Partisan competition undermines legislative efficiency in state legislatures only in very specific situations.

With legislative gridlock at the national level, recent years have seen state legislatures take new prominence in putting forward and enacting often controversial legislation. But how does partisan competition affect how legislatures process new laws? In new research, which examines lawmaking in 48 state legislatures over two decades, **William D. Hicks** *finds that when a minority party in a state legislature is large, and when polarization is high, it can significantly reduce the number of bills adopted. On the other hand, a strong majority party, when facing a governor from an opposite party, will tend to push through more legislation in order to put political pressure on the governor.*

In its 2014 Legislative Report, the Washington State Labor Council (WSLC) informed its membership that Republicans in the state senate had "killed dozens of House-approved labor-backed bills on everything from wage theft to electricians' certification, in most cases without a public hearing." The group's report ultimately paints a picture of a publicly supported legislative agenda dismantled by partisan bickering. That U.S. state governments separate power between legislative chambers (aside from Nebraska's unicameral legislature), and between the legislature and governor, means that legislation has to overcome serious hurdles on its way to adoption. Is it fair to blame competition between the parties, as the WSLC did, for inefficiencies inherent in American-style government? How responsible are parties for facilitating or obstructing legislation?

I evaluated this question in recent research through a systematic evaluation of 48 state legislatures from 1991-2009. In particular, I investigated the conditions under which partisan competition enhances or frustrates the number of bills a legislature enacts, controlling for the number of bills it introduces. I found that partisan competition matters a great deal. Specifically, the efficiency with which a legislature enacts laws hinges on (a) the distribution of legislative seats between Republicans and Democrats, (b) polarization between these parties, and (c) whether or not the governor's party is different from the majority party of at least one the legislature's chambers.

Theoretically, it makes sense that parties matter. By coordinating collective action in a legislative setting, parties help legislators overcome institutional hurdles that would otherwise impede their ability to pursue key electoral and policy related goals. Because parties provide this service, legislators delegate power to their party leaders, who are in a better position to achieve those goals. Majority party leaders are best able to pursue the interests of their members when their coalition holds a sizeable numerical advantage across and within legislative chambers. On the other hand, a strong minority party can frustrate the majority's agenda when it has a sizeable coalition. The minority party, for example, can exploit procedural opportunities to obstruct policymaking (e.g., filibustering), as is currently the case in the U.S. Senate where minority Democrats are obstructing a Republican bill to fund the Department of Homeland Security.

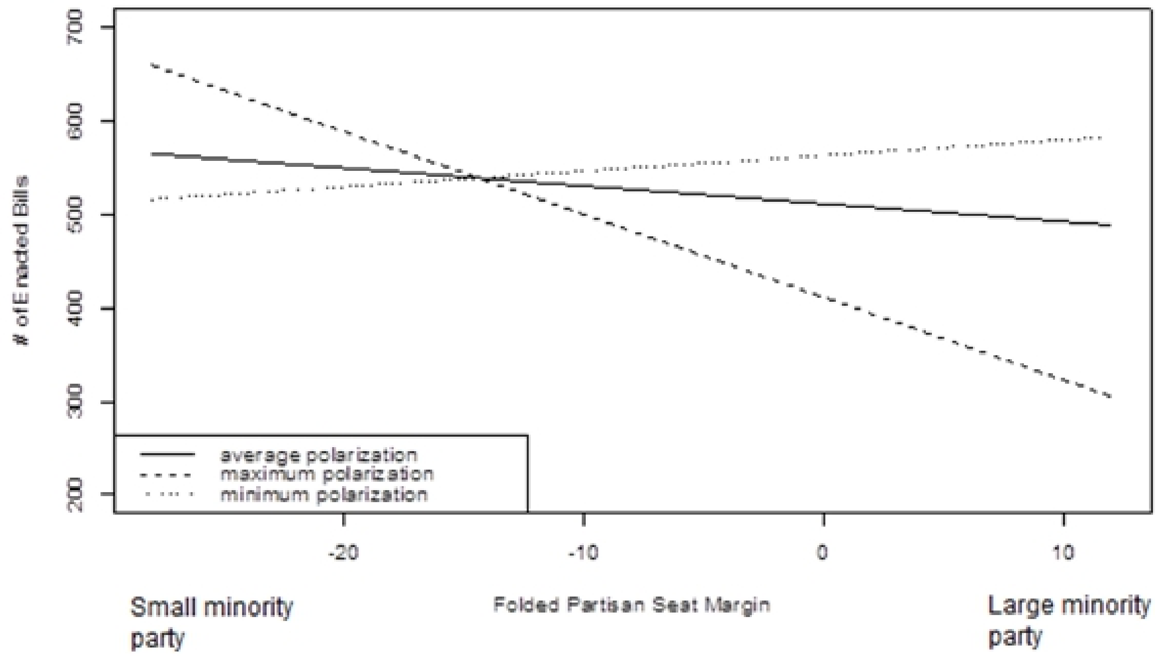
Legislators' motivation to delegate power to their party leaders, however, also depends on the amount of polarization. If all Democratic legislators are liberal, and all Republican legislators are conservative, then legislators have little to lose personally by delegating power to leaders. In effect, Democrats are more likely to *share* electoral and policy interests, and to oppose the electoral and policy interests of Republicans. If the minority party has a sizeable coalition, and it's polarized from the majority party, then its capacity *and* incentive to obstruct the majority party's legislative actions are immense.

The governor, and his or her partisan affiliation, also matters. As key political actors who set the legislative agenda, build legislative coalitions as team leaders, rally public opinion, and threaten the use of vetoes, governors influence the content of legislation and the efficiency with which its passed. A sizeable and ideologically cohesive minority party is in an even more impressive position to frustrate the majority party's agenda if it shares its party affiliation with the governor.

With these ideas in mind, I statistically mapped the influence of these partisan conditions on the number bills a legislature enacts, controlling for the number of bills it introduces, in a given year. While controlling for other important sources of legislative efficiency, I looked in particular at three key variables and their interaction: (1) the partisan seat margin, which is the distribution of seats between the majority and minority legislative parties, (2) the amount of polarization between the majority and minority legislative parties, and (3) whether or not the governor's party differed from the majority party in at least one of the legislative chambers. What I found largely confirms the ideas I mention above, with some very interesting nuances.

Figures 1 and 2 provide my key findings regarding the *folded* partisan seat margin. Larger values of this variable signify a *large* minority party in the legislature, while *small* values signify a very small minority party (i.e., a dominate majority party). Figure 1 is based on the assumption that the party of the governor differs from the majority party in both legislative chambers (i.e., divided government), while Figure 2 assumes unified government. The solid line in each graph shows the number of bills a legislature enacts as the size of the minority party grows, when polarization is average. The short dashed line represents this relationship when polarization is low, and the long dashed line represents this relationship when polarization is high.

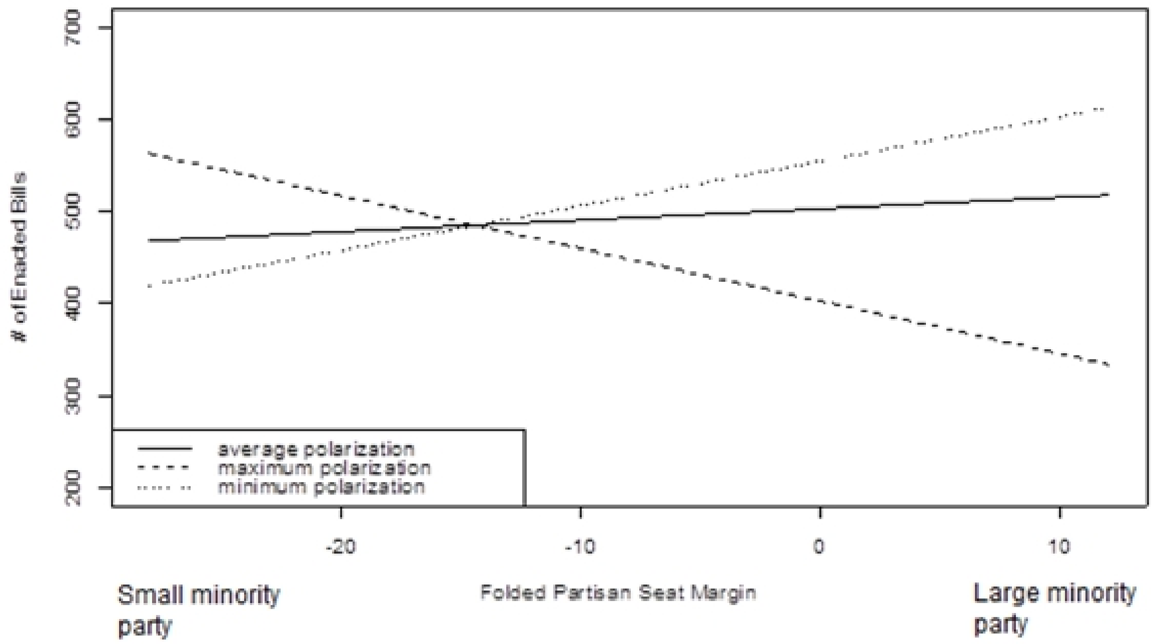
Figure 1 – The effect of the partisan seat margin on the number of bills a legislature enacts during divided government



The key finding in both figures is that larger minority parties reduce the number of bills a legislature enacts *only* when polarization is above average. With average or less than average polarization, however, legislatures with large minority parties may enact more bills than legislatures with small minority parties. This relationship is particularly pronounced during unified government. Competition between the parties in terms of majority status may compel the majority party to enact legislation *more* efficiently provided that it controls both chambers and the executive.

These nuanced findings encouraged me to also look at the marginal effect of *divided government* on the number of bills a legislature enacts, depending on the size of the minority party in the legislature. I found that divided government reduces the number of bills a legislature enacts *only* when the minority legislative party is quite large. On the other hand, divided government *increases* legislative efficiency when the party opposite that of the governor dominates the legislature, and this effect is quite large. It seems that when facing a governor of the opposite party, a strong majority party in the legislature has added incentives and capabilities to enact policies aimed at undermining the governor's position politically.

Figure 2 – The effect of the partisan seat margin on the number of bills a legislature enacts during unified government



Competition between political parties definitely matters in determining the efficiency with which legislatures process legislation. However, its influence may be more nuanced than many people assume. On the one hand, a large and cohesive minority legislative party often significantly and substantively reduces the number of bills a legislature adopts. On the other hand, a large majority party increases the number of bills a legislature enacts when it competes with a governor of the opposite party.

This article is based on the paper 'Partisan Competition and the Efficiency of Lawmaking in American State Legislatures, 1991- 2009', in American Politics Research.

Featured image: New York state Assembly Credit: Matt Wade (Flickr, CC-BY-SA-2.0)

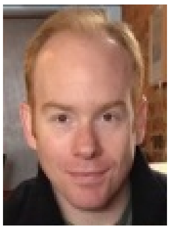
Please read our comments policy before commenting.

Note: This article gives the views of the author, and not the position of USApp– American Politics and Policy, nor of the London School of Economics.

Shortened URL for this post: **http://bit.ly/1DjbQZ4**

About the author

William D. Hicks – *Appalachian State University*



William D. Hicks is an assistant professor of political science at Appalachian State University. His areas of teaching and research focus primarily on American Politics with concentrations in direct democracy, state and federal legislative politics, and public opinion. His recent publications include "Initiatives Within Representative Government: Political Competition and Initiative Use in the American States," published in *State Politics and Policy Quarterly and "A Principle or a Strategy? Voter Identification Laws and Partisan Competition in the American States," published with Seth C. McKee, Mitchel D. Sellers, and Daniel A. Smith in Political Research Quarterly,* and "State Campaigns and Elections," published with Daniel A. Smith in the *Oxford Handbook of State and Local Government.*