

# Strategic Agenda Setting and Election Timing in the U.S. House

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## **Abstract**

The legislative cartel model argues that the majority party creates a favorable party brand through agenda-setting by constructing a set of votes to increase their members' chances of reelection. While much of the literature has focused on a single constituency, the structure of the U.S. electoral system explicitly builds in two constituencies based on the primary and general elections. In order to be successful, legislators have incentives to send different signals to these constituencies at different times in the election cycle. Here, I argue that the majority party leadership strategically sets the agenda to send different informational signals about the party's more moderate members prior to each election. Using roll-call votes from the 88th-113th Congresses, I find that there is a larger difference between the cutpoints of bills considered before and after the primary election in election years than in non-election years. These findings help resolve the puzzle of why it seems that legislators typically vote more with their party than would be expected, given the preferences of voters in the general election.

**Keywords:** Majority party agenda setting, legislative cartel theory, legislative voting, election timing

# 1 Introduction

The legislative cartel model of congressional parties put forth by Cox and McCubbins (2005) argues that parties strive to create a favorable party brand. One way that this can be done is through the use of majority party agenda-setting. With the power to manipulate the agenda, parties construct a set of votes that will make their members look good to their constituents (Cox and McCubbins 2005; Woon and Pope 2008). However, because incumbent legislators face two elections, namely the primary and general elections, party brands face two markets with very different sets of consumers. Primary voters are more interested in more ideologically extreme policy, while general election constituents are a mix of individuals from both parties, causing the aggregate preferences of the electorate to be more moderate. This creates a puzzle: How can parties construct an agenda that advantages their party incumbents in both of these elections?

To help resolve this puzzle, I draw on a literature that shows voters are myopic, such that they overweight recent events (Achen and Bartels 2002, 2004; Fiorina 1978; Gelman and King 1993; Wlezien 2015). By creating separate agendas immediately before and after the primary, legislators are able to present a different image to voters in the primary election and voters in the general election, thereby increasing their chances of reelection and consequently, the probability that the majority party maintains its majority status.

To examine this conjecture, I extend the legislative cartel model assumptions (Cox and McCubbins 2005) by asserting that the majority party leadership uses its gatekeeping and agenda-setting powers to strategically pick the order that scheduled bills are brought to the floor. I argue that before the primary election, the majority party leadership will bring up status quos and bill proposals that even the majority party's more moderate members will have no problems voting for. This increase in party line voting leading up to the primary election allows the moderate members to look like their preferences are more in line with the

party median than the floor median. After the primary election, I argue that the majority party leadership will schedule bills that do not invoke a high level of party line voting and this allows the more moderate majority party members to defect to the minority side if needed. Depending on when they are brought up, specific bills can either be beneficial or costly in terms of how they can be used to construct a legislator's image. Therefore, I hypothesize that in election years, there is a larger change in the location of bill cutpoints before and after the primary election than in non-election years.

To test this hypothesis, I use a difference-in-difference research design that takes into consideration the difference between election and non-election years. The treatment is whether a given year is an election year or not. The dependent variable is the location of cutpoints on final passage votes, measured at two different times in a given year (before and after the primary election). Using data from the 88th-113th Congresses, I find that there is in fact a larger difference between the mean cutpoint before and after the primary election in election years than in non-election years.

These results suggest that, with regard to the effects of elections on legislative behavior, we have been thinking too narrowly. We know that moderate votes can be costly for some legislators (Aldrich and Rohde 2001; Rohde 1991), but prior to the current study, a theory of the majority party strategically scheduling votes to help the party's more moderate members did not exist. By establishing that primary and general elections are fundamentally different in terms of the characteristics of the voters that participate in these elections, we are able to see variability in the type of bills that are scheduled by the majority party leadership in each period. Potentially, this result could help us to predict votes before elections more accurately. Furthermore, it implies that if voters really do take into consideration a legislator's recent vote history when they are trying to cast their vote in an election, they are not getting the entire picture of the legislator's behavior and voting patterns, which could ultimately affect voters and democracy in the long-run.

## 2 Majority Party Agenda-Setting and Election Timing

Through previous literature, we know that the majority party has the power to decide what gets scheduled on the agenda (Cox and McCubbins 2005; Den Hartog and Monroe 2011). Under the cartel model, the majority party takes advantage of their status and manages their party brand by overseeing the outcomes of bills that are voted upon on the floor (Cox and McCubbins 2005). In addition, the majority party has the ability to divert resources and establish a reputable record to assist party incumbents with reelection (Smith 2007; Cox and McCubbins 2005; Aldrich and Rohde 2001; Aldrich 1995). Specifically, the cartel model argues that the majority party uses the agenda to advance the electoral prospects of its members. Majority party agenda-setting has been found to affect the legislative process in both the House of Representatives and the Senate in the United States (Den Hartog and Monroe 2011; Cox and McCubbins 1993, 2005; Aldrich and Rohde 2000a, 2000b).

Overall, advancing the electoral prospects for its members can be tricky for the majority party because an agenda that benefits some members may harm the electoral prospects of other members. We know that voters punish legislators for not following the preferences of their constituency and also for voting too partisan on decisive votes (Canes-Wrone, Brady, and Cogan 2002; Carson et al. 2010; Kassow and Finocchiaro 2011). On divisive votes, sticking to party line voting can be costly (Carson et al. 2010). Because legislators are unable to predict which roll-call votes will be prominent in the media and in the minds of their constituents, they must assume that each vote has a possibility of becoming salient in the future (Fenno 1978).

With agenda-setting powers, the majority party leadership has the ability to protect members of the party from votes that they might have to pay for later in terms of reelection probabilities. Forcing members to make moderate votes at the wrong times is costly (Aldrich and Rohde 2001; Rohde 1991), and in the opposite situation, making more moderate mem-

bers vote with the party on partisan bills can also be costly. Although it has been shown that moderates can be compensated with side payments for policy loss that they incur through voting with their party as a result of majority party agenda-setting (Jenkins and Monroe 2012b; Carroll and Kim 2010), this process could potentially hurt the reelection probabilities of the moderate members. Furthermore, it is suggested that the majority party uses its agenda-setting power to prevent vote splits — meaning that the majority party divides on a given vote — from ever occurring (Cox and McCubbins 2005).

Legislators who make moderate votes when their constituency advocates for more partisan-leaning votes may lose votes in the next election. The constituency that votes in the primary election is more partisan than that of the general election, suggesting that a legislator with a string of moderate votes leading up to the primary may be punished by constituents and ultimately receive a lower percent of the vote than they would have received had their voting pattern been more partisan. Similarly, a legislator who makes extreme votes leading up to the general election may be punished by general election constituents who have aggregate preferences that are more similar to the floor median. There are many things that shape how parties and legislators are perceived, but an important component is a legislator's legislative record and reputation (Canes-Wrone, Brady, and Cogan 2002; Carson et al. 2010; Nyhan et al. 2012; Woon and Pope 2008; Kim and LeVeck 2013). Therefore, the current theory focuses on legislative voting behavior.

One aspect that is less discussed is that agendas do not only have heterogenous effects across members and their districts. There are also heterogenous effects within a member's district. The reason behind this is that every incumbent member faces two different electoral environments, a primary election and a general election. Therefore, in trying to construct an agenda to advance the electoral prospects of its members, the majority party must also take into consideration agendas that will allow their candidates to succeed across these two elections. This is difficult because voters in each type of election have different preferences.

Voters in the primary election tend to be more partisan than their general election counterparts, and therefore, prefer agendas that make the incumbent look ideologically closer to their party's median. In contrast, voters in the general election tend to have more moderate preferences, and therefore, prefer agendas that make incumbent members look more moderate. Little is known about how incumbents and their parties deal with these competing preferences.

Previous research suggests that voters care more about recent events than those farther in the past. Individuals are constrained by their ability to comprehend and store information about politics in their memory, and tend not to hold true attitudes (Converse 1964; Zaller 1992). Individuals are primed by events that are salient at the time they are asked for an evaluation (Iyengar et al. 1984; Krosnick and Kinder 1990), and are also susceptible to bias arising from the way information is framed by those who make it salient (Iyengar, Peters, and Kinder 1982; Nelson, Oxley, and Clawson 1997; Jacoby 2000; Chong and Druckman 2007). With regard to benefits created from policies, economic evaluations, presidential elections, and performance evaluations, voters have been shown to be myopic, meaning that they focus on more recent events (Achen and Bartels 2002, 2004; Fiorina 1978; Gelman and King 1993; Wlezien 2015; Weingast, Shepsle, and Johnsen 1981).

It is possible that voters are myopic for a variety of reasons<sup>1</sup>. In addition to memory constraints and lack of true attitudes (Converse 1964; Zaller 1992), it may be the case that voters only begin to pay attention to political information in the time immediately leading up to an election (Wlezien 2015). It could also be the case that since voters may choose to use an online-tally to keep track of information instead of a memory-based model, most of the information gained far before the election may have been condensed into a summary evaluation or forgotten (Lodge, McGraw, and Stroh 1989). Unless there is a constant long-term stream of similar information sent to individuals, it is likely that there will be no

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<sup>1</sup>See Wlezien (2015) for a more detailed discussion of the possibilities.

persuasive effect of information on behavior due to decay (Gerber et al. 2011) and lack of effortful processing (Hill et al. 2017). The observed myopic effects of persuasive campaign information tend to support a mix of both the memory-based and online processing models, with the majority of information losing its effect after six weeks and the accumulation of small effects over a long period of time lasting a bit longer (Hill et al. 2017).

It has also been proposed that voters ignore what happens early in the election cycle (Achen and Bartels 2004; Wlezien 2015). Similarly, other literature has contended that individuals do in fact wish to consider all four years in their evaluation. However, this information is not readily or easily available to them. Instead, individuals have prominent access to the last year, and thus, place more weight on it than previous years (Healy and Lenz 2014). The mechanism behind this idea is the “end heuristic,” which suggests that individuals substitute the last year for the whole term (Healy and Lenz 2014).

Because voters overweight recent events, legislators have an incentive to change how they vote based on whether an election is nearer or farther away in time. Previous research has found evidence consistent with this argument, showing that a number of legislative behaviors do take the timing of an election into account (Lindstadt and Vander Wielen 2014; Shepsle et al. 2009). The benefits associated with credit-claiming influence legislators to save these types of bills until the end of the session, where they will be more recent in the minds of voters (Shepsle et al. 2009). In the time leading up to an election, legislators strategically monitor the amount of votes they make with their party to portray a more moderate image, thereby placing a higher emphasis on the demands of their constituency relative to their party (Lindstadt and Vander Wielen 2014). Specifically, this is demonstrated by a decrease in party unity scores in the second year of a Congressional session (Lindstadt and Vander Wielen 2014)<sup>2</sup>. There have been documented shifts in ideological stances relative to the

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<sup>2</sup>Instead of looking at party unity scores across years, in the following sections, this paper looks at cutpoint locations during a given year and their relationship to the idea of strategic timing.

proximity of elections, where legislators appear to be more moderate as the election (and their possible reelection) approaches (Elling 1982; Wright and Berkman 1986). As further evidence, these types of shifts are not seen when the records of retiring legislators are studied (Thomas 1985). One important idea to note from these studies, however, is that they look at roll-call behavior change in the years leading up to a Congressional election, not within a given year as the election gets closer.

Previous literature has not looked at whether the agenda is also responsive to the timing of different types of elections, such as primary and general elections. Do parties time votes such that voters in the primary election will favor the stances taken by incumbent legislators right before the primary election? Likewise, do parties then change the agenda so that more moderate general election voters will favor an incumbent's most recent votes? Currently, most scholarship assumes (either implicitly or explicitly) that even though the majority party influences the agenda, it does not influence legislator voting behavior based on the timing of elections<sup>3</sup>. This means that the majority party is monitoring the agenda and scheduling bills that will be considered based on intended policy outcomes, not reelection probabilities. In the next section, I present an extension to the cartel model of agenda setting which shows how parties can construct specific agendas before and after the primary in order to make incumbents' recent votes more favorable to each constituency.

### 3 Theory

Primary elections and general elections are fundamentally different in the sense that there are different types of voters that participate. In a primary election, only voters registered to the party can vote, whereas in a general election, everyone that is registered to vote

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<sup>3</sup>Analysis of roll-call behavior and the introduction of direct primary laws suggests that there is no relationship between primary elections and legislators making more partisan roll-call votes (Hirano et al. 2010). It is important to note, however, that Hirano et al. (2010) use pooled pre and post primary election roll-call behavior to test the relationship.



can participate. We know that primary election constituents place a high value on roll-call votes that are near their party median, whereas general constituents have interests that are typically closer to the chamber median (Bafumi and Herron 2010). Therefore, I argue that the majority party leadership will strategically set the agenda based on the timing of the elections. Following from previous literature, I assume that the policy space of the legislature is unidimensional and that each actor in the model has single-peaked preferences (Black 1948; Downs 1957; Poole and Rosenthal 1985, 1987). Additionally, I assume that legislators that are running in the primary and/or general election have the goal of being reelected (Mayhew 1974). A critical assumption for the theory is that voters get information in the months leading up to an election, meaning that they are, for the most part, myopic.

The current theory builds on the basic assumptions and implications of legislative cartel theory as proposed by Cox and McCubbins (2005). The cartel model asserts that members of the legislature are motivated by the prospect of reelection. The majority party brand uses the resources of having majority party status to help its members stay in office. Therefore, the majority party has the incentive to capture and disproportionately redistribute the resources that are available in the legislature to its members. Majority party members realize the benefits that can be gained from managing the party brand and therefore delegate power to leaders who act on behalf of the party to capture the resources available, thus forming a cartel. The party brand is managed by managing policy output and this is done by gatekeeping (Cox and McCubbins 2005).

I am not assuming that the majority party leadership values moderate members winning their reelection bids over more partisan members winning their reelection bids. What I am assuming, is that the majority party values keeping its majority status, and therefore works to get all of the majority party members reelected (Cox and McCubbins 2005; Aldrich and Rohde 2001), including both moderate and more partisan majority members. The majority party leadership wishes to protect its members from moderate challengers in the primary

election and from extreme challengers in the general election, without diluting the party's legislative success and reputation. If the majority party leadership can strategically structure the timing of the agenda so that some votes serve the primary election and other votes serve the general election, this can send out informational signals about the voting behavior of the party's members and also promote legislative success for the party.

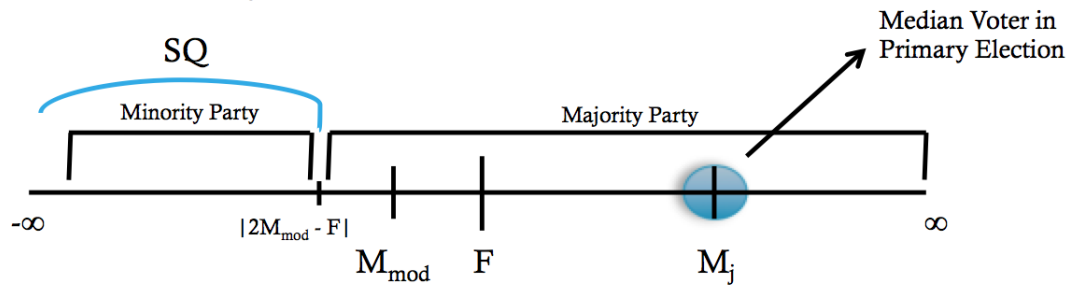
Because the majority party has the ability to set the legislative agenda, only status quos where new proposals can pass without any arm twisting will be addressed. A key assumption of the cartel model is that all bill proposals will pass at the floor median of the chamber. The majority party leadership uses its power to strategically block status quos that are preferred to the floor median from ever being considered (Cox and McCubbins 2005).

Given that the majority party leadership has the ability to set and control the legislative agenda through gatekeeping, the only additional assumption that the current theory adds to the assumptions of the cartel model is that the majority party leadership can set the order of the agenda. Therefore, I argue that the majority party leadership strategically sets the agenda according to the time period. This strategic agenda setting reveals information about the majority party's more moderate members at a given time. Their preferences either look similar to the more partisan majority party members (before the primary election) or they do not (after the primary election).

There are two actors in this model, the majority party leadership and the majority party members that are closer to the floor median than the majority party median (the majority party's more moderate members). The majority party leadership are members of the majority party that are delegated leadership power and have the ability to set the agenda. The majority party leadership wants to pass bills that are ideologically preferable to status quos (Cox and McCubbins 2005; Groseclose and McCarty 2001). They also want to use the advantages and resources of majority party status to keep majority party status and help get the party's members reelected (Cox and McCubbins 2005; Aldrich and Rohde

2001). The majority party's more moderate members are members that have preferences that are closer to the floor median than the majority party's median. These members want to get reelected (Mayhew 1974; Cox and McCubbins 2005), and listen to the preferences of the constituents in their districts.

**A Before the Primary Election:**



**B Before the General Election:**

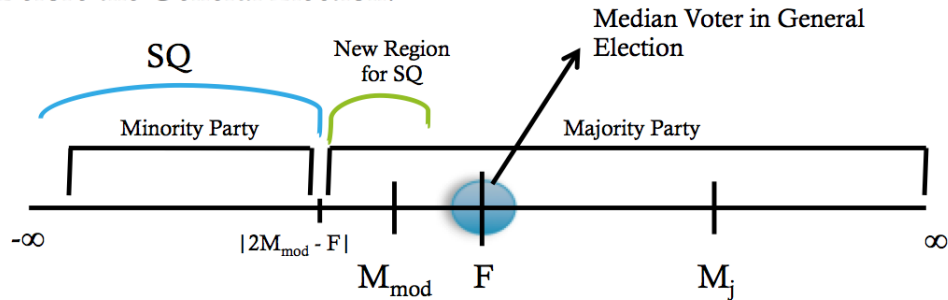


Figure 1: **Two Cases:** A: SQs that will be targeted before the primary election, B: New SQ region that is targeted following the primary election but before the general election.

The current theoretical argument is divided into two parts: before the primary election and after the primary election (Figure 1). Panel A of Figure 1 illustrates the theoretical argument before the primary election. Candidates in the primary election want to cater to the median voter of the primary election constituency, which is located around the party median ( $M_j$ ). Leading up to the primary election, the majority party leadership creates opportunities for all members of the party, including the party's more moderate members, to look more partisan, thereby increasing their chances of winning in the primary election.

To create these opportunities, I argue that status quos on the far left (minority side) of the space will be scheduled on the agenda. These status quos are items that will promote party line voting, meaning that the party's more moderate members will have no problems voting with the majority party on these items.

To illustrate, let's imagine hypothetical legislator  $M_{mod}$  who is located halfway between  $|2M_{mod} - F|$  and  $F$  (the floor median) in Panel A of Figure 1. Before the primary election, the majority party leadership wants to make the party's more moderate members look like they have preferences closer to the party median than they actually do. Therefore, they will introduce bills which will promote all party members voting together so that the preferences of the more moderate members and the preferences of the party's more partisan members will be indistinguishable. When the majority party brings up status quos that are in the region from  $-\infty$  to  $|2M_{mod} - F|$ , the voting behavior of  $M_{mod}$  and  $M_j$  will be identical for any status quo, as they will all vote in favor of the proposal at the floor median to amend the status quo.

This type of strategic status quo timing allows the majority party leadership to protect the party's more moderate members. By choosing to bring up status quos for which the party's more moderate members will vote with the rest of the party, their voting behavior will be seen as more partisan. This increases the probability that the party's more moderate members will appeal to the median voter of their primary election constituency, thereby increasing their chances of reelection<sup>4</sup>.

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<sup>4</sup>It is logical to think that the size of the majority party might have an effect on the majority party leadership's decision to strategically set the agenda based on election timing. When the majority is large, there should be less incentive to help the members that are closer to the floor median with reelection. Similarly, when the majority is small, it should be a high priority to make sure that all of the members (including those that are closer to the floor median) are reelected so that the party can keep its majority status. Therefore, the majority party leaders have fewer degrees of freedom to be able to release members who are closer to the floor median and allow them to vote against the party. In this case, smaller majorities should be less likely to take election timing into consideration. Given that this is the first attempt at investigating the influence of election timing on agenda setting, I do not make the theory more complicated by adding majority size. However, a preliminary test of the influence of majority size is included in a multivariate model in the Supplementary Information Appendix, where it is not significant and does not significantly

### 3.1 Example: Two Types of Votes

To see why these differing agendas help protect the majority party's more moderate members, consider the following example. If we arrange all 435 members of the House of Representatives on a unidimensional space in terms of preference on minimum wage policy, let us assume that we are the 221st most conservative member of the chamber and that there is a Republican majority. The specific policy brought to the floor by the majority party will make legislator 226 on the line indifferent between the status quo (SQ) and the proposed bill (P) (see Figure 2).

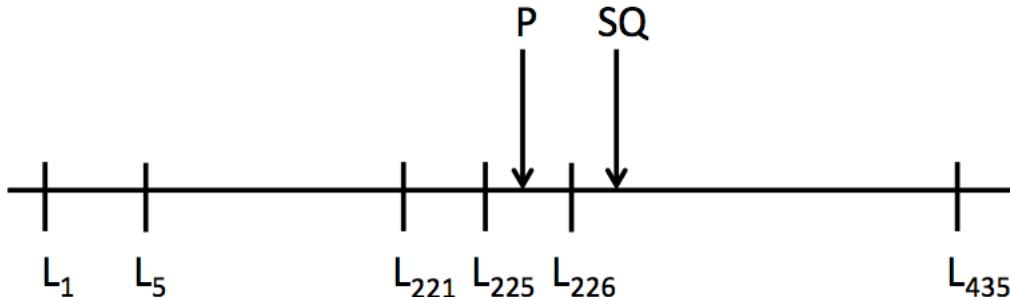


Figure 2: **Simplified Legislature:** A hypothetical legislature with 435 members with their preferred minimum wage policies portrayed on a unidimensional space.

Even though we know that we are the 221st member ( $L_{221}$ ), let us assume that voters do not have such precise information about our position. Instead, they take clues from what we have done with the party recently to judge what kind of Republican we are. On the proposed minimum wage bill, suppose we vote with the majority leader. In this case, we look the same as the 5th most conservative member ( $L_5$ ). There is no difference between the signal conveyed by us and the signal conveyed to voters by the 5th member. In this case, our behavior is revealed to be identical to a member that is very conservative. Alternatively, 

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change the point estimate on *election year* either.

imagine that we vote in opposition of the majority leader. In this case, we look the same as the 435th legislator ( $L_{435}$ ). There is no difference between the signal conveyed by our vote and the signal conveyed by the 435th member. Now, however, we are conveying a different signal from the 5th member, allowing us to look more moderate with respect to the majority party's more partisan members.

### 3.2 Predictions

Returning to Figure 1, Panel B illustrates what happens after the primary election but before the general election. Voters that participate in the general election can be from either party in a two-party system, and therefore, the median voter in this constituency is usually centered closer to the chamber's floor median ( $F$ ), on average. In the time following the primary election and leading up to the general election, the majority party leadership creates opportunities for the party's more moderate members to look more moderate. I argue that the majority party leadership will open a new region to draw status quos from, in addition to the region where status quos are drawn from before the primary election. In the unidimensional spatial model, this means that in addition to the status quos that the majority party leadership will bring up from the region  $-\infty$  to  $|2M_{mod} - F|$ , before the general election, they will also bring up status quos from the region  $|2M_{mod} - F|$  to halfway between  $M_{mod}$  and  $F$ , creating an agenda with a mix of status quos from these two regions. These are items that will promote less party line voting and allow more moderate majority party members to defect to the minority side if needed, without interfering with the majority party's legislative success.

To illustrate, let's return to our hypothetical legislator  $M_{mod}$  who is located between  $|2M_{mod} - F|$  and  $F$  in Panel B of Figure 1. After the primary election but before the general election, the majority party leadership recognizes that for the party's more moderate members to be reelected, they may need to vote more moderately than the more partisan

members of the majority party. For this reason, the majority party leadership will strategically schedule a mix of status quos from the original region  $-\infty$  to  $|2M_{mod} - F|$  and the new region  $|2M_{mod} - F|$  to halfway between  $M_{mod}$  and  $F$ . In the region from  $|2M_{mod} - F|$  to halfway between  $M_{mod}$  and  $F$ , the party's more moderate members will vote in favor of retaining the status quo. Therefore, before the general election, the voting behavior of  $M_{mod}$  and  $M_j$  will not be the same.

This allows the majority party leadership to send an informational signal about the voting behavior of the party's more moderate members in relation to the party's more partisan members. By using this mix of status quos from the two regions, the majority party leadership gives the party's more moderate members the opportunity to vote in favor of the status quo (with the minority party) and thus look more moderate. In turn, this protects the party's more moderate members in the general election, where their constituency's median voter is centered around the chamber's median, not the party's median.

In contrast to ideal points, which measure a legislator's preference location across a variety of issues on a single dimension, status quos are for a given policy. It is atypical that the same policy has a series of observations; rather, there is a single observation and our goal is to determine where on the unidimensional spectrum it lies. As a single observation, it is impossible to calculate its location in the same way we calculate ideal points for legislators, as it is impossible to average across time or space to estimate the location of one observation. Therefore, because cutpoints are the closest estimate we have to the location of the status quo, the hypothesis below focuses on the change in cutpoints between pre/post election time periods<sup>5</sup>.

*Hypothesis:* In election years, there will be a larger change in the location of bill cut-

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<sup>5</sup>Cutpoints are the break between "yea" and "nay" votes on a given bill (McCarty, Poole, and Rosenthal 2001). Given that legislators can be organized on a unidimensional space based on their ideal points (estimated using NOMINATE), the cutpoint represents the point at which "yea" switches to "nay" (Poole 2000, Poole and Rosenthal 1997).

Table 1: Research Design

	Pre	Primary Election	Post
Election Year	$\mu_{cutpoints}$	X	$\mu_{cutpoints}$
Non-election Year	$\mu_{cutpoints}$		$\mu_{cutpoints}$

points before and after the primary election than in non-election years.

## 4 Research Design

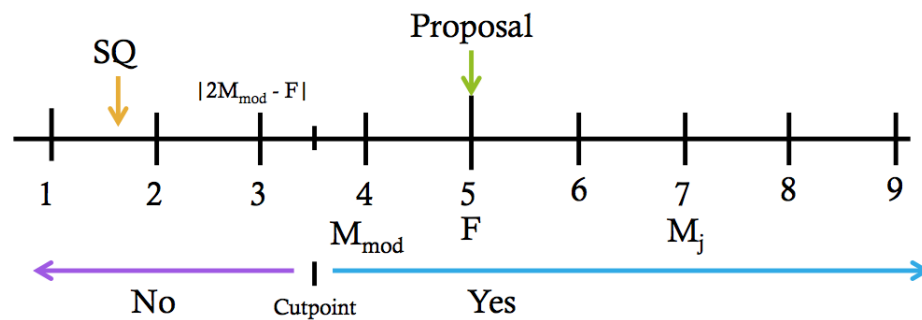
To test the hypothesis, I use a non-equivalent two group pre/post design (Table 1). Specifically, I make use of the difference between election years and non-election years. This separation is logical because we would not expect the majority party to strategically set the agenda based on election timing in non-election years because there are no elections, nor would we expect individual legislators to change their behavior based on election timing during non-election years.

This difference-in-difference design is especially useful because the only difference between an election year and the previous non-election year is consideration of the election. This design holds many covariates constant over each congressional session, including individual legislators, their ideal points, and their constituencies, thus eliminating the need for many control variables and minimizing selection problems. Between an election year and the previous non-election year, individual legislators, the ideological distribution of the House, and other remaining Congress-level factors are constant. It is not likely that a legislator’s constituency changes or their ideal point changes substantially. Because an election year is “matched” with the previous non-election year, the only difference between the two years is the existence of the election in the election year. Therefore, if the difference-in-difference results show significant variability between election years and non-election years, this is very likely attributable to the timing of the election.



Within this design, the treatment is the primary election and this treatment is only seen in election years. Bill cutpoints are observed at two different times for each year, before the primary election cutoff (January-August) and after the primary election time in both election and non-election years, despite primary elections only occurring in the election year. I take the average location of the cutpoints over all of the bills in each of the two periods in each year (Table 1).

**A Before the Primary Election:**



**B Before the General Election:**

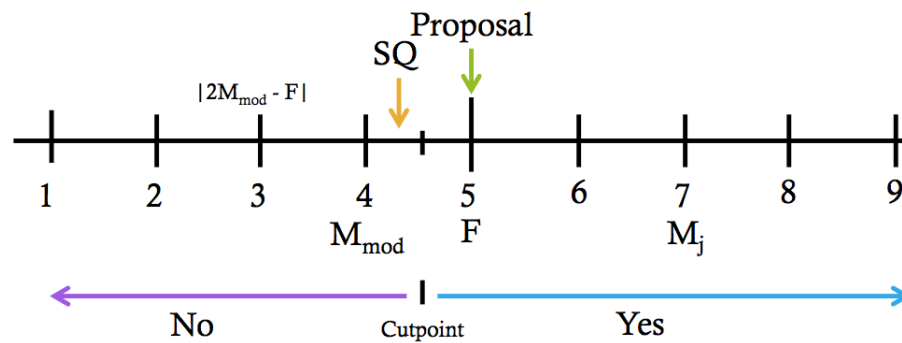


Figure 3: **Cutpoint Example**

I use cutpoints as the dependent variable in this analysis because the theory and hypothesis imply that there should be larger zone of status quos that are brought up after the primary election and before the general election than before the primary election. To illustrate this expectation, imagine a hypothetical legislature with nine members (Figure

3). The majority party in this legislature consists of members 4-9, where member 4 is a more moderate member of the majority party. The minority party consists of members 1-3. Panel A demonstrates the expected cutpoint of a bill that is considered before the primary election. In this case, members 4-9 will vote in favor of the proposal, while members 1-3 will vote against the proposal in favor of the status quo. In this case, the majority party's more moderate member (member 4) votes with the more partisan majority party members and their behavior / preferences are indistinguishable. Essentially, we know that this pattern will hold for any status quo from  $-\infty$  until  $|2M_{mod} - F|$ .

In contrast, Panel B shows the voting behavior of members after the primary election but before the general election. If a status quo is considered at the new point SQ, members 5-9 will vote in favor of the majority party's proposal, while members 1-4 will vote against the proposal in favor of the status quo. Notice that in this case, the majority party's more moderate member, member 4, was able to vote according to their more moderate preferences without hurting the success of the majority party. In this case, the majority party's more moderate member does not vote with the more partisan members of the majority party.

Therefore, according to the hypothesis, we should expect to see a shorter status quo zone before the primary election. This means that cutpoints will be farther away from the majority party median before the primary election. Alternatively, we should expect to see a larger status quo zone after the primary and before the general election, meaning that cutpoints will be closer to the majority party median. It is the change between these two time periods that I am interested in. In non-election years, we should expect to see no significant change in the size of the status quo zone relative to the time the primary election would have been if it was an election year.

I expect to see a difference in the absolute value of the location of cutpoints before the primary and after the primary election in election years ( $\mu_{election,pre} \neq \mu_{election,post}$ ). I do not expect a difference between the location of cutpoints before the primary election time

and after the primary election time in non-election years ( $\mu_{non-election,pre} = \mu_{non-election,post}$ ), because we have no reason to believe that the majority party leadership would strategically set the agenda based on election timing when there are no elections in that year.

To carry out this test at the vote level, I use roll-call votes from the House of Representatives from the 88th-113th Congresses to examine the average location of cutpoints as the dependent variable. The treatment is whether it is an election year or not. When it is an election year, legislators want to appeal to two different election constituencies, the primary election constituency and the general election constituency, and this affects the agenda. This is measured as a dichotomous variable that denotes the time period (before the primary (January 1st-August 30th)/ after the primary election). I compare the change in the locations of cutpoints before and after the primary election in election years to the change in the location of cutpoints before and after the primary time in non-election years. Recall that the

The hypothesis suggests that there is a larger difference in the location of cutpoints before and after the primary election in election years than before and after the primary election time in non-election years.

## 5 Results

I use roll-call voting data from the House of Representatives from the 88th-113th Congresses (1963 - 2014) to examine the average location of cutpoints at different times in a congressional session. The dataset is a combined version of Poole and Rosenthal's DW-NOMINATE roll-call data and Rohde's PIPC data<sup>6</sup>. I use the PIPC dataset variables to narrow down the roll-call data to only include final passage votes<sup>7</sup>. Each row of the dataset gives information

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<sup>6</sup>This dataset is available from Carroll et al. (2016) here: <http://voteview.com/dwnomin.htm>.

<sup>7</sup>I restrict the analysis to final passage votes because this type of vote is usually between the status quo policy and the proposal (Robinson, Monroe, and Magleby 2017). Additionally, relative to other vote types, final passage votes are more indicative of majority party agenda-setting power (Carson, Monroe, and

for a final passage roll-call vote, including the number of yeas, nays, month of vote, and first dimension cutpoint. I use the first dimension cutpoint, *Mid1st*, as the dependent variable. The month variable is used to make a dichotomous *primary* variable that is equal to 1 for the months January - August and 0 otherwise (September - December)<sup>8</sup>. There are a total of 3,163 observations at the individual final passage vote level used in this analysis.

I separately code each year as an *election year* or a *non – election year*. There are 52 years in the dataset, 26 election years and 26 non-election years. I calculate the mean cutpoint before the *primary* and after the *primary* for each year, regardless of election year status. These calculations yield two mean cutpoints for each year, one before the *primary* and one afterwards. Next, for a given year, I subtract the post-primary mean cutpoint from the pre-primary mean cutpoint, which yields the difference between the mean cutpoints before and after the primary election. The theory suggests that this difference will be bigger in election years than in non-election years.

Because there is frequent change in who controls the House of Representatives, I take the absolute value of the difference between the pre- and post-primary election cutpoints. This controls for the difference in cutpoint sign between Democratic and Republican-controlled years. Therefore, the difference represents only the average change in the location of cutpoints before and after the primary election and does not give us any information regarding the direction of the change<sup>9</sup>.

The absolute difference between the average cutpoints before and after the primary

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Robinson 2011). This match-up provides an excellent test of the theory.

<sup>8</sup>Most of the Congressional primary elections are scheduled from January to August (95%) (2016), but there are still some in September. This variable was coded from: <http://www.fec.gov/pubrec/fe2016/2016pdates.pdf>. If August is too early, then it will be harder to find a treatment effect when comparing cutpoints before the primary to cutpoints of bills after the primary. From a research design standpoint, if we draw the line for the primary election time such that half the primaries are before and half are after, this would bias against finding an effect. Therefore, using only 95% is not a problem for the results. A robustness check with a primary date cut-off that includes every primary election date is included in the online Supplementary Information Appendix and does not significantly influence the results presented in the main text. Therefore, the original primary variable covering 95% of the primary dates is used.

<sup>9</sup>The direction of change will be the subject of investigation in future research.

election time for each year can be seen visually in Figure 4<sup>10</sup>.

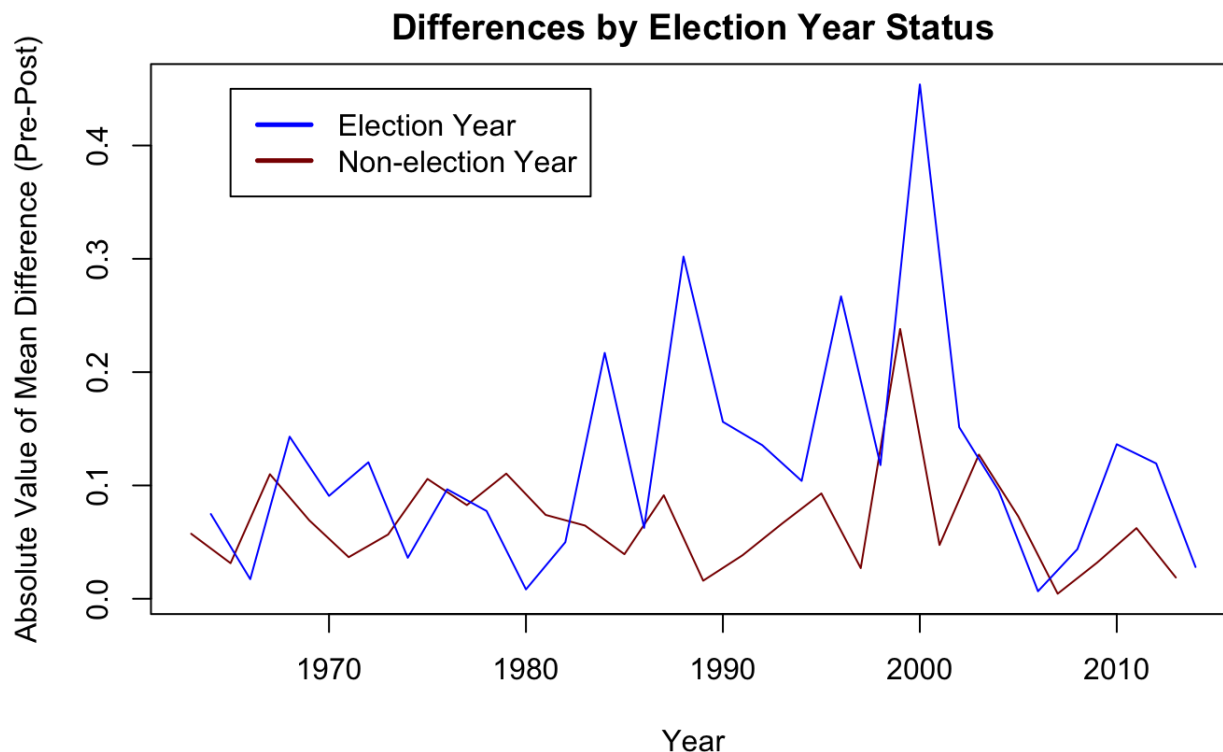


Figure 4: **Absolute Mean Cutpoint Difference by Year:** Overall, there are larger differences between pre/post mean cutpoints in election years than non-election years.

To test the hypothesis that in election years there will be a bigger change in the location of cutpoints before and after the primary election than in non-election years, I use a paired design. This means that I match one election year with the previous non-election year and compare the difference in average cutpoint locations in each period between the two years. To do this, I use a paired Wilcoxon signed rank test. This test is more appropriate than a paired t-test because of the small number of observation years in this analysis. Unlike a paired t-test,

<sup>10</sup>While this graph may look similar to the “sawtooth pattern” in party unity scores as noted by CQ (<http://media.cq.com/votestudies/>), over the time period that I use, party unity does not correlate well with cutpoints ( $\rho = -0.07$ ). There is little reason to think that the pattern of party unity scores exhibited over the past few decades follows the two-year election cycle investigated in this paper. Therefore, it is not a problem for the current theory or empirical test. The relationship between party unity scores and cutpoints is investigated in the online Supplementary Information Appendix.

this test does not assume that the distribution of cutpoints in election years and non-election years follow a normal distribution. Using a paired design allows us to hold many covariates constant over each congressional session, including individual legislators, their ideal points, and their constituencies, eliminating the need for a string of control variables.

Table 2: Wilcoxon Signed Rank Test Results

	p-value	V
Paired test of $ \mu_{non-election,pre-post} $ & $ \mu_{election,pre-post} $	0.004***	66
$N$	Years: 26 E & 26 NE	Bills: 3,163

Two-tailed test. \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

The null hypothesis is that there is no difference between the change in average cutpoints before and after the primary election in election years and non-election years ( $|\mu_{non-election,pre-post}| - |\mu_{election,pre-post}| = 0$ ). Therefore, the alternative hypothesis is that the difference between the average difference in cutpoints in non-election years minus the difference in cutpoints in election years will be less than zero ( $|\mu_{non-election,pre-post}| - |\mu_{election,pre-post}| < 0$ ), meaning that there is a larger change in election years.

The results of the Wilcoxon signed rank test are presented in Table 2. Using a two-sided test, the results hold at the  $p < 0.01$  level ( $p - value = 0.004$ )<sup>11</sup>. Therefore, we can reject the null hypothesis that there is no difference between the change in average cutpoints before and after the primary election in election years and non-election years ( $|\mu_{non-election,pre-post}| - |\mu_{election,pre-post}| \neq 0$ ). There is evidence to suggest that there is a larger difference between the change in average cutpoints before and after the primary election in election years than in non-election years ( $|\mu_{election,pre-post}| - |\mu_{non-election,pre-post}| > 0$ ).

As noted earlier, the difference-in-difference research design accounts for many confounding factors because the only difference between an election year and the previous non-election year is consideration of the election. This design holds many covariates constant over each

<sup>11</sup>Technically, I wish to test if the paired difference between non-election years and election years is directional. Using a one-tailed test, the results still hold at the  $p < 0.01$  level ( $p - value = 0.002$ )

congressional session, including individual legislators, their ideal points, and their constituencies, thus eliminating the need for many control variables and minimizing selection problems. The above test presents a clean empirical finding based on a relatively strong research design. However, a multivariate regression approach is included in the online Supplementary Information Appendix for robustness<sup>12</sup>.

## 6 Conclusion

Through the cutpoint location analysis presented in this paper, we can see that, as the hypothesis suggests, in election years, the majority party strategically schedules the agenda to include bills that will allow the party's more moderate members to exhibit voting behavior that looks identical to the party's more partisan members before the primary. In contrast, after the primary election in election years, the majority party schedules a mix of bills that allow the party's more moderate members to exhibit voting behavior that is more moderate than the party's more partisan members. As a result, by strategically allowing the majority party's more moderate members to have opportunities to make their preferences seem more in line with the party median before the primary election and more in line with the floor median after the primary election, the majority party is able to send informational signals about the characteristics of the party's more moderate members at a given time. The goal of this strategic agenda setting is to help the party's more moderate members get reelected and thus allow the majority party to keep its majority status.

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<sup>12</sup>The dependent variable is the absolute difference between mean cutpoints before and after the primary election time for each year ( $|\mu_{year,pre} - \mu_{year,post}|$ ). I use a dummy variable that denotes whether or not it is an election year and a subsequent dummy variable that represents whether a Congress precedes a presidential election (whether or not it is an election year), as well as an interaction of the two variables. Finally, I include the change in the number of bills from the previous year to capture the idea that the number of bills considered in a year may affect the mean cutpoint location as well as the size of the majority party (number of members). Overall, none of the covariates are significant predictors of the difference in cutpoints. Arguably, this is a noisier test of the theory as there are many differences between election years and non-election years that are not controlled for using regression. If desired, these results can be moved to the main text.

Previously, scholars have found that legislators vote with their party, even if their party receives only marginal support in their district (Ansolabehere, Snyder, and Stewart 2001). However, this conclusion may be due to the fact that most previous studies pool roll-call votes together over a given Congressional year without taking into consideration election timing. By considering election timing and comparing non-election years to election years, I argue that the majority party leadership uses their agenda-setting power strategically to give off the impression that legislators change their behavior to take constituents' preferences into consideration, when in reality, the majority party leadership is changing the location of bills that are brought up in the time before and after the primary election in an election year.

These results presented here suggest that, with regard to the effects of elections on legislative behavior, we have been thinking too narrowly. Prior to the current study, a theory of the majority party strategically scheduling votes to help the party's more moderate members did not exist. This idea does not come without substantive implications. In terms of members of the electorate deciding who to vote for, myopic behavior in combination with this kind of strategic information signaling by the majority party leadership could hinder the electorate's ability to get a clear picture of a legislator's voting patterns over the entire course of a year or session. In the long-run, this could affect democracy if members of the electorate are not voting for the correct candidates in terms of their own policy preferences or if legislators are responding to reelection probabilities by sending informative signals and not specifically responding to constituents' preferences.

Future work should take into consideration the direction of the change in cutpoints before the primary election time and after the primary election time. The current paper suggests that the change in average cutpoint locations before and after the primary election time is larger in election years than in non-election years. To account for changes in party control of the House of Representatives, the absolute value of the difference is used in this



analysis. However, future work should consider the direction of change, given that a specific party controls the House of Representatives. Additionally, this analysis could be extended to the Senate. I would expect that strategic agenda setting based on the timing of elections would be weaker because majority party agenda control is weaker in the Senate (Den Hartog and Monroe 2011). Furthermore, there are fewer Senators up for reelection and therefore less of a signal that needs to be sent.

Future work might also investigate the effect of the size of the ideological gap between the two party medians on strategic agenda setting based on election timing. It might be the case that with a larger gap between the party medians, the majority party leadership will feel the need to put increasing effort into securing the reelection of every member and therefore prioritize sending informational signals about the party's more moderate members to increase their chances of reelection. This would lead to a stronger effect of election timing as the ideological gap increases.

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