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Leadership power, preference homogeneity, and legislative party conflict*

Jennifer Hayes Clark\textsuperscript{a} and R. Lucas Williams\textsuperscript{b}

\textsuperscript{a}Department of Political Science, University of Houston, TX, Houston, USA; \textsuperscript{b}Department of History and Government, Misericordia University, Dallas, PA, USA

\textbf{ABSTRACT}
Over the past few decades, there has been a considerable increase in the level of partisan conflict. What explains the extent of partisan conflict experienced in legislatures? To examine this question, we develop aggregate-level measures of inter-party conflict from roll-call voting data on procedural and final passage votes during the 1999–2000 and 2003–2004 sessions to examine the mechanisms of polarisation in U.S. state legislatures. We systematically model inter-party conflict as a function of institutional rules and preferences. Our results suggest that the level of inter-party conflict (i.e. party polarisation) in legislative voting is largely related to the homogeneity of members’ electorally-induced preferences. However, we also uncover interesting institutional effects. Although minority party rights is the only institutional variable associated with inter-party conflict on final passage votes, majority party leaders’ committee appointment rights, committees’ discretion in reporting bills to the floor, and minority party rights each are strongly associated with inter-party conflict on procedural roll-call votes.

\textbf{KEYWORDS} State legislatures; parties; leadership rights

\section*{Introduction}
Parties face conflict at nearly every point in the political process. While party organisations vie for support in the electorate, they also compete with one another on policy matters in government. This research examines why inter-party conflict arises within legislatures. The strength and source of inter-party conflict has been an ongoing debate among legislative scholars. Although parties pursue a collective electoral strategy to cultivate a strong party brand name and to win elections (Cox & McCubbins, 1993; Snyder & Ting, 2002; Woon & Pope, 2008), legislators often have incentives to ‘buck’ the party brand when it advances their goal of reelection. Thus, leaders must also contend with intraparty conflict as well. The question then becomes: how can party leaders achieve cohesiveness within their parties...
under conditions unfavourable to such collective agreement, or is cohesiveness within the parties only present when their individual members are ideologically similar? Previous scholarship in both the U.S. and comparative contexts argues that formal institutions help mitigate collective action problems inherent in legislative decision-making and influence the level of internal cohesiveness within parties (Carey, 2007; Cox & McCubbins, 2005; Hix, Noury, & Roland, 2005). In cartelised legislatures, scholars have demonstrated that party leaders use their prerogatives to exert discipline over the rank-and-file members (Cox & McCubbins, 2005; Jones & Hwang, 2005). However, Krehbiel’s (1993) research casts doubt on this interpretation, arguing that intra-party cohesiveness (and by extension, inter-party conflict) may occur without party leadership’s ‘intervention’ simply through members voting in accordance to their preference and Krehbiel, Meirowitz, and Romer (2005) show that partisan policy outcomes cannot be produced simply through electorally induced partisanship.

Which mechanisms give rise to inter-party conflict (and intra-party cohesiveness) is an important question that has been challenging to tackle at the national-level due to the difficulties in disentangling the effects of party and preferences (Krehbiel, 2003; Snyder & Groseclose, 2000). Although partisan theorists argue that granting greater institutional rights to party leaders facilitates party cohesiveness in legislative voting, scholars examining the relationship between chamber rules, legislative preferences, and roll-call voting behaviour in the U.S. Congress have been constrained by the lack of variation in institutional rules. Previous studies have focussed instead on discrete reforms occurring at the national level, such as the Reed Rules. By contrast, comparativists have taken advantage of the tremendous variation in electoral and institutional rules across countries to investigate the institutional determinants of party cohesiveness (Carey, 2007). However, the significant heterogeneity in social cleavages, party systems, and broader patterns of politics poses serious challenges for comparativists seeking to disentangle the effects of institutional rules on legislative voting. Moreover, the inconsistency of recorded roll-call voting in many comparative contexts may produce considerable bias in the analysis of party discipline in legislative voting (Carrubba et al., 2006). The study of state legislatures in the U.S. presents researchers with a unique opportunity. The significant variation in party leadership powers across states combined with the ability to hold confounding factors constant provides researchers an opportunity to isolate the individual effects of a diverse set of institutional rules on legislative behaviour from the preferences legislators bring to their Capitols. However, surprisingly, the effect of institutional rules on inter-party conflict in state legislatures in the U.S. has received little attention in the previous literature.

Here we take advantage of this unique opportunity. We test a theory linking different aspects of formal institutional rules and partisan preference
heterogeneity to inter-party conflict in the context of the state legislatures. To test our hypotheses, we utilise the *Representation in America’s Legislatures* dataset consisting of all competitive roll-call votes taken during the 1999–2000 and 2003–2004 legislative sessions (Clark, Osborn, Winburn, & Wright, 2009). We divided the legislative record, creating inter-party conflict scores for final passage votes and procedural votes, to provide a more in-depth examination of sources of party strength in legislatures.

We identified significant variation in the degree of inter-party conflict across states. Most importantly, we found that this variation is largely related to electorally-induced preferences. However, we also uncover interesting institutional effects. Although minority party rights was the only institutional variable associated with inter-party conflict on final passage votes, majority party leaders’ committee appointment rights, committees’ discretion in reporting bills to the floor, and minority party rights each were strongly associated with inter-party conflict on procedural roll-call votes. These results contribute to our knowledge of the sources of inter-party conflict in legislative settings and have important implications for understanding the legislative strategies of political parties.

**Legislator preferences, institutional rules, and inter-party conflict**

Cohesive preferences, party-induced discipline, and leaders’ agenda control lead to inter-party conflict in legislative chambers. We take inter-party conflict to mean disagreement between majority and minority parties as it is manifested in dissenting legislative decisions. For example, the U.S. House elections that produced preference cohesion in the two decades between 1950 and 1970 illustrate the point. In this period, newly-elected liberal Northeastern Democrats worked to reconfigure institutional arrangements (like the seniority system in committee chairmanships) in order to shift gatekeeping power away from conservative Southern Democrats. While this behaviour may seem endogenous on the surface, Rohde (1991) argues that subsequent electoral forces stemming from district-level and national change also resulted in more internally-cohesive parties with greater differences between them that conspired to further strengthen legislative parties and put more power in the hands of leadership. As Krehbiel (1993) notes, this makes it even more challenging to disentangle the effect of party from preferences to uncover ‘meaningful party influence’, or instances in which members will vote contrary to their preferences due to party leadership influence. Majority party leaders discipline their rank-in-file by wielding a combination of carrots and sticks to reward loyalty and punish disloyalty. U.S. House Speaker Tipp O’Neill once explained that it was routine for the Speaker of the Massachusetts State House to remove ‘unruly’ chairmen
from their positions. According to one rank-and-file Massachusetts House member, ‘The Speaker holds all the power. He hands out the chairmanships, the office space, and everything that everyone wants and needs. If you join the Tank early, you move up fast. That’s how the game is played’ (Ray, 1982).

Agenda control refers to leaders’ ability to control the flow of legislative traffic, determining whether proposals that divide the party will receive any attention on the floor. Party cartel theory argues that the majority party uses its expansive set of institutional prerogatives to block bills that would divide the majority party. Pre-floor stages of the legislative process provide opportunities for structural partisanship. Majority party leaders use their control over committees, the careful crafting of special rules for consideration of bills on the floor, and discretion on the order of business (i.e. scheduling) to block unfavourable bills and protect bills supported by the party leadership (Cox & McCubbins, 2005). This perspective on leadership’s role was embodied by U.S. House Speaker Dennis Hastert, who argued that the ‘job of the Speaker is not to expedite legislation that runs counter to the wishes of the majority of the majority’ (Binder, 2013). By utilising leadership powers to punish/reward members and by exercising positive and negative agenda control, chamber leaders create conditions ripe for inter-party conflict.

Just as the majority party derives its ability to wield influence over policymaking through its institutional prerogatives, the minority party may also attain influence through rights afforded to it in the rules of procedure (Clark, 2015; Martorano, 2004). The rights afforded to the minority party can have a profound effect on the minority party’s ability to participate in the policymaking process from attaining key committee assignments to shepherding legislation to the floor and getting it passed. Krehbiel, Meirowitz, and Wiseman (2015) theorize that agenda-based minority rights empower minorities to influence policy outcomes. Investigating bill advancement across state legislatures, Clark (2015) finds that in state legislative chambers with expansive rights afforded to the minority party, more bipartisan legislation is advanced to the floor for consideration and subsequently passes. Conversely, in state legislatures where authority is centralised into the hands of the majority party, bipartisan bills have a significantly lower likelihood of floor consideration, while those overwhelmingly sponsored by members of the majority party are more likely to reach the floor and pass. This is consistent with the work of Harbridge (2015) which finds that bipartisan legislation in the U.S. House is less likely to come to the floor, and consequently, the structure of voting is unidimensional with policy skewed towards the majority party. This implies that both majority party rights and minority party rights can shape the types of bills upon which members are casting votes, and therefore, they can have a profound influence on the degree of interparty conflict witnessed in roll-call voting.
The role of preferences in inter-party conflict

Legislative preferences arise from a variety of aggregate and individual sources and those preferences compete with parties for influence over roll-call vote choices. Aggregate level preferences, emanating from public opinion (Erikson, Wright, & McIver, 1993) and interest groups (Gray, Lowery, Fellows, & McAtee, 2004), structure roll-calls at the chamber level. As Kirkland (2014) argues, heterogeneous constituencies lead to divergent parties in legislative roll-call voting. At the individual level, studies have demonstrated that constituency opinion (e.g. Erikson & Wright, 2000) and legislators’ personal ideology influence roll-call voting (e.g. Jenkins, 2006). Jenkins (2008) demonstrates that all of these factors plus the party brand name influence legislators’ roll-call decisions, while adding that legislators’ personal ideology also plays a role. Thus, legislators’ preferences consist of their own ideological disposition, the preferences of their constituency, and interest group pressures.11

The cohesiveness of these preferences within each party are driven by elections that produce candidates whose preferences deviate minimally. Legislators, particularly those representing more centrist districts, are often punished at the polls when they vote too frequently with their party caucus (Canes-Wrone, Brady, & Cogan, 2002; Carson, Koger, Lebo, & Young, 2010; Griffin, 2006). Therefore, party leaders must incentivise members to toe-the-party line. Leaders’ ability to do this depends on the existence of an assortment of favourable institutional rules available. Legislators with moderate, party-centered, and extreme preferences require party discipline from chamber leaders. Moderate districts’ representatives may encounter cross-pressuring from their constituents and party leadership, requiring chamber leaders to exercise their institutional powers. Legislators with party-centric preferences may wish to logroll or buck the party position on some legislation in order to prioritise particular issues uniquely important to their constituents. Legislators with constituencies who have more entrenched ideologies, may oppose legislation from an ideologically extreme position. Party leadership must utilise the tools at their disposal to discipline their rank-in-file across the ideological spectrum.

Institutional rules and inter-party conflict

Institutional rules determine the extent to which chamber leaders are empowered with the ability to reward and punish their party rank-in-file as well as to set the agenda. Leaders utilise the set of powers afforded to them by chamber rules, such as doling out favourable committee assignments (Kanthak, 2009), to motivate their members to toe the party line. Leaders can also be limited by chamber rules. For example, the requirement that committees report all bills weakens majority party leaders’ committee assignment power and undercuts
their ability to dictate the flow of legislation through negative agenda control. Procedural rules also allow leaders to exercise other powers, such as distribution of campaign funding (Kim & Phillips, 2009). By wielding the institutional tools at their disposal, majority party leaders induce membership loyalty.

Agenda setting is indeed a partisan endeavour. As Harbridge (2015) demonstrates, chamber leaders choose agenda items based on the costs of taking up an item to their rank-in-file copartisans, the likelihood of the item passing, and the item’s ability to distinguish the party’s brand from that of the opposing party. The resulting body of legislative measures brought to the floor for a vote consist of strategically chosen bipartisan and partisan bills. As the rewards for bipartisanship in American politics since the 1990s have declined, party leaders have found it to their advantage to favour high proportions of partisan legislation. The high concentration of partisan bills that reach the floor vote stage result in increased levels of partisan voting and greater conflict between the majority and minority parties. Thus, procedural rules that induce loyalty through party leaders disciplining their members and agenda setting powers that empower them to bring partisan legislation to the floor result in inter-party conflict in roll-call voting.

Competing principals and inter-party conflict

The theory of competing principals argues that inter-party conflict (and intra-party cohesiveness) will respond to the institutional resources available to party leaders (Carey, 2007). The specifics concerning the institutional resources vary across the state legislatures, with some chambers’ rules providing party leaders with considerable prerogatives in the committee and floor stages of the process while other chambers have adopted rules that provide for considerable authority to individual members with decidedly weaker party leaders (Clucas, 2001; Mooney, 2013). In every chamber, members must vote on bills before they become state law; these members are often pressured by party leaders to toe the party line while also considering constituency opinion, personal preferences, and the preferences of other extra-legislative actors who have a stake in the legislation. When the resources are held centrally by the majority party leader, the majority party should have a greater capacity to leverage these tools to achieve cohesiveness within party ranks. However, as the leaders’ resources are reduced (or where more than one actor controls resources to influence the legislators’ votes), divergence in the demands of these principals will reduce the internal cohesiveness within parties, resulting in less inter-party conflict (since there will be more members voting with the opposite party).

All state legislatures are organised by political parties, except for the Nebraska Unicameral legislature. Previous scholarship suggests a great deal
of variation in the strength of state legislative parties (e.g. Anzia & Jackman, 2013; Clark, 2015; Jenkins, 2008). Empirical examinations of the sources of legislative party strength have generally focussed on the U.S. House of Representatives. Consequently, the nature and institutional foundations of party leadership power are typically related to features most prominent in the U.S. House. More recent research has sought to test the empirical implications of the various theories of legislative organisation at the state-level, leveraging the substantial variation in institutional rules and procedures in state legislatures. For instance, Martorano (2006) compares the explanatory power of the distributive, informational, and partisan theories through investigation of committee autonomy in 24 states from 1955–95, finding support for the informational theory. Overby and Kazee’s (2000) research has examined whether state legislative committees are stacked with high-demander, preference-outliers and finds that state legislative committees are generally representative of the parent chamber, casting some doubt on the partisan theory’s assertion that majority party leaders stack committees to achieve favourable outcomes.

Scholarship has also leveraged state legislatures to assess how parties structure roll-call voting and outcomes. Through systematic comparison of the Nebraska nonpartisan unicameral legislature and Kansas state senate, Wright and Schaffner (2002) find that parties do matter in shaping legislative behaviour, providing greater clarity and coherence in voting patterns. Other studies examine how institutions facilitate parties’ attempts to exercise negative agenda control. Cox, Kousser, and McCubbins (2010) examine the effect of the Colorado GAVEL (Give a Vote to Every Legislator) initiative which removed a significant amount of agenda control from party leaders, and they found that minority party roll rates significantly decreased following GAVEL and majority party roll rates were unchanged. In California, they examined two kinds of bills (one in which the majority leadership had gatekeeping rights and the other in which it did not) and found that majority party roll rates were significantly lower for bills on which the majority had gatekeeping rights. Finally, Anzia and Jackman (2013) use roll-call votes from the 1999–2000 legislative session to examine majority party roll rates in all U.S. state legislatures. They find a significant effect of the majority party’s gatekeeping rights on roll rates. Specifically, they find that where majority leadership can block bills from appearing on the floor calendar, the majority party’s roll rate is significantly lower than in chambers without those institutional rights conferred to leaders. Their research suggests an important institutional basis for majority party power in the state legislatures.

Like these studies, we set out to examine how institutional rules shape legislative behaviour and outcomes. Unlike these other studies, however, our focus is on explaining how institutional rules and preferences influence inter-party conflict in legislative roll-call voting. Understanding the sources of inter-party conflict in democratic institutions is important for several
reasons. First, inter-party conflict influences the ability of the parties to win votes and shape public policy. The degree of inter-party conflict determines how our democratic institutions function—whether the legislature acts decisively or deliberatively and whether our political system is characterised by a high level of gridlock unable to respond to the needs of citizens. Ultimately, the level of cohesiveness within each party affects whether the party can follow through on campaign pledges, which is important for the quality of representation enjoyed by the citizenry.

**Hypotheses**

Political parties in legislatures will appear more internally unified and thereby leading to greater inter-party conflict when party leaders possess tools and/or agenda power to influence their members’ votes and/or the substance of legislation that they vote on. This leads to the following hypotheses concerning the institutional foundations of party conflict in legislative decision-making:

**Sanctions Hypothesis:** *Inter-party conflict will be greater in legislatures in which majority party leaders have more disciplinary tools (and rewards) at their disposal.*

**Agenda Control Hypothesis:** *Inter-party conflict will be greater in legislatures in which majority party leaders have a greater capacity to set the calendar to block bills from reaching the floor.*

The premise of the Sanctions Hypothesis is that party leaders set out to convince rank-and-file members to support their party even in instances where it may not be rational for the member to do so. This is the crux of what Krehbiel terms ‘meaningful party influence’. If the majority party leader possesses the tools to reward members who consistently support the party on important votes or to punish those who defect, then we would expect the party leader to use these tools to impose discipline and consequently greater inter-party conflict on roll-call votes. This follows since we would witness many fewer ‘cross-over’ voters (e.g. majority party members defecting and voting with the minority party). The Agenda Control Hypothesis implies that party leaders will seek to prevent measures that divide the party (or that the party is opposed to) from coming before the floor for consideration and a vote. Therefore, where leaders have greater control over scheduling and floor procedures, we would expect less divisiveness within the majority party to be evident in roll-call voting and more contention between parties. Likewise, we expect the presence of supermajoritarian requirements to reduce inter-party conflict because they limit majority party leaders’ ability to control the agenda.

Scholars have identified several tools that may be associated with leaders’ ability to sanction (or reward) rank-and-file members, which is crucial for
this theory to be a plausible explanation of legislative behaviour. The first is party leaders’ control over legislative organisation and specifically, the committee assignment process. Congressional scholars have long noted the importance of committee assignments to members’ goals of reelection, power within the chamber, and passing good public policy (Fenno, 1978). Although committees vary in the strength of their ‘property rights’ and level of autonomy (Martorano, 2006), we assume that legislators at a minimum find committees electorally beneficial and therefore, will pursue assignments for which they may claim credit. If this is true, then the majority party leaders’ ability to reward some members with their most preferred committees while punishing other members by removing them from desired committees (or relegating members to less important or influential committees) will serve as a crucial basis for imposing discipline in voting. Rules that limit the leaders’ discretion in assigning committee positions, such as strict seniority systems, limit this sanctioning mechanism of imposing discipline.

A few stages in the legislative process exist in which the majority party leadership may carry out its gatekeeping and agenda control powers that lead to inter-party conflict. First, the committee stage provides opportunities to block measures as most bills die at the committee stage. In some legislatures, committee members (particularly chairs) have discretion in determining which bills will be passed through the committee phase and which will die. However, other legislatures have mandatory hearing and reporting rules which erode this committee gatekeeping right, increasing the comparative power of the minority party.\footnote{2}

Another example of when the minority party might undermine inter-party conflict is the discharge petition, a mechanism by which a bill may circumvent the committee process and proceed to the floor for a vote. Empowering the minority party to threaten use of the discharge petition will also diminish committee gatekeeping rights and thus reduce inter-party conflict (as members may be much more likely to cross-over to vote with the opposing party). If we believe that committees serve as agents of majority party leaders (as Cox & McCubbins, 2005 suggest), then rules which diminish committee gatekeeping rights will weaken party leaders’ ability to control what reaches the floor for a vote, and consequently, inter-party conflict will be reduced. Likewise, rules that confer rights to the minority party, such as proportionality requirements for committees, minority party leaders’ ability to influence committee assignments of their members, the guarantee that bills must receive committee hearings, consideration on the floor, or availability of the discharge petition, may result in lower levels of inter-party conflict as more bipartisan bills reach the floor for a vote (Clark, 2015).

Minority Rights Hypothesis: Inter-party conflict will be diminished in legislatures with a greater degree of minority party rights.
Although the pre-floor stages of the legislative process are important for legislative outcomes, party leaders ultimately need to maintain control over the floor to successfully pass their preferred policies. In particular, the party cartel theory suggests that party leaders will exert influence over procedural matters since control of the legislative agenda hinges upon procedural control over the floor (Clark, 2012; Clark & Williams, 2014; Cox & McCubbins, 2005). It follows that leaders will have even greater incentive to ensure cohesiveness on procedural votes relative to final passage votes. Members will be less constrained by constituents on procedural votes compared to final passage votes given their obscure nature (Clark & Williams, 2014). Because party leaders derive much of their institutional clout from their procedural authority, they should exert the most influence on procedural votes. This forms the basis of our next hypothesis:

Procedural Agenda Control Hypothesis: The effect of the majority party’s disciplinary and agenda setting rules on inter-party conflict will be greater on procedural than on final passage votes.

The assumption of the first two hypotheses is that party leaders are using their rights to convince members to vote with their party when they otherwise would not do so or structuring the agenda to maximize cohesion within the party. However, there could be another plausible explanation for high levels of inter-party conflict. A high level of inter-party conflict could come simply from greater ideologically homogeneous party members. If that is the case, then there would be high levels of intra-party cohesiveness, and thus inter-party conflict, even in the absence of strong party leaders.

Constituency Preference Homogeneity Hypothesis: Inter-party conflict is greater when partisan sorting is present in the electorate producing more ideologically homogeneous parties in the legislature.

One of the major challenges in disentangling the effects of party versus preferences on legislative behaviour has been finding exogenous measures of legislative preferences. Recognising the difficulties in measuring preferences and bearing in mind the limitations of roll-call based indicators of legislative preferences, we opt to use Tausanovitch and Warshaw’s (2013) measures of state district ideology, which is based on citizen preferences over a variety of policy questions. We believe these measures are an improvement over using data derived from roll-call votes, since they are a more independent measure of electorally-induced preferences. Other state-level work has used the Project Vote Smart NPAT survey data (Shor & McCarty, 2011). However, the rapidly declining response rate of those surveys remains a challenge for researchers seeking valid and reliable independent measures of legislative preferences. Therefore, we utilise the Tausanovitch and Warshaw measures as a proxy for electorally-induced party preferences.
Data and measurement

Inter-party conflict in state legislative voting

To test these hypotheses, we need to develop measures of inter-party conflict (by vote type), variation in the presence of gatekeeping and agenda control rights, and measures of electorally-induced party preference homogeneity. Measures of party divisiveness have been utilised extensively in the congressional literature (Brady, Cooper, & Hurley, 1979; Collie, 1988; Cox & McCubbins, 1993; Rohde, 1991). To assess sources of inter-party conflict in the state legislatures, we rely upon the Representation in America’s Legislatures dataset, which consists of all competitive roll-call votes in 98 state legislatures during two legislative sessions—1999–2000 and 2003–2004—to create inter-party conflict scores (Clark et al., 2009). We divided the roll-call voting records into two categories of votes: procedural and policy. Prior scholarship demonstrates important differences in party voting on procedural matters compared to votes of final passage on policy (Clark & Williams, 2014; Cox & McCubbins, 2005; Jenkins, Crespin, & Carson, 2005). The final passage votes include the final actions taken on bills, resolutions, and conference reports. Procedural votes include, among other things, motions to end debate, recommit, table, and instruct conferees.

Inter-party conflict is defined as instances in which at least 50 percent of Democrats oppose 50 percent of Republicans. Despite the ubiquity of this measure in legislative scholarship, there are limitations to this measure as well. Krehbiel (1993), for instance, has rightfully noted the inherent difficulties in inferring party effects simply from these scores and the other variety of measures of cohesion often presented in the legislative scholarship. While some researchers ascribe high levels of party voting to strong discipline by party leaders, Krehbiel (2000) asserts that this need not simply come from party leaders ‘disciplining’ the rank-and-file, rather preferences may naturally result in high degrees of roll-call partisanship. In other words, there is often an assumption that intra-party cohesiveness, and thus inter-party conflict, arises because members are voting against their own (or constituents’) preferences and adhering to their party’s position due to leadership pressure.

With these concerns in mind, we first create measures of inter-party conflict for procedural and final passage roll-call votes. Figures 1 and 2 present the scores on final passage votes for the selected state houses and senates. In the full dataset, inter-party conflict scores on final passage votes ranges from about .30 to .96, with a mean of .78 and standard deviation of .146. There are 33 observed cases of the inter-party conflict score being 90 percent or greater, and there are 32 cases in which the inter-party conflict score was less than 50 per cent. These data, therefore, provide us with
enough variation in our dependent variable, inter-party conflict scores, to test our key hypotheses. Next, we will turn to measurement of our key explanatory variables.

**Figure 1.** Party Unity Scores for Selected State Houses.

**Figure 2.** Party Unity Scores for Selected State Senates.
**Majority party leaders’ disciplinary rights**

To investigate the sanctioning hypothesis, we must investigate how party leaders use carrots and sticks to reward and punish rank-and-file party members to produce inter-party conflict in voting. We consider a very important aspect of the pre-floor stage—committee assignment process. Does the majority party leader have the authority to assign members to committees? We assume that majority party leaders will use these tools to convince rank-and-file members to support the party leadership’s position on roll-call votes.

We rely upon two sources of data to create this key explanatory variable: the National Conference on State Legislatures (NCSL) survey of legislative rules across the states and the formal rules manuals of the chambers. The rules of determining committee assignments for the minority party may differ from those of the majority party, so for this measure we only take into account the majority party leaders’ power (as we have another measure for the minority party’s procedural rights). Using these resources, we created a variable, Committee Appointment Rights, which was a 1 if the majority party leader has complete control to determine committee assignments and a 0 if the committee assignments were determined by seniority or if some member or group had the authority to assign members to committees. For instance, in some states, approval of committee assignments is placed to a chamber vote for approval. During this time frame, there were six chambers that used the seniority system (the Arkansas Senate, Idaho Senate, South Carolina Senate, and the Texas House), and there were another twelve chambers in which some individual or group besides the majority party leader had the authority to appoint committees. Most commonly, this other actor tasked with making committee appointments was the Lieutenant Governor in several state senates (e.g. Texas State Senate). Since the Lieutenant Governor has a different constituency and is elected separately (i.e. does not have to be of the same party as the majority party leader of the state senate), we coded these cases as instances where another actor (besides the majority leader) holds the committee appointment rights of the chamber.

**Majority and minority party leader’s control of the agenda**

To test the Agenda Control Hypothesis, we rely upon explanatory variables intended to capture whether or not the majority party leader can dictate the flow of legislation from committee to the floor. We first used the Reporting Rights variable created by Anzia and Jackman (2013) which equals 1 if committees in the chamber are not required to report all bills to the floor. Additionally, for chambers which use the seniority system of assignment for whether committees must report all bills from committee, the variable
equals 0. The variable takes on a value of 1 in 72 chambers and 0 in 25 chambers (the variable takes on the same values for the 1999–2000 and 2003–4 sessions). In addition, we create an index upon a measure of Supermajoritarian Rules that was created by Squire and Hamm (2005). The index consists of ten procedures: recommending constitutional amendments, overriding a veto, suspending chamber rules, passing a budget or appropriation bills, adopting tax bills, enacting emergency legislation, expelling a legislator, impeaching an executive official, removing a judge, and censuring a legislator. The supermajoritarian index ranges from 2 to 8. It has a mean of 5.02 with a 1.57 standard deviation, median of 5, and modal category of 4. The Alaska and Florida Houses and Senates being among the most supermajoritarian in their rules and the Iowa House being the most majoritarian.

We also include a measure of minority party procedural rights created by Clark (2015). This measure is an index that assesses a range of procedural rights of the minority party codified in the rules. The measure includes the influence of minority party leaders in determining minority party members appointment to standing committees. It also includes an indicator of whether there is a proportionality requirement in the allocation of committee seats. Finally, the measure examines whether all bills were guaranteed a hearing in committee, consideration on the floor, or subject to a discharge petition signed by a simple majority of members. The index ranges from 1 to 6 and has a mean of 2.8. Higher scores indicate legislative rules that are more favourable for the minority party.

**Constituency preferences**

To disentangle the effects of majority party rights and preferences in shaping the inter-party conflict scores, we use Tausanovitch and Warshaw (2013) measures of state district ideology. These estimates of state legislative district-level opinion were produced by combining seven recent large-scale surveys (Annenberg National Election Surveys and Cooperative Congressional Election Surveys). Each had between 14 and 32 policy questions asked of 30,000–80,000 Americans. Tausanovitch and Warshaw (2013) then bridged the respondents to allow the creation of common-space ideal point estimates. We use these scores as a measure of the legislators’ electorally-induced preferences, since there is considerable difficulty in developing measures of legislative preferences independent of their roll-call votes.7

**Empirical analysis and findings**

We begin with our model of inter-party conflict on final passage votes. Recall that the sanctions hypothesis predicts greater levels of inter-party conflict in chambers where the majority party leaders possess greater authority in
appointing committees. We empirically examine this hypothesis by using multivariable OLS to regress the inter-party conflict scores on Committee Appointment Rights. The agenda control hypothesis predicts higher inter-party conflict in chambers where committees hold Committee Reporting Rights (i.e. committees that are appointed by majority party leaders have discretion in which bills go to the floor). The minority rights hypothesis predicts that in those chambers with more expansive minority rights, there will be lower levels of inter-party conflict in roll-call voting. We also must take into account the distribution of preferences within the parties (Constituency Preferences Hypothesis). We expect for inter-party conflict to be greater when preferences of members within each party are more homogeneous. We also include control variables for the majority party seat share in the chamber, professionalism, term limits, and legislative session. Table 1.

The results of the model are presented in Table 1. Our results demonstrate support for the Constituency Preferences Hypothesis. We find that when there is less heterogeneity of constituency preferences, there is a sizable increase in the level of inter-party conflict. The magnitude is quite substantial as an increase of one standard deviation in the majority’s homogeneity produces about a 7 percent increase in the level of inter-party conflict on final passage votes. This is consistent with Krehbiel’s assertion that preferences are a powerful predictor of legislative behaviour and internal cohesiveness will produce overall a greater level of inter-party conflict; it is also consistent with the predictions of conditional party government (Aldrich & Rohde, 1998). Although previous research demonstrates that variations in preferences explain partisan roll rates (c.f. Wiseman & Wright, 2008), this research suggests that this extends beyond negative agenda control, ultimately influencing the majority party’s ability to get its policy agenda passed.

Table 1. Inter-party Conflict on Final Passage Votes.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>(Std. Err.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Appointment Rights</td>
<td>0.0251</td>
<td>(0.0279)</td>
</tr>
<tr>
<td>Committee Reporting</td>
<td>0.0037</td>
<td>(0.0058)</td>
</tr>
<tr>
<td>Supermajoritarian Rules</td>
<td>−0.0114</td>
<td>(0.0401)</td>
</tr>
<tr>
<td>Minority Party Rights</td>
<td>−0.0687***</td>
<td>(0.0031)</td>
</tr>
<tr>
<td>Constituency Preference Homogeneity</td>
<td>0.0684***</td>
<td>(0.0022)</td>
</tr>
<tr>
<td>Professionalism</td>
<td>0.0122</td>
<td>(0.0417)</td>
</tr>
<tr>
<td>Term Limits</td>
<td>−0.0044</td>
<td>(0.0183)</td>
</tr>
<tr>
<td>Majority Seat Share</td>
<td>−0.0621**</td>
<td>(0.0463)</td>
</tr>
<tr>
<td>Urban</td>
<td>−0.0024</td>
<td>(0.0410)</td>
</tr>
<tr>
<td>Manufacturing Employment</td>
<td>0.0013</td>
<td>(0.0025)</td>
</tr>
<tr>
<td>Session</td>
<td>−0.0032</td>
<td>(0.0072)</td>
</tr>
<tr>
<td>Constant</td>
<td>0.4142***</td>
<td>(0.0125)</td>
</tr>
<tr>
<td>No. of chambers</td>
<td>96</td>
<td></td>
</tr>
<tr>
<td>No. of legislative sessions</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>R-Squared</td>
<td>0.53</td>
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</tbody>
</table>

Significance levels: *** : 5 per cent; ** : 1 per cent.
Next, we turn to the institutional basis of inter-party conflict. In our analysis of final passage votes, we do not find support for our Sanctions Hypothesis. The ability of the majority party to control the committee appointment process does not appear to yield a significant effect on overall levels of inter-party conflict in roll-call voting. In other words, in chambers where the majority leader had the authority to appoint legislators to committee positions, there is not in fact greater inter-party conflict compared to those chambers where the leaders lacked appointment authority. The carrots and sticks available to majority party leaders do not appear to affect members’ behaviour on final passage votes.

The agenda control hypothesis states that leaders’ control over the flow of legislation to the floor will affect inter-party conflict scores. We do not find support for this hypothesis. Nor do we find support for the idea that super-majoritarian rules influence inter-party conflict on final passage votes. We do, however, find support for our Minority Party Rights Hypothesis. We find that in chambers with more expansive minority party rights, there is less inter-party conflict.

We also include several control variables in the model. First, the majority party’s seat share in the legislature is inversely related to inter-party conflict on final passage votes. In the final passage model, we find that a one standard deviation increase in the percentage of seats held by the majority party is associated with a six percentage point decrease in inter-party conflict. The two institutional controls, term limits and professionalism, were insignificant in the model.

In examining the role of minority party rights on the level of interparty conflict, we do in fact find a statistically significant effect. Consistent with our expectations, we find that minority party procedural rights are negatively associated with the level of inter-party conflict on final passage roll-call votes.

To test our expectations from the Procedural Agenda Control Hypothesis, we next turn to our model of inter-party conflict scores on partisan procedural roll-call votes. Recall that partisan cartel theory suggests that party leadership is most likely to attempt exerting their control over procedural votes (as opposed to final passage votes) since procedural votes are key for the majority party to maintain control over the floor. We examine this hypothesis by estimating an OLS model like the previous model; however, the dependent variable of this new model is the inter-party conflict score on procedural roll-call votes. Table 2.

The results of our model are presented in Table 2. First, we find that electorally-induced preference homogeneity is a significant predictor of inter-party conflict on procedural votes. This finding is consistent with our earlier analysis of inter-party conflict for final passage votes and underscores the argument of Krehbiel that inter-party conflict could arise simply by virtue
of preferences and even without party leaders whipping wayward members or offering rewards to loyalists.

In contrast to our earlier model of final passage votes, we do find strong support for our Sanctions Theory, which argued that when the majority party leader has the tools to impose discipline and offer rewards to members, there would be greater inter-party conflict. Our results lend support for this claim when we only examine procedural votes. The Committee Appointment Rights variable is statistically significant at the 1 percent level, and the 0.080 coefficient suggests that where majority leaders are able to have control over the committee assignment process, we see about eight percentage points higher inter-party conflict on procedural roll-call votes. These findings suggest that the majority party leader is more likely to use his or her prerogatives to ensure passage of key procedural votes; however, the leader may be less inclined to use these tools on final passage votes, particularly since members taking unpopular positions on such visible roll-call votes could lead to defeat in the next election. Moreover, in chambers with more expansive procedural rights afforded to the minority party, inter-party conflict is on average about 6 percent lower on procedural votes. This result is consistent with our Minority Party Rights Hypothesis.

We also find some support for the Agenda Control Hypothesis in our analysis of inter-party conflict on procedural votes. The Committee Reporting variable is highly statistically significant (at the 1 percent level), with a coefficient of 0.0783. This indicates that chambers in which the committee has gatekeeping rights (i.e. discretion in what legislation it reports) have almost eight percentage points higher inter-party conflict on procedural matters compared to chambers with committees that do not possess such discretion in reporting bills to the floor. Consistent with our previous model of final passage votes, however, the Supermajoritarian Rules variable was not a strong predictor of

| Table 2. Inter-party Conflict on Procedural Votes. |
|-----------------|-----------------|-----------------|-----------------|
| Variable        | Coefficient     | (Std. Err.)     |
| Committee Appointment Rights | 0.0803***       | (0.0056)        |
| Committee Reporting       | 0.0783***       | (0.0056)        |
| Supermajoritarian Rules    | −0.0011         | (0.0047)        |
| Minority Party Rights     | −0.0637***      | (0.0123)        |
| Constituency Preference Homogeneity | 0.0922***      | (0.0139)        |
| Professionalism           | 0.0017          | (0.0063)        |
| Term Limits               | −0.0018         | (0.0039)        |
| Majority Seat Share       | −0.3511***      | (0.1482)        |
| Urban                      | 0.0011          | (0.0037)        |
| Manufacturing Employment  | −0.0001         | (0.0008)        |
| Session                   | 0.0005          | (0.0023)        |
| Constant                  | 0.4460***       | (0.0073)        |
| No. of chambers           | 96              |                 |
| No. of legislative sessions | 2              |                 |
| R-Squared                 | 0.49            |                 |

Significance levels: **: 5 per cent; ***: 1 per cent.
inter-party conflict scores on procedural votes. These findings, coupled with the support of the Sanctions Theory, suggest that majority party leaders have varied tools in their arsenal that they leverage to gain control over the floor to steer legislative outcomes. However, minority party rights can also have a profound effect over the overall levels of partisan conflict witnessed on roll-call votes.

**Conclusion**

In this paper, we examine the sources of inter-party conflict in legislative voting across the states. Our empirical model suggests that a variety of institutional factors as well as party preferences influence the level of inter-party conflict in roll-call voting. Interestingly, our analysis suggests that there are different institutional mechanisms at work depending on the types of votes analyzed. Although preferences and minority party rights appear to be the primary explanation for inter-party conflict on final passage votes, the institutional foundations of majority leadership power were crucial explanations of inter-party conflict on procedural roll-call votes. Where committee gatekeeping rights were stronger and where majority leaders had much more control over key aspects of legislative organisation (such as the committee assignment process) the majority leader seems better equipped to leverage these tools to get support over procedural matters thereby maintaining control over the floor. While supermajoritarian requirements do not seem to affect inter-party conflict generally, it is possible that a supermajoritarian requirement in a specific issue-area (like the budget) might constrain majority leaders on those specific votes. Minority party rights were consistently a strong negative predictor of conflict on final passage and procedural votes indicating that, when empowered by chamber rules, minority party leaders discipline their rank-in-file on roll-call votes.

This work suggests a prominent role for institutional rules and procedures in conferring rights to party leaders, in addition to preferences. These agenda-setting and sanctioning tools can work to enhance inter-party conflict in legislative voting when they favour the majority party, particularly on procedural votes which are most crucial for party leaders’ efforts to maintain control over the floor. One additional piece to the puzzle that we hope to add to this work is the availability of the filibuster as we believe that this tool could be used to diminish the authority of the majority party leader and thereby diminish the overall level of inter-party conflict exhibited in legislative voting. Party leaders seem to take advantage of legislative prerogatives and struggle to maintain authority when minority parties are empowered. This is an area that we hope to expand upon in the future.

We hope in future research to examine other types of votes besides simply final passage and procedural votes. In particular, we hope to further
investigate inter-party conflict in voting on amendments. The state legislatures vary in their rules pertaining to who can offer floor amendments and germaneness requirements. In future work, we wish to leverage this institutional variation to investigate how legislators use the rules to craft legislation on the floor and how these amendments ultimately affect the level of partisanship present in roll-call voting.

Notes

1. Although, researchers have found it difficult to demonstrate interest group influence on roll-call votes.
2. The example earlier of GAVEL in Colorado describes a circumstance in which committee gatekeeping rights were removed.
3. We exclude the Nebraska nonpartisan unicameral.
4. In the case of Independent members, we used previous voting history to determine which party the Independent typically supported to assign a ‘side’.
5. The concept inter-party conflict is expressed as a party unity score in the analysis below.
6. When we reference majority party leader, we mean the Speaker, majority party leader, or presiding officer; in other words, in the state houses, the person is control is often the Speaker, whereas in state senates, the majority party leader may be another powerful figure.
7. All variables are session specific for the 1999-2000 and 2003-2004 bienniums unless otherwise noted.
8. The fact that we indexed Supermajoritarian Rules instead of breaking out its individual components may obscure some nuanced information, such as requiring a supermajority for some legislative matters and not others. However, disaggregating the index causes a severe loss in degrees of freedom. In order to maximize degrees of freedom, we chose to utilize an index for supermajoritarian rules.

Disclosure statement

No potential conflict of interest was reported by the authors.

Notes on contributors

Jennifer Hayes Clark is Pauline Yelderman Endowed Chair and Associate Professor of Political Science and the University of Houston. Her research focuses on American and state politics, legislative institutions, political parties, and representation. Her research appears in journals such as The American Political Science Review, Legislative Studies Quarterly, American Politics Research, and State Politics and Policy Quarterly.

R. Lucas Williams is Assistant Professor of Political Science at Misericorda University. His research examines American politics, state and local legislatures, and political parties. His research appears in The Journal of Politics, American Politics Research, and Public Choice.
References


