Comparing Leviathans: Agenda Influence in State Legislatures, 2011 to 2023

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August 25, 2023

Abstract

An extensive literature argues that majority parties function as leviathans (or cartels) that control the agenda, deciding which policies will advance to a vote and which policies will not. Most studies focus on only a single institution however, precluding the development and testing of generalizable theories of agenda influence. We address this gap by introducing new data on agenda control outcomes (both negative and positive) spanning the entirety of state legislatures over a twelve year period. Using this data, we highlight previously unnoticed patterns in agenda influence, most notably the presence of stark partisan asymmetries. Republican majorities get rolled at approximately four times the rate of Democratic majorities, a finding that holds both across and within institutions. More broadly, we find consistent evidence of greater agenda influence for Democratic majorities, suggesting a need for new theory to explain these differences.

"[P]arties are a species of legislative cartel... most of the cartel's efforts are focused on securing control of the legislative agenda for its members."

— Cox and McCubbins 2012, p. 257

Republicans have held both chambers in the Texas state legislature for more than two decades. While their grip on majority status has been firm over this time period, their control of the legislative agenda has been less dominant. Approximately 1 in 20 roll call votes on the floor have seen a coalition of Democrat and a small number of Republicans pass a measure over the opposition of a majority of the Republican party, an outcome referred to as a *majority party roll.*

Texas is not alone; high roll rates are common (but not universal) in state legislatures. Roll rates and other measures of agenda control vary considerably across different institutions. Perhaps more surprisingly, agenda control varies considerably *within* legislatures as well. As another example, consider the New Hampshire House of Representatives during the brief Democratic interregnum in 2013-2014. After Democrats became the majority party following the 2012 elections, the majority roll rate plummeted to 0.9% from its previous level of 4.5% when the chamber was under Republican control. When Republicans won back majority status in 2014, the roll rate ballooned to 20%. This pattern – weak agenda control under Republicans, strong agenda control under Democrats – is a recurring one, as we later show.

Our paper follows and builds upon a line of research on partisan agenda control going back to the publication of *Legislative Leviathan* by Cox and McCubbins (1993; updated in 2012). In laying out their agenda cartel theory of party influence, Cox and McCubbins compared majority party control in the U.S. House of Representatives to the titular "Leviathan" from the Hobbesian theory of the state. Just as the absolute sovereign (in Hobbes' account) uses broad powers – taxation, policing, etc. – to promote peace and prosperity for the kingdom, the majority party (in Cox and McCubbins' theory) wields a variety of procedural powers to win legislative battles and thus promote the party brand.

In either case, this power will vary from context to context. But what explains this variation? To answer this, we introduce new data on agenda control outcomes in state legislatures over a 13-year period that offers unprecedented ability for legislative scholars to test theories of agenda influence This dataset includes all 50 state legislatures and contains final passage, procedural, and committee votes. It also goes beyond majority rolls, allowing scholars to measure four measures of negative and positive agenda control (using the typology of agenda outcomes introduced by Jenkins and Monroe (2016)).

The primary advantage of our data (relative to prior examples) is that it span both *time* and *institutions*, enabling new research designs not commonly found in studies of agenda control. Much existing work has followed the template provided by Cox and McCubbins and applied the insights of agenda cartel theory to

a single institution, whether that be the U.S. Senate (Chiou and Rothenberg 2003; Den Hartog and Monroe 2011; Gailmard and Jenkins 2007), national legislatures in particular countries (Calvo and Sagarzazu 2011; Jones and Hwang 2005), or individual state legislatures (Cox, Kousser, and McCubbins 2010). Studies that examine patterns in agenda control over time within a given legislature face the tall task of attributing any changes they observe to one or a few causes, requiring them to account for any alternative explanations. In contrast, others have examined agenda control outcomes across institutions such as state legislatures at a single point in time (Anzia and Jackman 2013; Jackman 2014), which requires isolating particular rules or procedures responsible for observed differences in the midst of countless other differences.

In this paper, we describe our data in detail and use it to characterize agenda power in state legislatures in recent years. In doing so, we take advantage of the panel structure of the data to demonstrate two main findings, each suggesting that existing theories of agenda influence are insufficient or incomplete when it comes to explaining majority party agenda power in contemporary state legislatures.

First, negative agenda control (as measured via majority party rolls) varies considerably even when institutions remain fixed. The most notable example is the stark partisan asymmetry previously mentioned. Republican majorities get rolled four times as often as Democratic majorities, a remarkably stable pattern that can be seen both across and within state chambers. This is contrary to Cox and McCubbins (2005), which predicts a constant (zero) rate of majority rolls, as well as subsequent work (Anzia and Jackman 2013) that highlights the importance of institutional features (such as committee blocking powers and calendar control) that rarely change. To better understand this difference between Republicans and Democrats, we examine majority rolls at length, documenting how features such as the spatial location of the bill, the ideology of individual legislators, and the issue area relate to the likelihood the majority party gets rolled.

Second, majority party agenda control (both negative *and* positive) responds to changes in polarization. Using models taking advantage of within-state variation, we find that as polarization in a state legislature increases, majority parties are more likely to be rolled (i.e., a negative agenda control failure) but are also more likely to succeed at getting legislation that they favor passed (i.e., a positive agenda control success). Again, however, these relationships differ depending on whether Democrats or Republicans are in control of the legislature.

Existing theories would struggle to explain these patterns. Of course, while there are many similarities between Congress and the American state legislatures, expecting the theory of Cox and McCubbins – which was developed to explain proceedings in the U.S. House in a largely non-polarized era – to predict agenda control outcomes in 99 chambers in a different time period is asking too much. Yet the initial findings we report here suggest the need for new, more generalizable theory, to better understand why some state legislative majority parties more closely resemble goldfish than the leviathan of legend.

1 Explaining and Measuring Agenda Control

While early work on party power in Congress focused on whether parties could influence the roll call votes members cast (e.g., Krehbiel 1993; McCarty, Poole, and Rosenthal 2001; Snyder and Groseclose 2000), the publication of *Legislative Leviathan* in 1993, followed by *Setting the Agenda* in 2005, initiated a renewed focus on the role parties play in shaping the legislative agenda.

Agenda power, the ability to determine what gets voted on, is frequently divided into *negative* versus *positive* agenda power. Negative agenda power refers to the capacity of a political actor–here, the majority party–to keep disfavored issue items off the agenda. The two primary ways this can be achieved are by killing legislation in a pre-floor venue (most frequently, legislative committees) or via the use of plenary scheduling power to select which bills are allowed to take time on the floor.

Following Cox and McCubbins (2005), the primary way that majority party negative agenda power has been measured is using majority party rolls. Scholars typically use the proportion of votes in which a majority of the majority party votes against a measure that ultimately passes due to a coalition of a minority faction of the majority party joining with the minority party. Cox and McCubbins (2005) argued that majority parties in the U.S. House get rolled very infrequently due to the majority party's efforts to wield power through an agenda cartel.

Work since has used majority party roll rates to measure agenda control in other institutions. For example, research has found that majority parties in the US Senate get rolled at similarly low rates as the House of Representatives (Den Hartog and Monroe 2011; Gailmard and Jenkins 2007), despite the absence of specific institutional features giving House leaders more control over the agenda (e.g., the Rules Committee, germaneness requirement for amendments, etc.). Others have examined roll rates in state legislatures, linking the frequency of majority party rolls to a variety of institutional features giving majority parties control over what legislation is considered and advances. For example, Anzia and Jackman (2013) uses data from the 1999-2000 legislative session in all 50 states to show that chambers where committee membership is determined by the majority party and where committees have the ability to block bills have lower roll rates than chambers where majorities do not possess such control. Similarly, Jackman (2014) shows that majority gatekeeping is undermined by the presence of floor-wide approval votes on committee membership or discharge petitions allowing floor majorities to extract specific bills from committees. In addition, Cox, Kousser, and McCubbins (2010) analyze natural experiments in two states where the rules governing majority party control over the agenda change. In each case, rules guaranteeing bills a vote in committee and, upon successful passage, a vote on the floor, are associated with an increased roll rate.

An equally important yet less-studied dimension of agenda power is positive agenda power, or the capacity

of a a political actor–here again, the majority party–to place favored issue items on the agenda in a way that ensures the desired outcome occurs. These efforts can be frustrated in two ways. The simplest is to not have control over which items receive a vote. While in the U.S. House, the Speaker, majority party leader, and Rule Committee together determine which bills make it onto the legislative calendar, in some legislative chambers (such as the California Assembly) bills receive a vote in the order they emerge from committee. In such a case, majority-favored bills cannot be given preferential treatment, and if time runs out in a session before they can be voted on, action must wait until the next legislative session.

The second way positive agenda power can be stymied is if the opposition is allowed to introduce amendments or otherwise offer an alternative proposal once an issue reaches the floor. If the majority party can bring forth proposals under a "closed rule," or something similar, then this is not a problem. Otherwise, a majority party might bring a bill up for a vote that would lead to an improvement over the status quo, but a minority-led coalition could change the proposal to an alternative that would not pass (e.g., introduce a killer amendment) or worse, introduce a counter-proposal preferred by a majority of the floor but worse for the majority party than the status quo. Thus the ability to advance legislation under closed rules, filling out the amendment tree so no unfavorable amendments may be introduced, or otherwise prevent the opposition from altering proposals is a necessary component of positive agenda power. While positive agenda power has not been the focus of as much study as negative agenda power, research has found that majority parties in Congress wield positive agenda control via methods such as the use of special rules, discharge positions, and the like (Finocchiaro and Rohde 2008), but that powers granted to minorities lead to less majority party agenda power in the U.S. Senate (Ballard 2021).

How can agenda control, either negative or positive, be measured? There are two general approaches. The first is to focus on *actions* taken to control the agenda. For example, Finocchiaro and Rohde (2008) examine the use of votes to order the previous question and votes to adopt a special rule in the U.S. House, while Den Hartog and Monroe (2011) document the use of procedures such as motions to table and filling out the amendment tree in the Senate. This approach has the advantage of looking at the precise mechanisms of agenda control, but due to the focus on a specific procedure or method, does not by itself completely portray the extent of agenda power, nor the differential success of these procedures at accomplishing their final goal. Additionally, making comparisons across institutions is challenging as the specific means of agenda control may vary considerably, even if majority parties wield similar levels of control.

The alternative is to focus on agenda control *outcomes*, or the ultimate successes and failures of agenda control. This approach is used by studies where roll rates are the primary outcome measured, but outcomes need not be restricted to majority party rolls. Along these lines, Jenkins and Monroe (2016) recommend a two-by-two decomposition of agenda control outcomes depending on whether or not a measure passes and

whether or not the majority party supports the measure. When a measure opposed by the majority passes, the outcome is a *roll* (a negative agenda control failure). In contrast, when a measure opposed by the majority party does not pass, the outcome is a *block* (negative agenda control victory). Similarly, when a measure supported by the majority party passes, the outcome is a *success* (positive agenda control victory), while a measure supported by the majority party failing to pass is a *disappointment* (positive agenda control failure).

This typology is particularly useful for making cross-institutional comparisons, as it is possible to completely characterize roll call vote outcomes into these four categories so long as data exist on whether majority and minority party members support or oppose each measure, and whether the measure passes or fails. Below, we introduce our new dataset of these outcomes in 99 legislative chambers across a period of over a decade, and conduct some analyses to gauge what factors are associated with more or less agenda power.

2 New Data on Agenda Control in State Legislatures

We introduce a comprehensive and granular data source on roll call votes and bills for the 2011-2023 period that goes beyond the individual roll call votes previously available (Shor and McCarty 2011). This includes detailed data on each bill introduced and each roll call associated with that bill. Within this time period, the data span 18,206 legislators, 1,019,956 bills,[1] and 687,415 floor roll calls in all 50 states.[2] Notably, in a subset of 24 states, we have data on voting in committees (consisting of 395,986 votes) in addition to the floor votes, enabling further testing of theories and mechanisms of agenda influence at the pre-floor stage. We also use information from the description of votes as well as the sequence to infer which votes are final passage votes, albeit imperfectly.

The key measures at the roll call vote level are vote outcomes (passage or failure), which legislators voted for or against the bill, and details about the individual legislator such as their partisan affiliation, ideology, seniority, and more.

Each roll call vote is classified as one of the four agenda control outcomes introduced by Jenkins and Monroe (2016) based on whether or not the measure passes and whether or not the majority party supports the measure. In other words, each roll call is classified as a *majority roll*, *majority block*, *majority success*, or *majority disappointment*.

Bill level measures include the party and ideology of the sponsor(s). For example, bills can be Republican-sponsored, Democratic-sponsored, or bipartisan. In addition, the ideology of the median sponsor is used,

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[1]The number of bills exceeds the number of roll calls because the median bill is introduced and dies without any votes.

[2]This includes votes on bills only, excluding resolutions and the like. Note that this includes *all* recorded votes on the floor, including procedural votes, amendments, and required readings.

which in some analyses is used as a rough proxy for the bill's ideological content. Data on aggregate and individual level measures of ideology and party come from Shor and McCarty (2011) and Shor and McCarty (2022).

3   Patterns in State Legislative Majority Agenda Control

What does this dataset tell us about agenda control in state legislatures during this time period? We begin by examining majority rolls, the focus of much of the literature in Congress and elsewhere. Whereas in Congress, majority party rolls are incredibly infrequent (between 2013 and 2021, fewer than 0.5% of final passage votes on bills rolled the majority party), at the state level the average majority party roll rate has been 1.2%. Figure 1 shows that a modest downward trend in rolls has occurred over this time.

Figure 1: Trend in Majority Roll Rate
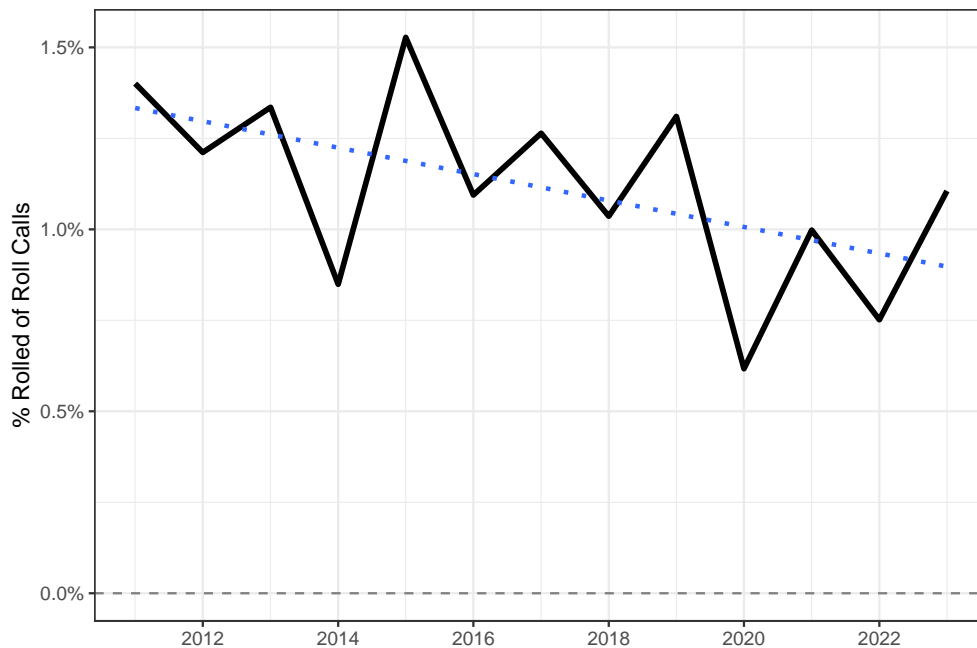
While that roll rate is high in comparison to Congress, it obscures a large partisan asymmetry. Figure 2 shows that Republican majority chambers on average have a roll rate approximately *quadruple* that of Democratic majority chambers. The average roll rate in Republican majority party chambers over this time period is 1.6%, while for Democrats, the average is 0.4%. Furthermore, the downward trend in rolls after the 2010 elections has been concentrated in Democratic majorities, with little indication of change in the Republican roll rate.

How do these findings compare to the other measures of agenda control outcomes? To answer that,

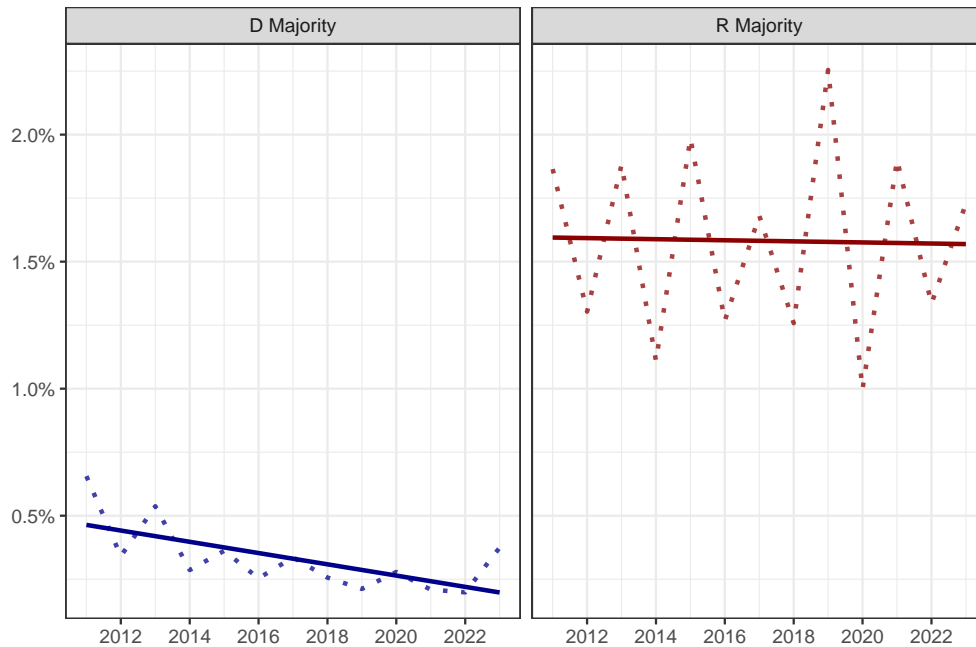Figure 2: Trend in Majority Rolls by Chamber Majority Party

Figure 3 plots (along with the majority party roll rate) the block rate, disappointment rate, and success rate over our time period for both Republicans and Democrats.

The figure shows partisan differences in the other three agenda control outcomes as well. Interestingly, Republican majorities are not just more likely to be rolled on the floor, they are more likely to block measures (that if passed, would otherwise roll them). While at first this might seem paradoxical – given blocks are an indication of negative agenda control success on the floor, while rolls are an indication of negative agenda control failure – it's important to recognize that a block being required at the floor means that a bill that could potentially roll the majority party has been allowed to emerge from earlier, pre-floor stages (i.e., committees). Thus the higher block rate may simply reflect less negative agenda control at the committee stage, a possibility we return to later.

Turning to the positive agenda control outcomes – successes and disappointments – Democrats appear to be more successful at passing measures they support. The difference in success rate for Democrats and Republicans stands out clearly. Success rates for Democratic majorities during this time period average approximately 95%, while Republican majorities average approximately a 92% success rate. Disappointments appear to have different trends over this time period for the two parties, with Republican disappointments becoming slightly more common, and Democratic disappointments becoming markdely less common.

To summarize thus far, there are substantial differences between parties when it comes to agenda control.

Figure 3: Agenda Control Frequency by Chamber Majority Party
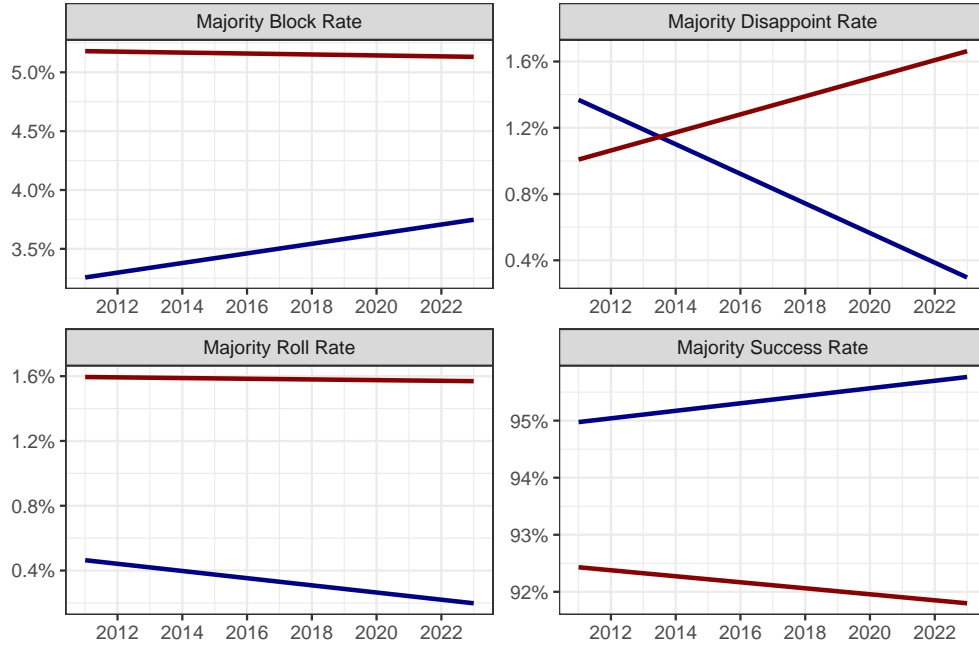
Republicans are rolled far more often than Democrats, and are required to block bills at the floor stage more frequently as well. Democrats, in contrast, appear to have an edge in positive agenda control, successfully advancing legislation supported by their party members when in control of a chamber, with low and declining disappointment rates over this time period.

4   What Explains the Partisan Asymmetry?

Thus far, all comparisons have been across chambers. In this section, we take advantage of the panel structure of our data to make comparisons within institution, as well as examine individual-level factors, such as ideology, to explore what might be responsible for the partisan differences we observe. This section focuses on majority rolls, where the difference between the parties is starkest. The following section returns to examining the other three agenda outcome measures.

One plausible explanation for the partisan asymmetry in roll rates is that Republican-controlled chambers differ in terms of institutions or other fixed characteristics from Democrat-controlled chambers. For example, as Anzia and Jackman (2013) reveals, chambers where committees decide which bills to advance and where majority leaders get to set the legislative calendar have lower roll rates than chambers without these rules in place. It's possible, for instance, that chambers in deep-red states are less likely to have these institutions than chambers in deep-blue states.

Figure 4: Majority Roll Rate by State and Majority Party
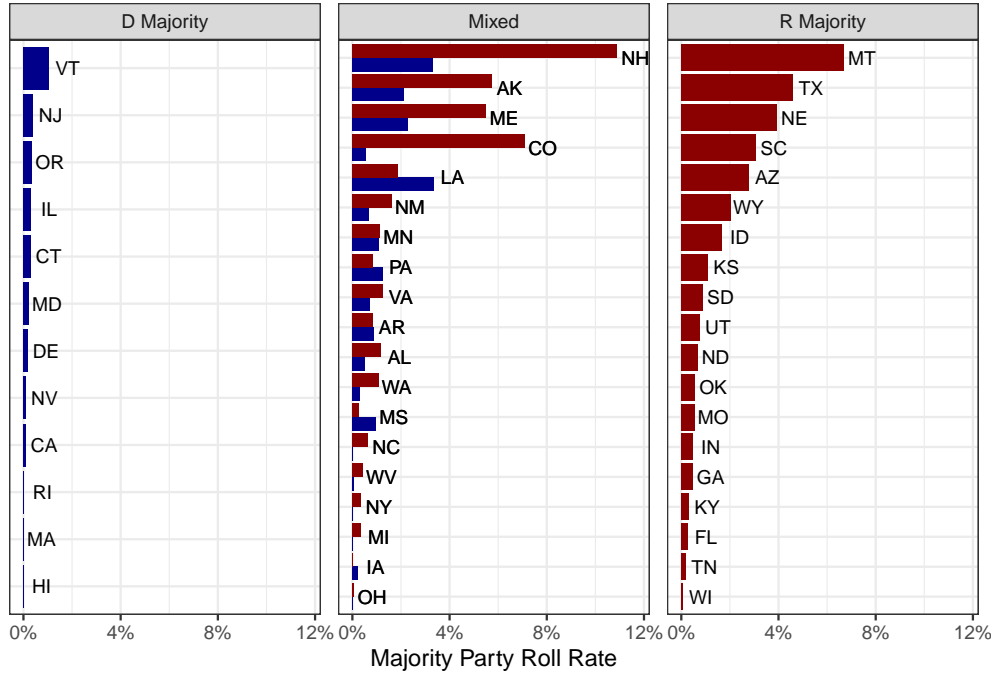
Such compositional differences do not explain the partisan differences, however. Figure 4 averages roll rates across majority parties over the entire time period, separating states with single-party control from states with mixed-party control. On the one hand, as the left- and right-hand panels show, it is true that states that have only experienced Republican majority rule during this time period (like Texas) have a much higher roll rate than those that have only experienced Democratic majorities (like New Jersey). But it is also obviously the case that within states where both parties have at some point held majority control, the Republican party tends to have a larger roll rate. While there are exceptions, such as Louisiana, Pennsylvania, and Arkansas, these are outnumbered by a much larger set of states where Republicans (when in control of a chamber) are rolled at much higher rates than Democrats. In extreme examples, such as Colorado, Republicans are rolled over ten times as frequently as Democrats.

What other factors outside of institutions and rules might affect roll rates? As a next step, we turn to examining the link between majority rolls, partisanship, and ideology. We begin by looking at the partisanship of the bill sponsors. Figure 5 breaks down majority party roll rates by both the party of the chamber majority and the party of bill sponsors. Two patterns are clear. First, minority party-authored bills roll majorities much more frequently than majority- or even bipartisan-sponsored bills. Second, the base roll rate asymmetry between majority parties remains. Not only are Republicans quite frequently rolled on Democratic-sponsored bills, they are even not infrequently rolled on *Republican* bills, suggesting deep

internal divisions.

Figure 5: Majority Roll Rate by Majority and Sponsor Party
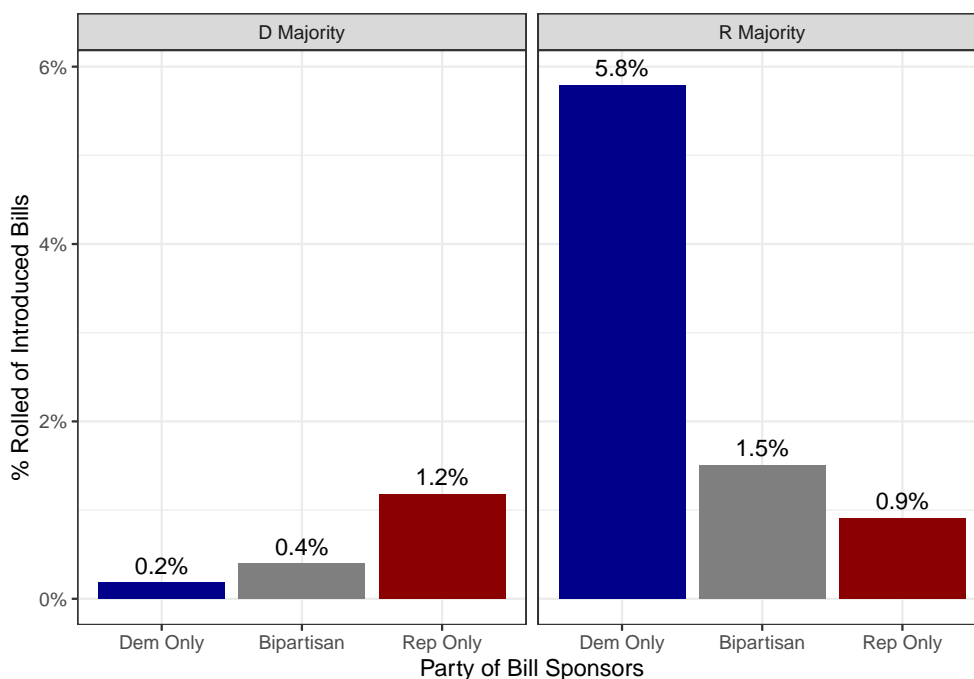

These patterns are consistent with rolls representing minority party victories at the majority party's expense. But who participates in these rolls? To answer this question, we visualize roll rates at the *individual legislator* level; in other words, how often do members vote to roll their own party when they're in the majority?

We next examine roll rates separately by the party and ideology of members. We separate legislators into within-chamber, within-party, within-session ideological terciles (left-most third, right-most third, and middle-third), and calculate the total percent of roll call votes in which they vote to roll their own (majority) party. These individual roll rates are displayed in Figure 6. On the one hand, this figure depicts a sensible pattern. Majority party members whose ideology is closer to the minority party (the left-most Republicans, the right-most Democrats) are most likely to participate in majority rolls. In this sense, the spatial model of voting is validated. On the other hand, the fact that the most extreme tercile of each party (i.e., conservative Republicans and liberal Democrats) are participating in majority rolls at all is surprising, and hard to reconcile from the perspective of the spatial model. On votes where a majority of the majority party is opposed to the measure, this means extreme majority party members are joining with minority party members against their own party.[3]

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[3]Furthermore, because a roll by definition is a vote that passes, this is not simply messaging. In other words, by the logic of the spatial model both extreme majority members and minority party members must sincerely prefer the outcome of the vote to the status quo.

Figure 6: Mean Roll Rate by Legislators within their own Majority Party
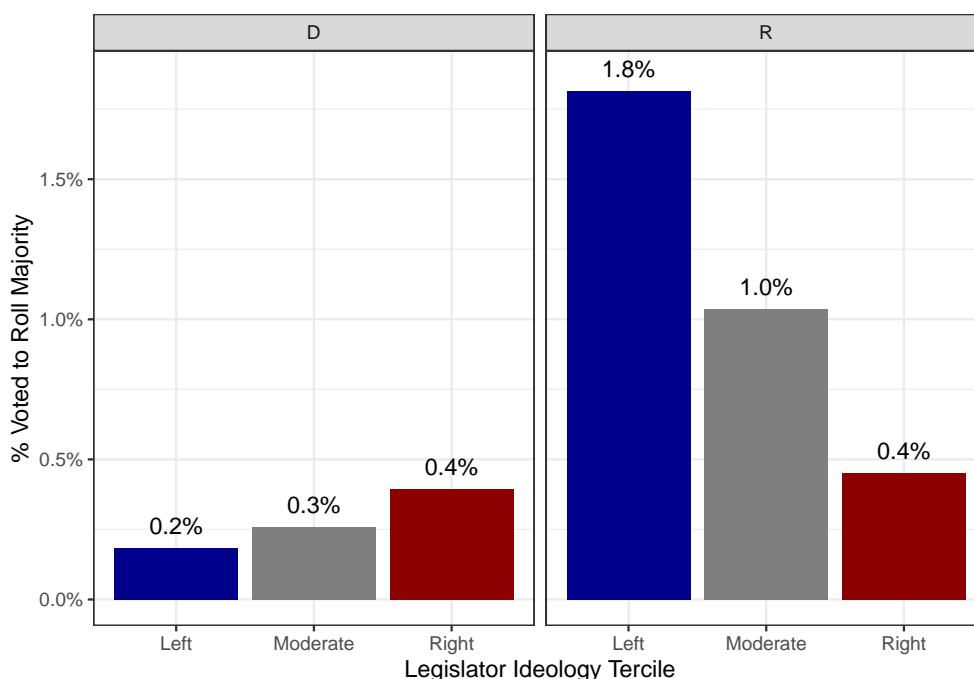
Given these differences in the propensity to roll the majority party by ideology tercile, does greater internal division lead to more majority party rolls? In addition to moderate members from a more heterogenous party being more likely to participate in majority rolls, a more fractious majority party may also be less willing to endow party leadership with the powers necessary to control the agenda (Aldrich and Rohde 1997). We look at *intraparty* heterogeneity, measured as the standard deviation of ideal points within a chamber party caucus in a given year, to evaluate these possibilities. Figure 7 averages those measures over time and aggregates by party majorities. For Democratic majorities, a more divided party does not appear to greatly affect the frequency of majority party rolls. In contrast, among Republican majorities more fractious parties do indeed get rolled at substatially higher rates.

To account for several of these factors simultaneously, we next estimate a series of regression models of majority party rolls, where the unit of observation is an individual roll call vote. Our outcome variable is a dichotomous measure indicating the majority party was rolled on the vote. We start with models of roll rates for all states, with separate models for Democratic and Republican majority chambers. These are estimated using multilevel models with random effects (varying intercepts), which are included to account for baseline differences in roll rates across these units.

The key spatial predictor in all the models is the *signed difference* between the majority party median and median bill sponsor. The majority party median represents the majority party's preferences when

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Figure 7: Majority Roll Rate by Majority and Intraparty Heterogeneity
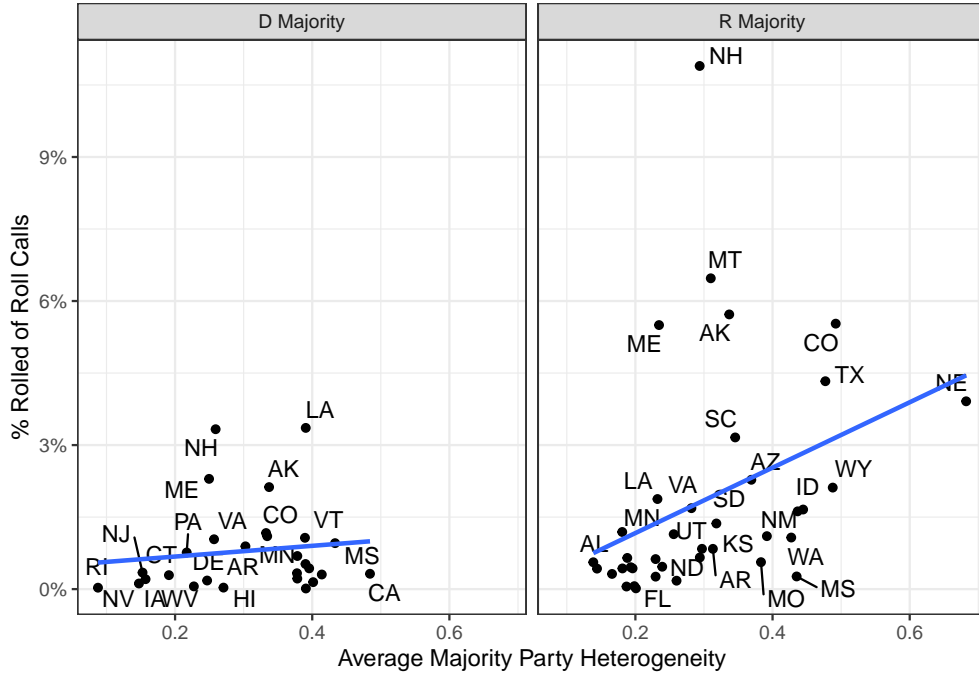
decisions are made under simple majority rule (Cox and McCubbins 2012). The median bill sponsor we use as an approximation of the ideological content of the bill, under the assumption of a majoritarian inter-sponsor bargaining process (as well as low costs for the introduction of alternative bills if that negotiation deadlocks). Zero on this measure indicates a set of bill sponsors whose median preferences align perfectly with the majority party median. Positive values indicate the bill sponsors are more conservative than the median, and negative values the opposite. Under a basic spatial model in which bills roll the majority party via a coalition of minority party members and moderate majority party members, we would predict that liberal (conservative) bills should be more likely to roll Republican (Democratic) majorities. In addition to the ideological location of the median sponsor, we include sponsor partisanship (Republican, Democratic, or bipartisan) as well.

Besides the sponsor ideology and partisanship variables, we also take into account features of the political environment that may make majority rolls more or less likely. First, we account for the *majority party size*, as under a spatial model absent any majority party agenda control, smaller majority parties should be rolled more often (Krehbiel 2007). Second, we include our measure of *intraparty heterogeneity*, the within-chamber, within-session standard deviation of majority party ideal points. Finally, we include *gubernatorial partisanship*, to account for the possibility that executives are capable of forcing opposite-party legislative majorities to address issues they'd prefer to keep off the agenda (Cox and McCubbins 2005).

Table 1: Regression Analysis of Majority Party Rolls, Votes by Floor Stage

	D Majority	R Majority
Bill Sponsor Distance to Majority	0.001***	-0.010***
	(0.000)	(0.000)
Majority Party Only Sponsors	0.000	-0.001
	(0.000)	(0.001)
Minority Party Only Sponsors	0.004***	0.008***
	(0.001)	(0.001)
Majority Party Size	-0.011**	-0.029***
	(0.003)	(0.004)
Republican Governor	0.002***	0.001
	(0.000)	(0.001)
Professionalism, Bowen 1D	0.000	0.003
	(0.001)	(0.002)
Majority Party Std Dev	0.000	0.018***
	(0.002)	(0.005)
Num.Obs.	172075	305114
State REs	Y	Y
Bill REs	Y	Y

Standard errors displayed in parens. *p<0.05; **p<0.01; ***p<0.001

Table 1 show the results. The key spatial predictor is statistically significant ($p < 0.001$) for both parties, and in the expected direction. The negative sign for the Republican model indicates that the further bills are to the left of the majority party median, the more likely they are to roll the Republican majority. The opposite is true for Democrats: increasingly conservative bills are more likely to roll Democratic majorities. To visualize this relationship, Figure 8 displays the predicted marginal probability of a majority party roll on any given roll call vote as a function of the majority party and the ideological distance between the bill sponsors and the majority party median. As the figure shows, while the relationship is in the expected direction for both parties, the magnitude is much greater for Republican majorities. This implies that spatial factors are more important when it comes to rolling Republican majorities. Coinciding with these results, in both cases minority party sponsored bills are more likely to roll the majority party than either bipartisan-sponsored bills (the omitted category) or majority-sponsored bills.

Figure 8: Marginal Effects of Bill Distance to Chamber Majority Party Median for Minority Party Sponsored Bills, Pre-Final Passage
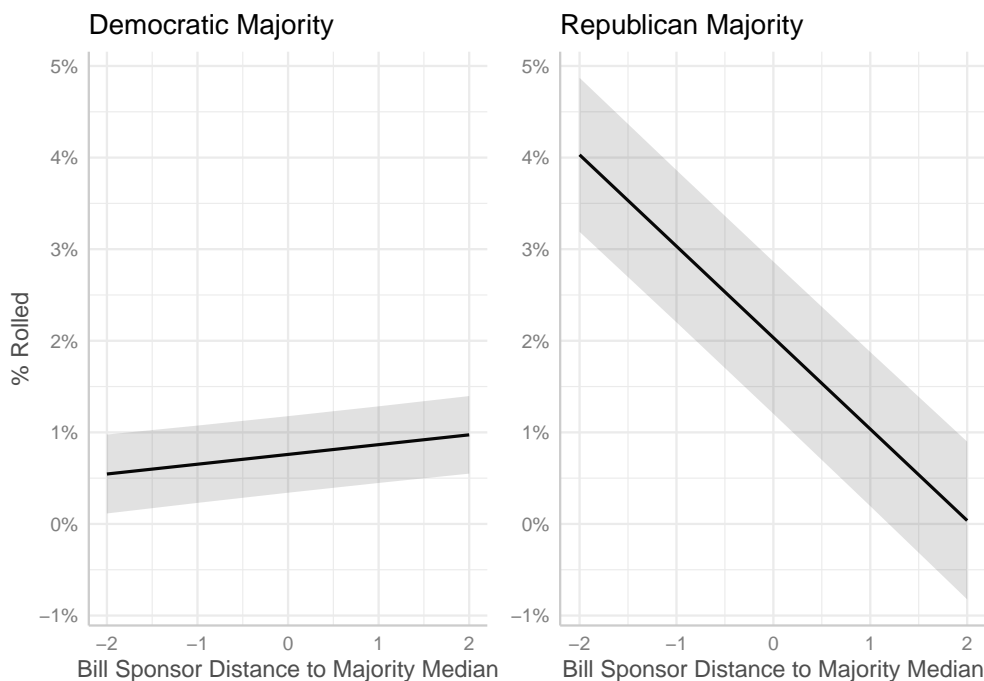

Of the other variables, we observe relationships that mostly align with expectations, although there are differences between the parties. For both parties larger majorities are less likely to get rolled. When Democrats control the chamber, the existence of a Republican governor makes it more likely a majority roll occurs. Given the low rates of majority party rolls observed in Democrat-controlled chambers, this suggests that cross-party control of the governor's chamber may be one of the few variables capable of upending Democratic agenda influence. For Republican majorities, the within-party standard deviation is positively associated with majority party rolls. More fractious Republican majorities do tend to get rolled more often, but it is unclear whether that is due to the powers these majorities are willing to delegate to their leaders or to the greater openness of some members to cross party lines and cooperate with Democratic minority party members.

To summarize, Republican majorities are more likely to get rolled (whether looking across or within institutions), and are being rolled on bills sponsored by liberal, minority party members. They do so more often when their party caucus is heterogeneous ideologically. Furthermore, more liberal members of the Republican majority are more likely to participate in rolls than more conservative members.

As a final descriptive analysis, we examine what *types* of bills roll the majority party. For these analyses, we use the bill issue area classifications developed by Garlick (2020). Following this, we aggregate bills to 1 of 19 topic areas.

Figure 9: Majority Roll Rate by Policy
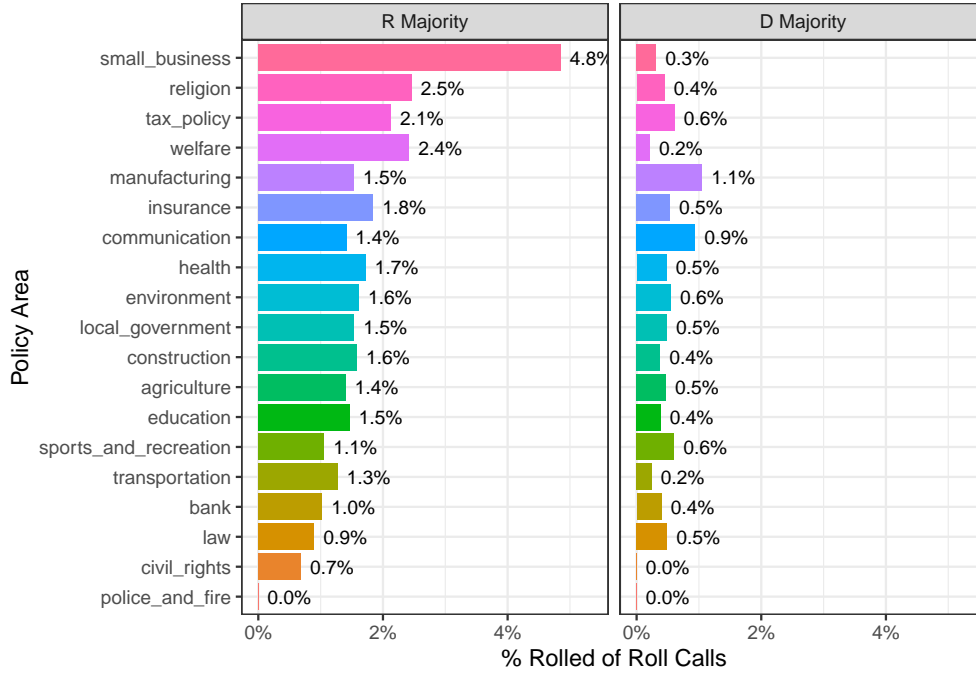
These roll rates are displayed in Figure 9, which again separates out the results for Republican and Democratic majorities, to identify differences between the two. Doing so is important, as different issue areas are more likely to produce majority rolls for each of the two majority parties. Among Republican majorities, the issue areas where they are rolled most frequently are largely issues dealing with economic policy (tax policy, insurance, construction). Of particular note is small business – a broad issue area that many bills fall into – where Republican majorities are rolled nearly twice as often as the next most common issue area. For Democrats, the bills that roll them most frequently are manufacturing, communication, and sports and recreation, although even in these categories rolls are much less frequent than the roll rate among Republicans for most bill categories.

5 Agenda Control Throughout the Legislative Process

Until this point our analyses have looked solely at floor votes, without distinguishing between different stages in the legislative process. One useful feature of our data, however, is the ability to consider final passage votes separately from pre-final passage votes (e.g., procedural votes, amendments, etc.), as well as the potential to examine voting in committees as well. This is particularly valuable given the importance of these pre-final passage stages in the functioning of agenda control, as Cox and McCubbins (2005; 2015) and others suggest. While a full decomposition of agenda control dynamics at the pre-final passage vote stage is beyond the

scope of this paper, in this section we present some initial descriptive results to depict how agenda control outcomes differ at different stages of the legislative process.

To do so, we group roll call votes into three types: final passage votes on the floor, pre-final passage floor votes, and committee votes. For each state, chamber, and majority party, we calculate the frequency of all four agenda control outcomes – blocks, disappointments, rolls, and successes. We then aggregate this across all states and chambers.[4]

Figure 10: Agenda Control Outcomes at Various Stages of the Legislative Process
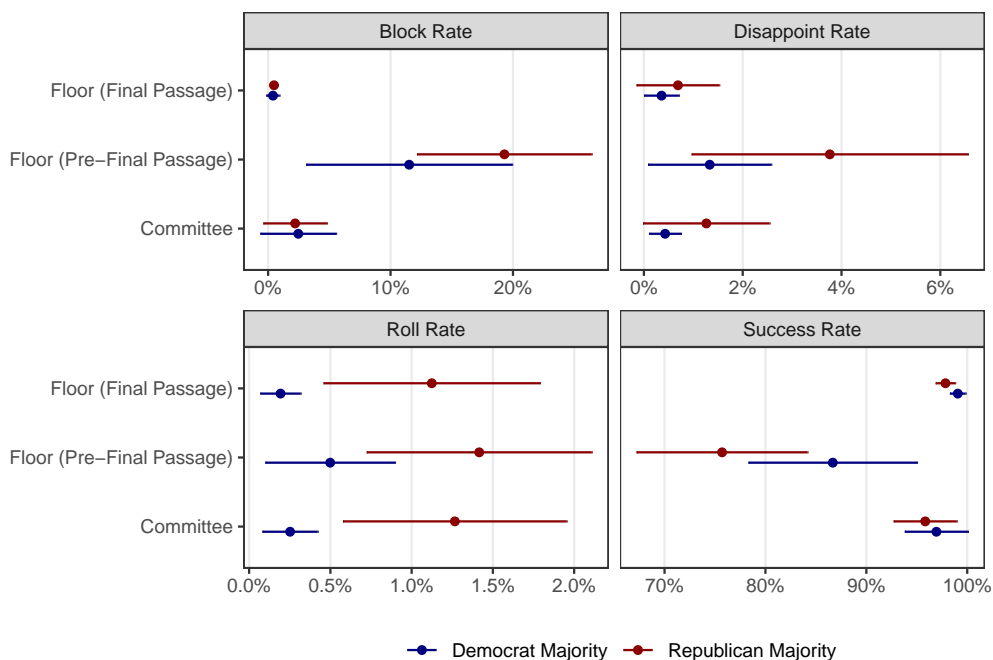
The result are displayed in Figure 10. Dots indicate the mean across states and chambers, while solid lines show 95% confidence intervals. The graphs reveal substantial differences in agenda control outcomes across stages of the legislative process. Notably, block rates are somewhat higher in committee than on final passage votes, but are considerably higher in pre-final passage votes on the floor. This pattern is consistent with minority parties being able to offer amendments and procedural votes on the floor that majorities oppose, but majority parties being able to outvote them. While not as stark of a difference, disappointments follow the same ordering of frequency by legislative stage. Majorities apparently also attempt amendment or procedural votes at this stage that end up failing. Consequently, the success rate at this stage is lower for majority parties.

Of the four agenda outcomes, there are not clear partisan asymmetries for three (blocks, disappointments,

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[4]To ensure differences across stage are not driven by differences in data availability across states, for these analyses we use only states for which we have both committee and floor votes.

and successes) at any of the different stages. For the fourth, majority rolls, the pattern uncovered earlier persists. Republican majorities get rolled not just in floor votes generally. They get rolled more frequently in final passage votes, in amendments and procedural votes, and in committees as well.

To explore this further, we run models similar to Table 1, but separate roll call votes into the three separate stages shown in Figure 10. Table 2 first displays the results for floor roll call votes, separated into final passage and pre-final passage.

Table 2: Regression Analysis of Majority Party Rolls, All Floor Votes

	Final Passage		Earlier Votes	
	D Majority	R Majority	D Majority	R Majority
Bill Sponsor Distance to Majority	0.001***	-0.010***	0.002*	-0.014***
	(0.000)	(0.001)	(0.001)	(0.001)
Majority Party Only Sponsors	-0.001	-0.002*	0.001	0.003*
	(0.000)	(0.001)	(0.001)	(0.001)
Minority Party Only Sponsors	0.004***	0.013***	0.003	0.004*
	(0.001)	(0.001)	(0.002)	(0.002)
Majority Party Size	-0.010***	-0.035***	-0.016	-0.027***
	(0.003)	(0.004)	(0.011)	(0.007)
Republican Governor	0.002***	0.000	0.003*	0.000
	(0.000)	(0.001)	(0.001)	(0.001)
Professionalism, Bowen 1D	0.000	0.004	-0.001	-0.004
	(0.000)	(0.002)	(0.002)	(0.003)
Majority Party Std Dev	0.000	0.021***	-0.001	0.006
	(0.002)	(0.005)	(0.006)	(0.008)
Num.Obs.	136390	192633	35685	112481
State REs	Y	Y	Y	Y
Bill REs	Y	Y	Y	Y

Standard errors displayed in parens. *p<0.05; **p<0.01; ***p<0.001

As can be seen in the table, the results are largely similar to the earlier ones. As before, the (signed) ideological distance between the bill sponsor and the majority party median is a significant predictor of roll likelihood across all four columns. Note, however, that the relevance of this spatial predictor is 1.5 - 2 times as large for pre-final passage votes as it is for final passage votes. Also similar to before, we find

that minority-sponsored bills are more likely to produce majority rolls. Larger majorities remain unlikely to be rolled at either stage. Gubernatorial party continue to matter in these results, and (unlike the table above) there is evidence cross-party governors lead to majority party rolls amongst Republicans as well as Democrats, at least on final passage votes. Finally, intraparty ideological heterogeneity seems to matter more for Republicans on final passage votes as opposed to earlier votes. This is consistent with Republicans having some ability to maintain voting discipline with a divided caucus on procedural votes, but being unable to keep this discipline when bills make it to the final passage stage

Table 3: Regression Analysis of Majority Party Rolls, Committee Votes

	D Majority	R Majority
Bill Sponsor Distance to Majority	0.002***	-0.004***
	(0.000)	(0.001)
Majority Party Only Sponsors	-0.001	-0.002
	(0.001)	(0.001)
Minority Party Only Sponsors	0.006***	0.016***
	(0.001)	(0.002)
Majority Party Size	-0.020***	-0.025***
	(0.005)	(0.006)
Republican Governor	0.005***	-0.002
	(0.001)	(0.001)
Professionalism, Bowen 1D	0.000	-0.023***
	(0.000)	(0.006)
Majority Party Std Dev	0.003	0.041***
	(0.003)	(0.010)
Num.Obs.	101921	102156
State REs	Y	Y
Bill REs	Y	Y

Standard errors displayed in parens. *p<0.05; **p<0.01; ***p<0.001

Finally, Table 3 displays the estimates for these regression models for committee votes. We continue to see similar relationships as before. The most notable difference from Table 2 is the sizably larger coefficient on majority party standard deviation for Republican majorities. While Republican majorities are susceptible to being rolled by within-party heterogeneity in final passage votes, they are approximately twice as susceptible

at the committee stage. Factionalism within the Republican party may lead rogue committee members to make alliances with Democratic minority members in a way that holds especially true within committees.

6   Polarization and Agenda Power

As a final analysis, we again take advantage of the panel structure of our paper to evaluate how polarization, a major trend in American politics over the past half-century and beyond, affects whether and how majority parties can control the agenda.

When *Legislative Leviathan* was first published in 1993, polarization was a recent development, and the majority of data analyzed in the book was from a depolarized era. In contrast, both Congress and the large majority of state legislatures today feature high levels of polarization, with essentially no ideological overlap between conservatives in the Republican Party and liberals in the Democratic Party.

Do these changes matter for agenda influence? How would we expect them to? To answer this requires going beyond Cox and McCubbins (1993), which posits near total control of the legislative agenda by the majority party absent any variation. Of course, as we have shown already, considerable variation exists in practice. An alternative theoretical perspective, that of *Conditional Party Government* (Aldrich 1995; Aldrich and Rohde 1997; Rohde 1991), argues that as parties become more differentiated from the opposition (and more cohesive internally), party members provide their leadership with greater resources necessary to achieve collective goals. Thus as polarization increases, majority party leaders should have greater ability to control the agenda to achieve majority party goals, as well as more motivation to restrict agenda access to minority parties. The theory of conditional party government would thus predict that increasing polarization should lead to more negative *and* positive agenda control, i.e., fewer rolls, and more successes.

As initial evidence on this question, we examine whether majorities in more polarized chambers are rolled less frequently than those in non-polarized chambers. The results of this cross-sectional analysis (conducted separately for Democratic and Republican majorities, to again allow for partisan differences) are shown in Figure 11. The x-axis displays the average polarization in the state for the time periods of the relevant party majorities. Polarization is measured as distance between the party medians and averaged across years and state legislative chambers.[5] The y-axis displays the average percentage of floor roll call votes where the majority party is rolled.

The figure reveals that negative agenda control does indeed differ depending on the level of polarization in a state, although once more we observe a stark partisan asymmetry. Republicans in low-polarization states like Louisiana get rolled infrequently, at similar rates as Democratic majorities. In contrast, Republicans

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[5]While we use inter-median distance, other measures of polarization are highly correlated with this one (Shor and McCarty 2011).

Figure 11: Majority Roll Rate by Legislative Polarization
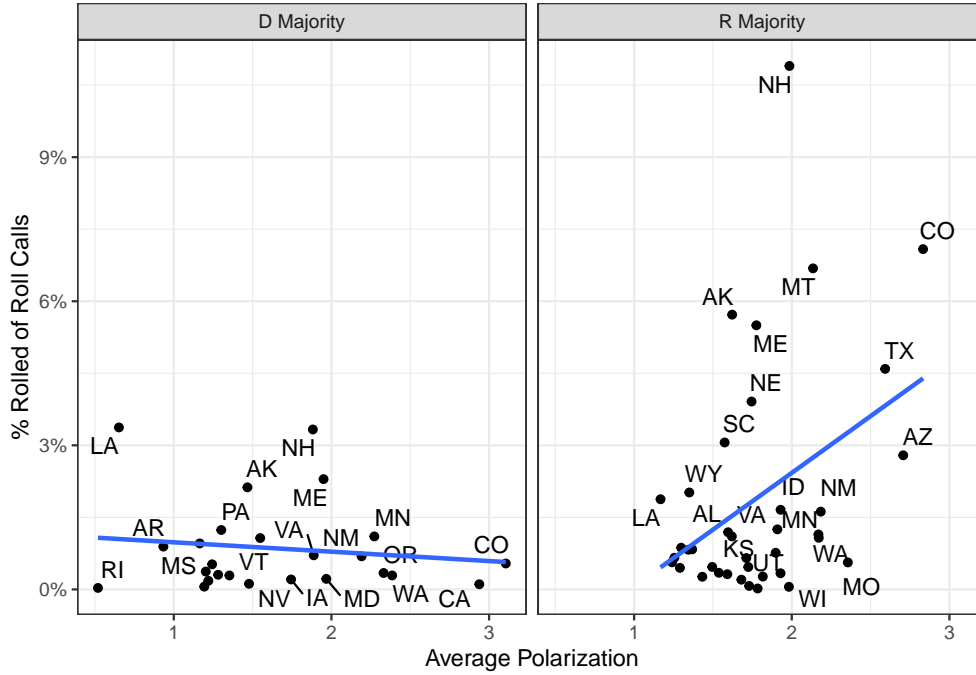
in high-polarization states (e.g., Colorado, Arizona, Montana, Texas) have much higher roll rates. No such relationship between polarization and roll rates appears to exist for Democrats, however. Notably, this runs opposite the prediction of conditional party government. Rather than polarization leading to more investment in party resources leading to more control, it apparently results in less.

The relationship displayed in Figure 11 averages across time. But does negative agenda control change when polarization increases within a chamber? And does positive agenda control display similar dynamics?

To answer these questions, we estimate a set of regression models where the dependent variables are the number of majority party "wins" and "losses" in the arenas of positive agenda control (successes vs. disappointments) and negative agenda control (blocks vs. rolls), measured as simple counts.[6] Unlike before, where the outcome was measured at the individual level, here we aggregate the measures to the state-chamber-session level as our primary independent variable of interest (polarization) is also measured at the state-chamber-session level.[7] Given that the data is no longer multilevel, we here use simple OLS regressions

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[6] As Jenkins and Monroe (2016) note, an alternative way to operationalize these measures is as a rate; in other words, using the count of successes, disappointments, etc. as a numerator and the total number of votes as a denominator. The advantage to this version of the measure is that it accounts for the number of opportunities for successes, opportunities for disappointments, etc. The problem with this measure is that it induces a dependency between the different measures. For instance, if a majority party obtains more positive agenda power, allowing them to put more bills up for a vote and obtain more successes, this will inflate the vote count *denominator* for the other three rates. In this case, the majority roll rate would decrease even absent any change in negative agenda control. For this reason, we prefer the count measures. The chamber and year fixed effects we include in our models, described in more detail below, account for much of the variation in opportunities that represent the primary advantage to the rate measure.

[7] We group together sessions in two-year intervals to compare across different states with different session lengths.

with fixed effects.

As above, polarization is measured using the absolute difference in the ideal point of the median Republican and the median Democrat, which ranges from 0.26 (the Rhode Island Senate in 2013-2014) to 3.3 (the Colorado House in 2021-2022). Higher values indicate greater polarization. Chamber fixed effects in all models control for not just state-specific but chamber-specific features. This includes, for example, such institutional features as committee chair selection methods, calendaring procedures, and more which do not typically change from legislative session to legislative session within a chamber. We also include year fixed effects which control for any changes across time common to all state legislative chambers.

In addition to the polarization and competition variables and the chamber and year fixed effects, similar to before we include controls for a variety of factors that might also affect majority agenda control. In line with our earlier findings, we include a binary indicator variable for Republican majorities, majority party size, divided gubernatorial (as well as chamber) control, and majority party heterogeneity. We also include a binary variable – *Majority Party Change* – indicating whether this is the first session a majority is in power, to account for one-time differences in agenda control that new majorities might experience.

We begin by considering the models using the negative agenda control DVs: majority rolls and majority blocks. The results are shown in Table 4. With regards to polarization and majority rolls, the pattern displayed in Figure 11 continues to hold in the within-chamber analysis. As polarization increases, Republican majorities get rolled more frequently, a relationship not observed among Democratic majorities.

As mentioned before, this finding contrasts with both the predictions of Cox and McCubbins (2005) as well as Aldrich and Rohde (1997). What would explain such a finding? One possibility is uneven polarization within the parties. Because we measure polarization using the party medians, it's possible that the majority of a party grow more extreme over time, while a moderate wing of the party remains close to the center. In such a case, the moderate wing might find itself more closely aligned with the minority party, at least on some issues, some of the time. Absent the strong agenda control powers described in Cox and McCubbins (1993; 2005), majority leaders might not be able to keep these issues off the agenda, producing more rolls than in the less polarized area.[8] This possibility is partially corroborated by the positive coefficient on the majority party standard deviation variable, suggesting this fracturing contributes to a lack of negative agenda control.

In contrast to the findings on rolls, we find no evidence that polarization (or other factors outside of divided gubernatorial control) affect the number of majority party blocks.

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[8]This explanation also shares some logic with the conditional party government explanation, in that a majority party split into extreme and moderate wings might be less likely to delegate strong agenda control powers to their leaders.

Table 4: Polarization and Negative Agenda Control

	Rolls	Rolls	Blocks	Blocks
Difference in Party Medians	0.57	33.23**	88.26	34.44
	(4.65)	(11.07)	(78.62)	(18.33)
Majority Party Size	-0.16	-1.51***	1.13	-0.74
	(0.12)	(0.35)	(1.05)	(0.41)
Majority Party Std Dev	9.06	112.51**	-18.73	70.75
	(16.50)	(38.91)	(72.84)	(46.89)
Majority Party Change	0.19	18.36	21.13	-14.17
	(2.57)	(15.73)	(10.61)	(15.22)
Divided Chamber Control	-1.33	-12.24*	-22.28	11.88
	(3.07)	(6.07)	(15.35)	(29.75)
Divided Government	0.05	-2.38	-13.65*	-13.69
	(1.21)	(3.93)	(6.40)	(7.15)
Num.Obs.	183	350	183	350
R2 Adj.	0.511	0.757	0.701	0.714
Majority Party	D	R	D	R
Chamber FEs	Y	Y	Y	Y
Session FEs	Y	Y	Y	Y

Standard errors clustered at state level.

Table 5 repeats this analysis, but for the positive agenda power measures. Once again, we find that polarization matters for agenda control in ways that differ by party. Among Democratic majorities, polarization is associated with a greater number of successes. This finding *does* correspond with the logic of conditional party government, if growing polarization leads majority parties to endow leaders with additional resources and powers enabling them to pass more legislation.[9] On the other hand, we find that for Democrats greater within-party heterogeneity also leads to more successes, a finding that runs counter to the logic of conditional party government. Once again, it appears more theory is required to make sense of these trends.

In contrast, there is no evidence that any of these factors make much of a difference for the frequency of majority party successes for Republican majorities. Additionally, we find no evidence of an effect of polarization on majority disappointments for either party. This latter non-finding again might be consistent with the fact that disappointments are an idiosyncratic phenomenon, likely driven by miscalculation in the

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[9]It contrasts with the predictions of some (e.g., Krehbiel (1998)) suggesting that polarization should lead to more gridlock.

amount of support a bill has, rather than any systematic factors tied to polarization or other political factors

To summarize the results of this section, in a variety of within-state analyses using our data we find considerable evidence that both positive and negative partisan agenda control are shaped by polarization, albeit in distinct ways. Positive agenda power appears to grow in response to polarization, while negative agenda power seems to weaken. This latter finding in particular is inconsistent with existing theories of agenda control and partisan power, suggesting that more work needs to be done to understand the contingent nature of agenda influence.

Table 5: Polarization and Positive Agenda Control

	Successes	Successes	Disappoints	Disappoints
Difference in Party Medians	935.10*	70.07	7.68	183.83
	(455.40)	(165.09)	(8.25)	(163.25)
Majority Party Size	-3.65	-0.84	-0.36	0.21
	(9.21)	(4.14)	(0.65)	(1.00)
Majority Party Std Dev	1294.13*	-130.43	-26.03	75.33
	(640.77)	(381.09)	(49.23)	(118.01)
Majority Party Change	477.48	21.65	-0.26	-0.87
	(250.45)	(48.22)	(5.73)	(21.02)
Divided Chamber Control	-369.21*	-314.02	-2.99	4.29
	(142.54)	(202.94)	(6.73)	(25.15)
Divided Government	-26.00	-115.51	1.54	-2.53
	(83.24)	(63.19)	(3.94)	(9.23)
Num.Obs.	183	350	183	350
R2 Adj.	0.888	0.846	0.540	-0.026
Majority Party	D	R	D	R
Chamber FEs	Y	Y	Y	Y
Session FEs	Y	Y	Y	Y

Standard errors clustered at state level.

7 Discussion

Understanding the conditions under which majority parties wield agenda powers is crucial to knowing which policies will successful. As we demonstrate, agenda control measures such as majority party rolls and

majority party successes vary considerably both across and within institutions, in sometimes surprising ways. Amongst other findings, this paper highlights a striking empirical regularity: across almost all contexts that we analyze, Republican majorities are rolled much more frequently than their Democratic counterparts. Further partisan asymmetries in majority party rolls are found nearly everywhere: the spatial effect of bill location (bill moderation affects Republicans but not Democrats), the partisan effect of bill sponsorship (minority party sponsorship affects Republicans but not Democrats), the effect of majority caucus ideological heterogeneity (internal caucus diversity affects Republicans but not Democrats), the effect of polarization (which affects Republicans but not Democrats) and the effect of party competition (more competition affects Republicans but not Democrats).

In addition to these differences in negative agenda control, we also document differences in positive agenda control as well. Here Democrats stand out, getting more of their favored policies passed than Republicans. Here too this difference is conditional, however, with Democratic majorities demonstrating even more success when polarization as well as intraparty heterogeneity increase. Taken together, Democrats in state legislatures appear to have an important coalitional advantages relative to Republicans. When in the minority, they can write bills that advance towards passage, even in hostile territory. When in the majority, they can prevent Republicans from advancing their own favored bills. When in committee and in the early stages of bill passage, Democrats are particularly successful in enforcing discipline.

One interpretation that might connect these seemingly disparate findings is that Democratic majorities in contemporary state legislatures function as cartels that control the agenda, in the sense of Cox and McCubbins, while Republican majorities do not. If this is the case, however, it raises the question of why one major party in American politics – in a variety of very different contexts – regularly wield agenda power like a leviathan, while the other more closely resembles the goldfish.

Although an answer to why Democratic parties wield agenda control more effectively than Republicans remains elusive, the consistency and magnitude of the relationship suggests this is important to developing a more generalizable understanding of how agenda control works. The data introduced in this paper, enabling agenda control to be studied at the level of the individual bill and the individual vote, should be a valuable tool in furthering this understanding. Given the critical role of agenda setting in the policymaking process, additional research addressing these questions and using these data is well warranted.

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