Restrictive rules in the Chilean Cámara
Fighting floor amendments with urgency authority

Eric Magar[1]   Valeria Palanza[2]   Gisela Sin[3]

[1]ITAM, Mexico

[2]Univ. Católica, Chile

[3]U. of Illinois, Urbana-Champaign

IV GEL–ALACIP meeting, ITAM
Aug. 18th, 2018

What is urgency authority?

Lets the executive **interfere with legislative scheduling** at will (Carey&Shugart 1998, Morgenstern 2002)

When a bill is declared urgent:

- Colombia and Brazil: it goes to the top of the schedule and all voting activity in the floor stops
- Uruguay: must act in a pre-specified, short period, inaction turns bill into law
- Chile and Mexico: chamber must act in 30 days or less

Howell&Moe (2016) argue for constitutional reform to grant U.S. presidents **universal fast track authority**
$\rightarrow$ Congress would vote exec. proposal up or down within deadline

Lets the executive **interfere with legislative scheduling** at will
(Carey&Shugart 1998, Morgenstern 2002)

When a bill is declared urgent:

- Colombia and Brazil: it goes to the top of the schedule and all voting activity in the floor stops
- Uruguay: must act in a pre-specified, short period, inaction turns bill into law
- Chile and Mexico: chamber must act in 30 days or less

Howell&Moe (2016) argue for constitutional reform to grant U.S. presidents **universal fast track authority**
$\rightarrow$ Congress would vote exec. proposal up or down within deadline

What is urgency authority?

Lets the executive **interfere with legislative scheduling** at will
(Carey&Shugart 1998, Morgenstern 2002)

When a bill is declared urgent:

- Colombia and Brazil: it goes to the top of the schedule and all
  voting activity in the floor stops
- Uruguay: must act in a pre-specified, short period,
  inaction turns bill into law
- Chile and Mexico: chamber must act in 30 days or less

Howell&Moe (2016) argue for constitutional reform to grant U.S.
presidents **universal fast track authority**
$\rightarrow$ Congress would vote exec. proposal up or down within deadline

Unorthodox institution

Urgency authority runs counter classic presidential democracy

- executive controls an important legislative power, but it is **negative**
- impatient presidents lack formal resources to press legislators to act on stagnant legislation

"In the legislature promptitude of decision is oftener an evil than a benefit" (Hamilton #70)

Urgency authority in Chilean constitution and law

- Any bill at any stage can be declared urgent
- Chamber must "discuss and vote" before 30 days
- Law sets the breadth of the interference
  1. 'act now' (*discusión inmediata*, 6 days)
  2. 'two weeks' notice (*urgencia suma*, 15 days)
  3. 'four weeks' notice (*urgencia simple*, 30 days)
- Can retire the urgency, with immediate effects
- Non-compliance: reversionary schedule/policy indeterminate

- Any bill at any stage can be declared urgent

- Chamber must "discuss and vote" before 30 days

- Law sets the breadth of the interference

    1 'act now' (*discusión inmediata*, 6 days)
    2 'two weeks' notice (*urgencia suma*, 15 days)
    3 'four weeks' notice (*urgencia simple*, 30 days)

- Can retire the urgency, with immediate effects

- Non-compliance: reversionary schedule/policy indeterminate

Indeterminacy: urgency = cheap talk?

- Speed of consideration in weeks, 1990–94:

urgent	rest
29.0	29.7

(Siavelis 2002)

- Yet 60 % exec. proposals urgent!
- And strongly associated with likelihood of passage (Alemán&Navia 2009)

$\rightarrow$ Berríos&Gamboa (2006):
It's a **signaling tool**

Indeterminacy: urgency = cheap talk?

- Speed of consideration in weeks, 1990–94:

urgent	rest
29.0	29.7

  (Siavelis 2002)

- Yet 60 % exec. proposals urgent!

- And strongly associated with likelihood of passage
  (Alemán&Navia 2009)

  $\rightarrow$ Berríos&Gamboa (2006):
  It's a **signaling tool**

Indeterminacy: urgency = cheap talk?

- Speed of consideration in weeks, 1990–94:

  $$\frac{\text{urgent}}{29.0} \Big| \frac{\text{rest}}{29.7}$$ (Siavelis 2002)

- Yet 60 % exec. proposals urgent!
- And strongly associated with likelihood of passage (Alemán&Navia 2009)

  $\rightarrow$ Berríos&Gamboa (2006):
  It's a **signaling tool**

Our interpretation

$$\begin{aligned} &\neq \quad \text{accelerator} \\ &\neq \quad \text{signal} \\ \text{Urgency} \ =\ &\quad \textbf{cooperation mechanism} \\ &\quad \text{between president and coalition} \end{aligned}$$

Soto Velasco (2015)

Urgent bills are much harder to modify in the floor
(types 1 and 2 only)

$\rightarrow$ closed rule protects vote-trading deals made in committee
(cf. Weingast&Marshall 1988)

	original version	amendments
Art 1.	appropriate \$200	\$300
Art 2.	split in two equal parts	$(\frac{1}{4}, \frac{3}{4})$ split
Art 3.	one for students, one for teachers	—

Notation:

p	original version
q	status quo
p_1	art. 1 amended
p_2	art. 2 amended
p_{12}	both amended

Start

---

p_1 (admissible) p (not)

1st report: comm. chair and presiding officer have *ex-ante* veto on amendments

---

p q q p

p p_1

1st reading: plenary votes to admit project then any amendments (*discusión general*)

---

p p_2 p_1 p_{12} p p_2

2nd report: committee and plenary amendments

---

p p p_2 p p_1 p p_1 p_2 p_{12} p p p_2

2nd reading: plenary votes amended articles only (*disc. particular*)

End
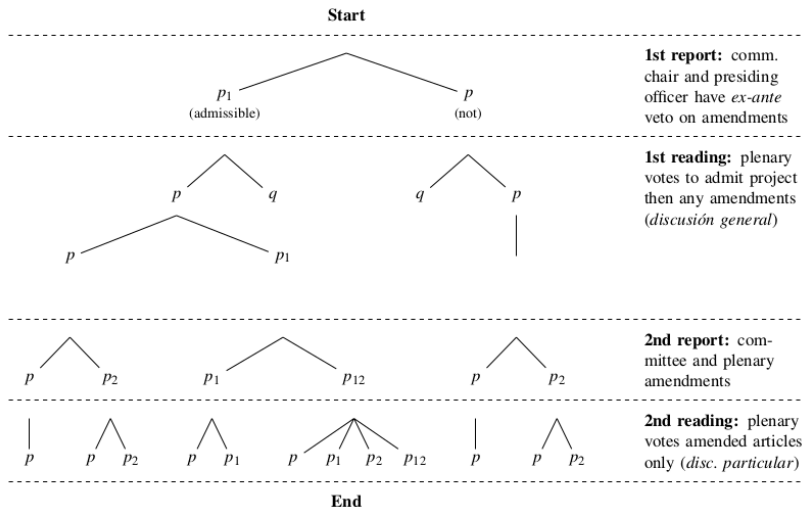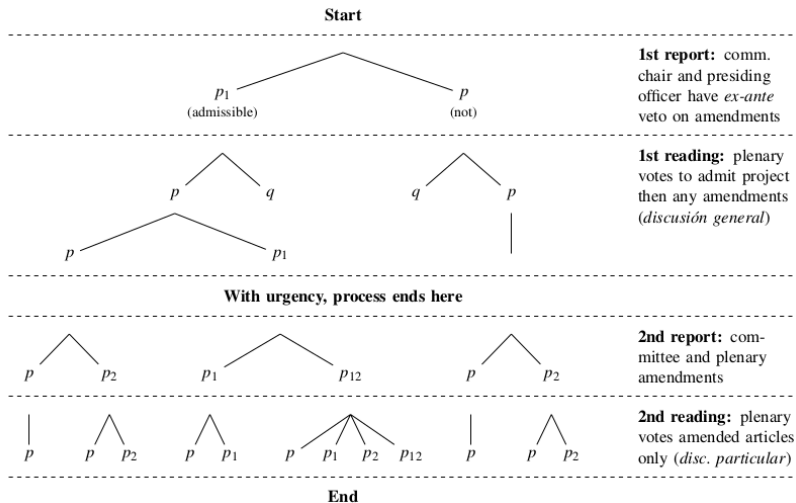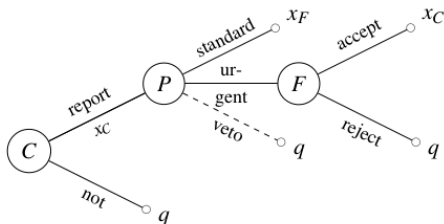
- Dotted branch = anticipation of a veto later on
- Analysis with/without it (sustained/overridden veto)

Profile III: $C < F < P$

Profile II: $C \leq P \leq F$

Status quo	$0 \leq q < C_{P_F}$	$C_{P_F} \leq q < F$	$F \leq q < F_{P_F}$	$F_{P_F} \leq q < F_C$	$F_C \leq q \leq 1$
Proposal	P_F	gate-keep	F_q	P_F	C
Consideration	urgent	—	urgent	urgent	urgent
Outcome	P_F	q	F_q	P_F	C
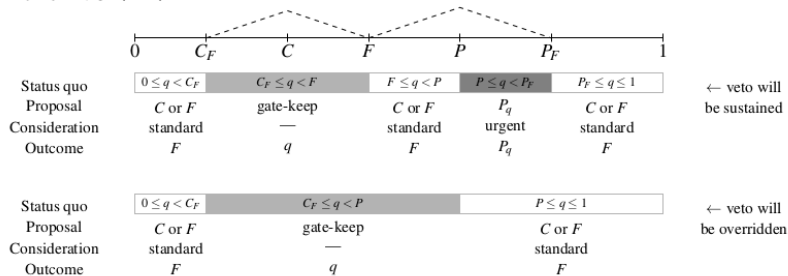
$\leftarrow C < P_F$
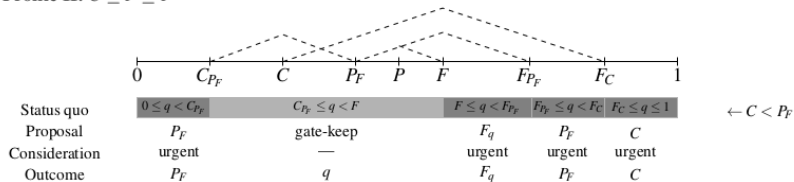
Standard consideration only when
president and committee on either side of the floor median

Hypothesis 2: Pr(bill urgent)

a. up when president and committee chair **co-partisan**

b. up when committee chair from president's **coalition**

Standard consideration only when
president and committee on either side of the floor median

Hypothesis 2: Pr(bill urgent)

a. up when president and committee chair **co-partisan**

b. up when committee chair from president's **coalition**

- Original dataset of bill histories 1998–2014

Executive bills	
introduced	1,461

Data

- Original dataset of bill histories 1998–2014

Executive bills	
introduced	1,461

Data

- Original dataset of bill histories 1998–2014

Executive bills	
introduced	1,461
passed	1,059
as % introduced	*72*

Data

- Original dataset of bill histories 1998–2014

Executive bills	
introduced	1,461
passed	1,059
as % introduced	*72*
declared urgent	834
as % introduced	*57*

Data

- Original dataset of bill histories 1998–2014

Executive bills	
introduced	1,461
passed	1,059
as % introduced	*72*
declared urgent	834
as % introduced	*57*
declared urgent & passed	641
as % declared urgent	*77*

Multivariate model

$$y = \begin{cases} 1 \text{ if bill urgent in Cámara} \\ 0 \text{ otherwise} \end{cases}$$

$$\text{logit}(y) = \alpha + \beta \text{Co-partisan chair} + \gamma \text{controls} + \text{error}$$

- Co-partisan and coalition chair specifications
- Prediction: $\beta > 0$
- Controls include:
    - Multiple referrals
    - Hacienda referral
    - Introduced in Senate
    - Year remaining
- Fixed/mixed effects for verification

| | DV: Bill received urgency (1) or not (0) | | | |
	(1)	(2)	(3)	(4)
Co-partisan comm. chair	.333*** (.009)			
Coalition comm. chair		1.056*** (<.001)	1.139*** (<.001)	1.110*** (<.001)
Multiple referrals	.603*** (<.001)	.623*** (<.001)	.631*** (<.001)	.631*** (<.001)
Hacienda referral	1.403*** (<.001)	1.324*** (<.001)	1.304*** (<.001)	1.308*** (<.001)
Pres. approval	−.015 (.837)	−.041 (.567)	.029 (.710)	.005 (.945)
Introduced in Senate	−.747*** (<.001)	−.733*** (<.001)	−.784*** (<.001)	−.771*** (<.001)
Senate majority	−.303 (.136)	−.382* (.057)		
Year remaining	.028 (.627)	.020 (.737)	.001 (.983)	.002 (.974)
(Year remaining)^2	−.242*** (<.001)	−.259*** (<.001)	−.275*** (<.001)	−.273*** (<.001)
Relax deadlines	.647** (.012)	.591** (.018)		
Intercept	−.743*** (.002)	−1.465*** (<.001)	−1.977*** (<.001)	−1.627*** (<.001)
Effects	none	none	fixed	mixed
Observations	1,461	1,461	1,461	1,461
LogL	-864	-860	-849	-857
% correct	90	90	90	90

*p<.1; **p<.05; ***p<.01 (p-values in parentheses)

Average marginal effect
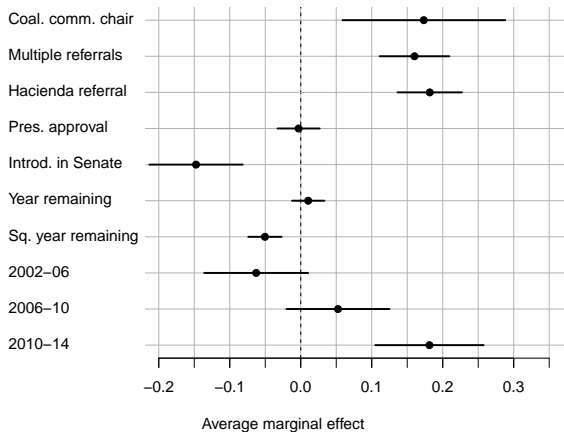
Predicted probability that bill is urgent
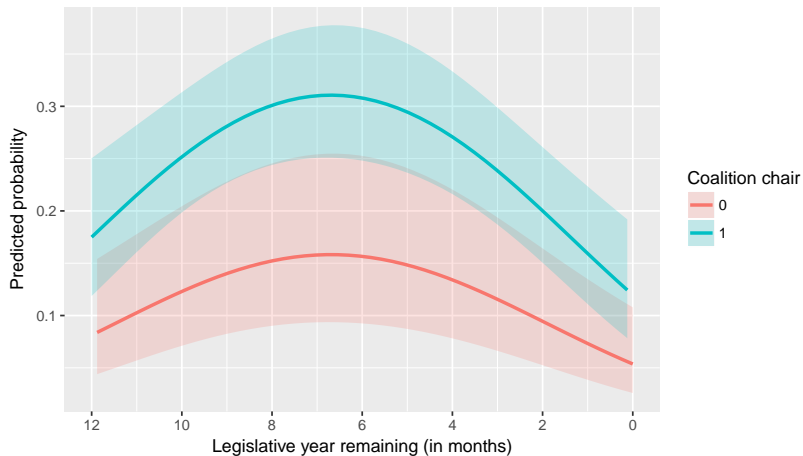
Urgency message types (incl. member bills)

	1998–2002	2002–2006	2006–2010	2010–2014	1998–2014
Act now	**5**	**6**	**3**	**4**	**4**
2-week notice	**16**	**14**	**9**	**23**	**16**
4-week notice	29	22	13	12	17
Shorten deadline	2	2	2	4	3
Extend deadline	29	33	41	43	39
Withdraw (act now)	1	2	2	2	2
Withdraw (2-week)	7	10	14	8	10
Withdraw (4-week)	10	11	17	3	10
Total messages	100	100	100	100	100
(N)	(1,268)	(1,881)	(4,941)	(5,643)	(13,733)

Wrap-up

- Urgency authority $=$ closed rule
- Unlike Rules Committee, Chilean prez controls this
- Evidence that president–chair preference similarity $\rightarrow$ surge
- More tests:
    1. Use nominate scores instead of partisan dummies
    2. Study amendments, admitted v. not:
       $Corr$(amendments, urgency) < 0?
    3. Shorten deadlines $\rightarrow$ abort amendment threats?
- Comments and critiques welcome

Thank you!

Wrap-up

- Urgency authority $=$ closed rule
- Unlike Rules Committee, Chilean prez controls this
- Evidence that president–chair preference similarity $\rightarrow$ surge
- More tests:
    1. Use nominate scores instead of partisan dummies
    2. Study amendments, admitted v. not:
       Corr(amendments, urgency) < 0?
    3. Shorten deadlines $\rightarrow$ abort amendment threats?
- Comments and critiques welcome

Thank you!

1. Framing
2. Sacar más jugo del puzzle del presidente como *Rules-maker*
3. Where to submit?

Extra material

Original data

`www.camara.cl` very sharp
Scraped with `Python`'s Selenium library → bill histories 1990–2014

Original data

`www.camara.cl` very sharp

Scraped with `Python`'s `Selenium` library → bill histories 1990–2014

Partisan status of government

Coalition	1998–02	2002–06	2006–10	2010–14
Cámara de Diputados				
President's	58	53	51	50
Opposition	42	48	47	48
Regional			3	2
Total	100	100	100	100
Senate				
President's	50	50	55	45
Opposition	50	50	45	55
Total	100	100	100	100

Recidivism

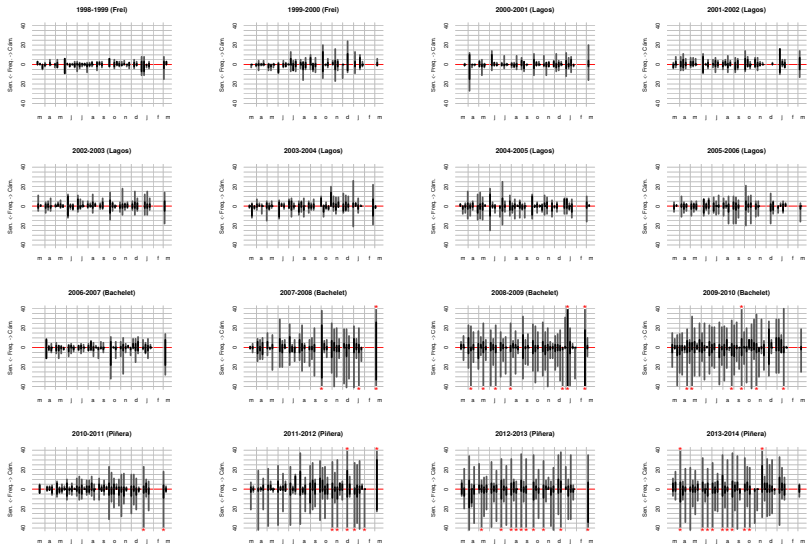| Number of messages	Bill freq. %
1	*16*
2	*18*
3	*11*
4	*8*
5–10	*25*
11–20	*14*
21–71	*9*
Total	*100*
(N)	(1,367)

Micro-managing presidents? Look @ message contents

Weekly messages in one legislative year
black = original urgency

2010-2011 (Piñera)
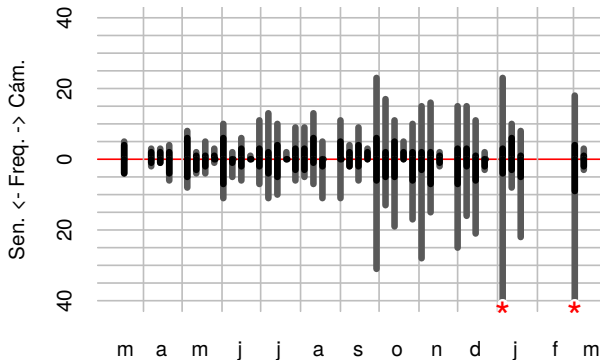
(Two histograms: Cámara above, Senate below zero line)

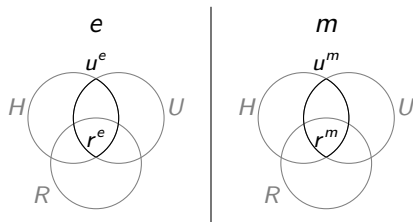25 % urgencies were for member bills. Vote trading?

	Urgency by Concertación president	
Concertación sponsors	yes	no
all	*39*	*26*
some	*40*	*48*
none	*21*	*26*
	100	*100*

Committee report after an urgency

Message	Report w/i deadline (%)
Act now	63
2-week notice	27
4-week notice	25
Deadline shortened	41
Deadline extended	23
Withdrawn	6
All	27

e
u^e
H U
r^e
R

m
u^m
H U
r^m
R

DepVar

IndVar	r^e	r^m
u^e	Mod. 1	Mod. 2
u^m		Mod. 3

Weekly counts: $r_t^e = \beta_0 + \beta_1 u_t^e + \beta_2 u_{t-1}^e + ...$

Negative binomial regression

Three event count models
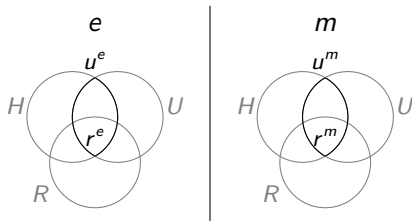
	DepVar	
IndVar	r^e	r^m
u^e	Mod. 1	Mod. 2
u^m		Mod. 3

Weekly counts: $r_t^e = \beta_0 + \beta_1 u_t^e + \beta_2 u_{t-1}^e + ...$
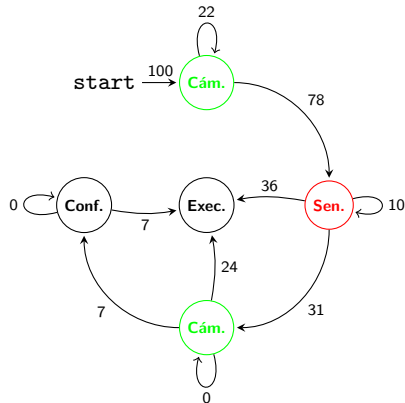
Negative binomial regression

Type	Weekly reports					Weekly reports				
	$t=0$	1	2	3	4	$t=0$	1	2	3	4
	$u^e \to r^e$					$u^e \to r^m$				
Act Now	++	+	$--$				++			
2-week notice		++		$--$		++	$-$	++		
4-week notice				++	++					
Shorten deadline		++								
	$u^m \to r^e$					$u^m \to r^m$				
Act Now						++	++			
2-week notice		(not estimated)						++	++	
4-week notice										
Shorten deadline										

Sent to Senate
($N = 90$)
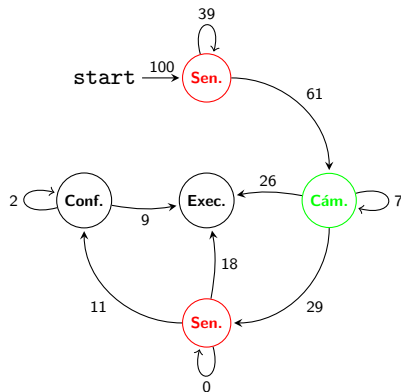
Sent to Cámara
($N = 314$)

Sent to Senate
($N = 90$)

Sent to Cámara
($N = 314$)

Two intuitions
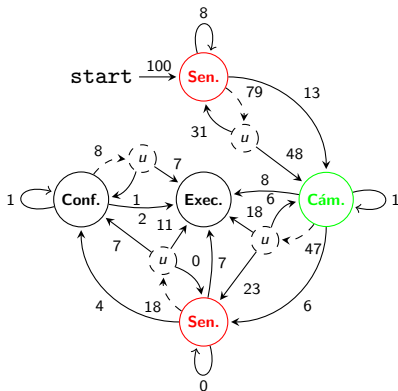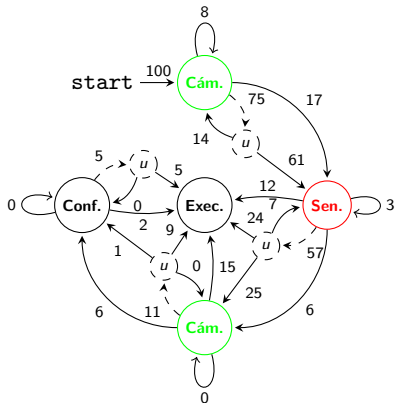
$$\text{schedule now} \neq \text{passage}$$
$$\text{certainly, but}$$

1. Imperfect negative agenda control
   - Committee gatekeeking $\rightarrow$ silent death
     (Weingast&Marshall 1988)
   - Could majority cartel operate? Must include president
     (Cox&McCubbins 2005)
2. Dilatory tactics
   - Worsen legislative bottleneck (Cox 1987)
   - Exploit impatience of those next in line
     (Wawro&Schickler 2007)