our study examines the relationships among known *variables* to evaluate hypotheses in as many as 99 legislative assemblies. This enables us to explicitly test whether the presumed institutional bases of majority party power have the hypothesized effects on majority roll rates. Furthermore, our analysis holds constant the national political environment, since in all 50 U.S. states, the same two major political parties compete for political control of the government. Moreover, while a few studies have leveraged the state legislatures as laboratories for empirical testing (e.g., Cox, Kousser, and McCubbins 2010), they have examined only a small number of the state legislative chambers, they have focused solely on whether majority leaders can block bills at the calendar stage, and they have yielded mixed results. Here, we exploit variation in the organization of the population of U.S. state legislative chambers, and we

test the effects of majority gatekeeping at multiple points in the legislative process.

We follow the literature and use majority roll rates as the dependent variable for the empirical analysis.<sup>5</sup> To calculate the majority roll rates for each assembly, we use the data collected by Wright (2004), which provide comprehensive roll call information for all competitive votes in every state legislative chamber in 1999-2000.<sup>6</sup> For each vote in each chamber in 1999-2000, we determined whether the vote was successful (greater than a majority voting in favor) and whether more than 50 percent of majority party members voted in opposition. The majority roll rate is equal to the percentage of all successful votes in which a majority of the majority party voted in opposition.<sup>7</sup>

One potentially important difference between our dependent variable and the dependent variable used by Cox and McCubbins is that our calculation of majority roll rates includes all competitive roll call votes, whereas Cox and McCubbins look exclusively at final passage votes. Cox and McCubbins explain that the cartel agenda model makes predictions about votes that result in changes to the status quo policy – and only final passage votes can do that. On the other hand, as Krehbiel and Woon (2005) argue, looking only at final passage votes potentially leaves out votes that are quite important to the parties, such as a vote on a motion to recommit a highly salient bill, or a vote on an amendment that significantly changes the content of a bill (see also Roberts and Smith 2003). We acknowledge the merit of both positions, and so we have hand-coded the roll call votes in each chamber as either final passage or non-final passage and recalculated majority roll rates using only the former type. As we describe in the following section,

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<sup>5</sup>Unlike some studies, we do not examine minority party roll rates as a second dependent variable. Those who analyze minority roll rates argue that more extensive majority gatekeeping rights lead not only to low majority roll rates but also to higher minority roll rates (e.g., Cox, Kousser, and McCubbins 2010). However, the prediction about minority roll rates is not a straightforward derivation from the cartel agenda model. Instead, it requires the additional untested assumption that policy status quo points are uniformly distributed over the policy space.

<sup>6</sup>For Arkansas, the roll call data are from 2000-2001, and for the New York House, the data are from 1999 only. Wright (2004) defines competitive votes as those in which at least 5 percent of legislators are on the losing side of a vote.

<sup>7</sup>Some scholars, such as Spiegelman (2010), include “disappointment votes” in the calculation of majority roll rates (i.e. *failing* votes on which a majority of the majority party votes in *favor* of the bill). We do not include disappointments in our calculations because the cartel agenda model does not yield a prediction about disappointment votes, since they do not result in changes to the status quo policy.

the results of our hypothesis tests are minimally affected by the use of this alternative dependent variable. The full results of that analysis, as well as a description of our coding rules and strategy, are presented online in the supporting information document.

There is less precedent in the literature to guide our operationalization of the independent variables. For *H-1*, the transition from hypothesis to testable implication is straightforward: we can compare majority roll rates in partisan legislatures to those in nonpartisan legislatures. To test *H-2a*, however, we must be able to identify *how* majority parties might use committees to block bills. Here, we focus on two particular features of committees: whether committees have the right to deny a bill a hearing (as opposed to being required to hear all bills referred to them), and whether committees have the right to decline to report a bill to the floor (as opposed to being required to report all bills to the floor). If committees can refuse to hear a bill or refuse to report it to the floor, then committees have the potential to be blocking agents, and we would expect majority roll rates to be lower than in chambers where committees are required to hear or report all bills. Likewise, to test *H-2b*, we must have an understanding of whether the majority party leadership has the right to set the floor calendar in each chamber. One of the advantages of using the state legislatures for empirical testing is that calendaring procedures vary substantially across the U.S.: some chambers require that all bills that emerge from committee be automatically placed on the floor calendars in numerical order, whereas other chambers empower a presiding officer or a committee to choose which bills are placed on the floor calendar. To test *H-2b*, we examine whether majority roll rates are lower in chambers that allow a majority leader or majority-appointed committee to set the calendar, as opposed to requiring an automatic process.

We rely on two primary sources of data to construct the independent variables for the analysis. First, we digitized and assembled a large body of survey data collected by the National Conference of State Legislatures (NCSL) between 1995 and 2004. Approximately once every two years, the NCSL conducts surveys of the state legislative chambers' parliamentary officers and asks a detailed set of questions about the rules and procedures

that guide the legislative process. Included in this data source is information on the rules that govern the possible sets of actions that committees can take in dealing with bills that are referred to them. In addition, the NCSL supplied us with contact information for most state legislative clerks, as well as a compilation of many state legislatures' rules on the calendaring and committee appointment processes.<sup>8</sup>

We supplemented the NCSL data with original data from our own survey. In November 2010, we emailed the legislative clerks or secretaries of all 99 state legislative chambers to ask who appoints the members and chairs of standing committees, whether the chamber votes on committee assignments, how bills are placed on the chamber's floor calendars, and whether the calendar procedures have changed significantly in the last ten years. We received email responses from 81 chambers over the course of two months, and we coded a series of calendaring and committee variables (described below) using both the emailed responses and the NCSL database on calendar rules. For any cases in which the two independent coders disagreed on the coding of a variable, we followed up with an additional email, or, in the case of clerks who had not responded to the original email, we followed up with a phone call in February 2011. In total, we were able to code the calendar and committee appointment variables for 96 out of the 99 chambers. In addition, our email and phone conversations with the legislative clerks – most of whom have worked in their respective roles for many years – provided us with invaluable contextual information about the state legislative chambers that we use for our analysis.

Using both the NCSL data and our original survey data, we constructed two independent variables that capture whether committees are a juncture at which the majority party has gatekeeping rights. While our data cannot tell us whether committees in a given chamber act as agents of the majority party leadership, we can distinguish between chambers where it is more or less likely. Specifically, we determined whether committee members and chairs are appointed by the majority party, meaning by a majority party leader, the majority caucus, or a committee on committees.<sup>9</sup> Then, if a chamber's com-

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<sup>8</sup>We are grateful to Brenda Erickson at the NCSL for supplying this information.

<sup>9</sup>Out of the 99 chambers, only four have committees that are appointed on the basis of seniority: the

mittees are appointed by the majority party, we created a variable called *Non-hearing right*, which equals one if the committees have the ability to deny a bill a committee hearing.<sup>10</sup> If a chamber’s committees are required to give all bills a hearing, or if a chamber’s committees are appointed by seniority, we coded *Non-hearing right* as zero. The variable equals one for 72 chambers and zero for 26 chambers.<sup>11</sup>

We constructed the second variable, *Non-reporting right*, in a similar way. For committees that are appointed by the majority party, *Non-reporting right* equals one if committees in the chamber are *not* required to report all bills to the floor.<sup>12</sup> For all chambers in which committees are appointed by seniority, or where committees are required to report all bills that are referred to them to the floor, the variable was coded as zero. It equals one in a total of 74 chambers and zero in 25 chambers. For the modal legislative chamber, committees are neither required to hear all bills nor report all bills (65 chambers).<sup>13</sup>

In order to test *H-2b*, we created a series of variables that capture whether the majority party can determine which bills appear on the calendar and the order in which they are considered by the floor. First, since the Rules Committee is an important vehicle for majority gatekeeping in the U.S. House, we created an indicator variable equal to one if the chamber has a rules committee and zero if it does not.<sup>14</sup> As we discussed above, the rules committee is only one possible way that the majority party could have gatekeeping

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Arkansas Senate, the Idaho Senate, the South Carolina Senate, and the Texas House.

<sup>10</sup>In coding *Non-hearing right*, we deviate in one way from the NCSL report. The NCSL report lists the Maine House as requiring that committees hear all bills referred to them, but the presiding officers (who are majority party members) can waive the requirement that all bills receive a hearing. For this reason, we code the Maine House as not requiring committees to hear all bills.

<sup>11</sup>The NCSL data are missing the hearing variable for the New Mexico Senate.

<sup>12</sup>In coding *Non-reporting right*, we amend the NCSL data in two ways. First, the NCSL lists the Massachusetts House as requiring committees to report all bills, but this requirement only applies to joint committees. Since regular committees are not required to report all bills, we code this chamber as a one rather than zero. Second, the NCSL lists the North Carolina House as not placing a requirement on committees to report all bills. However, North Carolina House committees are required to report all bills that originate in the House. For this reason, we code this chamber as a zero rather than a one.

<sup>13</sup>One potential objection to the coding of the committee variables is that we have not accounted for whether the full chamber membership votes on committee appointments, even if the initial appointments are made by the majority party leadership. We address this in the next section.

<sup>14</sup>Data on rules committees come from the 1997 NCSL report, “Rules Committees.” Fourteen chambers did not respond to the NCSL survey, so we coded the rules committee variable for those chambers by consulting chambers’ websites and official rules.

rights at the calendar stage, so we created two additional variables. The first, *Majority leader sets calendar*, is an indicator variable coded one for the 45 chambers in which a majority party leader decides which bills appear on the calendar and the order in which they appear. The second variable, *Committee sets calendar*, indicates whether a majority-appointed committee (usually a rules committee, but in some cases a calendaring committee) sets the calendar. There are a total of 16 chambers where this variable equals one. The 35 chambers in which both *Majority leader sets calendar* and *Committee sets calendar* are zero are those in which bills are automatically placed on the calendar in a fixed order or a seniority-appointed committee sets the calendar.<sup>15</sup>

To test the relationship between these institutional variables and majority roll rates, we also need to account for other, noninstitutional independent variables that could possibly explain variation in roll rates. To start, Krehbiel’s model predicts that the size of the majority party will be negatively associated with majority roll rates: Even if the majority party does not exercise any gatekeeping, votes on which a bill passes with the majority of majority party members voting against it are more likely to occur when the majority party is small than when it is large. To illustrate with an extreme case, if all members in a particular legislature are from the “majority” party, then it is not possible for a bill to pass with majority of those members voting in opposition. Thus, because of the way majority rolls are defined, the the greater the number of seats claimed by the majority party, the less likely it is that a legislature will produce a majority roll on a given vote (see Krehbiel 2006).<sup>16</sup> For this reason, we calculated a variable called *Majority party*

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<sup>15</sup>We recognize that these variables do not capture whether the majority party actually uses these veto points to block majority rolls from reaching the floor. Rather, they measure whether the majority party has the potential to block bills at these stages.

<sup>16</sup>Another argument in the literature asserts that when the majority party holds a large percentage of seats, there is less need for majority party leaders to engage in whipping and vote-buying to secure legislative victories. As a consequence, the argument goes, majority party members delegate less authority to party leaders when the majority party is large, and as a result, party unity tends to be lower (Lebo et al. 2000; Patty 2008). It is unclear, however, what these theories predict about the relationship between majority party size and majority roll rates. It may be that majority gatekeeping institutions are weaker if a majority party’s members delegate less authority to their leaders, in which case the predicted relationship would be positive – the opposite of Krehbiel’s prediction. However, if majority party members decline to grant gatekeeping authority to their leaders because they know that at least a majority of majority party members will vote in the leaders’ preferred direction, then majority roll rates would not necessarily change with increases in majority party size. Because of the ambiguity in these

size, which is equal to the percentage of chamber seats held by majority party members, as measured by Dubin (2007).<sup>17</sup>

We also account for the fact that the heterogeneity of preferences within and across political parties varies from chamber to chamber. The conditional party government thesis predicts that more heterogeneous preferences within the majority party lead to a weaker majority party institutional apparatus (Rohde 1991), which might also then lead to higher majority roll rates. In contrast, Krehbiel’s theoretical model predicts no systematic relationship between the preference heterogeneity of the majority party and roll rates (Krehbiel 2006). We do not take a position on this issue but recognize the need to measure intraparty preference heterogeneity because of its potential correlation with institutional rules and roll rates. Following Krehbiel (2006), we measure intraparty heterogeneity as the degree to which the preferences of the two parties’ members overlap in the center of the policy spectrum. We use the `wnominate` package in R (Poole et al. 2009) to scale the 1999-2000 roll calls on a single dimension for each legislature. Then, we calculate the variable *Intraparty heterogeneity* as the proportion of Republican members who are more liberal than the most conservative Democrat plus the proportion of Democratic members who are more conservative than the most liberal Republican.

Lastly, we use a measure of interparty preference heterogeneity in expectation that greater distance between the preferences of the two parties will be associated with lower majority roll rates (Krehbiel 2006). Unlike our measure of intraparty heterogeneity, creating a measure of ideological distance between the parties requires that we estimate legislator preferences across states on a common scale, a complicated procedure that has been undertaken by Shor and McCarty (2010) as well as Battista, Peress, and Richman (forthcoming). We use the Shor and McCarty measure for interparty heterogeneity in state legislatures, which is equal to the average distance between the median ideal points of Republican and Democratic legislators in each state from 1996 to 2006.<sup>18</sup>

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theories’ predictions about majority roll rates, we do not test them directly here.

<sup>17</sup>For the four chambers that have elections in the odd-numbered years, we used the size of the majority party from 1999. None of these four chambers changed majority parties between 1999 and 2000.

<sup>18</sup>Specifically, Shor and McCarty (2010) construct their measure by using data from the National



## Empirical Analysis

As a starting point in our analysis, Figure 1 presents the majority roll rates for all 99 state legislative chambers in the U.S. While majority roll rates are greater than zero in all but eight state legislative chambers, a large number of chambers have majority roll rates that could be considered low (for example, less than 10 percent), which generally conforms to the patterns that others have found in the U.S. House (Cox and McCubbins 2005). Yet, there is no precedent in the literature that we can rely on to tell us what value of the majority roll rate variable would be sufficiently large for us to conclude that the cartel agenda model’s prediction is not confirmed by the data. That being said, there are 16 chambers that have majority roll rates that exceed 15 percent – including six chambers where they exceed 20 percent – which is difficult to reconcile with the cartel agenda model. In this section, we attempt to explain this variation in majority roll rates using both the party organization and majority gatekeeping variables described above, as well as the noninstitutional variables describing characteristics of the legislative chamber.

### ***H-1: The Effect of Party Organizations***

We start with a simple test of *H-1*: Does the presence of party organizations in a legislature reduce the frequency of majority rolls? As Krehbiel (2006) notes, one must have some baseline expectation of what roll rates look like in the absence of majority party gatekeeping influence in order to conclude that the observed roll rates are “low.” Among the 99 U.S. state legislative chambers, there is one that is particularly useful in providing such a benchmark: the Nebraska Unicameral. In the Nebraska legislature, there are no party organizations, and members are elected on a nonpartisan basis. Therefore, we can be fairly certain that there is no majority party organization that actively works to block

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Political Awareness Test (NPAT), administered by Project Vote Smart. Each year, Project Vote Smart disseminates a survey to both national and state legislators in all 50 states covering a wide range of policy issues. Shor and McCarty construct preference estimates from NPAT survey responses by bridging across actors (for example, looking at a state legislator who was later elected to the U.S. House). Using this method of bridging and linear mapping regressions to map from state space to NPAT common space, they derive comparable scores for all members of the U.S. Congress and state legislators.

bills from reaching the floor. One might wonder how we can calculate majority roll rates if there is no majority party in the legislature. Fortunately, almost all of the individuals who are elected to the Nebraska legislature are registered with one major political party or the other, and their party registrations allow us to calculate majority roll rates for the chamber in spite of the fact that the legislature is nonpartisan.<sup>19</sup> Therefore, if the presence of majority party organizations in a legislature reduces the frequency of majority rolls, we would expect the majority roll rates in the Nebraska Unicameral to be higher than those of comparable partisan legislatures.

Figure 1 shows that the majority roll rate in Nebraska – 20.5 percent – is large relative to the roll rates of other partisan legislatures (though it is not the largest in the country). However, this does not necessarily provide support for *H-1*, as other characteristics of the Nebraska legislature may account for its unusually high majority roll rate. In Table 1, we match Nebraska to six other legislative chambers on the basis of majority party size and intraparty preference heterogeneity.<sup>20</sup> We conduct the matching using the Match function in the `GenMatch` package in R (Sekhon 2011) with a caliper of one standard deviation for both majority party size and intraparty heterogeneity.

Comparing Nebraska to the six most similar chambers in terms of majority party size and intraparty heterogeneity, we see that the majority roll rate in Nebraska is substantially higher than the roll rates in the other states. For example, the majority roll rate in the Georgia House of Representatives is 10.7 percentage points lower than that of the Nebraska Unicameral, which is almost a two standard deviation difference. This is particularly striking since the majority party in the Georgia House holds a smaller percentage of seats and is more internally heterogeneous than in Nebraska. The lower chamber in Kentucky features a majority party with a greater percentage of seats than Nebraska but also has more heterogeneous parties, and the majority roll rate in the Kentucky House is only 2.1 percent. The majority party in the South Carolina Senate has a smaller majority

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<sup>19</sup>We use the party identification coding done by Wright and Schaffner (2002), who used the *Omaha World-Herald* to code the party registration of legislators and candidates in Nebraska.

<sup>20</sup>We do not match on interparty preference heterogeneity because we do not have the party median distance variable for Nebraska.

and also quite heterogeneous parties, but the roll rate is only 8.5 percent. In sum, relative to quite similar chambers, the nonpartisan Nebraska Unicameral has a substantially higher majority roll rate.

In the bottom panel of Table 1, we provide two additional comparison chambers that are in the same region of the U.S. as Nebraska, are both upper chambers, had Republican majorities, and are similar in terms of chamber size: the Iowa Senate and the Colorado Senate. We also include the Kansas Senate because it has been used in the literature as a baseline for understanding the lack of party influence in the Nebraska Unicameral (Wright and Schaffner 2002). Again, in all three partisan upper chambers, we find that the majority party was rolled on less than 10 percent of all successful votes. By contrast, the majority roll rate in the Nebraska Unicameral was more than double the majority roll rate of the Iowa Senate and over three times as large as the majority roll rate in the Colorado Senate. This preliminary evidence suggests that having majority party organizations does, in fact, matter for the rate at which the majority party is rolled.

Of course, there is only one nonpartisan state legislature in the U.S., and we cannot say with certainty that the presence of party organizations *causes* the lower roll rates in the partisan states. It is possible, for example, that a persistent Progressive culture in Nebraska explains both the nonpartisan legislature as well as the patterns of legislator voting in the state. Even so, the fact that the lone nonpartisan state legislature in the U.S. has a majority roll rate that is substantially higher than those of comparable partisan legislatures is suggestive of a possible majority party gatekeeping effect. In the next section, we use our original data on the veto points of various state legislatures in order to thoroughly evaluate *H-2*.

## ***H-2: The Effect of Majority Party Gatekeeping Rights***

We start by examining the juncture at which the majority of bills in the U.S. House meet their end: the committee stage. In a first test, we use OLS to regress majority party roll rates on *Non-hearing right* while controlling for majority party size, intraparty

heterogeneity, and interparty heterogeneity. In this model and all subsequent ones, we exclude the Nebraska Unicameral (since it does not have party organizations) as well as the Washington House and the Virginia House, where the two parties shared equal control of the chambers during 1999-2000. In all models, we use robust standard errors to correct for heteroskedasticity.

The results of this model are presented in column (1) of Table 2. Notably, we find that majority party size is a strong, negative predictor of majority roll rates: a one standard deviation increase in the percentage of seats held by the majority party (9.5 percentage points) is associated with a 2.6 percentage point decrease in a chamber's majority roll rate, significant at the 1 percent level. Indeed, this variable alone explains about 18 percent of the variance in majority roll rates across chambers (see the supporting information document). However, neither measure of party heterogeneity emerges as a significant predictor of majority roll rates. The coefficient on intraparty heterogeneity is positive, but we cannot reject the null hypothesis of no effect on majority roll rates. The coefficient on our measure of interparty heterogeneity, on the other hand, is not only insignificant but of the wrong sign.

Turning to the main independent variable of interest, we find that consistent with *H-2a*, the estimated coefficient on the indicator for whether committees can deny a bill a hearing is -0.025, statistically significant at the 5 percent level. This suggests that when the majority party appoints committees, *and* those committees have discretion to deny a bill a hearing, majority roll rates decrease by 2.5 percentage points relative to chambers in which committees cannot block bills by denying them a hearing, or where committees are appointed by seniority. Above and beyond the effects of majority party size and preference heterogeneity, therefore, majority roll rates decrease when majority-appointed committees can deny bills a hearing.

We next test whether the right of majority-appointed committees to decline to report bills to the floor results in lower majority roll rates. We estimate the same model as in column (1) except that the key independent variable is *Non-reporting right*. As in column

(1), the results presented in column (2) of Table 2 confirm our hypothesis. On average, chambers in which majority-appointed committees can decline to report bills to the floor have majority roll rates that are approximately 3 percentage points lower than chambers that require committees to report all bills. This effect is statistically significant at the 1 percent level. Moreover, as before, we find a negative relationship between majority party size and majority roll rates.

One question that arises from the results in columns (1) and (2) is whether chambers that have both committee veto points have lower majority roll rates than chambers that have only non-hearing rights or only non-reporting rights.<sup>21</sup> In column (3), we test this by including both institutional indicator variables as well as an interaction between the two. Compared to chambers with neither non-hearing nor non-reporting rights, we find that the effect of having non-reporting rights is approximately -3.7 percentage points, significant at the 5 percent level. In contrast, majority roll rates in chambers with non-hearing rights (but no non-reporting rights) are not statistically distinguishable from those with neither non-hearing nor non-reporting rights. However, we cannot reject the hypothesis that the coefficients on *Non-hearing right* and *Non-reporting right* are equal. Furthermore, we find that having *both* non-hearing and non-reporting rights is no more effective in reducing roll rates than having non-reporting rights alone, suggesting that these gatekeeping rights are likely substitutes for one another. Since it appears that non-hearing rights and non-reporting rights perform much of the same function, in column (4), we create a single variable, *Committee gatekeeping*, that equals one if a chamber has either non-hearing or non-reporting rights. When we regress majority roll rates on that committee blocking variable, we find that it has the effect of lowering majority roll rates by about 3.5 percentage points, partialing out the effects of majority party size and party heterogeneity.

Up until this point, in constructing the primary independent variables of interest, we have considered only whether committees are appointed by the majority party and

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<sup>21</sup>Among the chambers we are examining, only seven chambers have non-hearing rights but not non-reporting rights, and an additional seven have non-reporting rights but no non-hearing rights.

whether committees have the ability to block bills from reaching the floor. As we discussed above, implied in this construction of the variables is that when majority party members appoint committees, they are likely to be agents of the majority party – not the full chamber. One reasonable critique of this operationalization is that we cannot know whether committees in different chambers are, in fact, operating as agents of the majority party as distinct from the majority of the chamber.

To address this critique, we exploit variation in the committee appointment process. In almost all states, the majority leadership assigns the majority of members to committees, but only in some of the chambers does the full chamber membership vote on these appointments. Therefore, we can test directly whether full chamber votes on committee assignments temper the extent to which the majority party can use committees to block bills from reaching the floor. On the one hand, if chambers’ pro forma votes on committee assignments are merely symbolic – and are not driving majority party leaders to make committees look more like the floor – then we would not expect to see any difference between roll rates in chambers where members vote on assignments and chambers where they do not. But if the vote on committee assignments limits the extent to which the majority party can use committees as blocking agents, we would expect to see a smaller effect – or no effect – of the committee blocking variables on majority roll rates for those chambers. This is an empirical question, and one that we test directly in the final column of Table 2.

In column (5), we interact the committee blocking variable with an indicator for whether the full chamber membership votes on committee appointments. Interestingly, we find that it is only in chambers where the membership does *not* vote on committee assignments that committee blocking rights have a negative impact on majority roll rates. Moreover, the effect is greater in magnitude than it was in column (4), where we did not account for differences in chambers with and without votes on appointments: the effect in column (5) is almost -5 percentage points and highly statistically significant. By contrast, in chambers where the majority leadership appoints committees but then has

those appointments subject to a vote by the full chamber, we find that the ability for a committee to block bills from reaching the floor has no discernable impact on majority roll rates. Therefore, what Krehbiel calls “remote majoritarianism” appears to have an impact on the extent to which committees act as agents of the majority party in blocking bills from reaching the floor (see Krehbiel 1991, 19).

In sum, we find that in legislative assemblies where committees are likely to be agents of the majority party, institutional rules that allow committees to deny bills a hearing or to decline to report bills to the floor are negatively and significantly associated with majority roll rates, as we hypothesized in *H-2a*. However, whether or not standing committees have the ability to block bills from reaching the floor, in each chamber, there is some process by which bills reported from committee are scheduled for floor consideration. Legislatures differ greatly in the types of calendars they use to structure floor debate and votes, but our investigation for hypothesis *H-2b* is quite general: we seek to test empirically whether majority party control over the calendar process shapes the rates at which the majority party is rolled.

We start by focusing on the potential role of rules committees since, according to Cox and McCubbins (2005), the Rules Committee in the U.S. House is a key veto point at which potential majority rolls are blocked. If rules committees in state legislatures serve the same gatekeeping purpose as in the U.S. House, we would find that the presence of a rules committee has a significant and negative effect on majority roll rates, partialing out the effects of majority party size and party heterogeneity. Column (1) of Table 3 demonstrates that this is not the case. The independent variable of interest is *Rules committee*, which equals one if the chamber has a rules committee and zero if it does not. The estimated coefficient on this variable is equal to zero, indicating that there is no difference in majority roll rates in chambers that have rules committees and chambers that do not.<sup>22</sup> In the state legislative chambers, then, there does not appear to be any majority party blocking advantage in chambers that have rules committees.

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<sup>22</sup>The null effect of *Rules committee* is unchanged if we control for majority party committee blocking rights.

However, whether or not a rules committee exists should be inconsequential for majority roll rates if majority party leaders cannot use the rules committee to block bills. In order for rules committees to be a source of gatekeeping power in state legislatures in the way that the Rules Committee is allegedly a source of gatekeeping power in the U.S. House, a rules committee that is the agent of the majority party leadership must have the authority to determine which bills are considered on the floor and when. This drives our strategy in column (2), where we examine the effect of having a majority-appointed committee that sets the floor calendar (*Committee sets calendar*) on majority roll rates. Importantly, there are other possible avenues by which a majority party could be responsible for setting the calendar. Specifically, there are several chambers in the U.S. in which a majority party leader has the ability to choose which bills are heard and when, which – if *H-2b* is correct – should also be negatively and significantly associated with majority roll rates. Therefore, in addition to the *Committee sets calendar* variable in column (2), we include an indicator for whether a majority party leader has the right to decide the order in which bills are heard by the full chamber.

Both forms of majority party calendar rights have a negative effect on majority roll rates, lending support to *H-2b*. When a majority party leader determines which bills appear on the calendar and in what order, the consequence is a majority roll rate that averages 2.5 percentage points lower than in chambers where no majority leader or committee has the authority to set the calendar. This effect is statistically significant at the 5 percent level. The coefficient on *Committee sets calendar* is of a similar magnitude but less precisely estimated, likely because there are fewer cases of state legislative chambers in which a majority-controlled committee sets the calendar (16 chambers, as opposed to 45 in which a majority leaders sets the calendar). Even so, we see that on average, chambers in which a majority-appointed committee sets the calendar have majority roll rates that are 2.2 percentage points lower than in chambers in which majority party leaders or committees do not have authority to choose which bills appear on the calendar.

Given that we cannot reject that the coefficients on these two indicators of majority



blocking are equal, we combine them into a single variable in column (3). There, we test the effect on majority roll rates of *any* majority actor having the authority to set the calendar. Confirming *H-2b*, we estimate a coefficient on the majority party calendar variable of -0.023, significant at the 5 percent level.

Does the effect of majority gatekeeping at the calendar stage persist if we also account for the rights of majority-appointed committees to block bills from even reaching the calendar stage? We answer this question in column (4) by including both the calendar blocking variable and a committee blocking variable in the model specification. Since we have found that committee gatekeeping only has a negative effect on majority roll rates in chambers where the full chamber does not vote on committee appointments, we use a new committee blocking variable which equals one if the chamber has either non-hearing or non-reporting rights *and* committee appointments are not subject to a floor vote. With indicators for potential blocking at both stages included, we estimate a strong and sizeable effect of committee blocking rights: they reduce majority roll rates by approximately 4 percentage points, an estimate that is significant at the 1 percent level. The effect of the calendar blocking variable is slightly smaller and less precise than in column (3), but even here, we estimate an effect of -2 percentage points, significant at the 10 percent level. Therefore, it appears that both committee blocking rights and calendar blocking rights have a negative effect on majority roll rates.

In column (5), we include an interaction between the committee blocking variable and the calendar blocking variable to investigate whether having both opportunities to block bills gives the majority party greater negative agenda-setting influence than having just one. We find that the committee blocking variable has a negative and significant effect on majority roll rates relative to chambers in which the majority party cannot block at either stage. The calendar blocking right does not have a significant effect by itself. We do find, however, that the combination of *both* committee blocking and calendar blocking rights has a negative effect on roll rates above and beyond that of the committee blocking right alone: the combined effect of committee and calendar blocking on majority roll rates

is -5.4 percentage points, significant at the 1 percent level. We reject that this combined effect is equivalent to that of the committee blocking variable by itself. In sum, we find that legislative institutions that allow the majority party to block bills from reaching the floor serve to decrease majority roll rates.

In a final test, in column (6), we investigate whether these results persist when we use the measure of majority roll rates that includes only final passage votes.<sup>23</sup> When we use this alternative dependent variable, we find that our independent variables of interest – the measures of committee blocking and calendar blocking – continue to have dampening effects on majority roll rates. The coefficient on the committee blocking variable actually increases slightly to -0.041 and is significant at the 5 percent level. We still find that the calendar blocking variable does not have a significant effect by itself, but the combined effect of committee blocking and calendar blocking on majority roll rates grows to -6 percentage points, significant at the 1 percent level. If anything, then, the effects of the institutional variables become slightly stronger when we focus only on majority rolls on final passage votes. In contrast, the effect of majority party size decreases in magnitude in column (6), although it is still negative and significant at the 5 percent level. Together, these results show that our findings are not driven by the fact that we have included non-final passage votes in our calculation of majority roll rates. The full results of our analysis using this alternative dependent variable are available online in the supporting information document.

## Testing Other Correlates of Majority Party Power

Thus far, we have seen that there are some noninstitutional characteristics of legislatures - including majority party size and, in some cases, intraparty heterogeneity - that significantly predict variation in majority roll rates. Are there other characteristics of legislative chambers that are correlated with majority roll rates? If so, and if these char-

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<sup>23</sup>We lose some observations in this column because several of the text files that accompany Wright's state roll call matrices do not contain procedural information that would allow us to code individual votes as final passage or non-final passage.

acteristics are also correlated with the legislative institutions measured by our primary independent variables, our estimates of the effects of these gatekeeping institutions would be biased.

One such potentially confounding variable is the type of chamber. Unlike the U.S. House in which the Rules Committee and the Speakership are thought to be tightly controlled by the majority party, it is generally thought that the U.S. Senate is dominated by unanimous consent and collaboration between the majority and minority leaders (Oleszek 2004). If this atmosphere of collaboration and bipartisanship carries over to state senates, we might expect them to grant the majority party fewer gatekeeping rights, which would arguably mean higher roll rates. For the same reasons, however, we also might expect them to produce fewer successful votes that roll a majority of the majority party members. At a minimum, we want to ensure that the type of chamber does not explain the institutional effects we have estimated. In column (1) of Table 4, we add to our main model an indicator that equals one for state upper chambers and zero for lower chambers. On average, we find that majority roll rates are actually slightly lower in upper chambers than in lower chambers, but that does not change the effects of our gatekeeping variables. Even controlling for chamber type, we find that chambers that allow committee and calendar gatekeeping have majority roll rates that are 5.7 percentage points lower than chambers that allow neither right.

Of course, we are basing our comparative analysis on legislatures that vary in terms of how long they are in session, how much legislators are paid, and how many permanent staff they have. It is possible that busier, more professionalized legislatures are more likely to implement rules to facilitate the streamlining of the legislative process, allowing unfavorable bills to be blocked early on. If this is the case, legislative professionalism may be the variable that explains why the Utah House, with a majority roll rate close to 10 percent, does not grant the majority party gatekeeping rights while the New York House, in which the majority is never rolled, does.<sup>24</sup> To test whether legislative professionalism

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<sup>24</sup>The argument that legislative professionalism should lead to lower majority roll rates in state legislatures is made by Spiegelman (2010). He finds a strong, negative relationship between professionalism

explains the effect of institutional gatekeeping rights that we have found thus far, we include a measure of professionalism – the Squire professionalism index – in column (2) of Table 4. The Squire index ranges from 0 to 1, with higher scores indicating greater levels of professionalism as based on legislative salary, session length, and staff (Squire 2007). Our estimated coefficient on the Squire index is negative, suggesting that more professionalized legislatures see lower majority roll rates, although the effect is not statistically significant. Most importantly, even when we account for legislative professionalism, we find that the combined effect of committee and calendar gatekeeping rights is still negative and statistically significant.<sup>25</sup>

In column (3), we test whether the effect of majority party gatekeeping rights is systematically different in legislatures in which legislators have low salaries (and often second jobs), small staffs, and meet for only a short segment of the year. We specify a model in which we control for citizen legislatures, using a dummy variable equal to one for citizen legislatures and zero for hybrid and professional legislatures.<sup>26</sup> To capture the effect of majority gatekeeping rights, we create a variable called *Majority blocking*, which equals one if either a majority-appointed committee can block bills (*Committee Gatekeeping=1*) or a majority party actor can set the calendar (*Majority blocking=1*). We interact *Majority blocking* with the indicator for citizen legislatures to test whether the effect of gatekeeping rights varies based on legislature type. The results suggest that majority gatekeeping does, in fact, function differently in the two types of chambers. Consistent with our previous results, majority roll rates are 6 percentage points lower in professional and hybrid legislatures that allow majority gatekeeping, compared to similar legislatures that do not grant the majority party gatekeeping rights. In citizen legislatures, however, majority gatekeeping rights have no discernible effect on majority roll rates. Evidently, in citizen legislatures, whether the majority party has access to veto

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and majority roll rates.

<sup>25</sup>The results are not sensitive to this particular measure of professionalism. They are similar when we include dummy variables for two of the three NCSL professionalism categories.

<sup>26</sup>Moncrief et al.(1996) find that citizen legislatures in the U.S. are fundamentally different than professional and hybrid legislatures.

points at which it can block legislation matters little for whether the majority party can successfully avoid being rolled.

As an additional check on whether some omitted variable confounds the relationship between gatekeeping rights and majority roll rates, we allow for state fixed effects to account for any characteristics of states, such as state political culture, that could explain both legislative institutions and majority roll rates. By including the state fixed effects, we estimate the coefficients on the institutional variables using only those states in which the rules are different in the lower and upper chambers.<sup>27</sup> Our results are presented in column (4) of Table 4. Even with the inclusion of state fixed effects, we find that majority roll rates average about 8 percentage points lower in chambers that allow both majority gatekeeping at the committee and calendar stages than in chambers with gatekeeping rights at neither stage. Therefore, even within states, we find that these legislative institutions serve to decrease majority roll rates.

## Discussion

The cartel agenda model developed by Cox and McCubbins (2005) depicts a legislature in which majority party leaders have access to institutions through which they can block undesirable bills from reaching the floor. A large literature has stemmed from the cartel agenda model, much of which has shown that the majority party is rarely rolled in various legislatures around the world (e.g., Amorim Neto, Cox, and McCubbins 2003). However, this literature has fallen short of directly testing whether the institutions that are presumed to be the basis of majority party gatekeeping power are, in fact, responsible for the low majority roll rates that so many studies have found.

In this paper, rather than assume that majority gatekeeping institutions are present, we have measured whether they are present and tested whether they have the effect of

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<sup>27</sup>Specifically, there are 14 states that have different upper and lower chamber rules on whether the majority can block at the committee stage, and there are 11 states that have that have different rules on whether the majority has gatekeeping rights at the calendar stage. Note that we cannot estimate the effect of the interparty heterogeneity measure in this model because it is constant within states.

lowering majority roll rates in the 99 state legislative chambers in the U.S. We find that they do. While majority roll rates are not universally low in the chambers we examine, they are 3.5 percentage points lower in chambers where committees are appointed by the majority party leadership and have the ability to hold back bills from reaching the floor as compared to chambers where committees are required to hear all bills and report all bills to the floor. In conjunction with the right of the majority party to set the floor calendar, the overall effect is larger: chambers with majority gatekeeping rights at both the committee stage and the calendar stage see roll rates that are about 5.7 percentage points lower than comparable chambers without these gatekeeping rights. And at the most basic level, we find that where political party organizations are absent altogether, the majority roll rate is substantially higher than in comparable partisan legislatures.

These findings demonstrate that there is, in fact, an institutional basis for the low majority roll rates that so many scholars have found in legislatures around the world. In addition, we show that certain features of legislatures that do not necessarily have to do with majority party gatekeeping – such as the size of the majority party – explain variation in majority roll rates. Our study therefore suggests some possible explanations for puzzles that have arisen in the literature. For example, Gailmard and Jenkins (2007) found that majority roll rates in the U.S. House and Senate are similar in spite of the fact that the process for scheduling bills for floor consideration is different in the two chambers. Likewise, Cox, Kousser, and McCubbins (2010) found that majority roll rates on two types of bills in California are essentially the same, in spite of the fact that one type gets filtered by majority party leaders before the bills get placed on the calendar and the other type does not. Our findings suggest that one possible reason for these patterns is that majority gatekeeping can occur at the committee stage, even before bills face different processes at the calendar stage. Alternatively, since majority roll rates tend to be low for both the U.S. House and Senate as well as for the two types of bills in the California House, it could be that those low majority roll rates are partially explained by the presence of large majority parties.

To be sure, we have only measured and tested the effects of a few of the institutions that could be important for majority negative agenda power, and there may be other institutional arrangements that give the majority party gatekeeping rights. For example, as suggested by Rosenthal, majority party leaders might be able to kill a bill by referring it to a hostile committee or by referring it to more than one committee (Rosenthal 2004, 219). Majority leaders might also be able to ensure that undesirable bills are altered beyond recognition during committee markup. While we would not expect the presence of additional gatekeeping institutions to work against our findings in this paper, future research should examine other avenues by which majority parties can block undesirable bills from reaching the floor.

In addition, in future research, scholars should examine the effects of institutions that could potentially undermine the majority party leadership's ability to block bills. For example, we have discovered that chamber votes on committee assignments – even if they are pro forma – appear to weaken the majority party's ability to use the committee system as a vehicle for blocking majority rolls. This finding suggests that we should revisit the debate about whether pro forma votes motivate majority party leaders to make committee assignments that win the approval of the median member of the floor (see Krehbiel 1991, 16-17). More broadly, future work should test directly whether other institutions – such as discharge petitions – can check the majority party leadership's gatekeeping power.

Clearly, there is great potential for scholars to build upon our current understanding of how majority party gatekeeping works – where it exists at all. There is also a strong need to test whether these majority gatekeeping institutions translate into detectable shifts in public policy, relative to what policy would be in the absence of majority gatekeeping. In the meantime, this paper takes an important step forward by demonstrating that the legislative rules that govern committee procedures and the calendar process can enable majority leaders to obstruct legislation that would potentially roll their party. Thus, when it comes to political parties in legislatures, what Bachrach and Baratz referred to

as “the second face of power” is rooted in a chamber’s legislative institutions.



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Table 1: Roll Rates in Partisan and Nonpartisan Legislatures

	Chamber	% Majority Party	Intraparty Heterogeneity	Majority Roll Rate
Nonpartisan Chamber	Nebraska Senate	57.1	1.297	0.205
Matched Chambers	Delaware Senate	61.9	0.981	0.077
	Florida House	60.0	0.902	0.021
	Georgia House	56.7	1.406	0.098
	Kentucky House	66.0	1.365	0.021
	New Jersey Senate	60.0	0.973	0.038
	South Carolina Senate	56.5	0.902	0.085
Neighboring Chambers	Colorado Senate	57.1	0.000	0.065
	Iowa Senate	60.0	0.000	0.083
	Kansas Senate	67.5	0.929	0.026

Table 2: Majority Gatekeeping Rights in Committees

	(1)	(2)	(3)	(4)	(5)
Non-hearing right	-0.025 (0.013)*		-0.021 (0.019)		
Non-reporting right		-0.031 (0.012)**	-0.037 (0.016)*		
Non-hearing right × Non-reporting right			0.021 (0.023)		
Committee gatekeeping				-0.035 (0.014)**	-0.047 (0.018)**
Vote on appts.					-0.025 (0.020)
Committee gatekeeping × Vote on appts.					0.065 (0.031)*
Majority party size	-0.279 (0.062)**	-0.282 0.061**	-0.288 (0.062)**	-0.286 (0.061)**	-0.281 (0.060)**
Intraparty heterogeneity	0.015 (0.012)	0.014 (0.012)	0.014 (0.012)	0.013 (0.012)	0.015 (0.012)
Interparty heterogeneity	0.006 (0.014)	0.004 (0.015)	0.003 (0.014)	0.004 (0.014)	0.000 (0.013)
Constant	0.243 (0.051)**	0.252 (0.049)**	0.262 (0.052)**	0.260 (0.051)**	0.269 (0.050)**
<b>Interaction effects</b>					
Non-hearing right and Non-reporting right			-0.037 (0.015)*		
Committee gatekeeping and Vote on appts.					-0.007 (0.028)
Observations	95	96	95	96	95
$R^2$	0.216	0.237	0.244	0.238	0.281

Robust standard errors in parentheses.

Significance tests are one-tailed.

†  $p < 0.10$ ; \*  $p < 0.05$ ; \*\*  $p < 0.01$

Table 3: Majority Calendar Rights

	(1)	(2)	(3)	(4)	(5)	(6)
Rules committee	0.008 (0.02)					
Majority leader sets calendar		-0.022 (0.013)*				
Committee sets calendar		-0.025 (0.014)†				
Majority sets calendar			-0.023 (0.012)*	-0.020 (0.012)†	-0.006 (0.022)	-0.017 (0.024)
Committee gatekeeping				-0.039 (0.014)**	-0.028 (0.019)†	-0.041 (0.022)*
Committee gatekeeping×Maj. sets calendar					-0.020 (0.027)	-0.002 (0.027)
Majority party size	-0.258 (0.016)**	-0.280 (0.064)**	-0.282 (0.064)**	-0.320 (0.065)**	-0.326 (0.067)**	-0.117 (0.068)*
Intraparty heterogeneity	0.009 (0.012)	0.010 (0.012)	0.009 (0.012)	0.018 (0.012)†	0.019 (0.012)†	0.013 (0.014)
Interparty heterogeneity	0.006 (0.015)	0.006 (0.016)	0.006 (0.016)	-0.000 (0.014)	-0.000 (0.015)	0.002 (0.010)
Constant	0.205 (0.050)**	0.241 (0.055)**	0.243 (0.054)**	0.300 (0.057)**	0.295 (0.055)**	0.146 (0.050)**
<b>Interaction effects</b>						
Committee gatekeeping and Maj. sets calendar					-0.054 (0.016)**	-0.060 (0.020)**
Observations	96	93	93	92	92	83
$R^2$	0.184	0.223	0.224	0.306	0.312	0.228

Robust standard errors in parentheses.

Significance tests are one-tailed.

† $p < 0.10$ ; \* $p < 0.05$ ; \*\* $p < 0.01$

The dependent variable in columns (1)-(5) is majority roll rates calculated from all competitive roll calls.

The dependent variable in column (6) is majority roll rates calculated from final passage votes only.

Table 4: Testing Potential Omitted Variables

	(1)	(2)	(3)	(4)
Majority sets calendar	-0.007 (-0.021)	-0.003 (0.023)		-0.031 (0.047)
Committee gatekeeping	-0.029 (0.018) <sup>†</sup>	-0.021 (0.019)		-0.024 (0.047)
Committee gatekeeping×Maj. sets calendar	-0.021 (0.026)	-0.023 (0.027)		-0.026 (0.043)
Majority blocking			-0.060 (0.028)*	
Upper chamber	-0.019 (0.011)*			
Squire professionalism index		-0.070 (0.061)		
Citizen legislature			-0.029 (0.029)	
Majority blocking×Citizen legislature			0.052 (0.031)*	
Majority party size	-0.324 (0.062)**	-0.318 (0.071)**	-0.273 (0.062)**	-0.372 (0.163)*
Intraparty heterogeneity	0.019 (0.012) <sup>†</sup>	0.016 (0.012) <sup>†</sup>	0.006 (0.011)	0.007 (0.019)
Interparty heterogeneity	-0.000 (0.014)	0.007 (0.014)	0.003 (0.014)	
Constant	0.306 (0.056)**	0.289 (0.056)**	0.275 (0.058)**	0.343 (0.126)**
State fixed effects?	No	No	No	Yes
<b>Interaction effects</b>				
Committee gatekeeping and Maj. sets calendar	-0.057 (0.017)**	-0.047 (0.018)**		-0.080 (0.052) <sup>†</sup>
Majority blocking in citizen legislatures			-0.008 (0.013)	
Observations	92	92	95	92
$R^2$	0.338	0.327	0.261	0.279

Robust standard errors in parentheses.

Significance tests are one-tailed.

<sup>†</sup> $p < 0.10$ ; \* $p < 0.05$ ; \*\* $p < 0.01$



Figure 1: Majority Roll Rates in U.S. State Legislatures

