Legislative Voting and Accountability
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Legislative Voting and Accountability

Legislatures are the core representative institutions in modern democracies. Citizens want legislatures to be decisive, and they want accountability, but they are frequently disillusioned with the representation legislators deliver. Political parties can provide decisiveness in legislatures, and they may provide collective accountability, but citizens and political reformers frequently demand another type of accountability from legislators – at the individual level. Can legislatures provide collective and individual accountability? This book considers what both kinds of accountability require and offers the most extensive cross-national analysis of legislative voting undertaken to date. It illustrates the balance between individualistic and collective representation in democracies and how party unity in legislative voting shapes that balance. In addition to quantitative analysis of voting patterns, the book draws on field and archival research to provide an extensive assessment of legislative transparency throughout the Americas.

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Shortly after the 2006 election, in which the Democrats recaptured control of the U.S. Congress, the spoof newspaper *The Onion* ran a story in which Nancy Pelosi, the new Speaker of the House, reprimanded her partisan colleagues for supporting her legislative agenda without necessarily meaning it. Referring to a fictitious bill, *The Onion* had Pelosi admonishing Democrats not to “just pass it because I want it, but because *you* want it, too,” and went on to describe Pelosi’s “concern that her relationship to the House was based completely on voting” (*The Onion*, 42 [49], December 4, 2006).

Legislative decisions are about votes, and voting behavior is organized by parties. If we want to understand legislatures and the representation they provide, it makes sense to look at partisan voting. To *The Onion*, the joke was that Pelosi might care about anything beyond that bottom line.

It never got big laughs, but I had a similar idea in mind around a decade ago, when I started the project that became this book. At the time, the study of voting in the U.S. Congress was a bustling cottage industry, but there was almost no information about legislative voting outside the United States. The reason, it seemed to me, had to be the lack of available data on votes. So, to begin, I set out to collect data on votes in a number of legislatures, mostly in Latin America where I had some experience, but also in other assemblies where I could establish research connections. My first surprise was that, in most countries, it was exceedingly unusual to record how each legislator voted on a given proposal. What *The Onion* took to be the bedrock of legislative representation could not be taken for granted in many democracies.

As I explored the issue across more and more assemblies, it became clear that a prior question – before *how* legislators vote – is whether assemblies make it possible to *know* how legislators vote. So the research agenda
evolved and expanded, and I spent as much time talking with politicians, journalists, and activists about whether they favored voting transparency, and why, as I did collecting and analyzing voting data.

As it turns out, I spent a lot of time on each, which accounts for the ten years that passed between starting the project and publishing this book. Those years have seen progress in the study of legislative voting beyond the halls of the U.S. Congress. This book takes a step toward mapping, and explaining, the world of partisan voting in legislatures. Data availability remains an obstacle in most assemblies. Many still record few or no votes, and those that do record often do not make vote records easy for outsiders like scholars, or citizens, to examine. The problem is more than academic. Lack of voting transparency is also an obstacle to accountability.

There is much more on this topic in the book itself. Here, I want to recognize and thank the organizations and the people who made my research possible. The book offers the broadest cross-national analysis of recorded voting to date, and all the data collected for the project are available online for other researchers to use. Doing field research in ten countries, and collecting the data from fifteen others, required resources, expertise, and effort beyond what I could muster on my own. Early financial support was provided by National Science Foundation Grant SES-9986219 and also by the Weidenbaum Center on the Economy, Government, and Public Policy at Washington University in St. Louis.

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In the course of conducting field research and in collecting data from assemblies far and wide, I drew on the expertise, and often on the hospitality, of dozens of generous souls. Eduardo Alemán, Mark Jones, Valeria Palanza, Roberto Sabá, and Mariano Tommasi shared data and provided insights into Argentine politics. In Bolivia, thanks go to Diego Ayó, Carlos Cordero, William Culver, René Mayorga, José Rivera Eterovic, and Eduardo Rodríguez. On Brazil, I am grateful to Barry Ames, Octavio Amorim Neto, Scott
Preface

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Drafts of various papers that eventually formed parts of the book benefited from critical feedback from participants in seminars at the Universidad de los Andes in Bogotá, the University of Chicago, Cornell, Duke, Florida International University, the Fundación Juan March in Madrid, George Washington University, Harvard, the Instituto Tecnológico Autónomo de México, Notre Dame, Ohio State, Oxford, the Universidad del Pacífico in Lima, Princeton, and the University of Vermont.
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After acknowledging intellectual debts far and wide, it is customary to close a preface by paying homage closer to home. I turn to this task with some apprehension, recognizing that the stakes are high. My office, after all, is filled with books, and I have read all their prefaces, but I confess to having studied the full contents of a much smaller number. So it stands to reason that, for many readers, any lasting impression from Legislative Voting and Accountability could depend on my eloquence regarding my family. I admit straightaway I cannot do justice to that subject. My wife, Lisa, is the greatest, and my sons, Joe and Sam, are too, for a million reasons that have nothing to do with voting or accountability, although it is worth noting that they indulge my habit of visiting legislatures in any state or country where we travel, whether on vacation or for more important purposes, like soccer tournaments. I really could not ask for anything more.
1

To Whom Are Legislators Accountable?

1.1. Introduction

1.1.1. Overview

Legislatures are, formally, the principal policymaking institutions in modern democracies. The most fundamental policy decisions – budgets; treaties and trade agreements; economic, environmental, and social regulation; elaboration of individual and collective rights – all must be approved by legislatures. What forces drive legislators’ decisions? What different political actors place demands on legislators, and how do legislators’ actions reflect these demands?

These are questions about what sort of representation citizens can expect from those they send off to deliberate and make policy decisions on their behalf. Citizens want legislatures to be decisive – that is, to resolve the issues before them without chronic deadlock. They also want accountability, which entails responsiveness on the part of legislators to citizens’ demands. In modern democratic legislatures, the principal vehicles for delivering decisiveness are strong political parties. Decisiveness through party discipline, however, presents a dilemma in terms of what kind of accountability is possible.

This book distinguishes between collective accountability and accountability that operates at the level of individual legislators, which often make different demands on legislators. In modern democratic legislatures, collective accountability operates primarily through parties and requires legislators bearing a common party label to act in concert. Individual accountability implies a more direct link between a legislator and citizens and may require the legislator to act independently of party demands. Individual accountability also requires that information about each
legislator’s actions be available to those outside the legislature and capable of being monitored. Because the informational conditions for individual accountability often are not met, maximum legislative individualism does not necessarily produce individual accountability.

Scholarship on legislative accountability tends to regard collective accountability favorably and legislative individualism with skepticism. Yet surveys from legislators and citizens and the substance of political reforms themselves in recent years all suggest that demand for individual accountability is strong, and technological advances have reduced the logistical obstacles to making available the information necessary for individual accountability. It is worth asking, then, whether individual accountability is feasible and whether it can coexist with collective accountability, in what measure, and under what conditions. One goal of this book is to examine whether the vote records that legislatures produce are a critical ingredient for individual accountability. A second goal is to use vote records to measure party unity, a key ingredient of collective accountability, and to explain why some parties are more unified and others less so.

To be clear, transparency in the actions of individual legislators is a necessary condition for individual accountability, and some measure of party unity is necessary for collective accountability, but neither condition guarantees perfect accountability. Legislators whose every action is known may still ignore their constituents’ demands, and unified parties may pursue policies citizens abhor. This book merely suggests that individual accountability suffers when individual legislators’ actions are unknown to constituents and that the failure of copartisans to act in concert undermines collective accountability. Beyond these sorts of lapses, however, the tension between individual-level and collective accountability is not fully reconcilable. Even full transparency offers access only to an accountability frontier where an increase in individual accountability requires trading off some measure of collective accountability, and vice versa. I reconsider this trade-off in the concluding chapter, but the empirical substance of most of the book examines whether the conditions exist to allow legislative representation to approach that frontier.

The book moves beyond previous research in the theoretical connection it establishes between individual and collective accountability and in its empirical scope. It illuminates the connection between legislative transparency and accountability by examining why voting is transparent in some legislatures but not others. It offers a simple and general account of the various political actors institutionally empowered to place demands on
legislators and how their relative influence affects legislative party unity. This account, dubbed the competing principals model, generates hypotheses tested against voting data from legislatures in nineteen countries. By documenting what information is available about legislative votes and providing new tools to process the information, the book outlines the mix of collective and individual accountability that legislators deliver across an array of countries, as well as the potential for political reforms to alter that mix.

The rest of this chapter establishes vocabulary and concepts on which the book depends. After defining some key terms used throughout the book, I describe the unique role of political parties in organizing legislative processes and as intermediaries of accountability between citizens and their representatives. Then I contrast the ideals of collective and individual accountability and discuss how electoral rules shape the balance between collective and individual representation. Finally, I present the competing principals model of demands on legislators and outline the plan of the chapters that follow.

1.1.2. Definitions

1.1.2.1. Accountability. The expectation of accountability implies a relationship between a legislator and some other actor or actors (principals). Accountability means that legislators are responsive to the preferences and demands of their principal(s), that information about legislators’ actions is available to the principal(s), and that principals can punish legislators for lack of responsiveness.

Accountability depends on professional ambition among legislators. Professional ambition may be a purely venal desire for personal advancement, or a purely altruistic desire to serve others by promoting policies that advance some conception of the public interest, or some combination of these. Whatever the motivation, ambition implies the desire to cultivate electoral resources – renomination, or else nomination or appointment to an even better office, campaign financing, and good favor among voters. It also implies that legislators value access to resources within the legislature itself, such as leadership positions, assignments to key committees, access to support staff, big offices, perks, and such. Ambitious legislators curry favor with political actors who can provide these key resources. The ability to withdraw favor, and so deny the resources that fuel professional advancement, is the enforcement mechanism behind accountability. Overall, accountability should maximize legislative effort and responsiveness to the
principals’ preferences and minimize corruption and other abuses of power at the principals’ expense.

1.1.2.2. **Principals.** Principals are political actors who command some measure of loyalty from legislators, and whose interests a legislator might represent and pursue in an official capacity. Given that most legislators in democracies are popularly elected, we might think of voters as the ultimate, universal principals to whom legislators are accountable. Under some conditions, this is the case. Yet, as I argue in this book, political parties, and specifically their leadership within legislative assemblies, are in many cases the main principals that command legislator loyalty. In many institutional settings, the level of accountability of legislators to voters pales in comparison to their accountability to party leaders.

Beyond party leaders and voters, many political systems are populated by other actors who, by virtue of their institutional positions, their organizational capacity, or other resources, can command the loyalty of legislators. These include presidents, who are elected independently of the legislature but are often endowed with resources and powers legislators value or fear; governors in some federal systems, who may wield substantial resources, including control over subnational political party machines; interest groups, which direct electoral resources (funding, activist volunteers, mobilized voters); moneyed campaign contributors; and even those in a position to bribe or extort politicians.

1.1.2.3. **Decisiveness.** Legislative decisiveness refers to the capacity of legislatures to reach decisions on policy and to make those decisions stick. Criticisms of legislatures frequently focus on failures along these lines (American Political Science Association 1950; Sundquist 1981; Moe and Caldwell 1994). Collective legislative accountability can be a solution to legislative indecisiveness (Gerring, Thacker, and Moreno 2005; Gerring and Thacker 2008). In this sense, decisiveness is central to the question of whether legislative accountability is possible.

1.2. **Decisiveness Problems**

1.2.1. **Bottlenecks and Cycling**

Most national legislatures, and many subnational ones, are large assemblies, with diverse members numbering in the hundreds. Size and diversity
Decisiveness Problems

present a specific challenge. The number of policy options available in any political environment is generally vast. Legislatures are supposed to pare down the potentially infinite number of policy options available to a manageable and coherent set of alternatives, among which a meaningful collective decision can be reached. Failure to solve this decisiveness problem may be the product of either too little legislative action or too much. In either scenario, legislative scholarship envisions parties as a solution.

Cox (2006a) posits a “legislative state of nature” in which all members have equal and unrestricted rights to speak on the floor on any issue, so plenary time is unregulated. This state embodies a strong egalitarian norm that privileges the ability of members to block assembly action over their ability to trigger action, raising the specter of chronic legislative gridlock, even in the face of pressing policy demands (Colomer 2001; Tsebelis 1999). From this point of departure, Cox (2006a) notes that legislatures everywhere resolve the bottleneck problem with internal organization that redistributes agenda powers unequally and that, in modern legislatures, political parties consistently control access to the privileged agenda-setting positions.

In the mirror image of Cox’s vision of unlimited filibuster and effective unanimity rule, procedural rights in a legislature may be equally distributed, but rather than any legislator’s being able to block a vote on any proposal, any proposal must be voted on. Now the decisiveness problem becomes the potential for chronic instability of choice rather than the inability to make any choice — that is, cycling occurs rather than bottlenecks. The rationale here is well known. Formally, at least, most legislative assemblies rely on simple majority rule for most decisions. Theoretical characteristics of majority rule decision over multiple alternatives suggest that failures of decisiveness could be characterized by general instability of legislative decisions (Condorcet 1785; McKelvey 1976; Riker 1982). Yet, even accounts of legislative politics that take the instability problem as a point of departure frequently point to political parties as the key factors that bring order to the potential chaos of majority rule (Laver and Shepsle 1996; Cox and McCubbins 1993).

In either the bottleneck-based or cycling-based account, parties are credited with providing decisiveness by establishing privileged actors who determine which proposals are debated and voted on and in which order and, in doing so, make it possible for legislators to realize gains unrealizable in unorganized, state-of-nature assemblies. The key point is that, in almost all democratic systems, parties are the gatekeepers of the
formal offices that control action within the legislature. Moreover, Carroll, Cox, and Pachon (2006) demonstrate that, as democracies mature, parties expand their control over the offices that determine legislative activity, and the distribution of these offices among parties grows increasingly regular. In short, as party systems stabilize, so do the key partisan elements of legislative organization.

1.2.2. Parties and Legislative Action

How does partisan control over the flow of legislative traffic provide decisiveness? Diverse accounts of legislative politics converge around the idea that parties reduce the potentially infinite number of policy options to a limited set, primarily by establishing platforms or manifestos that advertise party positions to voters and then by disciplining legislators to constrain their voting in line with these party positions (Aldrich 1995). Comparative studies of roll call voting suggest that legislative agendas are strongly limited in ways consistent with the idea that parties produce procedural order (Poole 1998; Cox, Masuyama, and McCubbins 2000; Poole and Rosenthal 2001; Amorim Neto, Cox, and McCubbins 2003; Rosenthal and Voeten 2004).

Because parties so consistently dominate legislative organization, it is difficult to test the extent to which they account for the orderliness of voting patterns. In a pair of ingenious studies, however, Jenkins (1999, 2000) compares voting in the Confederate Congress of 1861–65 with that in the U.S. Congress during the same era. The legislatures were similar in formal structure, in membership (many legislators served in both chambers), and even in the issues on which they voted, but the Confederate Congress was not organized along party lines. Voting patterns of Confederate legislators were far less stable in important ways. First, voting coalitions were more fluid in the Confederate than the U.S. Congress (Jenkins 1999). Second, the ideological positions of Confederate legislators were less stable over time (Jenkins 2000). Overall, the results suggest that political parties impose order on voting in ways that make legislative decisions predictable and stable.

Political parties may play this role in general, but even casual observers will note that not all parties are equivalent. Comparative legislative scholarship has long made much of the difference between strong and weak political parties in controlling legislative outcomes. Yet, apart from abundant analyses of the U.S. Congress, most of the legislative world has yet to