

Heterotemporal Parliamentarism: Does Staggered Membership Renewal Matter?

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Abstract

A rich literature has produced ample evidence for how the electoral calendar influences legislative behavior and the functioning of parliaments. Against this background surprisingly little is known about the effects of staggered membership renewal (SMR) on legislative behavior. Staggered mandates desynchronize the electoral calendars of legislators within a single chamber. This creates different “classes” of legislators that operate with different time horizons and thereby face different behavioral incentives at any given point in time. Shepsle et al. (2009) have shown that this staggering leads to corresponding multiple electoral cycles in the U.S. Senate’s output of distributive policies. Yet, these findings from a system where both electoral system and presidential form of government provide ample room for individualized strategies are not readily transferrable to parliamentary systems of government that feature strong parties. Therefore our project asks: In what ways do staggered elections influence legislative behavior and – in turn – the working of the entire parliamentary chamber under the logic of parliamentary systems of government? This paper constitutes a first attempt to address these questions. It sets out the project’s general theoretical framework and presents a first look at bill introduction data from the German Bundesrat and the Japanese Sangiin in the period of 1947 to 2013. We find that bill initiation in the second chambers of Japan and Germany is influenced by the electoral calendar of the first chamber which might be due to strong partisan coordination across chambers.

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Introduction

More than 20 democracies have a bicameral legislature where the members of the upper house are elected based on a staggered formula.⁵ A central justification for employing staggered terms in legislatures is that this will lead to more stable policy outcomes and less short-termism in decision-making. As far back as the Federalist Papers, it was argued that no government can “be truly respectable, without possessing a certain portion of order and stability” (Hamilton, Jay, and Madison 2001, 324), and staggered legislative terms are then argued to bring this about.

Yet, to date, the actual effects of staggering are almost entirely unstudied. The rich literature on bicameralism is rather dominated by a focus on policy cycling (Riker 1992b; Riker 1992a; Patterson and Mughan 1999), parliamentary-executive relations (Russell 2001) and the quality of legislation (Weare 1965; Tsebelis and Rasch 1995; Rogers 2001; Heller 2007). Even the classic book on bicameralism in France, studying a country which has a senate with staggered terms does not mention either staggered terms or overlapping terms (Tsebelis and Money 1997). In a recent notable exception, Shepsle et al. (2009) find evidence that the theorised stabilising effects of staggered terms may not occur, by showing that the way the terms of US Senators overlap lead to corresponding multiple cycles in election-oriented spending. The peculiar system of the U.S. combining mutual independence of executive and legislature, strong personal-vote incentives and rather weak parties (Cheibub, José Antonio 2007) allow for an universal intertemporal trade between individual senators in order to maximize individual re-election seeking.

Obviously, the findings of Shepsle et al don’t travel easily to other parliaments that employ staggered terms, most prominently Australia, France, Germany and Japan. Here, the effects of staggering will be most likely moderated by strong parties that come together with the parliamentary system of government. Therefore, our project aims at studying how staggering influences legislative behaviour in second chambers in parliamentary systems. In doing so, we hope to make various contributions to the literature. First, in reasoning about the effects of staggering we apply the literature on electoral incentives to second chambers in parliamentary systems which has rarely been

⁵ Calculated by the authors based on the IPU’s PARLINE database: <http://www.ipu.org/parline/>

done so far. Second, in looking at various indicators at various stages of the decision-making process we aim at a fuller understanding of the effects of staggering in terms of legislative behaviour and policy outcomes. This shall provide for more reliable answers to the central normative question of whether staggering is a suitable institutional device to combine democratic turnover with long-term policy perspectives of decision-makers.

The next section sketches the general theoretical framework of our project. We then formulate specific hypothesis about the likely effect of staggering on bill initiation in the German Bundesrat and the Japanese Sangiin in the period of 1947 to 2013. We conclude by discussing the future avenues of our research.

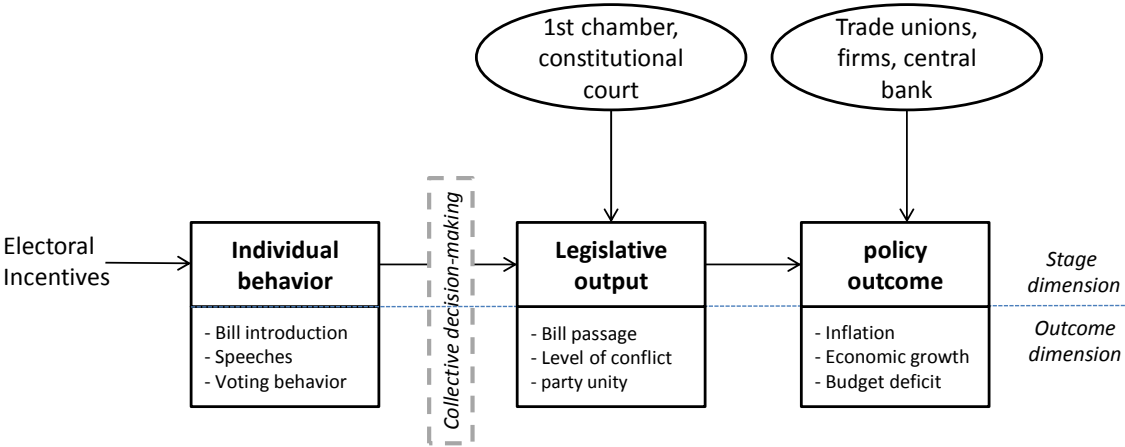
General Theoretical Framework

We start from the basic model of electoral cycles in legislatures with non-staggered, simultaneous elections and extend this reasoning to SMR-legislatures. Thereby, we highlight important analytical distinctions between a stage dimension and an outcome dimension. The stage dimension refers to the stage of the policy-making process where cycles may occur. The outcome dimension refers to the specific behavior or outcome where cycles may be observable. We argue that both dimensions need to be a crucial part of causal arguments about cycles as the configuration of actors, rules and preferences about re-election serving behavior varies along these dimensions. To give an illustrative outlook: cycles may be present in earlier stages at the policy-making process (e.g. in bill initiation) but absent in later stages (e.g. initiated bills for increased spending do not survive collective decision-making as parties/majorities disapprove of it). Furthermore, there may be cycles in some outcomes (e.g. MPs' presence in constituencies) but not in others (e.g. voting behavior as parties suppress cycles in voting behavior). Accordingly, there might be cycles that are rather 'procedural' in nature and cycles that leave a substantive impact on the policies of a political system. Note further, that cycles might be quantitative (e.g. number of bills) and qualitative (e.g. redistributive character of bills) in nature. Figure 1 visualizes the overall analytical perspective.

Note that the existing specialized literature most often engages in a snapshot perspective on this causal chain. The prominent literature on political business cycles

investigating how politicians manipulate the economy prior to elections deals with the very last part (see e.g. Schultz 2009; Aidt, Veiga, and Veiga 2011; Potrafke 2012). The literature on legislative business cycles (Lagona and Padovano 2008; Kovats 2009) studies the stage that we depict as legislative output. We argue that studying cycles across different stages and in different outcomes and behaviors is key to our understanding of how electoral incentives translate into actual policy outcomes in SMR- and non-SMR legislatures.

Figure 1: Analytical Perspective on electoral cycles in political systems



Modern politicians are re-election seekers (Mayhew 1974; W. C. Müller and Strøm 1999) and engage in activities that help them reaching this goal. Assuming a modest amount of retrospective voting and recency bias on part of the voters, politicians are incentivized to increase such activities in the run-up to elections. Accordingly, the electoral calendar might induce corresponding cycles in re-election seeking behavior. These cycles would first manifest itself at the early stage of individual behavior (see Figure 1) where legislators introduce bills (Crisp et al. 2004), and amendments, hold speeches (Proksch, Sven-Oliver and Slapin, Jonathan B. 2012) or vote (Crisp 2007).

Yet, incentives for cyclical behavior of individual legislators are not sufficient to induce cycles. Legislators must also have the means and ability to do so (Alt and Rose 2007, 848). Hence, the more a specific activity is at the discretion of individual legislators the more they can increase this activity in the run up to elections. Accordingly we could see legislators to spend more time in their constituencies and to introduce more bills in the period shortly before they face the voter. Yet, such a direct translation of electoral incentives into (cyclical) behavior is less likely in activities that are not solely dependent

on an individual legislator's preferences. A re-election seeking legislator, for example, certainly has an interest not only to *introduce* bills that channel funds to the district where he is facing the voters but also wants to *claim credit for the passage* of such bills. Yet, he alone cannot secure such legislation as bill passage – in the terminology of our Figure – is filtered by collective decision-making within the chamber. If, for any reason, a majority disapproves of such bills, we could well observe cycles in bill *initiation* but not in bill *passage*.

More systematically, in theorizing about cyclical behavior in legislatures we need to understand how legislative resources are distributed and how individual preferences about re-election-serving activities are aggregated in collective decision-making. During the legislative stage, i.e. where individual behavior is aggregated into legislative output via collective decision-making two factors are particularly relevant: Political parties and cameral rules. First, in any modern legislature political parties condition the behavior of their members to at least some extent and are central agents in collective decision-making (Carey 2009). The exact strength of parties influences to what extent we see re-election serving activities to the benefit of parties and/or individual legislators. Weak parties such as in the U.S. Congress, for example, may give rise to a dominance of individualistic universalism (Weingast 1979, 249) where distributive programs are initiated *and* passed (almost) unanimously that best serve individual member's re-election ambitions. Here, policy outcomes would tend towards cycles in geographically concentrated benefits (Shepsle et al. 2009).

Stronger parties, such as in most parliamentary democracies, however, will often trump individual preferences. Here we might still see individual-stage cyclical behavior in 'cheap talk'-areas that don't hurt the party (e.g. parliamentary questions). Yet, when it comes to more salient behaviors such as voting on bills parties might be willing and able to suppress individual-stage cycles (e.g. an increase in voting dissent in the run-up to elections). Accordingly, when it comes to legislative output cycling in bills that aim for spending for the core (sectoral) constituencies of parties may prevail over cycling in redistribution policies that would best serve individual legislator's interests. Furthermore, the structure of partisan majorities (coalition government versus single-party majority government) will decisively influence how electoral incentives influence collective decision-making in a parliament (Persson, Gerard, and Tabellini 2007).

Second, cameral rules regulate the formal distribution of legislative resources; most importantly proposal and veto rights. If, for example, standing orders stipulate, that legislators must not introduce money bills, cycles in that outcome dimension that are driven by individual re-election seeking are precluded institutionally (Cheibub and Limongi 2002, 160). Equivalently, actors with veto powers, e.g. finance ministers over money bills, might mute the effects of electoral incentives on opportunistic behavior (Hallerberg and Marier 2004).

Relatedly, in many circumstances the final legislative output will be subject to the influence of other actors, such as first and second chambers respectively or constitutional courts. Particularly, when studying re-election seeking in second chambers we need to take into account that agenda control over the most important policy areas usually rests with the government's majority in the first chamber.

Moving beyond the legislative stage, the occurrence of cycles is influenced by further factors and actors. Final policy outcomes (e.g. inflation) result from the (strategic and non-strategic) interaction of many actors under complex formal and informal decision rules. Anticipation of cycles in legislative outputs by economic actors could, for example, entirely mute cycles in actual policy outcomes although they have been heavily present during the legislative stage. Accordingly, the complexity of causal arguments about cycles increases exponentially when we move to later stages of the decision-making process. At the same time we should be careful in making inferences about cycles across stages. Absence of a political business cycles, for example, should not lead us to conclude that electoral incentives have no effect. Rather, effects might be present at earlier stages and become muted at later stages.

Extending this basic model of election-induced cycles to SMR-legislatures requires several adaptations. To begin with, staggering – in Shepsle et al's terminology – creates different classes of legislators. These classes are defined by their different time horizons which lead to different behavioral incentives at any given point in time. Thereby each class of legislators shares a preference for back-loading of reelection-seeking activities to the end of its specific term. In analogy to non-SMR-legislatures, at the stage of individual behavior, SMR legislatures may see cycles in behavior of that part of the legislature that faces imminent re-election. Instead of one simultaneous cycle, SMR might hence lead to multiple, potentially smaller, electoral cycles.

Yet, during collective decision-making and later stages SMR poses different theoretical and empirical challenges that have not yet been addressed in the literature. Most importantly, in understanding the influence of collective decision-making on cycles it is now indispensable to reason about the *interaction of these different classes* of legislators. Theoretically this interaction might be guided by at least two principles. First, it might be guided by mutual restraint: The larger part of the legislature that does not face reelection might suppress cyclical behavior on part of the election-facing minority. In fact, it is this expectation that leads some scholars to argue for staggering as a means for achieving more policy stability and continuity.

Second, inter-class interaction might be guided by cooperation/collusion similar to norms of universalism in the U.S. Congress. Legislators not facing the voters in the short run now could allow legislators standing for immediate re-election to optimally pursue their re-election seeking strategies. In exchange, they will be extended the same favor when having to face the voters. Shepsle et al (2009) show that U.S. Senators engage in an intertemporal deal that allows those Senators whose re-election is nearest to channel a disproportionate amount of funds to their home states. Note, that inter-class interaction could also influence behavioral indicators before the stage of collective decision-making. Legislators could reduce or increase specific activities in order to give the floor to fellow legislators that face imminent election.

Again the role of parties has to be recognized. Obviously patterns of mutual restraint and cooperation might be structured along partisan lines. Furthermore, whether partisan allegiances spawn across both legislative chambers will influence the occurrence of cycles in areas where decision-making requires the action of both chambers. Furthermore, party discipline across chambers could also extend the competition between majority and minority in the first chamber to the second chamber (Manow and Burkhart 2007).

In sum, our project aims at studying the effects of staggering under the logic of parliamentary systems of government. In doing so, we move beyond the existing literature by investigating *broader parts* of the policy-making stages (does cyclical behavior in bill initiation make it to the statute book?) and by studying *more outcome/behavioral indicators* (is cyclical behavior restricted to cheap talk or extends to substantively important outcomes).

Effects of staggering on bill introduction in the German Bundesrat and the Japanese Sangiin

The rest of the paper presents a first look at the effects of staggering on the stage of individual behavior. More specifically, we investigate cyclical activities in the initiation of bills of members of second chambers in Germany and Japan between 1947 and 2013. First we introduce the German Bundesrat and the Japanese Sangiin as applications of our theory. We then formulate hypotheses about patterns in bill introduction in these chambers that are then illustrated with descriptive data and multivariate regression models.

Background information on Japan

Art. 42 of the Constitution of Japan stipulates that the Diet consists of two houses, namely the House of Representatives (HoR), elected for four years. The House of Councillors (HoC) employs a staggered formula, where half of the seats are up for election every three years. Both Houses share the same powers except for legislation on budgets and treaties as well as the formal choice of the prime minister. Decisions of the House of Representatives prevail in these exceptions. Regarding the budget, the decision of the HoR overrules when even a joint committee of both houses fails to reach an agreement or in case that the HoC fails to take action on the budget proposals within 30 days (Constitution of Japan 1947, Art. 60). Hence, the ordinary budget and the two to three supplementary budgets per year can be fittingly described as an opportunity for position-taking by members of the HoC (Thies and Yanai 2012). Apart from the budget, which must be introduced in the House of Representatives, ordinary bills can be initiated in either houses by Diet members, individual or by committees, or the government.⁶ Compared to the cabinet, initiatives by individual members are somewhat hampered by formal rules concerning the number of supporters for their measure. Members of the House of Representatives need to secure at least 20 supporters within their house whereas members of the House of Councillors are in need of 10 or more. If a bill requires budgetary action, a member of the lower house has to gather 50 or more

⁶ The amount of cabinet bills is significantly higher than bills initiated by house members: between 1947 and 2009 there were 9,190 cabinet bills, of which 7,856 were passed leading to a success rate of 85.5%. During the same period members of the HoR initiated 3,500 bills, of which 1,178 passed with a total success rate of 33.7%, and members of the HoC initiated 1,294 bills, of which merely 186 were passed with a success rate of 14.4 % (Koga et al. 2010).

supporters, and 20 or more in the upper house (Diet Law Art. 56). Klein and Winkler (2011) also cite informal rules and arrangements affecting member initiatives, for example in 2009 when Ozawa Ichiro, then Secretary General of the first-time ruling party DPJ, ordered members in both house to refrain from initiatives in order to show strong party coherence by initiating cabinet bills only. While de facto most bills are initiated in the HoR, either by the cabinet or by members, the legislative process is identical regardless of a bill's origin. When a bill is introduced to one of the houses, the speaker refers it to the committee under which jurisdiction it falls. Based on Art. 56 of the Diet Law, the introducer of a bill can request a resolution of the House to omit deliberation in a committee. Once introduced to the plenary, the bill is voted upon after one reading and then sent to the other house where it has to be passed or amended and sent back for a final vote (Klein and Winkler, 2011). Accordingly, bills of HoC members need to pass formal majority support in the Sangiin before they are forwarded to the HoR.

While the budget can be passed by the House of Representatives alone, support from the opposition is essential for ordinary legislation. If a bill fails to pass the HoC it can only become a law by either reaching a compromise in a joint committee of both houses, by overriding the decision with a 2/3 majority in the HoR or if the HoC fails to take final action on the bill within 60 days (Art. 59). Katō (2008) notes that even deliberation within the joint committee rarely leads to the passage of a bill since half of the members usually consist of members who voted against in the house where it failed and the other half of members who passed the bill in the other house. As such, the HoC has a suspensory veto which can effectively slow down legislation, lead the government to self-censorship when drafting the bill, or force it to change or “kill the bill” (Cox, Masuyama, and McCubbins 2000; Thies and Yanai 2012). This partial veto power played only a minor role while the LDP held a majority in both the Houses from 1956 to 1989, and the Diet could be described as “unified.” Since 1989, however, no single party has had control over both Houses at the same time and ruling parties have had to forge coalitions in order to prevent blockage of their bills in the HoC. In Japan, this phenomenon is known as a “twisted Diet,” which has become a recurring theme in the literature and public debate especially with regards to the question whether the “nejire kokkai” paralyzes the Japanese legislative process. It has been shown that the pattern of legislation clearly varies according to how “twisted” the Diet is: the failure rate as well as

the share of amendments of government bills are substantially higher in twisted than in mixed or unified diets (Thies and Yanai 2012). Moreover, the difficulties of governing with a hostile House of Councillors which refuses to cooperate can even lead to the dismissal of prime ministers and the dissolution of the House of Representatives, albeit only the latter has the constitutional authority to cast a non-confidence vote according to Art. 69. In 2012, for example, then DPJ Prime Minister Noda was forced by the LDP-led opposition to offer his resignation in exchange for the passage of a bill on a consumption tax increase (Ganghof 2012). It is thus clear that the Sangiin is a very powerful legislature, which plays a key role in policy-making in Japan.

Background Information on Germany

Germany's parliament consists of the upper chamber Bundestag and the lower chamber Bundesrat.⁷ The Bundesrat is comprised of the executives of the German Länder. Therefore, delegation to the Bundesrat is indirect as it results from elections and subsequent government formation at the Länder level. As the membership of the Bundesrat is composed of members of the governments of the sixteen German Länder, it sits permanently, rather than having legislative terms. As such, changes in its composition are dictated by the results of Land elections. When the government of a Land changes, so does the composition of the Bundesrat. Thus, the Bundesrat is an extreme example of a legislature with staggered terms. While, for example, the US Senate has three classes of senators with different time horizons, and the French Senate two classes, each member of the Bundesrat, i.e. a state government, may have a distinct time horizon.

Article 50 of the constitution stipulates that the German states participate directly in the decision-making at federal level through the Bundesrat. This participation is institutionalised in various forms. Most importantly, the Bundesrat has an absolute veto over so called consent bills ("Zustimmungsgesetze"). Consent bills deal principally with issues that influence the financial situation of the Länder. With regard to objection bills ("Einspruchsgesetze") it enjoys a suspensive veto. Objection bills deal with issues that are of the competence of the federal level alone (*Basic Law of Germany* 2010, Art. 72-74). The right to initiate legislation is among the less prominent participatory

⁷ Note, that legally the Bundesrat is not a second parliamentary chamber. However, analytically it functions as such.

powers. Every state (or group of states) may introduce legislative proposals into the Bundesrat. The Bundesrat decides with the majority of its votes about the introduction of bills into the Bundestag (Ismayr 2008, 393; Patzelt 1999). Bills that secure this majority enter the Bundestag where the usual legislative process starts.

Staggering in bill initiation in the second chambers of Germany and Japan

In general, the submission of bills is a core part of legislator's re-election-seeking strategies (Crisp et al. 2004; Mayhew 1974). Initiating bills demonstrates that politicians tackle issues in the interest of their voters. Even if these bills fail to reach majority support and thereby do not allow for credit-claiming, bill initiation will still pay off in terms of taking positions that are popular with the voters. As both members of the German and Japanese second chamber enjoy the prerogative to initiate bills we expect electoral incentives in general and staggering in particular to lead to observable cycles in bill initiation. First along, the classic idea of an electoral cycle we expect second chamber members to increase bill submissions near the end of their term.

Hypothesis 1: The closer the election date of a Land government/HoC member is, the more bills it will initiate.

Second, if partisan ties spawn across chambers legislative behaviour in one chamber will be influenced by political competition in the other chamber. Although not as strong as in the first chamber parties are also central actors in the second chambers of Germany and Japan. In Germany, for example, Länder parties forming regional governments are also part of their national party organization. Although there is some programmatic heterogeneity (J. Müller 2013) the different organizations at different government levels are vertically well-integrated (Renzsch 1999; Detterbeck and Jeffery 2009). Various coordination mechanisms ensure that the collective interest of the entire party is pursued. Accordingly, parties might use the second chamber as an arena to further their goals in the first chamber. More specifically, the second chambers of Germany and Japan can be a venue for position-taking and credit-claiming strategies in the electoral competition for first-chamber elections. Submitting bill initiatives in the

second chamber may be seen as a collective strategy by which state parties try to increase the vote share of their party during national elections. Hence we expect the electoral cycle of the first chamber to impact on legislative activity in the second chamber.

Hypothesis 2: The nearer national elections to the first chamber are, the more bills will be proposed in the second chamber.

Third, interaction within and between different classes of legislators crucially influence the occurrence of cycles. Along a logic of collusion, for example, legislators further away from re-election could defer to all those within their chamber that face an imminent election. This would then lead to an intertemporal log-roll, based on the expectation that a similar courtesy will be extended to them when it is their time to face the voters (Shepsle et al. 2009). While inter-class and intra-class interaction will become particularly salient at the stage of collective decision-making it might already influence the stage of individual behaviour. Under the assumption of scarce legislative time and limited voter attention, we would expect legislators operating under norms of universalism to leave the public limelight to colleagues facing imminent re-election.

Hypothesis 3a: Legislators who do not face an imminent election reduce their legislative activity whenever a fellow legislator, regardless of party affiliation, approaches an election.

Finally, as a specific case of the above, legislative behaviour in a legislative chamber may also be influenced by a combination of the electoral horizons of legislators and the partisan links that they share. If, legislators heavily discount legislative activity or success early in their term and at the same time recognise that their long-term interests are best served by the chamber being controlled by members of their own party, then we would expect that party links would matter greatly for legislative behaviour. This leads us to the “Partisan Moment of Glory” hypothesis: To maximise the collective power of their parties, and since, as noted above, legislative time is limited

(and time used by one actor cannot be used by another), legislators who share partisan affiliation defer to those amongst them nearest election, in order to maximise their exposure to voters.

Hypothesis 3b: Legislators who do not face an imminent election reduce their legislative activity whenever a fellow party member approaching an election.

Data, methods and empirical results

In order to test our intuition we collected original data on legislative activity in the German Bundesrat and the Japanese Sangiin, including bill submissions, the progress of bills, resolutions, speeches, parliamentary questions and amendments. Here, we focus on bill initiation.

In total German state governments submitted 1561 bills to the Bundesrat between 1972 and 2013. Members of the HoC submitted 1096 individual bills to the Sangiin in the period between 1947 and 2004. Figure 2 takes a longitudinal glance at bill submission in the two houses. The bars represent the number of bills initiated aggregated by quarter. Vertical dashed black lines represent elections to the first chamber, red dash-dotted lines represent staggered election dates to the HoC or a Landtag respectively. It can be seen that there are some considerable peaks in activity around elections to the first chamber. This is particularly pronounced in Germany in 1994, 2002 and 2013. Interestingly, though, activity is not exclusively increased before but also after elections. Similar findings have been produced by Brechler and Gersl (2011), studying the Czech parliament, who find two peaks in legislative productivity, one immediately after elections (fulfilling promises) and one as elections grow nearer (appealing to voters for another term).

Figure 2: Submission of Bills to Bundesrat and Sangiin and electoral cycle

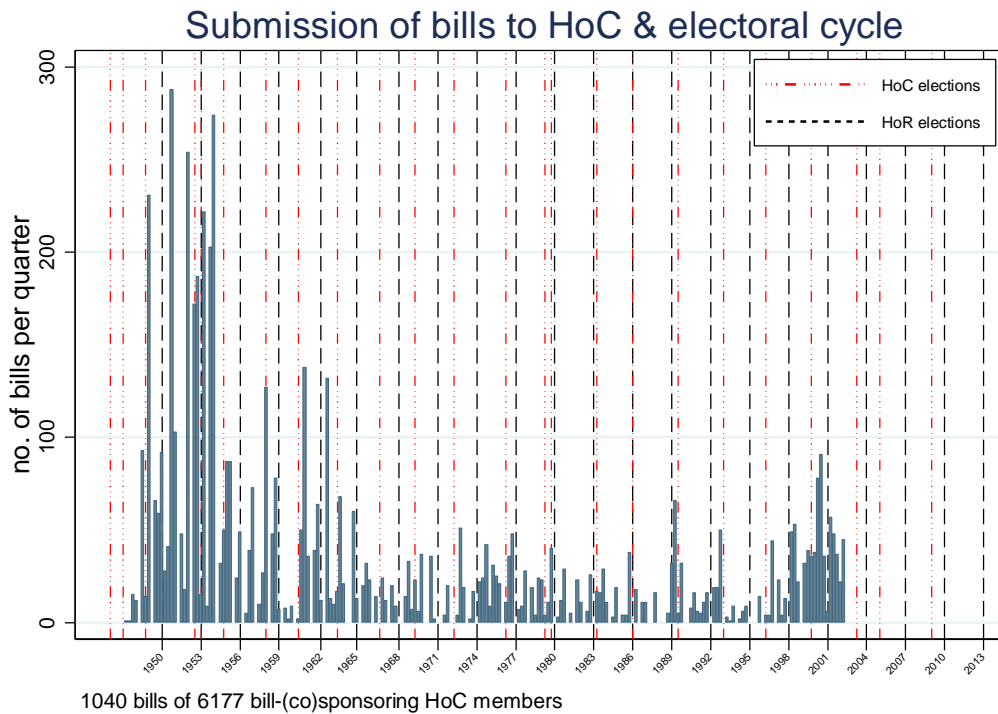
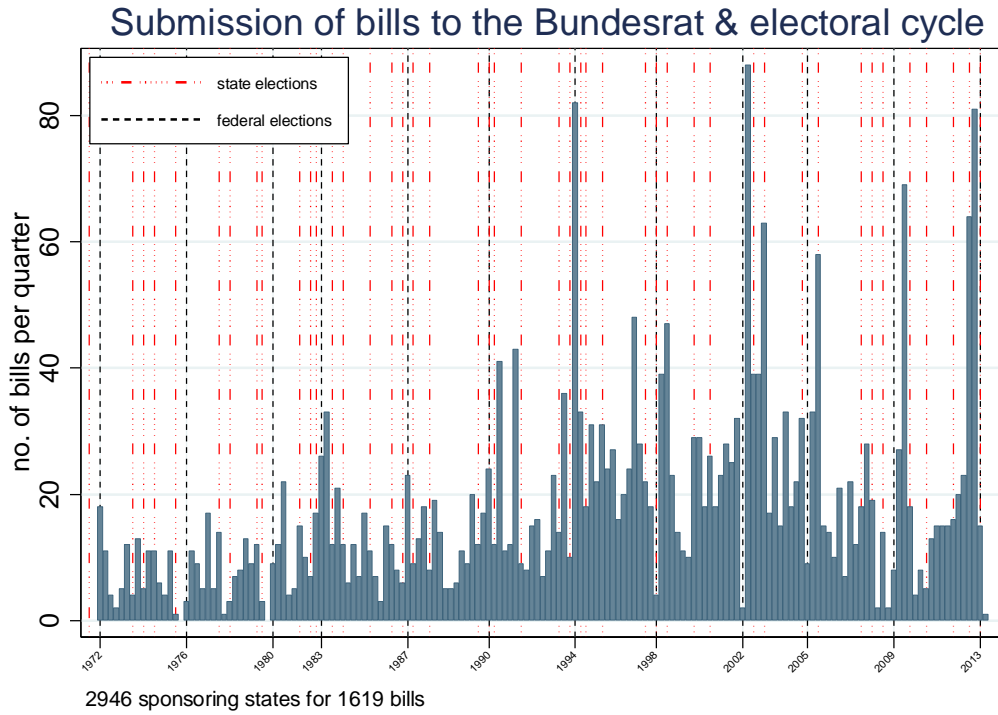


Figure 3 visualizes how the electoral cycle at state level influences the legislative activity of German state governments. Four selected states including the top suppliers of

bills, Baden-Württemberg and Bavaria are presented. Again the bars represent the number of initiatives that the state submitted to the Bundesrat in a quarter year. The dashed vertical lines now represent the event of an election in that state. The pattern of an electoral cycle in legislative activity most clearly emerges in the state of Hesse and to a lesser degree also in Bavaria and Baden-Württemberg. Again we observe the surprising pattern that legislative activity may be raised before and/or after the state election. In North Rhine-Westphalia such a cycle is less obvious. Similarly in most other states an electoral cycle is not readily identifiable upon visual inspection.

Figure 3: Submission of Bills to Bundesrat and electoral cycle at the land level

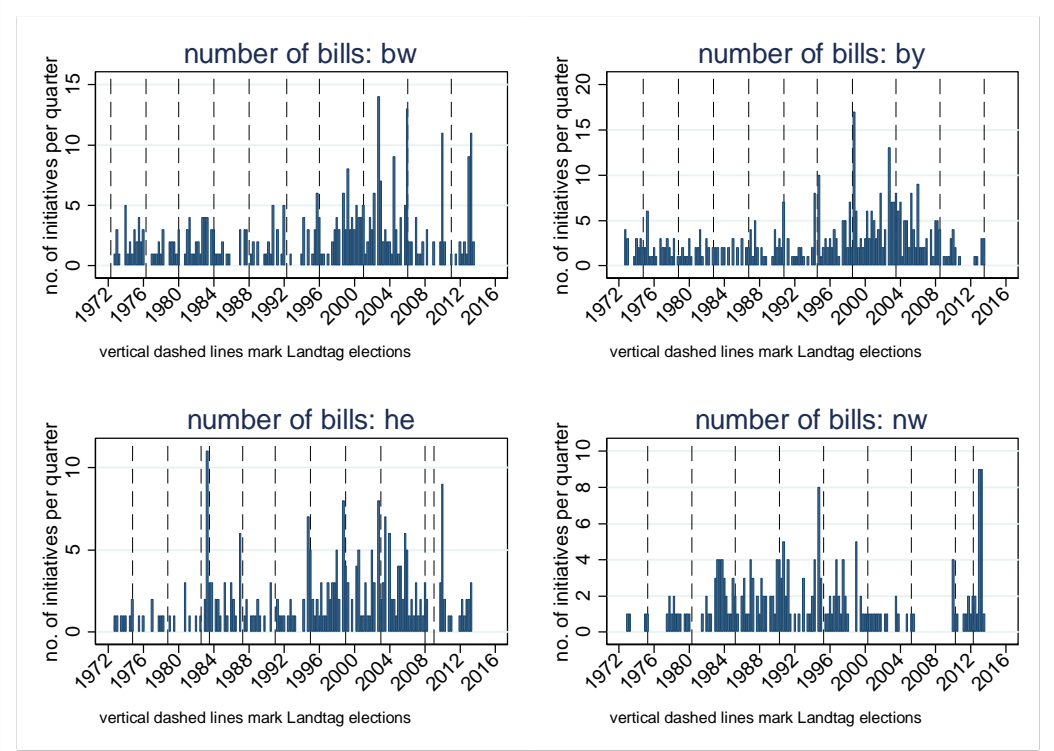
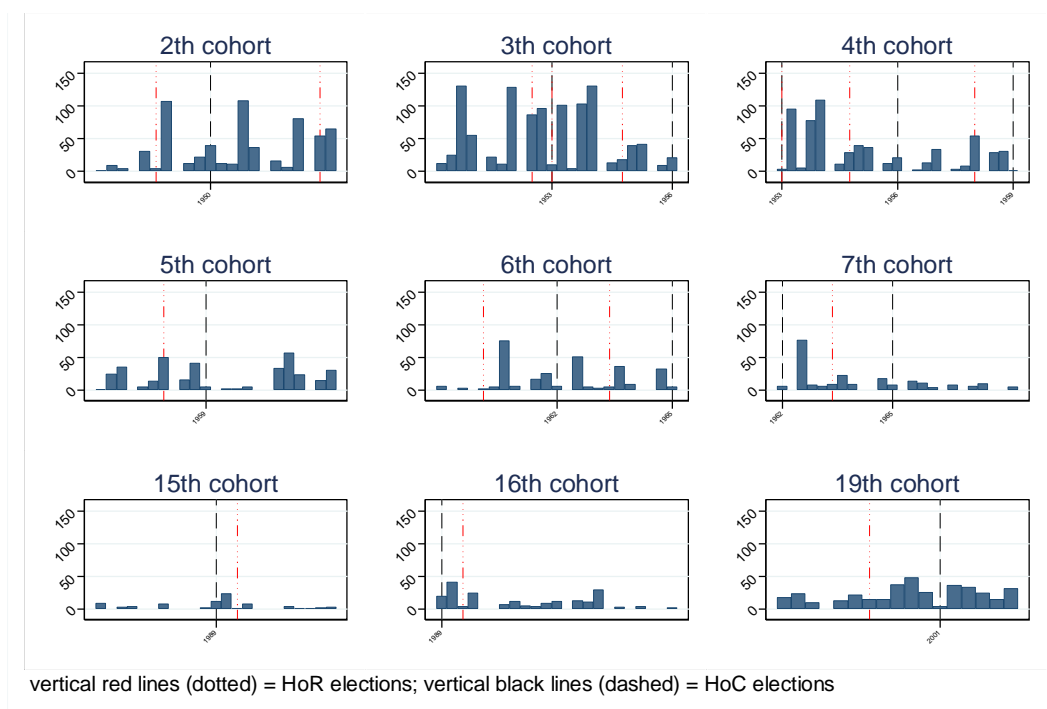


Figure 4 gives the corresponding picture for the Japanese Sangiin. It presents legislative activity for 9 selected cohorts or classes of HoC members. In line with our theory we would expect a peak near the end of the term of each class. Yet, upon visual inspection no such pattern is observable.

Figure 4: Submission of Bills to Sangiin by different classes/cohorts of HoC members



Finally we run a few multivariate tests. To date, only the data for Germany is ready for multivariate analysis. Modelling the decision of a Land government to introduce a bill in the Bundesrat raises a number of issues regarding the nature of the data. Most obviously, the data used for the dependent variables, namely the number of bills introduced on a given day by a Land government in the Bundesrat, should be understood as being count data; on any given day, a Land government decides to introduce some number of bills, starting at zero (i.e. no introduction) and then increasing in discrete steps of 1. Due to the non-equal and non-fixed amount of time between Land elections, it is not possible to aggregate the data to provide a count of actions during a specific period (e.g. a month); rather, the unit of time has to be a (working) day⁸. As the standard deviation was significantly larger than the mean, a negative binomial model was used.

Since the data consists of repeated observations of the same cross-section of actors (i.e. the Länder in the Bundesrat), it has to be analysed as panel data. This, firstly, introduces the possibility of serial correlation of error terms across time, due to

⁸ No resolutions or bills were introduced on a Saturday or Sunday throughout the whole period under study.

unobserved unit-specific characteristics. To deal with the potential influence of such unobserved unit-specific characteristics, we estimated the models using fixed effects for each Land. It should be noted that this entails the risk of capturing the effect of other Land-level variables which are either constant or exhibit very little variation over time; however, no such variables are used in the models.

Second, panel data is at risk of having non-constant variance of error terms within a panel, leading to panel heteroskedasticity. To deal with this issue, the models were estimated using robust standard errors⁹. Third, there has been a general increase over time of the number of bills initiated in the Bundesrat. This also holds if examining the data for the Western and Eastern Länder separately; the increase in initiatives is not driven by the increase in the number of Länder in 1990, although this of course had an effect¹⁰. This over-time increase suggests that the data may not be stationary. Conducting Hadri-Lagrange tests for the presence of a unit root indicates that there is evidence for non-stationarity in the data used for both dependent variables. The null hypothesis of no unit root can be rejected, regardless of whether it is conducted only on the Eastern Länder, the Western Länder or all Länder since German reunification, as well as for most of the individual Länder¹¹.

However, introducing fixed time effects to control for this is problematic, for two reasons. First of all, since the time unit of the data is a single day, this would require several thousand dummy variables, which would lead to a very substantial increase in the computational power needed for a maximum likelihood estimation, to the point of being entirely unfeasible. Second, even introducing year dummies to correct for non-stationarity is problematic, since, if there has been a general increase over time in the tendency of Land governments to use their power of initiative within the Bundesrat to appeal to voters, then including time dummies would capture such an effect as well,

⁹ The models were run using the `xtnbreg` command in Stata 12.

¹⁰ See appendices **Fehler! Verweisquelle konnte nicht gefunden werden.** and **Fehler! Verweisquelle konnte nicht gefunden werden.** for a breakdown of activities by Land.

¹¹ Since the Hadri Lagrange test requires a strongly balanced panel, it was not possible to test all observations in a single test, due to the different dates for the first observations for the Western and Eastern Länder. Also, the Eastern Länder did not join the Bundesrat on the same day after reunification; rather, they joined as each Land from the GDR established a government. The difference between the first Eastern Land to join the Bundesrat (Meckelburg-Vorpommern) and the last (Sachsen and Thüringen) was however only 9 working days. When performing the Hadri-Lagrange tests, the first observations (all zeroes) were therefore (temporarily) dropped in order to ensure a balanced panel. All observations were used in the subsequent analysis.

underestimating the effect of electoral cycles on behaviour in the Bundesrat. Thus, to correct for stationarity, we follow Carter & Signorino (2010) and include a variable in the model which measures the number of days since a Land last initiated a bill or resolution, respectively, along with the squared and cubed version of this variable. This will capture any general increase in the tendency of Länder to initiate bills and resolutions, since this will necessarily lead to a decrease in the time between two instances of the same activity (Beck, Katz, and Tucker 1998). These variables will also capture serial correlation of error terms across panels due to common exogenous shocks.

To test hypothesis 1 (days to election), we include a variable measuring, for each day in the data, the number of days until the next election in that Land. For elections that have not yet taken place at the time of writing, we assumed that the next election will take place either 4 or 5 years (depending on the constitution of the Land) after the last election held in that Land.

To test hypothesis 2 (days to federal election), we included a variable indicating the number of days remaining until the next federal election. To test hypothesis 3a (days until any Land election), we included a variable indicating the number of days until the next election in any of the 16 (or 11, pre-unification) Länder. We tested hypothesis 3b (days until co-partisan election/'moment of glory') in two ways, reflecting two different ways in which to understand what governs Land activity in the Bundesrat. First, we included a variable indicating the number of days until the next election in any Land where the government included representatives of the same party as the Land in question¹². For coalition governments, the lowest of the several values were used, reflecting the assumption that each coalition party wields a veto over what is proposed by the Land in the Bundesrat (and so allowing co-partisans to help the Land amongst them nearest an election). An alternative specification assumes that what is proposed by a Land in the Bundesrat is controlled by that Land's prime minister (Ministerpräsident), and measures the smallest number of days to election of any Land where the prime minister is a co-partisan. As all Land governments in the period studied includes either the CDU or SPD (or both), no observations are lost.

¹² We considered the CDU and the CSU as the same party for these purposes.

Table 1: **Descriptive statistics** provides descriptive statistics of the variables used in the analysis of the determinants of initiation. It should be noted that there are no gaps in the data; all resolutions and bills in the period covered are recorded in the dataset.

Table 1: Descriptive statistics

Variable	Obs	Mean	Std. Dev.	Min	Max
Number of bills initiated	146978	0,0199	0,1705	0	9
Days until next election	146978	807,82	489,87	1	1905
Days until next federal election	146978	691,01	406,88	1	1476
Days until any Land election	146978	126,39	124,18	1	791
Days until co-partisan Land election	146978	241,95	240,63	1	1829
Days until fellow PM Land election	146978	221,80	211,83	1	1780

Models and Analysis

As discussed above, we modelled the data as count panel data; since we have two ways of operationalising hypothesis 3b, we ran the models using each operationalisation in turn. Further, we also ran the models with and without the control variable for recent land elections, giving four models. The results are shown in **Fehler! Verweisquelle konnte nicht gefunden werden.** Results are presented in incidence rate ratios for ease of interpretation, meaning that effects over 1 indicate that a variable makes initiation more likely as it increases, while effects less than 1 indicate that the variable makes initiation less likely to occur as it increases.

In our model specification, there is no statistically significant effect on Bundesrat behaviour of the number of days until a Land government faces re-election (hypothesis 1). Yet, there is a strongly significant effect of the number of days until the next federal election (hypothesis 2). The nearer the next federal election is, the less active the Länder become; alternatively, the farther away the next federal election is, the more active Länder are. One possible explanation for this is that the electoral focus of the federal election is the Bundestag, which would be interfered with by activity by the Bundesrat. However, it should also be noted that this effect is relatively slight in magnitude; there is a roughly 2% decrease in activity for every 100 days nearer a federal election.

Table 2: Determinants of Bill Initiation in the German Bundesrat

	(1)	(2)	(3)	(4)
Days to election	0.999993 (0.000)	0.999975 (0.000)	1.000026 (0.000)	1.000002 (0.000)
Days to Federal Election	1.000187*** (0.000)	1.000192*** (0.000)	1.000191*** (0.000)	1.000194*** (0.000)
Days to any Land election	0.998732*** (0.000)	0.998548*** (0.000)	0.998709*** (0.000)	0.998533*** (0.000)
Days to co-partisan election	1.000243* (0.000)		1.000240* (0.000)	
Days to PM election		1.000446*** (0.000)		1.000440*** (0.000)
Year after election			0.935217 (0.056)	0.946366 (0.057)
Days since initiation	0.994697*** (0.001)	0.994738*** (0.001)	0.994725*** (0.001)	0.994762*** (0.001)
Days since initiation (squared)	1.000007** (0.000)	1.000007** (0.000)	1.000007** (0.000)	1.000007** (0.000)
Days since initiation (cubed)	1.000.000 (0.000)	1.000.000 (0.000)	1.000.000 (0.000)	1.000.000 (0.000)
Constant	0.088277*** (0.007)	0.087091*** (0.007)	0.087187*** (0.007)	0.086219*** (0.007)
N	146978	146978	146978	146978
aic	270973,10	270859,40	270980,60	270871,00
bic	271764,90	271651,20	271871,50	271761,80
chi2	204.52	216.64	205.71	217.45

* p<0.05, ** p<0.01, *** p<0.001; table shows IRRs; S.E.s in brackets

Interestingly, there is no evidence of cross-land collusion (H3a), but rather the opposite – every 10 days the Land nearest election is nearer to its election date leads to a 2% increase in the number of resolutions initiated. The increase in activity as another Land nears election is of course the reverse of what we expected; as opposed to collusion, we find some evidence that the government of other Länder try to obstruct the Land nearest election, by attempting to draw attention to themselves (and so away from the Land in question. This argument is strengthened by the presence of intra-party cooperation (H3b), where co-partisans become less active the nearer one of their number is to an election (regardless of how this is operationalised. Thus, it appears that Land governments, while not directly becoming significantly more active as their election nears, nonetheless see their activity in the Bundesrat as relevant to their

electoral prospects, as evidenced by the presence of both obstructing effects and attempts to help out by co-partisans¹³.

Conclusion

This paper introduced a general theoretical framework for assessing the effect of staggered elections on legislative behaviour in second chambers under the logic of parliamentary systems. Furthermore, it provided a first look at the effects of electoral cycles in the German Bundesrat and the Japanese Sangiin. Descriptively, we have shown that legislative activity in these two second chambers seems to be strongly influenced by the electoral calendar of the first chamber. As partisan ties reach across chambers in both countries parties most likely coordinate their strategies in both houses. A preliminary multivariate test of our expectations for the German Bundesrat has produced two interesting tentative findings: There is on the one hand a pattern of Länder increasing their activity when other Länder are nearer an election, in effect seeking to prevent these Länder from obtaining a finite amount of media and voter attention, and on the other hand, an attempt by co-partisans to counter this effect by becoming less active in the same situation. The combination of these two effects points to a potentially very interesting pattern of behaviour in the Bundesrat, where, unlike what Shepsle et al (2009) found in the case of the US Senate, there is not only no cross-party collusion to benefit those legislators nearest election, but rather the opposite, namely within-party cross-time cooperation. That is, we found that co-partisans, recognising the importance of helping their fellow party members get re-elected (and so maintain or improve the voting power of their party in the Bundesrat) both attempt to undermine other Länder's re-election attempts and support such attempts by their co-partisans by varying their behaviour in the Bundesrat according to the electoral cycles of the other members of the institution, providing evidence that staggered electoral terms lead to increases in re-election-seeking behaviour by legislators.

¹³ We also ran the models including a variable capturing the effect of promise-fulfilment from federal elections, including a dummy variable equal to 1 if less than a year had passed since the last federal election, and zero otherwise. The substantive results were the same; for the determinants of bill initiation, this added variable had a strongly significant and substantively relatively large effect, which the „days to federal election“ variable stopped being significant (and also went from a positive to a (mildly) negative effect). This indicates that the Länder take an active part in helping the federal government fulfil its election promises.

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