

Strategic failure? The impact of failed legislation on enacted legislation

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Research Question:

Is there a relationship between the language used in failed and successful legislation? Does the language used in failed bills show up in successful bills?

Theoretical motivation:

- Proposing legislation to *advertise, credit claim, and take positions* as means to re-election (Mayhew 1974)
- Proposing legislation not only for re-election, but also *power* and *good public policy* (Fenno 1977)
- Seems like successful legislation would help with these goals (Fenno 1977, Volden and Wiseman 2014), but...
- Sometimes, better to have no policy than compromise (Doherty and Harbridge-Yong, *Working*; Baur et al, 2017; Harbridge-Yong, Anderson, Butler, *Working*)
- Might failed legislation also play a role?***

Data and Method

- Database of 12,000+ state-level immigration-related bills of all 50 states from 1990 through 2016
- Qualitatively coded for features such as final status and substantive policy positions
- Includes the original bill text
- 'Failed' bills: Dead on arrival or in committee
- 'Successful' bills: Enacted or vetoed
- "textreuse" package in R

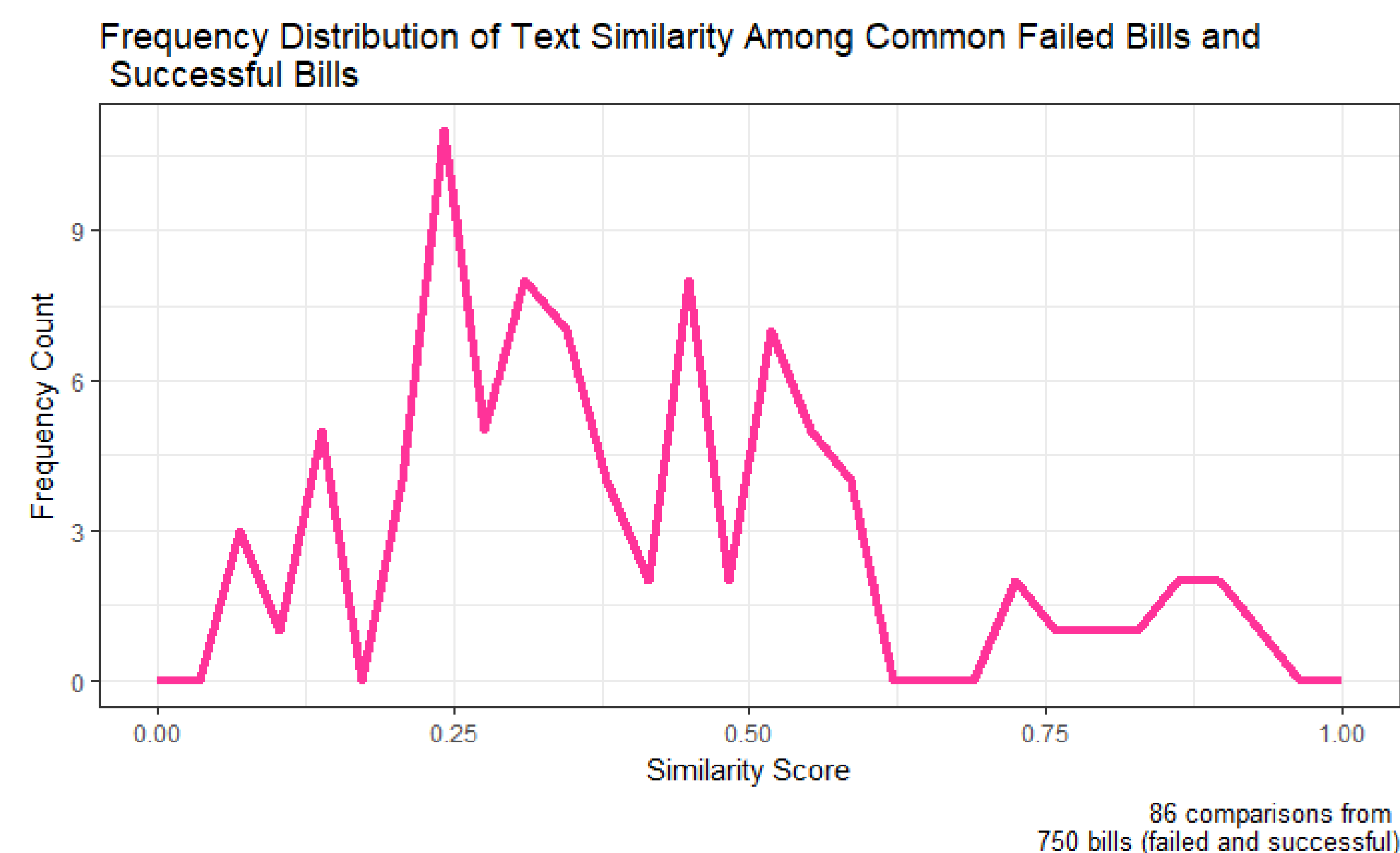
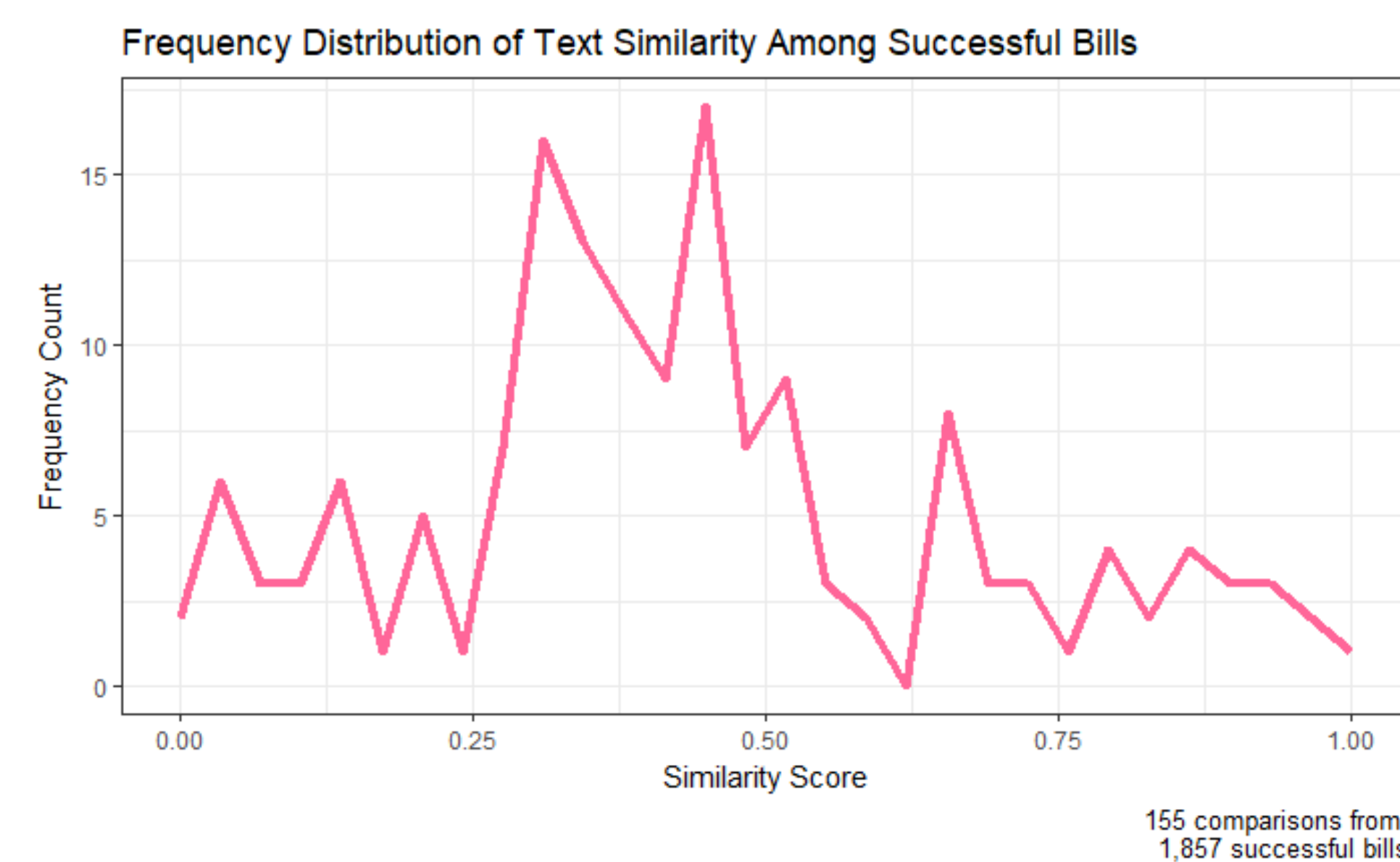
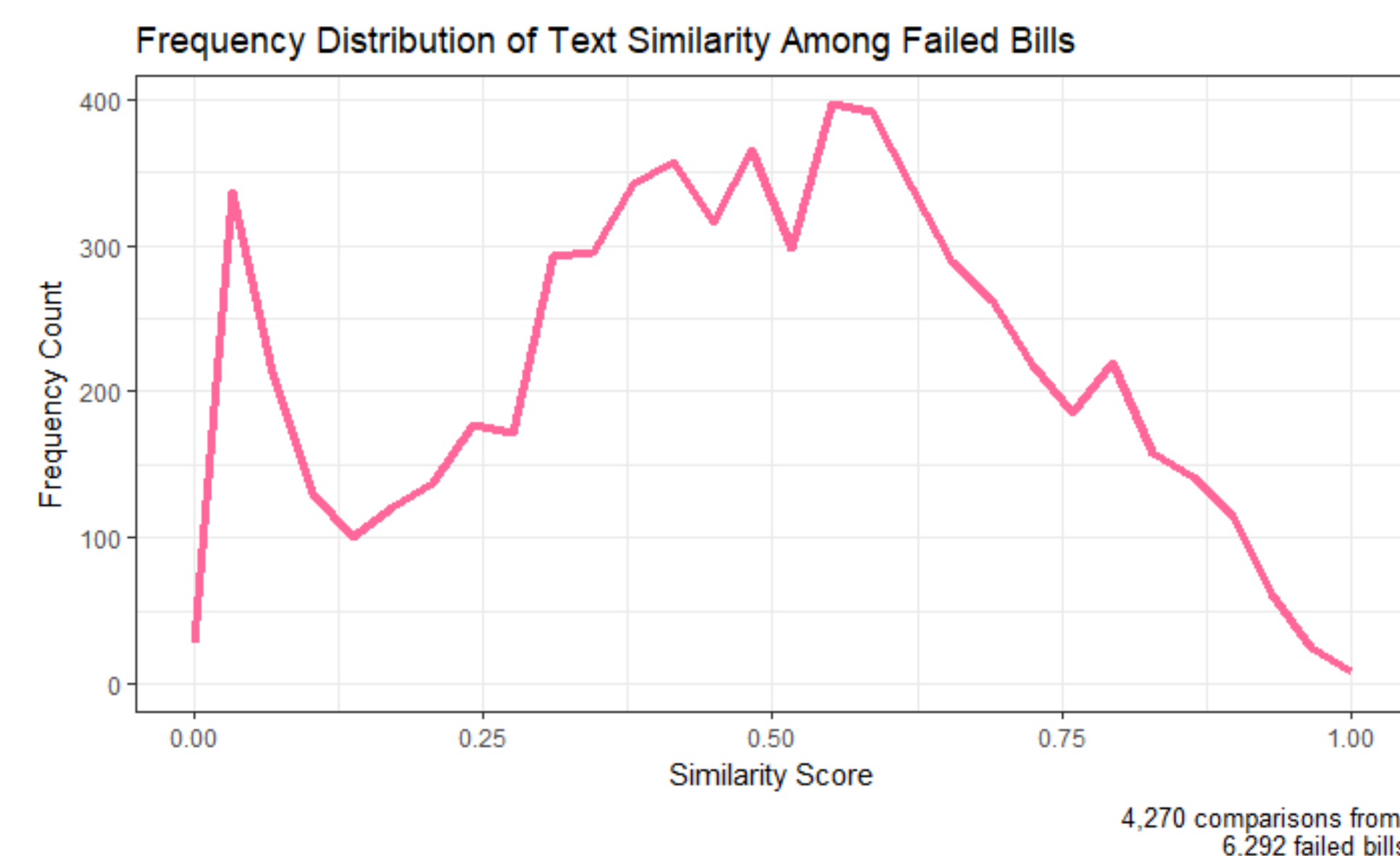
Model and Assumptions:

- 'Minhashing' breaks down non-preprocessed documents to evaluate local sensitivities—rather than comparing each combination of documents, which would require 32,000,000 comparisons for the failed bill texts alone
 - Minhash = 200
 - Tokenized ngram = 5
- Jacard similarity score for bill resemblances

Why no pre-processing?

- Looking at text-similarity (think plagiarism), there is no *a priori* reason to require pre-processing
- Pre-processing could bias results in unforeseen ways (Denny and Spirling, *forethcoming*)

Results:



Examples of Language Similarity among Bills:

92% (similarities italicized)

2015 KS HB 2258 – Enacted

"39-709. (a) [A] GENERAL ELIGIBILITY REQUIREMENTS FOR ASSISTANCE FOR WHICH FEDERAL MONEYS ARE EXPENDED. <A> Subject to the additional requirements be-low, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who: ...

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas. ...

[A> TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. ASSISTANCE MAY BE GRANTED UNDER THIS ACT TO ANY DEPENDENT CHILD, OR RELATIVE, SUBJECT TO THE GENERAL ELIGIBILITY REQUIREMENTS AS SET OUT IN SUBSECTION"

2015 KS HB 2381 – Withdrawn in Committee

39-709. (a) [A> GENERAL ELIGIBILITY REQUIREMENTS FOR ASSISTANCE FOR WHICH FEDERAL MONEYS ARE EXPENDED. <A> Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who: ...

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas. ...

[A> (B) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. ASSISTANCE MAY BE GRANTED UNDER THIS ACT TO ANY DEPENDENT CHILD, OR RELATIVE, SUBJECT TO THE GENERAL ELIGIBILITY REQUIREMENTS AS SET OUT IN SUBSECTION"

Exact language in failed bill later appeared in enacted legislation within the same state

52% (similarities bolded)

2010 AZ SB 1070 – Enacted

"The legislature finds that **there is a compelling interest in the cooperative enforcement of federal immigration laws throughout all of Arizona**. The legislature declares that the intent of this act is to make attrition through enforcement **the public policy of all state and local government agencies in Arizona**. **The provisions of this act are intended to work together to discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States.** ...

[A> ARTICLE 8. ENFORCEMENT OF IMMIGRATION LAWS <A]

[A> 11-1051. COOPERATION AND ASSISTANCE IN ENFORCEMENT OF IMMIGRATION LAWS; INDEMNIFICATION <A]"

2009 RI HB 8142 – Died in Committee

"SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding the following chapter:...

[A> (1) **THERE IS A COMPELLING INTEREST IN THE COOPERATIVE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS THROUGHOUT ALL OF RHODE ISLAND.** <A]

[A> (2) THERE IS A COMPELLING INTEREST IN REDUCING THE NUMBER OF PERSONS UNLAWFULLY PRESENT IN THE STATE BY ENFORCING **THE PUBLIC POLICY OF ALL STATE AND LOCAL GOVERNMENT AGENCIES.** <A]

[A> (3) **THE PROVISIONS OF THIS CHAPTER ARE INTENDED TO WORK TOGETHER TO DISCOURAGE AND DETER THE UNLAWFUL ENTRY AND PRESENCE OF ALIENS AND ECONOMIC ACTIVITY BY PERSONS UNLAWFULLY PRESENT IN THE UNITED STATES.** <A]

[A> 42-28.10-3. COOPERATION AND ASSISTANCE IN ENFORCEMENT OF IMMIGRATION LAWS: <A] [A> INDEMNIFICATION. - <A]"

Similar language in failed bill later appeared in enacted legislation in a different state

Conclusions:

- In general, language in legislation is not repeated very often
- Language in failed legislation is repeated more often than language in successful legislation
- Language in failed legislation does not frequently show up in successful legislation
- Failed legislation may not be used as a way to push policy, but more work needs to be done

Next Steps:

- Systematic evaluation of how different parameters impact results
- The effect of language in failed bills on successful legislation over time, states (i.e diffusion), and legislators
- More refined comparison of failed bills and successful bills to increase sample size (i.e. without minhashing)

"Can I copy your homework?"

"Yeah just change it up a bit so it doesn't look obvious you copied"

