



## Strategic Vote Delay in the U. S. House of Representatives

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## *Strategic Vote Delay in the U.S. House of Representatives*

A legislator often has an incentive to present one face to constituents and another to party leaders. We examine this conflict by analyzing how representatives time their votes. In particular, using C-SPAN videotapes of roll calls on veto overrides in the 101st Congress, we find that the House members who vote against their party delay voting on the floor. Our data also support the hypothesis that strategic vote delay is greatest when the vote is likely to be close.

Strategic voting in Congress can be stimulated by various cross-pressures. A member of Congress may want to vote for a bill but may fear a negative reaction from the constituency, key interest groups, or the party leadership. A representative who faces conflicting pressures may want to leave Washington on the day of the vote or abstain (Cohen and Noll 1991).<sup>1</sup> Sometimes, however, abstention may not be a viable option. The vote, for example, could be on a highly visible bill, where failure to vote would itself attract unfavorable attention.<sup>2</sup> Strategic voting may then call for the legislator to delay voting until he or she observes enough votes by others to conclude that his or her own vote is unlikely to be decisive. It seems plausible that a legislator is less likely to be punished for voting in the “wrong” direction when his or her vote did not determine the final decision.

This paper hypothesizes that a conflicted representative will delay casting a vote until he or she sees how the motion will do.<sup>3</sup> Such delay is particularly useful when party leaders and constituents have different goals or information. The party leaders both want the votes to pass the legislation and want incumbents of their party to win reelection.<sup>4</sup> In contrast, a typical constituent may not know whether his or her representative’s vote was decisive; the constituent may care about the member’s positions and use roll-call votes as a signal of positions on other issues.

### Data and Hypotheses

Because our theory concerns the behavior of individuals, it would be best to know the exact timing of each member's vote on the roll calls we study. Though such data may exist, our efforts to obtain these records from the House Clerk's office were firmly rebuffed.<sup>5</sup> Nevertheless, patterns of behavior by individuals can be seen in the aggregate data. The C-SPAN archive tapes allow us to examine voting patterns during the 15-minute voting period and to do so separately for Democrats and Republicans. Thus we can examine, for example, whether Republicans are more likely to wait until the last minute to vote on a particular bill and whether those Republicans who defect from the party line are especially likely to vote late.

We suppose here that Republicans who vote against a Republican president are conflicted; also conflicted are Democrats who support a Republican president when the Democratic leadership opposes the motion. A simple approach is to compare the voting behavior of those who cast their ballots before and after the outcome becomes a *fait accompli*. In most of the roll calls we analyze, however, almost all members voted before the outcome was decided. It appears that members do not wait for a "free" vote; they instead strategically delay their vote until they are reasonably confident that their party whip has enough votes lined up so that their defection will not make a difference.

We examine delayed voting by comparing the pattern of votes in the last minute of the voting period (and the brief grace period in which members can cast late votes) to the pattern in the first 14 minutes of voting. We also analyzed the data with other time cutpoints; the results are similar. One shortcoming of any cutpoint is that some members who vote at the very end do so because they entered the chamber late. Thus, our results understate the extent of strategically delayed votes.

A delay in voting is most likely under three conditions: the vote is on an important issue attracting public attention, the party leadership has a clear position, and the outcome is uncertain and the pressure on conflicted members is thereby increased. Motions that best satisfy these conditions are veto overrides. These attract considerable public attention, provide clear foreknowledge of presidential preferences and of party positions, and often put legislators in a cross-pressured situation.

We observed House votes in the 101st Congress on which the two parties took opposite sides and on which votes were recorded for

both the veto and the original bill. These constraints left us with seven bills that were vetoed by President Bush.<sup>6</sup> We examine the roll call on the veto override, and also—as a control—on the initial passage of the bill.

Members of Congress are more conflicted on a veto override attempt than on initial passage of a bill. The publicity and drama surrounding a veto increase the importance of the vote to the president and to the party leaders. It thus becomes a raw test of party power. As Maureen Dowd (1990) wrote about one override attempt that we analyze, “Republicans in the House and Senate might not like a particular veto . . . but they know that the strength of Bush’s veto is the only thing that stands between them and mincemeat.” In contrast, on the initial vote a member may think his or her vote is unlikely to be decisive, especially if he or she expects the president to veto the bill.<sup>7</sup> As the vote on the original bill is less certain to determine policy, any potential cross-pressures are reduced.

It should also be noted that votes on presidential vetoes vary in the closeness to the two-thirds threshold required to override a veto. The variation in closeness lets us test the third hypothesis: *ceteris paribus*, close roll calls will be more likely to generate last-minute votes by cross-pressured members.

### An Example

We illustrate our method and our theory of strategically delayed voting with a prominent recent example. In October 1990, President Bush pressured Congress to approve the budget compromise he had hammered out with congressional leaders at the budget summit. He even made a rare televised speech to drum up public support for his position. According to the *New York Times*,<sup>8</sup> the White House told congressional Republicans not to be surprised “if President Bush visited the districts of those who voted against the agreement and pointed his finger at them and looked them in the eye and said they had deserted their President and their country in a time of need.”<sup>9</sup> Despite the president’s best efforts, the budget agreement died on the House floor on October 5, 1990. To keep government services operating in the absence of a budget, a full 300 House members, including 66 Republicans, joined forces to send Bush an apparently veto-proof continuing resolution.

Bush vetoed the resolution, hoping that enough Republicans would switch their votes to reverse the outcome. Republicans who had voted for the continuing resolution thus faced the dilemma of oppos-

ing either their initial position or their president. We hypothesize that such conflicted Republicans preferred to delay voting until they had a better sense of the likely outcome, especially hoping that they could cast a vote to override the veto when it no longer mattered. They could carefully watch the vote on the electronic tally board in the House chamber. When it became clear near the end that the veto would be sustained, they could then cast a vote against the president without fear of repercussions from an angry White House.

We used C-SPAN tapes to view totals on the tally board over time in the same way the members did. We expected to find Republican yes votes coming in the final minute of the 15-minute voting period or in the brief grace period after the presiding officer had pounded the gavel. Table 1 shows the expected pattern. Republicans who voted to override the veto tended to wait until the one-minute mark had passed. At this point, 35% of the total vote favored Bush and many votes were in. A successful veto override was unlikely, and any further yes votes were unlikely to be decisive. Some representatives could then resolve their conflict with the realization that their vote would not affect the outcome.

We checked the published roll-call results to identify the members who switched positions between the vote on the initial bill and on the veto override. Of the 58 Republicans who switched, 45 switched in favor of their party's position. Of the 20 Democrats who switched, 11 switched in favor of their party's position; 7 of the switchers simply stayed out of the chamber during the vote. Only two Democrats switched from yes to no, so as to directly support Bush.

## Results

As we noted above, we observed the votes for all vetoed bills during the 101st Congress on which Democrats and Republicans took opposing positions on the veto override. Table 2 lists the seven bills that meet our criteria and reports the vote on the bill and on the override. It also reports the percentage of votes cast against the party majority before and after the one-minute mark. Except in one case, we classified as anti-party or defectors the Democrats who voted no and the Republicans who voted yes. The vote on the Hatch Act amendments (HR20) did not follow this pattern. Republicans voted 90–84 to support the bill and 84–90 against the veto override. Because the classification of party defectors makes no sense here, we omitted House Republicans from the analysis on this vote.

TABLE 1  
 Votes by Republicans in the U.S. House of Representatives  
 on Veto Override, House Joint Resolution 660  
 (October 1990)

Time Mark	Republicans		Percentage of Votes Yes
	Number Voting Yes	Number Voting No	
15:00–1:00 Minutes	11 (44%)	118 (91%)	9%
1:00–0:00 Minute	4 (16%)	2 (2%)	67%
0:00 Minutes—Gavel	10 (40%)	9 (7%)	53%
Total	25 (100%)	129 (100%)	

When one party supports the veto and the other wants to override it, the pressured members are those who would like to break from their party. Such pressure should be especially strong when the outcome of the override vote is uncertain; members would then want to delay casting defecting votes from their party's position till near the end of the voting period.

On the initial passage of these bills, 19% of the votes cast both before and after the one-minute mark were defections from the party line. Only the politically charged continuing resolution shows evidence that members who were conflicted on the initial motion delayed voting.

In contrast, for the veto overrides we find that defection depended on the time of the vote. Of the votes cast with less than a minute to go, 31% were defections from the party line; only 18% of the votes cast in the first 14 minutes were defections. Chi-square tests show statistically significant patterns in the hypothesized direction on four of the seven override votes analyzed here.<sup>10</sup> The results in the other three override votes are not significant, but they are in the predicted direction.

Conflicted members of Congress are especially likely to delay voting when they are uncertain about the effect of their votes. Thus, we expect representatives who wish to vote against the majority of their party to be most conflicted when their votes may decide the outcome.

TABLE 2  
Defections from the Party Position on Selected Bills in the 101st Congress

Bill	Defections from Party Position			Number of Votes Cast			Chi-Square	Vote
	First 14 Minutes	Final Minutes	Final Minutes	First 14 Minutes	Final Minutes	Final Minutes		
<b>Initial Vote</b>								
Minimum Wage (HR2)	12%	9%		397	22		0.1	247-172
Abortion (HR2990)	27%	11%		400	19		2.5	212-207
AMTRAK (HR2364)	24%	20%		242	173		1.0	322-93
Parental Leave (HR770)	21%	40%		414	10		2.0	237-187
Hatch Act (HR20)	1%	1%		161	86		0.0 <sup>v</sup>	244-3 <sup>v</sup>
Textile Import Quotas (HR4328)	30%	24%		281	139		1.5	271-149
Budget Resolution (HJ Res. 660)	17%	29%		333	80		6.3*	300-113
All Initial Votes	19%	19%					0.2	
<b>Veto Override</b>								
Minimum Wage (HR2)	8%	22%		315	110		16.4**	247-178
Abortion (HR2990)	23%	28%		332	90		0.9	231-191
AMTRAK (HR2364)	13%	24%		303	114		7.8**	294-123
Parental Leave (HR770)	22%	26%		362	65		0.7	232-195
Hatch Act (HR20)	1%	2%		190	56		0.2 <sup>v</sup>	243-3 <sup>v</sup>
Textile Import Quotas (HR4328)	25%	38%		330	97		6.6*	275-152
Budget Resolution (HJ Res. 660)	5%	41%		361	37		53.5**	260-138
All Vetoes	18%	31%					39.8**	

Note: Except for the votes on the Hatch Act, the defectors are Democrats who voted no and Republicans who voted yes.

\* $p \leq .05$ .

\*\* $p \leq .01$ .

<sup>v</sup>On this vote, some cells had fewer than five votes. House Republicans are omitted from the analysis of this vote (see text).

TABLE 3  
 Votes against the Party Position on Seven Veto Override Votes  
 in the 101st Congress, by Vote Margin  
 (in percentages)

Vote Margin	Time Mark		Chi-Square
	First 14 Minutes	Final Minutes	
Less Than 40 Votes	12	29	55.8*
More Than 40 Votes	18	20	0.9

\* $p \leq .01$ .

It is hard to specify precisely when an individual may think his or her vote is likely to change the final outcome, but certainly the chance is greater when the winning margin is slim. We used several measures, all yielding similar results. The following analysis classifies a roll call as close if the veto was sustained by a margin of 40 votes or less. (In the cases analyzed here, no veto was overridden.) On the four veto votes where the outcome was close, the percentage defecting from their party jumped from 12 to 29% after the one-minute mark. In contrast, for the three veto votes which were not close, the defection percentage shifted only from 18 to 20%. (See Table 3.)

### Conclusion

When the House of Representatives approved the electronic voting system in late 1972, Representative Barber Conable said, "I wonder if there is not a possibility that we will have a great deal of strategic maneuvering using this system when there is a close vote" (*Congressional Quarterly Weekly Report*, October 21, 1972, 2763). Some 20 years later, we find evidence supporting Representative Conable's speculation.

Our work uses a unique source of data on roll-call votes to shed light on the dynamics of congressional voting. We find support for the hypothesis that conflicted representatives delay voting, as well as for the hypothesis that the pressure for delay is greatest in close votes.

Our interest is not in the timing of voting for its own sake. Instead our study tests a model of voting that is inspired by rational choice theory and relates to a well-established literature on the behavior of cross-pressured voters. A central hypothesis of that literature is that cross-pressured voters will abstain. Here we expand the range of



choices open to cross-pressured votes to include delaying a vote until it will be of small perceived importance to the outcome.

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## NOTES

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1. See also the discussion of the likelihood of abstention of cross-pressured voters in Lazarsfeld, Berelson, and Gaudet 1948 and Glazer 1987.

2. Denzau, Riker, and Shepsle 1985 discuss why a legislator may choose not to vote strategically.

3. Nevertheless, a representative may not want to delay for so long that his or her vote is the last, and decisive, vote. In such a case, the member would be accused by opponents of casting the decisive vote. During the final House budget vote in 1993, Marjorie Margolies-Mezvinsky held back her vote until it became absolutely clear that her support was necessary for the bill's passage. By dramatically casting the decisive vote five minutes after the official voting period had ended, she attracted far more attention than if she had voted sooner. She also drew criticism for stating that she intended to vote no but had promised President Clinton she would support him if her vote were truly needed.

4. Sam Rayburn and Lyndon Johnson were both famous for having certain legislators in their pockets on votes the leaders anticipated to be close. That is, they would force a member to vote in a way the constituency opposed only if such a vote was critical to the outcome.

5. If Congress makes itself subject to the Freedom of Information Act in the future, it may be possible to obtain such information through litigation.

6. Some Bush vetoes were sustained by the Senate, thereby preventing a House vote. Other bills, such as a bill to allow Chinese students to remain longer in the U.S., were passed with bipartisan support. (Indeed that bill initially passed unanimously. The veto override was successful in the House but failed in the Senate.)

7. In most of these bills, a presidential veto was almost guaranteed and a vote on the original bill could thus be thought of as in part symbolic, though of course it did have a signalling role (cf. Edelman 1964). In effect, we use the initial bill and the veto override to provide a matched comparison of a pair of votes that vary in importance.

8. "Arm Twisting in Capital is Just Short of Physical," October 5, 1990, 24.

9. If the fear of an angry president touring the district before the midterm elections was not enough, Ohio Republican Ralph Regula told of a more direct reprisal.

Tickets for a performance at the Kennedy Center, obtained by the White House for a group of Regula's constituents, were canceled when the White House learned he was leaning against the budget.

10. The Eastern Airlines strike resolution, HR1231, passed the House on a voice vote. The veto was sustained by a recorded vote. If we included the veto vote, we would have a fifth case with a statistically significant difference in the hypothesized direction.

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