

**Legislative Success in Open Sky Congresses:  
Weak Gatekeeping Prerogatives and the Loss of Majority Support**

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*Abstract:* In legislatures with weak gatekeeping institutions and constrained plenary time, scheduling rules and majority requirements explain inter-party differences in the consideration and approval of law initiatives. In this paper we use a mixture survival model to analyze legislative success in a Legislature with very weak gatekeeping prerogatives, the House of Representatives of Uruguay. We provide evidence that the loss of majority support depletes plenary time more rapidly and yields an ideological drift that benefits the median voter of the House. Our results inform recent debates on the endogenous formation of plenary schedule in open sky legislatures.

In this article we analyze how the loss of majority support affects the scheduling and approval of law initiatives in a legislature with very weak gatekeeping institutions i.e. “open sky” legislature. We provide evidence that the scheduling and consideration of law initiatives is different in majority-led, coalition-led, and plurality-led Congresses. Further, we estimate the extent to which time to approval increases and legislative success declines in coalition- and plurality-led Congresses. This decline in success is accompanied by an ideological drift that favors the median voter of the chamber.

In recent years there has been increasing interest on the endogenous drafting of plenary schedules and their effect on legislative success (Banks and Gasmi 1987; Copic and Katz 2014; Cox and McCubbins 2011; Penn 2008). The emerging literature argues that partisan contexts and formal rules interact with each other, affecting the drafting of the schedule as well as the approval of law initiatives. The consideration and approval of legislation, for example, should differ by the type of actor that is charged with the authority to draft the plenary schedule –e.g. chamber authorities, rules committee, committee majorities, plenary majorities, etc.—and the partisan composition of Congress. Our results inform recent debates on the endogenous formation of plenary schedules and their effect in the consideration and approval of law initiatives in open sky legislatures (Patty and Penn 2008; Patty 2007; Cox and McCubbins 2011).

To analyze the effect of scheduling rules on legislative success, we take advantage of an original dataset that includes all bills proposed to the House of Representatives of Uruguay in the last fifteen years. The House of Representatives of Uruguay provides a perfect test case, as it schedules law initiatives on first-come-first-served basis. The default schedule can only be modified at the beginning of the session through a majority vote. In consequence, changes in the

partisan environment in Congress also result in changes in the order of consideration and approval of initiatives on the plenary floor.

Results from our analyses show that the ability of the majority party to alter the committee and plenary schedules significantly increases the legislative success of initiatives sponsored by its median party member. The loss of majority support, by contrast, imposes a more demanding consideration and approval schedule that deplete committee and plenary time. The result is a decline in the number of bills approved as well as an ideological drift that benefits initiatives sponsored by the global median voter of the House. Our results clearly link bottlenecks on the plenary floor and the rates of legislative success of the House of Representatives of Uruguay. In doing so, they inform on a broad set of plurality-led congresses, where no party is in control of a majority of seats.

The case of Uruguay also informs on the more general issues of endogenous agenda setting with and without majority support. As described by Patty (2007), discharge petitions in the US Congress still require the support of the Speaker of the House or a majority of members of the Rules Committee. As such, discharge petitions are unable to endogenously alter the plenary schedule and are subject to partisan maneuvering and agenda setting by committee and House authorities. By contrast, the House of Representatives of Uruguay can alter the order of consideration of initiatives both at the committee and floor level through simple majority votes, without endowing the Chamber authorities with the capacity to force or prevent consideration. In doing so, it provides researcher with the opportunity to observe endogenous changes in the organization of the schedule and measure its effect on legislative success.

The order of presentation of this article is the following: in the next two sections we discuss the organization of the plenary schedule in relatively unregulated legislative environments. We

then describe the partisan environment in Uruguay, distinguishing majority-led, coalition-led, and plurality-led congresses. In the third section we present estimates of a mixture (cure) model that measures the likelihood of plenary success as well as the time to approval. In the fourth section we compare model results to other Congresses and discuss differences between open sky and restricted sky legislatures. We conclude in the fifth section.

### **Open Sky Legislatures**

In a recent article, Gary W. Cox and Matthew McCubbins (2011) characterize legislative environments in a continuum that goes from *open sky* legislatures to *restricted sky* legislatures. Drawing a parallel to the allocation of landing strip authorizations in busy airports, Cox and McCubbins describe open sky legislatures as those that impose no restrictions for the scheduling of bills and their consideration on the plenary floor. In open sky legislatures, bills are considered on first-come-first-served basis and initiatives that are difficult to approve delay the consideration of subsequent bills, imposing high legislative costs on all members of Congress. Limited gatekeeping authority and unrestricted access to the floor, they argue, result in plenary bottlenecks and reduce overall productivity.

Because the supply of plenary time is fixed, busy legislatures cannot operate under open sky rules. Consequently, legislators create institutions that restrict the number of bills that may be reported to the plenary floor ([Cox 2006](#); [Shepsle and Weingast 1987](#); [Weingast 1989](#); [Krehbiel 1996](#); [Krehbiel, Shepsle, and Weingast 1987](#)). Committees, chairmanships, and leadership posts, are key institutions that regulate the scheduling of bills for their consideration (Cox and McCubbins 2011). Consequently, busy legislatures consider a restricted menu of bills on the floor and heavily regulate debate by members.

There is a burgeoning literature describing reporting and scheduling rules that differ markedly across legislatures, with a variety of formal and informal institutional mechanisms that endow members with the authority to make binding decisions that shape the legislative process.<sup>1</sup> Busy legislatures such as those of the US, Argentina, and Brazil, screen a majority of bills at the committee stage (Figueiredo, Cheibub, and Limongi 2000; Figueiredo and Limongi 1999; Pereira and Mueller 2004; Cox and McCubbins 2005; Cox and McCubbins 2011; Calvo and Sagarzazu 2011). Other legislatures such as those of Chile or Uruguay have considerably less crowded legislative environments (Alemán and Navia 2009; Alemán and Saiegh 2007; Chasqueti 2013).

The House of Representatives of Uruguay, for example, has to process but a few hundred bills every year, with representatives approving an average of 31 per cent of all bills proposed by its members. Given that few bills are submitted on any given congressional period, reporting and scheduling rules are very permissive. Indeed, Uruguay provides a perfect example of an open sky legislature, with weak gatekeeping institutions and a relatively unregulated use of plenary time ([Morgenstern 2001](#); [Alemán 2006](#); [Chasqueti 2013](#)).

While the Uruguayan Congress approximates well a “pure” open sky legislature, a motion can be proposed at the beginning of the committee or plenary session to alter the order of consideration of bills by a majority vote. Altering the committee or plenary schedule will increase legislative success, given that the majority bloc may favor initiatives with broader consensus that will not divide their party, relegating controversial or difficult bills to the end of the line. By contrast, the loss of majority support will drive the Uruguayan legislature onto a more demanding

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<sup>1</sup> See Krehbiel (1998), Cox and McCubbins (2005), and Rohde (1991). For the particular cases of Latin America, see Aleman (2006) for a description of agenda setting rules in Latin America. See Crisp and Driscoll for a discussion of voting procedures (Crisp and Driscoll 2012) and Saiegh(2011) for a general comparative analyses of legislative success under different partisan contexts.

schedule, forced to consider initiatives on first-come-first-served basis that will deplete committee and plenary time and reduce overall success.

To explore the determinants of committee and plenary success in Uruguay, we estimate a “cure” model measuring the probability that a bill will be successfully approved as well as the time that it takes to be approved (Sy and Taylor 2000; Zhang and Peng 2007). Because a sizable fraction of bills will never be approved, our model jointly estimates the probability of success as well as the time to success, presenting a full picture of the effect that contextual changes in majority support have on legislative success. Using information describing the ideological distribution of legislators’ preferences as well as information about the ideological location of the sponsor of law initiatives, we describe how scheduling rules and partisan contexts explain legislative success in the Uruguayan House of Representatives.

### ***Open Sky Rules and the Scheduling of Law Initiatives***

The Uruguayan Congress elects 99 House members and 30 Senators for a period of five years, in national general elections that also elect the President and Vice President of the Republic. House rules in Uruguay provide few mechanisms to alter the flow of legislative initiatives to the plenary floor. Chamber and committee authorities in Uruguay lack formal resources to restrict the reporting of initiatives even when a bill moves the status quo away from senior members of the majority party. Let us succinctly describe the main characteristics of the committee system in Uruguay:

1. Each committee replicates the partisan context of the House plenary, with shares of committee members that are proportional to the shares of seats in the House. Similarly, chairmanships are distributed to parties in proportion to House seat shares. However,

chairs in the most important committee are generally allocated to the largest party or coalition in the House.

2. In the House of Representatives of Uruguay, committee chairs have no control over the committee schedule and can be easily overruled by committee members even if majorities are absent. Different from the Argentine committee system, which allocate all scheduling authority to chairs; committee chairs in Uruguay are unable to block the consideration of law initiatives if requested by a committee member.
3. More importantly, if the committee is unable to draft a majority report, a minority of committee members may draft a report to discharge a bill to the plenary floor. The ability to discharge bills with less than majority support contrasts with the US, the Argentine, and the Brazilian committee systems, all of which have more stringent reporting requirements.<sup>2</sup>
4. Thirdly, non-partisan scheduling rules require that bills be brought to the floor by their processing number ("*orden del dia*"), unless there is a majority vote on the plenary floor. The default consideration and approval process, consequently, prevents the Chamber Directorate from altering the schedule when no plenary majority is formed.
5. If committee members are not willing to report a bill, "*urgency requests*" can be entered during plenary debate in order to speed up the consideration of initiatives in committee. If the committee still fails to draft a report, a small number of legislators can request a change of venue with an *ad hoc* committee created to deal with the proposed initiative.
6. Finally, all initiatives are brought to the floor under "open rule," where amendments can be easily offered and voted with very few constraints([Chasquetti 2013](#)). In all, weak

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<sup>2</sup> Committees may draft multiple minority reports. Bills with majority and multiple minority reports will be considered in order until one of the versions is approved, beginning with the majority report proposal.

gatekeeping institutions prevent majority, plurality, and minority parties from advancing their legislative goals through procedural maneuvers that constrain the median voter of the Chamber.

These important traits are summarized in Table 1 in the next page, showing the main characteristics of the relatively unregulated Uruguayan Congress. The consequences of limited gatekeeping prerogatives in Uruguay are noteworthy.

**<<Insert Table 1>>**

Because committees can be easily overruled and the order of consideration on the plenary floor can only be altered by a majority vote, the loss of majority support forces the House onto a more demanding plenary schedule. This schedule cannot be bypassed by the Chamber Directorate as in Argentina or through logrolling in committee as in Brazil, reducing overall success and increasing the political clout of the median voter of the House. Differences between majority and plurality-led Congresses, consequently, result from committee and plenary bottlenecks in the management of the legislative agenda.

As we will show, the loss of majority support will result in an ideological drift that benefits legislation sponsored by the median voter of the chamber. However, given that the legislative gates can only be shut down by marshaling committee and plenary majorities, legislative success will be higher when a party or coalition has a majority of the House and can vote to alter the plenary schedule. That is, when a majority party or coalition is able to force House members to debate



their preferred bills at the beginning of the plenary session or to delay consideration of bills they dislike.

Overall, the loss of majority support in the House of Representatives of Uruguay results in a larger share of time consuming bills being scheduled for debate and a decline in the available time to consider and approve bills that may have broader support. As in Argentina, the loss of majority support explains a small drift that benefits the median voter of the House. However, the lack of majorities also results in an increase in the number of time consuming bills reported to and approved on the plenary floor.

### **Party Politics, Coalitions, and the House of Representatives in Uruguay**

Uruguay has long been considered one of the most stable and institutionally robust democracies in the Americas, in spite of a violent civic-military rupture from 1973 through 1985. For most of a century -1836 and until 1971-, Uruguay has two catch-all traditional parties which alternated in the Executive and elected representatives in competitive national elections: the *Colorado Party* and the *Nacional (Blanco) Party*. The use of a double simultaneous vote formula<sup>3</sup> ensured that competing factions within each of these parties routinely elected representatives to Congress, resulting in a legislative environment that was considerably more fragmented than that expected in a two party system. This relatively fragmented legislative environment explains a tradition of accommodation (Altman 2002; Chasqueti and Micozzi 2012; Buquet 1998) similar to that of Chile in the pre-1960 years (Alemán 2009).

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<sup>3</sup> The double-simultaneous vote formula is a type of apparentement rule, where different factions of a party present their own sub-lists of candidates. On Election Day, voters cast a preference for one of the sub-lists, with seat shares being allocating in proportion to the total party votes (sum of all sub-lists) and the party candidates being selected as a function of the shares of votes for each of the sub-lists. There is wide consensus among scholars that the double-simultaneous vote explains the high level of within party factionalism in the Uruguayan Congress.

By 1971 a third major party entered in the electoral arena: the leftist *Frente Amplio* (FA). After democratization in 1985, a three party system consolidated with three Colorado Presidencies (Julio Maria Sanguinetti, 1985-1990 and 1995-2000; Jorge Battle, 2000-2005), two Frente Amplio presidencies (Tabaré Vázquez, 2005-2010; Jose “Pepe” Mujica, 2010- ), and one Blanco Presidency (Luis Alberto Lacalle, 1995-2000). Significant alternation in the executive was accompanied by a very competitive allocation of seats in Congress.

The party system in Uruguay is considered one of the most programmatically oriented in the region, with close to 90 per cent of voters being able to place themselves on the left-right scale, well above the region’s average (LAPOP 2011). Parties also have clear and identifiable brands, with the *Frente Amplio* being perceived by most voters as a center-left party and the Blanco and Colorado reported by most voters as center-right parties ([Altman et al. 2009](#); Altman 2002). Stable and well known party brands contrasts with countries such as Argentina or Brazil, where most parties display weaker programmatic identities and lower recognition among voters (Calvo and Murillo 2013).

### ***The Legislative Environment in the House of Representatives of Uruguay***

National elections in Uruguay take place every five years, selecting the President, Vice President and all members of Congress. House seats are allocated using Proportional Representation with a D’Hont formula in small to moderately sized districts. The exception is Montevideo, the capital, which elects 45 Deputies. Since democratization in 1985, the partisan environment has steadily veered towards the left, with the *Frente Amplio* increasing its seat share in both the House and Senate from around 20 per cent in 1989 to over 50 per cent of representatives since 2005.

With the rise of the leftist *Frente Amplio*, the conservative *Blanco* and *Colorado* Parties stepped up collaboration in the consideration and approval of bills. This collaboration included increased cosponsorship of initiatives and coordinated committee and floor strategies. This coalition between the Blanco and Colorado parties (1995-2002) included the allocation of cabinet posts to senior members of both parties.

**<<Insert Figure 1>>**

Different from much of Latin America, the dominant dimension that articulates collaboration and voting in the Uruguayan Congress is left-right (Altman 2002; Alemán et al. 2009; Kitschelt et al. 2010). Both roll-call data and cosponsorship data scales Uruguayan parties along the same dimension, with the *Frente Amplio* on the left or center-left, and the Colorado and Blanco parties moving between the center and the center-right of the political spectrum.

Figure 1 in describes the position of representatives along this left-right dimension in the 44<sup>th</sup> (1995-2000), the 45<sup>th</sup> (2000-2005), and 46<sup>th</sup> (2005-2010) Houses in Congresses. The preferences of representatives were recovered using cosponsorship data as described in Aleman et. al. (2009), showing progressively a more compact and dominant *Frente Amplio* from 1995 to 2010. We also see the median-voter in the plenary floor moving from the right of the political spectrum in Congress 44<sup>th</sup>, to the center-right in Congress 45<sup>th</sup>, and the center-left in Congress 46<sup>th</sup>.

It is worth describing in some detail the partisan environment in each of these Congresses. The Colorado Party –the party of President Sanguinetti (1995-2000)— held a plurality of seats in the 44<sup>th</sup> Congress, forming a formal majority coalition with the Blanco Party from 1995 until 2000. The plurality party in Congress 45<sup>th</sup> was the opposition party *Frente Amplio*, facing a majority

coalition of Blanco and Colorado representatives that aligned with President Batlle.<sup>4</sup> Finally, the *Frente Amplio* controlled a majority of seats in the 46<sup>th</sup> Congress, under the leftist Presidency of Tabaré Vázquez.

In all, we have significant variation in the House of Representatives of Uruguay, with plurality-led Congresses from 2002 through 2005; a majority coalition from 1995 through 2002; and a majority-led Congress from 2005 through 2010. Each of these different legislative environments resulted in legislative success rates and in times to successes that vary in predictable ways.

### ***Legislative Success and the Institutional Organization of the House of Representatives***

In Uruguay, approximately 69 per cent of bills in the House and 44.5 per cent in the Senate are initiated by individual legislators. Furthermore, between 1995 and 2010 approximately 44.7 per cent of bills approved in the House and 22 per cent of bills approved in the Senate were sponsored by Legislators, with the remaining bills primarily sponsored by the President and cabinet members. Consequently, the Parliament in Uruguay both amends executive initiatives and actively pursues its own legislative agenda.

The House of Representatives is a more challenging legislative environment, approving in the initial chamber 30 per cent of bills proposed by its members compared to 33 per cent in the Senate.<sup>5</sup> Given that the Argentine and Brazilian Congresses approve between 3 and 6 per cent of the bills proposed by legislators, representatives in Uruguay are considerably more likely to see their bills considered and approved.

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<sup>4</sup> This coalition collapsed in 2002 and from then and until the end of the term, President Batlle had the sole support of his minority party (Chasqueti 2013).

<sup>5</sup> The rate of overall success (final approval by Congress) is also lower for members of the House, 24 per cent, compared to members of the Senate, 27 per cent.

## **The Legislative Consideration of Initiatives in Committee**

Legislative initiatives in the House of Representatives of Uruguay are formally entered through *Mesa de Entrada* –e.g. the parliamentarian-. A reading by expert staff assigns each project a file number and conducts a technical reading to determine the committee that will report on a bill. Different from most Congresses in the region, an overwhelming majority of bills are sent to a single committee that is charged with the responsibility of reporting to the House. Committees then proceed to amend bills and attach a report with their recommendations. Finally, a committee member is charged with the responsibility of defending the project during plenary proceedings.

Committee chairs in Uruguay have few formal resources to set the committee schedule and/or to withhold consideration of bills. Firstly, formal rules prevent committee chairs from unilaterally *killing* a bill. As in other congresses, bills may be reported to the plenary with the support of a majority of committee members –e.g. a majority report-. However, the support of a minority of committee members is enough to force consideration on the floor. That is, even if a minority of committee members signs on a bill, the initiative can be scheduled for plenary consideration.

Majority reports, however, enjoy procedural advantages when added to the plenary schedule. While a minority report will suffice to discharge a bill to the plenary, rules direct those bills to be scheduled after bills with signed majority reports. Consequently, reports signed by fewer than half of committee members will go “to the end of the line” and be less likely to be debated, amended, or approved by the floor.

Secondly, standing committees are mandated to consider bills within 90 days. Consequently, even if there are no supporters for a bill in a given committee, initiatives may be

shuttled to “friendlier” *ad hoc* committees after the 90 day period expires. Given that the House of Representatives has 99 members, the support of 25 per cent of House members will be enough to discharge a bill from an unfriendly committee. These two mechanisms, minority reporting and discharge petitions signed by 25 per cent of House members, all but assure that a bill that has the support of any of the three major parties will not die in committee.

While formal rules are very permissive, almost 65% of initiatives fail to gain enough traction in committee to be reported for a floor vote. Further, bills discharged solely by a minority of committee members (i.e. minority report) will force law initiatives into a more demanding plenary schedule. Given that plenary time is in short supply, success rates will be much lower for bills reported by a minority of committee members, which will be considered at the end of plenary sessions.

### **On the Plenary Floor**

Once a bill has been reported from committee, the Chamber President will schedule the bill for a future meeting. Article 43 of House Rules sets the order of consideration of bills as given by their original *filing number*. Consequently, the Chamber President will be unable to prioritize his or her preferred bills. More importantly, the Chamber President cannot prevent early consideration for bills disliked by its members, unless the plenary schedule is altered by a majority vote at the beginning of the session. Consequently, the loss of majority support will prevent the plurality party from altering the plenary schedule and administer the consideration and approval of initiatives.

Once a bill is proposed to the floor, cloture can only be implemented through a majority vote, which can be formally requested after at least one member of each legislative bloc has been

able to address the Chamber. Consequently, open rule is in effect for all bills, with proposal and debate restrictions administered by majority votes during plenary debate.

In all, without formal authority to manage the legislative gates, committee and chamber authorities in the House of Representatives of Uruguay are unable to schedule bills or to restrict debate, even when plenary proceedings will move the status quo further away from their median voter. The loss of majority support will result in plenary time being more rapidly depleted, as the plurality party is incapable of forcing a majority vote to alter the plenary schedule or to close debate.

### **Majority Parties, Majority Coalitions, and Plurality parties in Uruguay**

In what follows, we will measure the effect that the loss of majority support has on success in committee and on the plenary floor. In this section we take advantage of a dataset that includes all initiatives sponsored by Deputies of the House of Representatives of Uruguay between 1995 and 2010 (Chasqueti 2013). As noted before, this includes projects sponsored by a majority party (2005-2010), a majority coalition (1995-2002), and plurality parties (2002-2005).

As shown in Table 2, overall legislative success in the House of Representatives is high, with close to 31 per cent of all proposals being reported from committee and approved on the plenary floor.<sup>6</sup> Table 2 also provides preliminary evidence that the loss of majority support reduces legislative success, with plurality-led Congresses approving roughly 28.8 per cent of bills compared to 37 per cent when a single party has majority support. This higher success rate results from the majority party being able to alter the plenary schedule to prevent bills that lack support

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<sup>6</sup> Descriptive information shows that only 2.6% of initiatives approved in the House bypassed the committee gates and only 16% of reported bills fail on the plenary floor. Consequently, descriptive data on committee success is very similar to overall success rates for the House.

from consuming valuable plenary time. In contrast to the Argentine and Brazilian cases, committee and plenary authorities are unable to administer the legislative gates when majority support is lost. That is, they have few resources to forge consensual agreements to bypass debate, such as packaging bills in omnibus votes.

**<<Insert Table 2>>**

Approximately 17.8 per cent of bills reported from committee consistently fail to be approved on the plenary floor. Failure on the plenary floor increases to 18 per cent in plurality-led congresses and decreases to 11 per cent in majority-led congresses. This provides considerable support to the view that the Chamber Directorate has very weak scheduling prerogatives, depending on committee and plenary majorities to administer the legislative gates ([Chasqueti 2013](#)).

### **The “Cure Model”**

Open sky legislatures are characterized by relatively unconstrained access to the plenary and relatively unregulated debate. Consequently, we argued, legislative failure is primarily explained by plenary bottlenecks that emerge when there is no majority party or coalition that is in position to alter the “first-come, first-served” order of consideration of bills. Expectations in open sky legislatures, consequently, are that the loss of majority support will both delay the approval of law initiatives and reduce overall success.

Given that we are interested in simultaneously understanding the time to approval and the likelihood of approval, we estimate a proportional hazard “cure” model ([Sy and Taylor 2000](#); [Zhang and Peng 2007](#)), also referred as the mixture cure model, which jointly estimates the consideration and approval of legislation as well as the time to approval:



$$S_L(t|\mathbf{X}, \mathbf{Z}) = \pi(\mathbf{Z})S(t|\mathbf{X}) + 1 - \pi(\mathbf{Z}) \quad (1)$$

In equation (1), as described by Zhang and Peng,  $t$  denotes the failure time and  $S_L(t|\mathbf{X}, \mathbf{Z})$  describes the survival function, where there is a group of observations that do not fail e.g. describes patients that were ‘cured’ or, in our case, bills that were never approved. Zhang and Peng describe  $\pi(\mathbf{Z})$  as the ‘incidence’ or ‘death’, which is a function of a matrix of covariates  $\mathbf{Z}$ . The ‘latency’  $S(t|\mathbf{X})$ , describes the hazard model, to be explained by a second matrix of covariates  $\mathbf{X}$ . There are a number of different distribution functions that could be used to explain the incidence and latency rates. In this article we follow Zhang and Peng (2007), using a logistic link for the incidence rate i.e. legislative success:

$$\pi(\mathbf{Z}) = \frac{\exp(\mathbf{BZ})}{1+\exp(\mathbf{BZ})} \quad (2)$$

And a proportional hazard (PH) distribution for the hazard rate i.e.time to success:

$$S(t|\mathbf{X}) = \exp(\mathbf{AX} + e_i) \quad (3)$$

Where  $\mathbf{B}$  describes a vector of parameter estimates that explain the rate of change in the log-odds ratio of legislative success; and  $\mathbf{A}$  describes a vector of parameters that explain the change in the log of time to success.

### ***The Dependent Variables***

The dependent variable *legislative success* takes the value of 1 if a bill was successfully approved on the floor and the value of 0 if it fails<sup>7</sup> while the dependent variable for the time to success is the number of days from introduction until the bill is approved on the plenary floor. In the dataset, the overall success rate is 34.7 per cent and the mean time to success 717 days, or

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<sup>7</sup> Failure being defined as either voted down on the plenary floor or dying without being considered by committee or plenary members.

slightly less than two years from introduction to final approval. The “cure model” estimates jointly the time to success and the probability of success, under the assumption of no truncation, as we assume that bills that failed in our dataset will not be approved in the future. This is reasonable, since data for bills initiated from 1995 through 2010 were observed until 2013.

### ***The Independent Variables***

The key independent variables of our analysis are (1) the distance of bill’s sponsor to the median voter of the majority or plurality party (*distance to majority*) and (2) the distance from the sponsor of the project to the median voter of the house (*distance to median*). Given that in the House of Representatives of Uruguay there is no lead sponsor, the location of any initiative with more than one sponsor (52 per cent) is obtained from the median sponsor among all cosponsors of that bill.

We estimate separate models for plurality- and majority-led congresses, with a pooled version that includes a dummy *majority*, taking the value of 1 if a single party controls a majority of the seats and 0 when no party has a majority. We also interact the *distance* variables with the *majority* variable, estimating the effect of ideological distance in plurality- and majority-led congresses.

### **Interpreting model results**

Measuring the distance to the median of the majority party (M) and the distance to the median of the Chamber (C) allow us to map success at any point of the ideological space. We may exemplify model results considering the four plots in Figure 2, which describe legislative success

or time to success as a function of the linear combinations of  $\beta_1$ (**distance to majority**) and  $\beta_2$  (**distance to Chamber median**).

Let us begin with the simplest case, where legislative success is highest in the area that falls between the median voter of the majority party  $\beta_1 < 0$  and the median committee voter  $\beta_2 < 0$ . In the upper left plot of Figure 2, we select arbitrary values for these parameters, so that  $\beta_1 = -1$  and  $\beta_2 = -1$ . Legislative success declines as the proposal moves away from the median voter of the majority party, M, and as it moves away from the median voter of the chamber floor, C. The precise location at which legislative success is highest can be easily computed as:

$$\max_{-1 \leq x \leq 1} p_{ikj} = \frac{\beta_1 M + \beta_2 C}{\beta_1 + \beta_2} = \frac{(-1 * -.5) + (-1 * 0)}{(-1) + (-1)} = \frac{-.5}{-2} = -0.25$$

This can be easily confirmed upon visual inspection of the upper left plot of Figure 2, showing that success declines at both sides of the location  $-0.25$ .

The upper right plot of Figure 2 sets the distance parameters to  $\beta_1 = -1$  and  $\beta_2 = 0$ , with success declining solely as we move away from the median voter of the majority party. Moving the median committee member further away or closer to the median of the majority party would have no effect on the expected success.

**<<Insert Figure 2>>**

The lower left plot of Figure 2 describes a directional model where legislative success increases as we move deeper to the left of the majority party. We set the distance parameters to  $\beta_1 = -1$  and  $\beta_2 > 0$ , with success increasing in the region to the left of the median voter of the majority party, decreases sharply in the area between M and C and more slowly afterwards. We can see in this example that different linear combinations of the two parameters allow us to model a variety of different legislative environments. Finally, the lower right plot describes a counter-

majoritarian legislative environment, where success is highest for legislators in the region connecting C and m1. While this legislative environment seems implausible, Uruguay provides an example of a legislative environment where a plurality party is successfully overridden by a coalition of minority parties (the Colorado and Blanco parties in the 2000 through 2005 period).

## Model Results

Table 3 presents the results of the “cure model” proportional hazard model as estimated in Zhang and Peng (2007). The first model in Table 3 presents estimates of legislative success for all bills between 1995 and 2010, with the dummy variable *majority* used to distinguish majority-led from plurality-led congresses. The second and third columns provide separate models that describe legislative success in plurality-led Congresses (1995-2005) and in majority-led Congresses (2005-2010). Each model also includes covariates describing the effect of ideological proximity on success and on time to success, which are jointly estimated. Let us first take a look at the model of success, which is plotted in Figure 3 to make the estimates more intuitive.

As shown in Figure 3, success in plurality-led congresses is higher as we approach the median voter of the House. With limited gatekeeping authority and no capacity to prevent legislation to be reported from committee or to manage the schedule of the plenary, legislative success in plurality-led congresses is highest at the location of the median voter. The reason that the median voter of the House has a critical success advantage is due to the fact that (i) legislation with a minority report is sent to the back of the schedule and that (ii) legislation that is closer to the median voter requires less extensive amending and will consume less plenary time.<sup>8</sup>

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<sup>8</sup> Estimates of

**<<Insert Table 3>>**

In the next legislative Congress, House 45<sup>th</sup>, the national executive was led by the Colorado Party under President Jorge Batlle but the plurality party in the House became for the first time the leftist Frente Amplio. Despite the fact that the largest party in the House was the Frente Amplio, its plurality status in the House prevented party authorities from drafting majority reports or the plenary schedule. Instead, legislative success is again highest closer to the median voter and to the right of the political spectrum, with a coalition of Blanco and Colorado House members being able to roll the Frente Amplio. As in the previous legislative period, the median voter of the House was able to approve close to 40 per cent of its initiatives while the plurality party failed to push forward its legislative agenda.

By 2005, however, the Frente Amplio is finally able to control a majority of seats. With majority support there are also two critical changes in the administration of the legislative process: (i) first, the majority party was now able to draft majority reports for partisan bills, which resulted in a larger number of party initiatives moving to the front of the plenary schedule. More importantly, (ii) the Frente Amplio was now able to alter the plenary schedule with a majority vote at the beginning of the session. Model results show the effect of these two changes, with a large increase in overall legislative success and a higher success rate for the median voter of the majority party rather than for the median House voter. Overall, majority support allowed the Frente Amplio to act as a majority cartel, forcing bills that were disliked by the leaders of the party to the end of the legislative queue and ensuring priority to those initiatives that were preferred by its own party members.

**<<Insert Figure 3>>**

**<<Insert Figure 4>>**

Figure 4 describes predicted success rates by year. Results indicate an electoral cycle, with legislative success being highest at the beginning of the legislative period and decreasing as the election approaches. This is captured by the positive estimate of the number of days until the next election (LN), indicating that as we approach the five year election cycle there is a lower success rate.

Results also show a similar pattern on the time to success, with majority-led Congresses approving legislation in a shorter period of time, to the benefit of the median voter of the majority party. Figure 5 provides estimates of time to approval, which describe the share of legislation approved on any given day of the legislative cycle. Plots show that, in plurality-led congresses, time to success is shorter (and approval rates higher) for law initiatives that are sponsored by the median voter of the House. By contrast, initiatives sponsored by the median voter of the majority party are approved at a lower rate and they also take significantly longer to be approved.

**<<Insert Figure 5>>**

By contrast, initiatives sponsored by the median voter of the majority party are considerably more likely to be approved and in a shorter amount of time in majority-led congresses. Results are consistent with expectations, with plurality-led congresses facing a more demanding plenary schedule and being able to report a smaller subset of law initiatives. In plurality-led congresses, time constraints are smaller for law initiatives that are close to the median of the House, as they can more easily reach the majority vote required to reach the front of the legislative schedule.

Finally, in majority-led congresses, capacity to draft majority reports as well as to alter the plenary schedule by a plenary vote allows the majority party to better administer scarce plenary time to maximize legislative success.

## Measuring Changes in the Order of Consideration in Committee and on the Plenary

In the previous sections we argued that the rate of legislative success in *open-sky* legislatures is shaped by the capacity of the majority party to change the order of consideration of law initiatives. That is, the capacity to give priority consideration to their preferred bills. Further, we noted that priority consideration may result from a majority of committee members reporting a subset of bills ahead of others—allowing majority preferred bills to reach the plenary faster—or the capacity to modify the schedule by a majority vote on the plenary floor. While our data does not include information on plenary votes to change the schedule, we are able to measure changes in rank ordering from the time that a bill was referred to committee to the time that it was reported to the floor. Because bills on the plenary are scheduled on first-come-first-serve basis, observing the change in the rank ordering of bills, as reported from committee, provides another check in our model assumptions.

Different from a survival model, we will now measure how many bills move to the front or to the back of a queue for each bill. The initial rank ordering of the bill is reported in the filing number (“*Asunto*”), which is a unique counter provided by the Uruguayan Congress as a file identifier. This rank order provides information about the relative order of bills as they enter in the House and are sent to committee. Then, for this exercise, we consider the rank ordering of bills by the date that they are reported from committee (“*Orden del Dia*”). Finally, we consider as our dependent variable the difference between the two ranks, with higher numbers indicating how many positions ahead a bill has moved and negative numbers describing how many numbers a bill has move back. We are only comparing the rank order of bills that were reported to the plenary, to prevent unreported bills from biasing our comparisons.

As covariates we again consider the distance between the position of the bill and the median voter of the majority party as well as the distance to the median voter of the House. We then estimate separate parameters for majority- and plurality-led congresses.

**<< Insert Table 4>>**

**<< Insert Figure 6>>**

Table 4 and Figure 6 describe the estimates of the model and the expected changes in rank ordering in majority- and plurality-led congresses. Figure 6 facilitates the interpretation of the results, with the horizontal axis describing the ideological location of the proposal and the vertical axis describing the expected change in the order of consideration.

As it is possible to observe, in plurality-led congresses the initial order of consideration remains almost unchanged, with most bills exiting committee approximately in the same location of the queue. It is only the case for extreme bills that they are push back close to 10 positions in the queue. By contrast, in majority-led congresses, bills sponsored by the median voter of the majority party are push ahead approximately 12 positions, bills sponsored by the median floor voter are push behind approximately 5 positions, while bills sponsored by the opposition are sent far back to the end of the line. Interestingly, our analyses is not even taking into account that some of those bills also have minority reports, which will again push their consideration to the back of the line of the second group on the plenary floor. In all, results conform to qualitative descriptions that indicate significant changes in the scheduling of bills in majority-led and plurality-led congresses.



## Concluding Remarks

This article presents the first analysis of legislative success in an “open sky” legislature. We provide evidence that in open sky legislatures with limited gatekeeping authority, changes in the partisan context—and the drafting of the plenary schedule—have a large and significant effect on legislative success and on the time to success. Using data from one of the least regulated legislative environments in Presidential regimes, we show that the loss of majority support slows down the legislative process, depletes committee and plenary time, and reduces overall success.

Using a *cure model*, we simultaneously estimate the determinants of time to approval and legislative success. We show that legislation that is sponsored by majority, plurality, and minority parties have success rates that adjust to the scheduling rules in the House.

The case of Uruguay provides an excellent contrast to other existing analyses of legislative success in more heavily regulated legislative environments such as those of Argentina, Brazil, Chile, and the US. Because gatekeeping authority is limited and plenary debate unregulated, Uruguay approximates very well the legislative process expected under the original spatial model designs. Indeed, legislative success is considerably higher than in most other legislatures and the influence of the majority party is severely constrained by its capacity to muster plenary majorities.

**Table 1: Scheduling Rules and the Management of Plenary Time in Uruguay**

Restrictions on private members' access to plenary time in Uruguay		
Pre-floor stages	Introduction	<i>Open introduction of bills by any private members (article 133 of the Constitution)</i>
	Committee report	<i>Every bill must have a committee report (Rule 134K). Standing Committees must report to the House within ninety days since the bill was referred to it. If the Committee fails to report within 90 days, the bill could be referred to a Special Committee if required by twenty five members of the House (Rule 128)</i>
	Plenary schedule	<i>The floor agenda is set by the speaker in accordance to the processing number assigned when the bill was entered in the House (Rule 43) and subject to the following consideration rules: The House will first consider bills with a signed majority report by committee members. The House will then consider bills approved in the other Chamber. The House will consider last all bills with a signed minority report (Rule 64).</i>
Floor stages	Recognition	<i>A majority of members can add bills to the plenary schedule through "urgency motions." In the absence of an "urgency motion," the plenary can add a bill to the schedule with a two-third majority (Rule 47)<sup>9</sup>. The schedule (order of consideration) can only be altered by a majority vote (Rule 46 &amp; 90)</i>
	Amendment	<i>Any opposition members can propose amendments (open-rule system)</i>
	Time	<i>Cloture by Simple Majority Vote (rule 68). There are no restrictions on debate time (Rule 52)</i>

Restrictions on plurality or minority blocs to administer the plenary time		
Pre-floor stages	Introduction	<i>Open introduction of bills by any private members (article 133 of the Constitution)</i>
	Committee report	<i>A minority of committee members can draft minority reports to release initiatives to the plenary (Rule 134K).</i>
	Plenary schedule	<i>A minority of members cannot modify the plenary agenda (Rules 46 &amp; 47).</i>
Floor stages	Recognition	<i>A minority of members cannot add bills to the plenary schedule through "urgency motions." The schedule (order of consideration) cannot be altered by a minority of members (Rule 46 &amp; 90).</i>
	Amendment	<i>Open-rule. Amendments can be proposed by any House member.</i>
	Time	<i>A bill with a signed minority report can be discussed by the plenary. However, it lacks priority consideration on the floor agenda (Rule 64)</i>

<sup>9</sup> In the last 15 years, a total of 694 "urgency motions" to alter the plenary schedule discharged ≈15% of law initiatives with no committee report.

**Table 2: Legislative Success and the Partisan Environment in the House of Representatives of Uruguay, 1995-2010**

		Plurality-Led Congress	Majority-Led Congress	Total
Approved in the plenary (House)	No	1,260	514	1,774
		71.1%	62.8%	68.5%
	Yes	511	305	816
		<b>28.8%</b>	<b>37.2%</b>	<b>31.5%</b>
	Total	1,771	819	2,590
		100	100	100

*Source:* Own calculations with data from Sistema de Información Parlamentaria, Poder Legislativo de Uruguay.

**Table 3: “Cure Model” Estimates of Legislative Success and Time to Success**

	Pooled Model 1995-2010	Plurality-Led Congress, 1995-2000	Coalition- Majority, 2000- 2005	Majority- Led Congress, 2005-2010
<b>Legislative Success Model</b>				
Distance to Median of the Majority Party	-0.0967 (0.127)	-0.3689 (0.244)	0.5779 (0.157)	-0.9349 (0.416)
Distance to the Median of the Chamber	-1.2427 (0.204)	-0.5616 (0.375)	-0.8001 (0.268)	-0.0658 (0.561)
Majority	0.4777 (0.103)			
Constant	0.1669 (0.092)	-0.0695 (0.115)	-0.5832 (0.188)	0.6731 (0.139)
<b>Time to Success Model</b>				
Distance to Median of the Majority Party	0.3915 (0.164)	0.6615 (0.286)	-0.2503 (0.140)	-0.3978 (0.326)
Distance to the Median of the Chamber	-0.8817 (0.384)	-1.1077 (0.495)	-0.5099 (0.307)	0.2460 (0.459)
Majority	0.2515 (0.208)			
Distance to Median of the Majority Party*Majority	-1.4364 (0.355)			
Distance to the Median of the Chamber*Majority	1.7355 (0.585)			
N	2590	723	1048	819

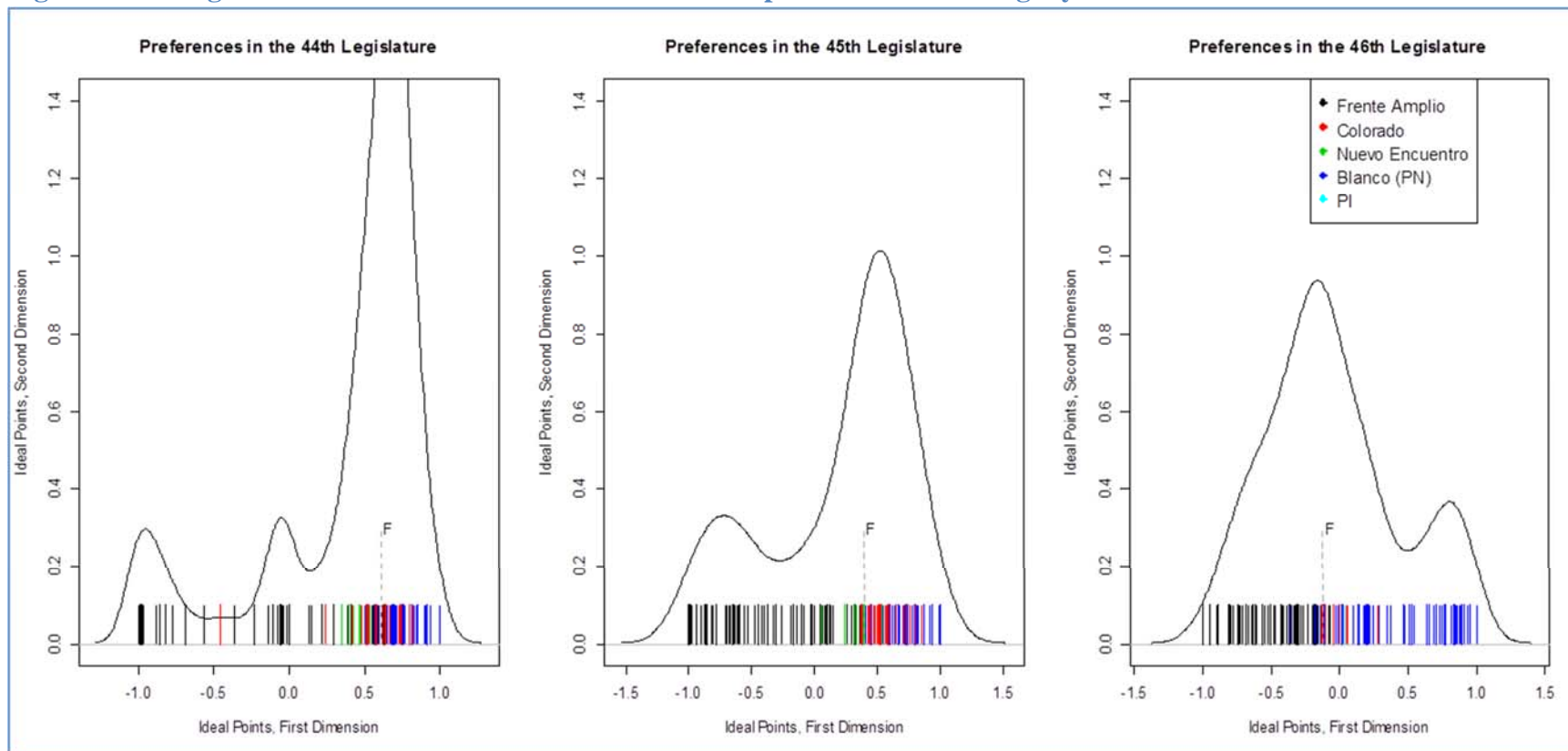
*Note:* Estimated in R 2.15 using the package *smcure* as described in Zhang and Peng (2007). Legislative success coefficients describe log-odds estimates as described in equation (2). Time to success coefficients describe log estimates of time (number of days) to success. Given that both distance parameters jointly affect success and time to success, joint significance of the parameters is assessed in the Appendix.

**Table 4: Explaining Changes in the Rank Ordering in Reporting to the Plenary Floor**

	Plurality-Led Congress	Majority-Led Congress
Distance to Median of the Majority Party	3.711 (4.601)	-28.93** (11.32)
Distance to the Median of the Chamber	-13.64 (8.646)	28.57* (16.47)
Constant	3.012 (4.314)	3.365 (5.013)
Observations	578	309
LogLik	-3081	-1658

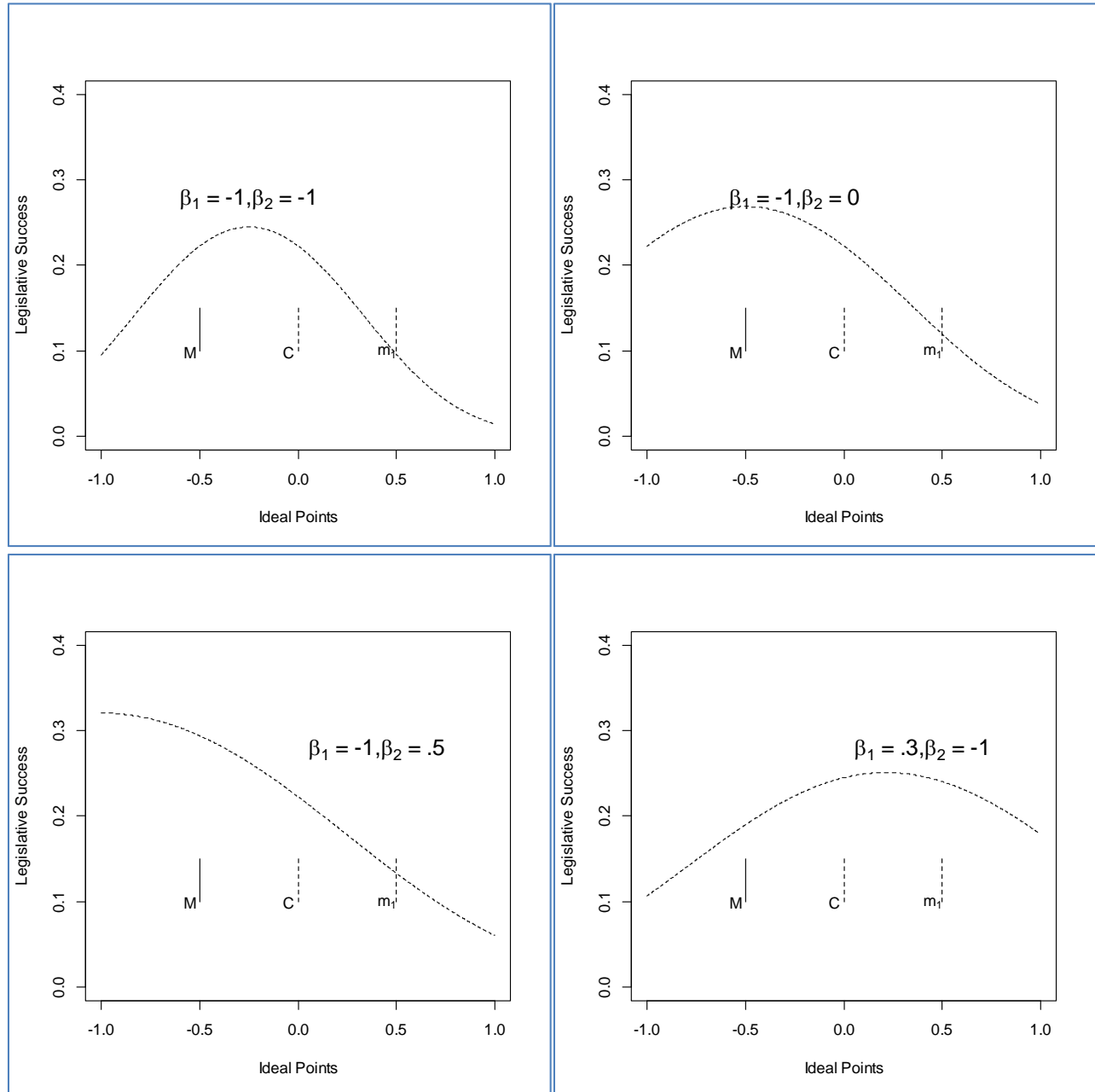
Note: OLS models of change in the Rank ordering of bill reporting in majority- and plurality-led congresses. Standard errors in parentheses, \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Figure 1: Ideological Placement of Parties in the House of Representatives of Uruguay



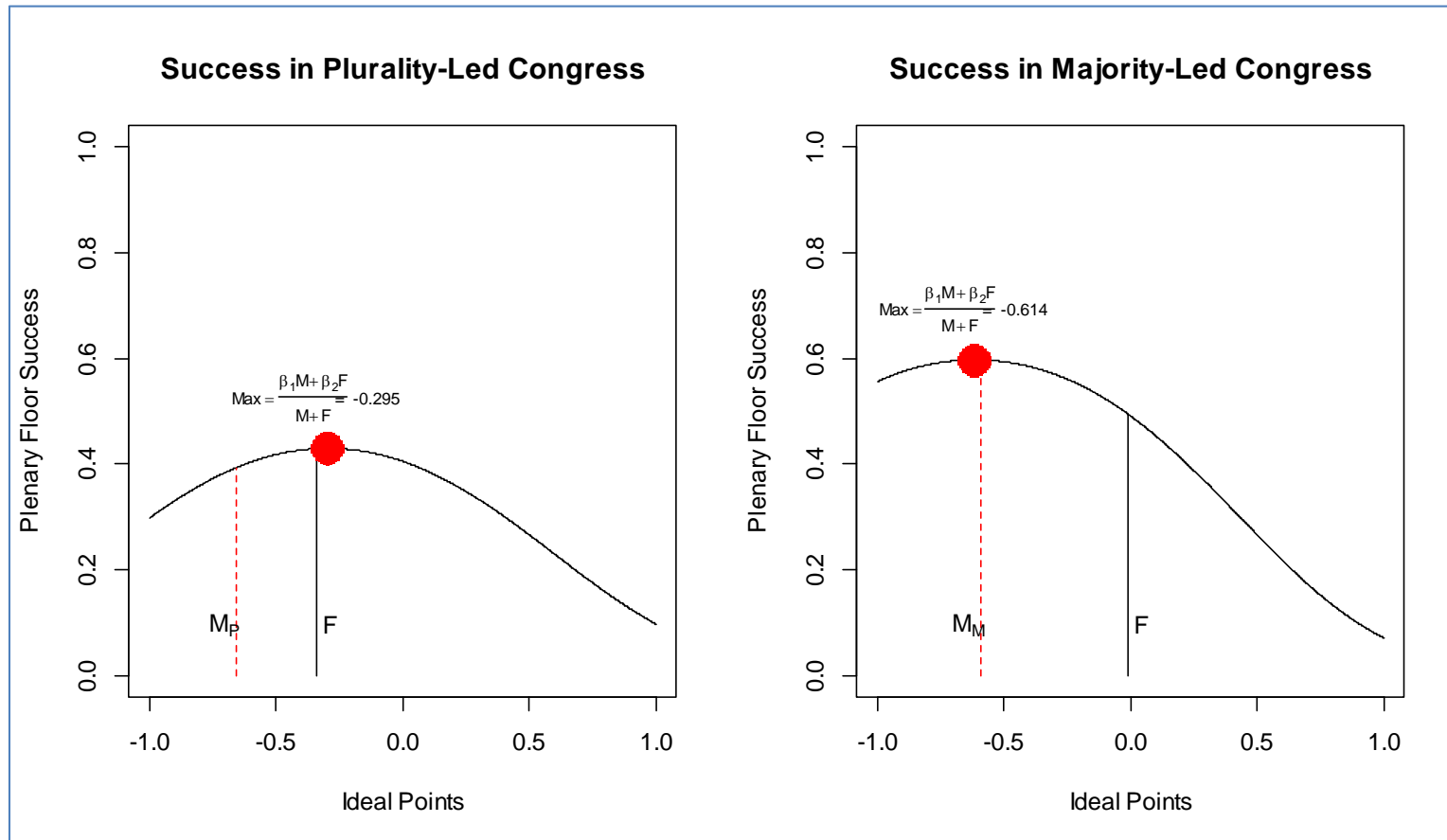
Note: Ideal Point Estimates of representatives, House of Representatives of Uruguay, cosponsorship data from 1995 through 2010. The dotted line F describes the location of the median voter of the House. *Frente Amplio* party members fixed on the left of the ideological scale.

**Figure 2: Possible Distributions of Legislative Success Conditional on the Linear Combination of the Spatial Distance Parameters,  $\beta_1$  and  $\beta_2$ .**



*Note:* Legislative success under different values of  $\beta_1$  and  $\beta_2$ . If  $\beta_1 < 0$ , further distance to the median of the majority party in committee will decrease success. If  $\beta_2 < 0$ , further distance to the median of the committee will decrease success. In all figures,  $m_1$  describes the location of the median voter of the first minority party. In the case of Uruguay we also have a second minority party,  $m_2$ , which is not described here. Different combinations of the two parameters provide a cubic approximation to legislative success under various partisan environments.

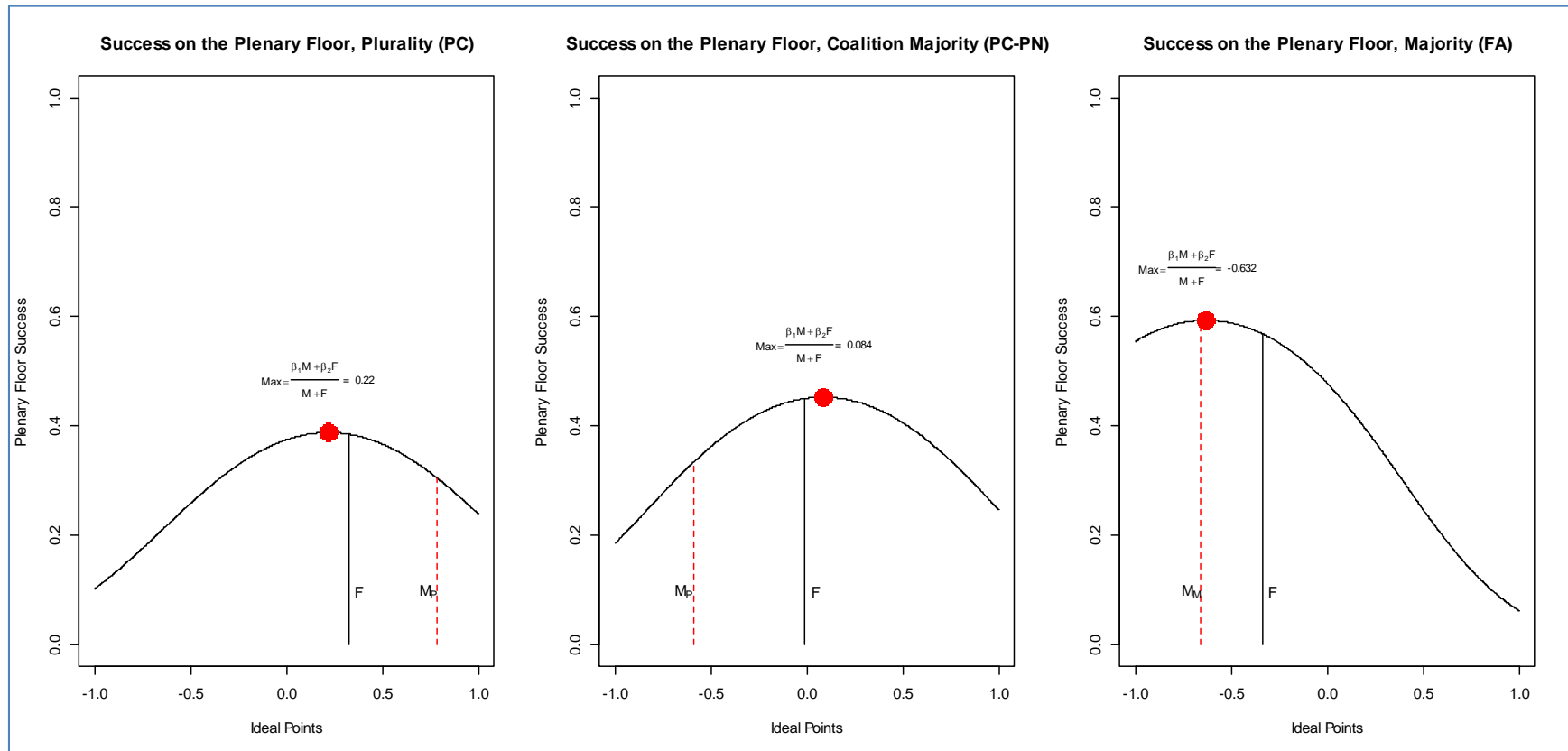
**Figure 3: Legislative Success in Plurality-Led (2002-2005), Coalition-Majority (1995-2002), and Majority-Led (2005-2010) Congresses, House of Representatives of Uruguay**



*Notes:* Ideological proximity and legislative success in majority-led, plurality-led, and coalition-led legislatures. Estimates from Table 3.

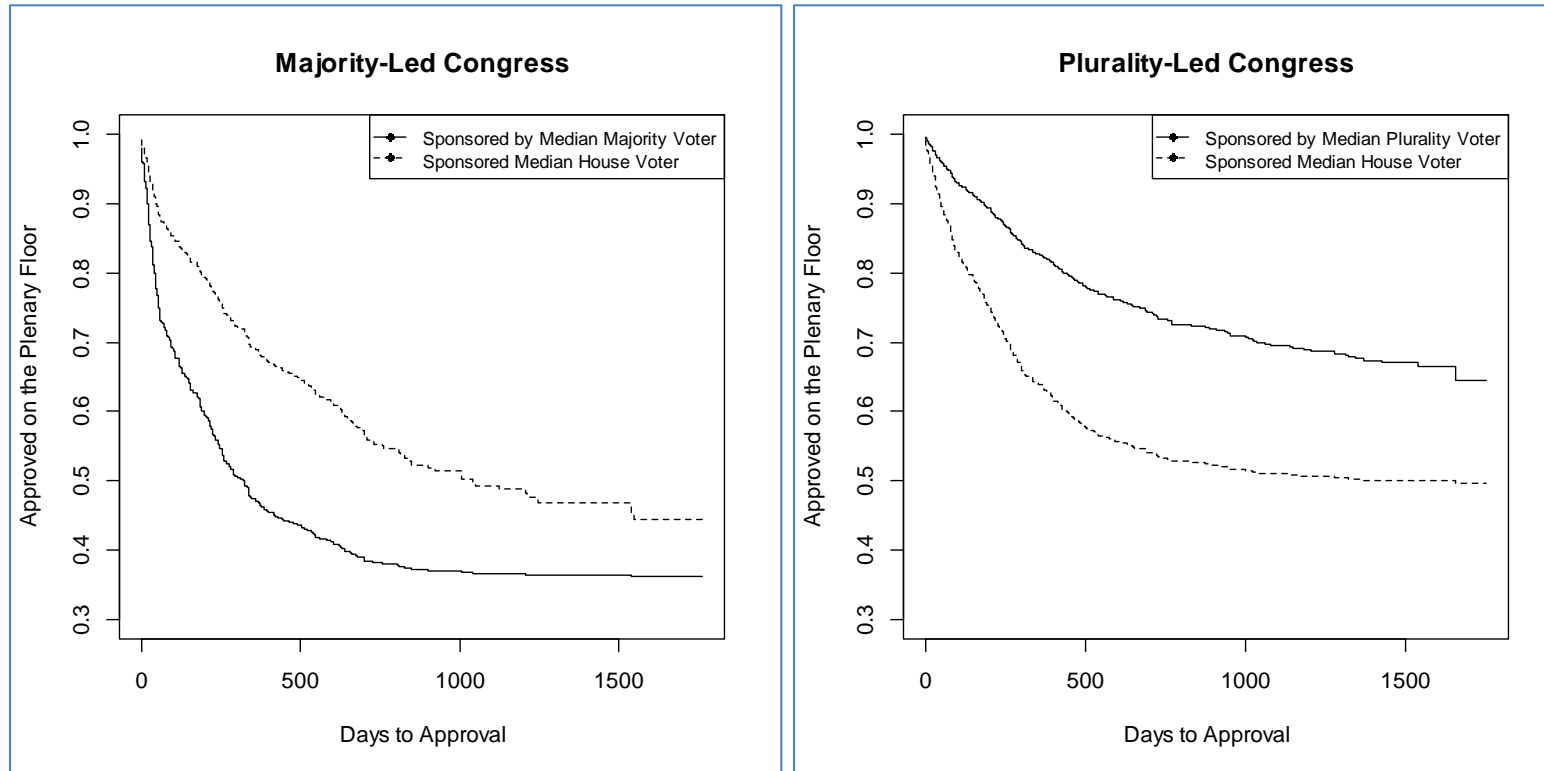


**Figure 4: Legislative Success in Plurality-Led (2002-2005), Coalition-Majority (1995-2002), and Majority-Led (2005-2010) Congresses, House of Representatives of Uruguay**



*Notes:* Ideological proximity and legislative success in majority-led, plurality-led, and coalition-led legislatures. Estimates from Table 3.

**Figure 5: “Cure” Model of Time to Legislative Success in two Plurality-Led Congresses (Left plot, 1995-2005) and in a Majority-Led Congress (Right Plot, 2005-2010)**



*Note:* Lines describe legislative success in initial chamber conditional on the time to approve. Estimates of the mixture (cure) models reported in Table 3.

**Figure 6: Change in the Rank Ordering of Bills from the Committee to the Plenary, Plurality- and Majority-Led Congress, House of Representatives of Uruguay**



*Note:* Lines describe the expected change in rank order between the time a bill was sent to committee and the time the bill was reported to the plenary floor. Positive numbers indicate that the bill was pushed forward ahead of the described count of bills.

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